



GUIDANCE DOCUMENT
for
ELEMENTARY AND SECONDARY SCHOOLS EMERGENCY
RELIEF (ESSER) FUNDING

May 2020

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Overview of ESSER Funding Opportunity

On April 23, 2020, the United States Department of Education (USDOE) released the application for State Education Agencies (SEA) to apply for Elementary and Secondary School Emergency Relief (ESSER) funds under the federally created CARES Act (2020). The purpose of these funds is to provide Local Education Agencies (LEAs) with emergency relief to address the impact of COVID-19 on elementary and secondary schools. Nevada received a total of \$117,185,045,000, of which 90% or \$105,466,540 must be allocated directly to LEAs according to the 2019-2020 Title I formula and methodology. Please note, some adjustments may be necessary to comply with Section 1122(c)(3) of the Elementary and Secondary Education Act (ESEA), which prohibits consideration of Title I, Part A hold harmless amounts in calculating State or local allocations for any other USED programs, including ESSER funds. LEAs that were not eligible for State FY 2020 Title I, Part A funds or chose to waive Title I, Part A funds may receive an allocation from either the SEA reserve or the Governor’s Education Emergency Relief Fund (GEER) for COVID-19 related activities.

Although ESSER funds are distributed to LEAs based on Title I, Part A allocations, they are not Title I, Part A funds. Therefore, ESSER funds are not required to be allocated to specific schools because school and student eligibility, supplement not supplant, and other Title I requirements do not apply to ESSER funds. ESSER is its own separate and flexible program intended to help with the COVID- 19 emergency response.

The Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, was signed into law on December 27, 2020, and provided an additional \$54.3 billion for the Elementary and Secondary School Emergency Relief (ESSER II) Fund. ESSER II Fund awards to SEAs are in the same proportion as each State received funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, in fiscal year 2020.¹

The American Rescue Plan (ARP) ESSER grant provided an additional \$122 billion to States and school districts to help them to safely reopen and sustain operations, maximize in-person instruction, and address the impact of the Coronavirus pandemic on the Nation’s students, particularly those groups of students disproportionately impacted by the pandemic.

Purpose

In response to the pandemic, ESSER funds offer the opportunity to make educational systems better for students, educators, staff, schools, and their communities post-pandemic. The Department encourages SEAs and LEAs to think holistically about their response to COVID-19 in order to address the impact of lost instructional time from the pandemic on all students and to address pre-existing challenges that, if left unaddressed, will impede recovery from the pandemic. As stated in the Overview of the ESSER and GEER use of funds guidance: “These Federal emergency resources are available for a wide range of activities to address diverse needs arising from or exacerbated by the COVID-19 pandemic, or to emerge stronger post-pandemic, including responding to students’ social, emotional, mental health, and academic needs and continuing to provide educational services as States, LEAs, and schools respond to

¹ [OESE Elementary and Secondary School Emergency Relief Fund](#)

and recover from the pandemic.”²

- Nevada Department of Education (NDE) expects LEAs will use every effort to spend funds quickly to address exigent student needs.
- NDE encourages LEAs to focus on their most important educational needs as a result of COVID-19, including remote learning and assessing and addressing learning gaps resulting from disruptions in educational services.
- NDE encourages LEAs to use ESSER funds in ways that meet the needs of students in low income households, students with disabilities, English learners, migrant students, students experiencing homelessness, children in foster care, students in neglect situations, and other vulnerable populations.

Allocation and Funding Period:

ESSER I

The total amount of ESSER I funds awarded to Nevada was \$117,185,045. An SEA must allocate at least 90 percent of its total ESSER I fund by formula to LEAs. Ninety percent (\$105,466,540) of Nevada’s ESSER I funds were allocated to LEAs, based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year at the time (2019-20).

ESSER II

The total amount of ESSER II funds awarded to Nevada was \$477,322,438. An SEA must allocate at least 90 percent of its total ESSER II fund grant by formula to LEAs. Ninety percent (\$429,590,194) of Nevada’s ESSER II funds were allocated to LEAs in the same way as ESSER I, based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year at the time (2020-21).

ARP ESSER

The total amount of ARP ESSER funds awarded to Nevada was \$1,071,998,392. An SEA must allocate at least 90 percent of its total ESSER III fund grant by formula to LEAs. Ninety percent (\$964,798,553) of Nevada’s ARP ESSER funds were allocated to LEAs in the same way as ESSER I and ESSER II, based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year at the time (2020- 21).

