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**MEMORANDUM**

**TO:** School District Superintendents  
State Public Charter School Authority

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction

**DATE:** April 8, 2021

**SUBJECT:** Supporting Students through Federal Relief Funding

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

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To date, Federal education relief funding has consisted of Elementary and Secondary School Education Relief (ESSER) Funds and Governor's Emergency Education Relief (GEER) Funds 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). The Nevada Department of Education (NDE or Department) will refer to CARES Act funds as ESSER I and GEER I; CRRSA funds as ESSER II and GEER II; and ARP funds as ARP ESSER throughout this memorandum. [This fact sheet](#) developed by the Council of Chief State School Officers is a helpful quick-reference guide to distinguish among the three COVID-19 relief funding sources for K-12 education.

The purpose of this memo is to provide local education agencies (LEAs) with information regarding applying for ESSER II Funds and to support LEAs in preparing to apply for ARP ESSER Funding. It is important to note that ESSER II funds will be distributed to LEAs as **new awards that must be tracked separately** from the ESSER I and GEER I funds LEAs have previously received.

**ESSER II Application and Assurances**

On February 10, 2021, NDE circulated a memo to all district superintendents and the State Public Charter School Authority titled, "Overview of Federal Coronavirus Response and Relief Supplemental Appropriations Act." Since NDE has opened the application for ESSER II funds in [ePAGE](#), we want to reiterate that this is the time to revisit and think strategically about