Grant	Period of Availability Start Date	Period of Availability End Date (Including Tydings Amendment Period)
ESSER I (CARES)	March 13, 2020	September 30, 2022
ESSER II (CRRSA)	March 13, 2020	September 30, 2023
ESSER III (ARP)	March 13, 2020	September 30, 2024

Allowable Uses of Funds

All ESSER-funded activities must be necessary to prevent, prepare for, or respond to COVID-19.

² [Frequently Asked Questions Elementary and Secondary School Emergency Relief \(ESSER\) Fund and Governor’s Emergency Education Relief \(GEER\) Fund: Use of Funds to Prevent, Prepare for, and Respond to the COVID-19 Pandemic](#)

Below is a summary of the allowable uses of ESSER funds³:

1. Addressing learning loss through evidence-based improvements;
2. Addressing school facility repairs and improvements;
3. Planning for long-term closures, including providing meals to eligible students;
4. Addressing unique needs of special populations;
5. Purchasing educational technology (including hardware, software, and connectivity);
6. Any activity authorized by ESEA, IDEA, McKinney-Vento, Perkins, etc.;
7. Coordinate local education agencies with State, local, Tribal, and territorial efforts with departments of health and other relevant agencies to prevent, prepare, and respond to COVID-19;
8. Providing social and emotional mental health services;
9. Providing summer learning and supplemental afterschool programs (including online learning);
10. Conducting other activities necessary to maintain the operation of services, employ existing staff, increase instructional hours that were reduced due to COVID-19, and coordinate activities;
11. Purchase cleaning supplies to sanitize and clean facilities;
12. Train staff on sanitation to minimize the spread of infectious disease;
13. Procedures to improve school preparedness and response systems of LEAs;
14. Administrative expenses which represent an increase over previously budgeted amounts that are necessary, reasonable, and allowable; and
15. Indirect costs using the negotiated restricted rate.

To read the exact text description of allowable activities in law, please see:

- [Section 18003\(d\) of CARES](#) (starting on page 285) for ESSER I;
- [Section 313\(d\) of CRRSA](#) (starting on page 749) for ESSER II; and
- [Section 2001\(e\) of ARP](#) (starting on page 17) for ARP ESSER

The ARP ESSER statute and interim final requirements include several new provisions for LEAs to support school reopening, safe school operations, and support for students:

- Reservation to Address the Academic Impact of Lost Instructional Time.
- Safe Return to In-Person Instruction and Continuity of Services.
- Maintenance of Equity for High-Poverty Schools.
- LEA Plan for Use of ARP ESSER Funds.

Although ESSER funds are based on the Title I, Part A formula, there is flexibility in the ways in which LEAs may use the funds. LEAs may use ESSER funds for any purposes listed in section 18003(d) of the CARES Act.⁴ Under these provisions, an LEA that receives ESSER funds may use the funds for any activity authorized by the following Federal education acts:

A. The Elementary Secondary Education Act (ESEA) of 1965, currently reauthorized as the *Every Student Succeeds Act (ESSA) of 2015*. ESSA includes the following Federal education programs:

- i. Title I, Part A: Improving Basic Programs Operated by LEAs, including the portions of the state education agency's (SEA's) Title I, Part A award used to carry out section 1003

³ [NDE Supporting Students through Federal Relief Funding: ARP ESSER Planning Guide for LEAs](#)

⁴ Section 18003 (d) of Title VIII of Division B of the CARES Act, Pub. Law 116-136 (enacted March 27, 2020)

school improvement for schools identified for comprehensive support and improvement (CSI) and Targeted Support and Improvement (TSI)

- ii. Title I, Part C: Education of Migratory Children
 - iii. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk
 - iv. Title II, Part A: Supporting Effective Instruction
 - v. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
 - vi. Title IV, Part A: Student Support and Academic Enrichment Grants
 - vii. Title IV, Part B: 21st Century Community Learning Centers
 - viii. Title V, Part B, Subpart 2: Rural and Low-Income School Program
 - ix. Title VI: American Indian and Alaska Native Education
 - x. Title VII, Part B: McKinney-Vento Education for Homeless Children and Youth Program
- B. *The Individuals with Disabilities Education Act (IDEA)*
 - C. *The Adult Education and Family Literacy Act (AEFLA)*
 - D. *The Carl D. Perkins Career and Technical Education Act (CTE)*
 - E. Subtitle B of Title VII of the *McKinney-Vento Homeless Assistance Act*

These funds are a one-time appropriation and will not be ongoing funding for school districts. NDE strongly recommends that districts reflect carefully about the best uses of these funds, particularly given their technological needs and efforts to preserve staffing and services to students in a challenging financial environment.

Eligibility

All Local Education Agencies that received Title I funding in school year 2019-2020 (including the State Public Charter School Authority) are eligible to submit an application.

State Priorities

Since the closure of Nevada's school facilities in emergency response to the COVID-19 pandemic, school systems and the NDE have kept the safety of students and staff as a top priority. Additionally, NDE and LEAs have worked together to ensure all students have access to continuous learning while remaining safe at home. While these funds are not directed by the NDE, please consider the following statewide priorities.

NDE Statewide Priorities in Response to COVID-19

- *Access to high-quality professional development in delivering distance education for educators*
- *Access to high-quality instructional materials through distance education for educators and students*
- *Access to technological capacity for educators, students, and families*

- *Safe, efficient, and equitable re-opening of school buildings*
- *Support of parents, families, and communities*
- *Social and emotional support of students in response to COVID-19*
- *Access to adult education and workforce development opportunities*

Equitable Services to Private Schools

LEAs receiving ESSER I (CARES Act) funds are required to set-aside a proportionate share of their total allocation for equitable services to non-profit private schools prior to reserving funds for allowable expenditures (such as district-wide expenditures and administrative costs) and before making allocations to participating public schools. The proportionate share of funds is not limited to Title I, Part A uses, and the funds may serve all non-profit private school students and teachers without regard to family income, residency, or eligibility based on low achievement.

The equitable services proportion must be calculated using private school enrollment data from private schools that choose to participate in the ESSER funding. LEAs will use the enrollment numbers listed on the 2019-2020 Private School Directory on the Department’s website. The same calculation used to determine the proportionate share in Title IIA and Title IVA will be used to calculate the proportionate share for ESSER funds, except an optional administrative set-aside may be deducted from the proportionate share to administer equitable services. The administrative cost must be reasonable and necessary and agreed to in consultation with private school officials.

Please see Table 1 for an example of the calculation.

Table 1. Formula to Determine Amount for ESSER I Funding Equitable Expenditures

A. Number of Students	
A1: LEA Enrollment	900
A2: Participating Private Schools Enrollment (numbers from Private School Directory)	100
A3: Total Enrollment = A1 + A2	1,000
B. LEA ESSER Allocation	
B1: Total LEA Allocation	\$1,000,000
C. Per Pupil Rate	
C1: B1 divided by A3	\$1,000
D. Equitable Services	
Amount LEA must reserve for equitable services for private schools = A2 x C1	\$100,000

Consultation

For ESSER I, LEAs are required to invite all non-profit private schools within the LEA's geographic boundaries to participate in equitable services for the ESEER funds. Due to school closures, the invitation to participate may be sent via email and LEAs must maintain documentation for each non-profit private school including:

- The name of the private school official emailed;
- The date(s) of contact;
- The response of the private school official ("no response" is acceptable if the LEA made at least two documented attempts to contact the private school official)

An LEA must offer to provide equitable services to students and teachers in non-profit private schools even if the non-profit private school has not previously participated in equitable services under Title I, Part A or Title VIII of the ESEA. LEAs must consult with participating private schools regarding the amount and use of the ESEER funds. LEAs must coordinate with private school officials to complete, sign, and submit by July 28, 2020, to the LEA Document Library the signed Affirmation of Consultation form provided by the Department.

Pooling

Private schools within an LEA may agree to pool the available ESEER funds during consultation.

Equitable Services Supplement not Supplant

The requirements of CFR section 200.66 (supplement not supplant) do not apply to equitable services under the CARES Act. Equitable services under the CARES Act may benefit a non-profit private school. For example, the equitable share may be used to purchase supplies to sanitize and clean the entire school facility.

Available Services

In general, the services and benefits available to non-profit private school students and teachers are the same as those available to public school students and teachers. Equitable services provided through ESSER funds must be available to best meet the needs of the non-profit private school students and teachers as determined through timely and meaningful consultation regardless of the specific uses determined by the LEA to meet its own students' and teachers' particular needs.

LEAs **are not required** to provide equitable services under ESSER II and ESSER III. A separate program, the Emergency Assistance to Non-public Schools (EANS) is included as a separate program under the CRRSA and ARP Acts.

Braiding with other Federal Funds

To fully maximize all existing federal USED grants (like Title I, Title II, IDEA and Perkins) to meet their needs, LEAs could use:

- Title II funds to train teachers and school leaders on effective instruction in blended learning environments;
- Title IV, Part A funds on educational technology aligned both to any ESSER purchases and longer-term technology plans;
- IDEA, Part B funds to support the needs of students with disabilities in new learning environments;
- Perkins funds to adjust programs of study given new needs; and
- Braiding several federal grants to support the social and emotional needs of both students and staff.

Application Process

The LEA application for ESSER funding is available via NDE's Electronic Plans, Applications, Grants, and Expenditures (ePAGE) online grant management system. Applications and revisions are reviewed and approved by NDE on an on-going basis. LEAs will be required to submit reimbursements on a monthly basis (due by the 15th of each month) unless prior approval for quarterly RFR submissions is received.

All reimbursement requests for expenses already incurred (on or after March 13, 2020 to the date the ESSER Application is approved by NDE, to address the impact of COVID- 19 that align with the 12 allowabilities and priorities) must be consolidated into one Request for Reimbursement (RFR) and submitted to NDE, along with the required documentation via ePAGE.

Unallowable Use of Funds

USED has determined that LEAs may not spend ESSER funds on:

- Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures related to COVID-19,
- Subsidizing or offsetting executive salaries and benefits of individuals who are not LEA employees, or
- Expenditures related to state or local teacher or faculty unions or associations.

Supplement not Supplant

ESSER funds are not subject to a supplement-not-supplant requirement. However, the use of ESSER funds does not override the supplement-not-supplant requirements of other programs. Replacing State or local funds with ESSER funds may result in future compliance finding.⁵

⁵[NDE Supporting Students through Federal Relief Funding: ARP ESSER Planning Guide for LEAs](#)

Ongoing Use of ESSER Funds

There are numerous tools that district teams may use, including site assessments, culture and climate assessments, school behavioral threat assessments, and capacity assessments. These assessments will help the planning team not only assess risk but also identify resources and issues that the plan may need to address. Through the assessment process, the planning team may also identify additional threats and hazards. The most successful assessments are conducted by a broad array of stakeholders, including support staff and first responders. Students and parents, including students and parents with disabilities, and others with access and functional needs, should be included to the maximum extent appropriate.

Short and Long-Term Planning to Address Identified Needs:

- Describe the extent to which the LEA intends to use ESSER funds to promote and support remote learning and access to distance learning resources for all students.
- Describe how the LEA will provide professional learning opportunities and supports to increase educator capacity to deliver effective distance/digital learning.
- Describe how the LEA will assess and address student learning gaps resulting from the disruption in educational services. Please identify the specific strategies the LEA will leverage to serve disadvantaged/at-risk populations.
- What is the LEA's proposed timeline for providing services and assistance to students and staff in both public and non-public schools? What methodology will be used?
- How will funding be used to address the needs of the LEA's sponsored charter schools (if applicable)?
- Describe how the LEA will align the plans and budgets for ESSER funds with their District Performance Plan (DPP) and School Performance Plans (SPPs).

Maintenance of Effort

For information tied to Maintenance of Effort, please see USED's [Guidance on Maintenance of Effort Requirements and Waiver Requests under the Elementary and Secondary School Emergency Relief \(ESSER\) Fund and the Governor's Emergency Education Relief \(GEER\) Fund](#) (updated 2/4/22).

Summer Programs

- ESSER and GEER funds may provide broad support for summer learning and enrichment programs. Given that this summer affords students a critical opportunity, LEAs should consider a variety of options for procuring summer services with ESSER and GEER funds, including programs run by non-profit or community organizations as well as those run by the LEA.
- Effective summer programming can address students' social, emotional, mental health, and academic needs through a combination of activities that include strong partnerships with community-based organizations and other summer providers, including summer camps. These partnerships can help to sustain these programs and can also support programs in rural and remote communities.
- States and LEAs should maximize enrollment in summer programs, with a particular focus on underserved students and students most impacted by the COVID-19 pandemic, including providing transportation and meal services. Programs should target students of all ages, including high school students, and can include work- based or service-learning opportunities or summer bridge programs to support successful educational transitions.⁶

⁶ [American Rescue Plan Elementary and Secondary School Emergency Relief \(ESSER\) Fund State Plan Requirements Office Hours, June 3, 2021](#)

Domestic Preferences for Procurement

Awards made under the CRRSA Act and ARP Act are subject to [2 CFR § 200.322](#) (Domestic Preferences for Procurement), a new regulation that applies to Federal grants made after November 12, 2020. It establishes domestic preferences for procurements under Federal grants that are subject to the Uniform Guidance.⁷

Please see [2 CFR § 200.322](#) for more information.

Reservation to Address the Academic Impact of Lost Instructional Time (ARP ESSER)

For ARP ESSER, an LEA must reserve not less than 20% of its total allocation to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student groups.⁸

USED has provided a [COVID-19 Handbook Vol. 2](#) as a resource for helping to address the academic impact of lost instructional time.

Safe Return to In-Person Instruction and Continuity of Services (ARP ESSER)

The Safe Return to In-Person Instruction and Continuity of Services plan needs to include how the LEA will:

- Maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the prevention and mitigation strategies recommended by the CDC.
- Ensure continuity of services, which must address students' academic needs and students' and staff social, emotional, mental health, and other needs, and which may include student health and food services.

Other Requirements:

- Plans must be made available on the LEA's website.
- The LEA must seek stakeholder comment on the plan and take such comments into consideration when developing the plan
- The LEA must regularly, but no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), review and, as appropriate, revise its plan for the safe return to in-person instruction and continuity of services, and must seek and take stakeholder input into account in determining whether and what revisions are necessary.

Maintenance of Equity (ARP ESSER)

Overview:

The American Rescue Plan Act prohibits LEAs from making disproportionate cuts in:

- Combined state/local funds for any high-poverty school by an amount that exceeds the total reduction, if any, of combined State and local per-pupil funding for all schools in the LEA.
- The number of FTE staff per-pupil in any high-poverty school by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.⁹

⁷ [American Rescue Plan Elementary and Secondary School Emergency Relief \(ESSER\) Fund State Plan Requirements, June 3, 2021](#)

⁸ [Supporting Students through Federal Relief Funding: ARP ESSER Planning Guide for LEAs](#)

⁹ [Maintenance of Equity Updated FAQs 1.23.23](#)

Exceptions:

Under section 2004(c)(2) of the ARP Act, an LEA need not maintain equity if the LEA:

- Has a total enrollment of less than 1,000 students;
- Operates a single school;
- Serves all students within each grade span with a single school; or
- Demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of the LEA as determined by the Secretary.

LEAs may also potentially be waived through the submission and approval of a signed LEA Certification.¹⁰

Important Dates¹¹:

- July 8, 2022 - Deadline for NDE to post the list of each LEA excepted for SY 2021-2022 and the reason for the exception. Deadline for NDE to post the list of high-poverty schools in each non-excepted LEA.
- November 1, 2022 - Deadline for NDE to post the list of each LEA excepted for SY 2022-2023 and the reason for the exception. Deadline for NDE to post the list of high-poverty schools in each non-excepted LEA
- December 31, 2022 – Deadline for NDE to submit MOEquity data for SY 2021-2022 for each non-excepted LEA
- December 31, 2023 - Deadline for NDE to submit MOEquity data for SY 2022-2023 for each non-excepted LEA

For additional information, including how to calculate the high-poverty schools under MOEquity, please see the [Maintenance of Equity Updated FAQs 1.23.23](#)

LEA Plan for Use of ARP ESSER Funds:

- The LEA Plan for Use of ARP ESSER Funds needs to contain, at a minimum:
- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the extent practicable, consistent with CDC guidance.
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time.
- How the LEA will use its remaining ARP ESSER funds; and how the LEA will ensure the interventions it implements will respond to the social, emotional, mental health, and academic needs of all students and particularly those students disproportionately impacted by the COVID-19 pandemic.
- Other Requirements:
 - Plans must be made available on the LEA's website.
 - In developing its plan, an LEA must engage in meaningful consultation with stakeholders
 - An LEA should translate relevant materials and obtain the services of interpreters, as needed, to engage its English learners and families with limited English proficiency.
 - An LEA must provide the public the opportunity to provide input on the development of the plan, take such input into account, and post the LEA ARP ESSER plan on its website.

The interim final requirements, which contain information on the LEA plan, can be accessed at:

¹⁰[Appendix B of the Maintenance of Equity Updated FAQs 1.23.23](#)

¹¹CCSSO (Notice of Final Requirements on LEA-level Maintenance of Equity Reporting Requirements, June 16, 2022)

<https://www.federalregister.gov/public-inspection/2021-08359/american-rescue-plan-act-elementary-and-secondary-school-emergency-relief-fund>

Stakeholder Engagement (ARP ESSER):

The LEA Plan for Use of ARP ESSER Funds and The Safe Return to In-Person Instruction and Continuity of Services plan both require engaging in meaningful consultation with stakeholders. Stakeholders include:

- students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions.
- An LEA must also engage in meaningful consultation with each of the following to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.

Uses of Funds and Reservations (ARP ESSER)

An LEA must reserve not less than 20 percent of its total ARP ESSER allocation to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.

The remaining ARP ESSER funds may be used for the same allowable purposes as ESSER and ESSER II, including hiring new staff and avoiding layoffs.

Reporting and Monitoring

Reporting

The NDE is required to report on ESSER funds received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act; the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act; and the American Rescue Plan (ARP) Act. The NDE must submit an annual report describing how the State and subrecipients used the awarded funds during the performance period.

Monitoring

Monitoring helps fulfill the NDE's responsibility to ensure compliance of subrecipients, and guard against waste, fraud, or abuse of Federal funds. Monitoring is an ongoing process and our monitoring activities are designed to provide information and support to subrecipients so that Federal relief funds, including ARP ESSER funds, are used as intended to help sustain safe in-person instruction and addressing the disparities in our education system.

Within 60 days of receiving ESSER funds, the NDE must submit an *Internal Control and Subrecipient Monitoring Plan* to ensure funds are used for allowable purposes in accordance with cash management

principles. Taking into account ESSER’s broad spending options, and the possibility of ongoing social distancing, additional monitoring requirements may be included.

Assurances

There are certain conditions under the General Education Provisions Act (GEPA) that apply to these funds and that embody important principles for planning and implementing grant awards, including the allocation of funds to the various allowable uses.

1. Participatory Planning and Operation

- The SEA must have a signed assurance “that the State will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for and operation of each program” – in this case the ESSER fund.¹²
- Each LEA must also have a signed assurance “that the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program.”¹³

These assurances for participatory planning and operation are required and they are especially important during this pandemic. The challenges of providing high-quality education, meeting the individual needs of each child, and ensuring the safety and well-being of children and staff call for the engagement of all the groups recognized in these two provisions. As is evident in the health-care community, commitment and ingenuity from many stakeholders will help to meet new challenges and will result in effective and well-informed policies and a stronger commitment to implementing them effectively. These requirements apply to choosing among allowable uses of the funds; shaping particular programs, developing strategies, and detailing specifics within those broad uses; and their implementation.

Strong family engagement, both in planning for use of the funds and in implementation, are important because of what is at stake for the education of each child, especially in a new education setting for distance learning, often with parents or other family members supporting learning in a whole new way. As a result, family members who may now be home during the day have an even wider window than usual into their child’s learning. For the first time, children and members of their households are

¹² GEPA Section 441(b)(7) [20 U.S.C. Sec. 1232d(b)(7) (emphasis added)]. The State-level required assurance, unlike the LEA-level one, has additional language: “(7) that the State will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for and operation of each program, including the following: “(A) the State will consult with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of program plans required by statute; “(B) the State will publish each proposed plan, in a manner that will ensure circulation throughout the State, at least sixty days prior to the date on which the plan is submitted to the Secretary or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least thirty days

¹³ GEPA Section 442(b)(5) [20 U.S.C. Sec. 1232e(b)(5)] (emphasis added).

required to rapidly learn new online platforms and methods of teaching to ensure effective delivery of instruction. The experience that family members gain during this period of school building closures should continue to be tapped systematically once schools reopen, especially where the inconsistencies of students' educational services during this time will need to be addressed. Secondary school students, though not explicitly identified in the language above, are certainly "other interested individuals" and should also be engaged in planning and operation at the local levels.

Organizations that advocate on behalf of students and families are an important voice to be heard at both State and local levels to inform ideas, strategies, and policy-making that impact a child's learning. Advocates play an important role in ensuring the voices and interests of families and students are heard and addressed.

2. Equitable Access and Participation

- The Secretary must "require each applicant for assistance under an applicable program (other than an individual) to develop and describe in each application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age."¹⁴

In allocating resources, attention to individual student needs is always crucial, both in terms of learning needs and other factors impacting student learning. That has become more challenging with schools now closed and as educators coordinate the reopening of schools.

Students who were already behind and not meeting grade-level standards before the pandemic are at risk of falling further behind and becoming disconnected from school altogether. These tend to be disproportionately students from low-income families, students of color, students with disabilities, English learners, foster youth, and homeless youth. Equal access to distance learning technology and effective instruction are key needs that must be met for all children.

3. Effective Practices / Learning from Each Other

- The SEA must have a signed assurance "that the State will adopt and use proper methods of administering each applicable program, including—. . .(B) providing technical assistance, where necessary, to such agencies, institutions, and organizations [responsible for carrying out

¹⁴ GEPA Section 427(b)) [20 U.S.C. Sec. 1228a(b)]. The purpose of this requirement is found in subsection (a): "The purpose of this section is to assist the Department in implementing the Department's mission to ensure equal access to education and to promote educational excellence throughout the Nation, by— "(1) ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program; and "(2) promoting the ability of such students, teachers, and beneficiaries to meet high standards."

each program], (C) encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations, and (D) the dissemination throughout the State of information on program requirements and successful practices.”¹⁵

- Each LEA must have a signed assurance “that the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.”¹⁶

Administrators, teachers, and other education personnel are actively seeking effective and innovative strategies to meet students’ needs in this extremely challenging context. As such, much variety exists among the plans undertaken across states and school districts. This is a rich opportunity to quickly learn, share, and use relevant best practices, research, data, and evidence to inform decision-making to meet the needs of schools and students while improving outcomes.

4. Monitoring

- The SEA must have a signed assurance “that the State will adopt and use proper methods of administering each applicable program, including—(A) monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law, . . .(E) the correction of deficiencies in program operations that are identified through monitoring or evaluation.”¹⁷

Monitoring is not only about whether funds were spent for allowable purposes. In particular, as part of ensuring that the programs are carried out in accordance with all applicable statutes, regulations, program plans, and applications, attention should be given specifically to the three other GEPA requirements above – participatory planning and operation, equitable access and participation, and effective practice provisions. The monitoring of those three requirements should be built into the planning of them. And that monitoring should be not just at the end of the programs’ operation, but along the way, so that the SEA, LEAs, educators, and advocates can make constructive use of the data and information to continuously improve these three functions.

¹⁵GEPA Section 441(b)(3) [20 U.S.C. Sec. 1232d(b)(3)].

¹⁶ GEPA Section 442(b)(8) [20 U.S.C. Sec. 1232e(b)(8)].

¹⁷ GEPA Section 441(b)(3) [20 U.S.C. Sec. 1232d(b)(3)]. GEPA also allows the Secretary to require the State to submit a plan for monitoring local agencies [Section 440(a), GEPA Sec 20 U.S.C. Sec. 1232c(a)].

NDE Contact Information

NDE will provide ongoing technical assistance to support LEAs in completing the application and leveraging the ESSER grant funds to address the impact of COVID-19 on elementary and secondary schools. Targeted support and technical assistance will also be available to each LEA team.

If you have any questions regarding the ESSER funds or need targeted technical assistance support, please contact the following NDE staff members below:

- ESSER Program Contacts:

LEA	ESSER Core Team Programs Representative(s) (Office of Student and School Supports)
Carson City SD	Brenda Moore-Grisham and Blakely Hume
Churchill CSD	Brenda Moore-Grisham and David Asato
Clark CSD	Blakely Hume and David Asato
Douglas CSD	Brenda Moore-Grisham and Blakely Hume
Elko CSD	Reggie Grisham and David Asato
Esmeralda CSD	Blakely Hume and Reggie Grisham
Humboldt CSD	Blakely Hume and Reggie Grisham
Lander CSD	Blakely Hume and Brenda Moore-Grisham
Lincoln CSD	Brenda Moore-Grisham and David Asato
Lyon CSD	Reggie Grisham and Blakely Hume
Mineral CSD	Reggie Grisham and David Asato
Nye CSD	Blakely Hume and Reggie Grisham
Pershing CSD	Brenda Moore-Grisham and Reggie Grisham
Storey CSD	Reggie Grisham and Brenda Moore-Grisham
Washoe CSD	Reggie Grisham and Brenda Moore-Grisham
White Pine CSD	Blakely Hume and Brenda Moore-Grisham
SPCSA	Brenda Moore-Grisham and David Asato

- ESSER Fiscal Contact:
 - grantsinfo@doe.nv.gov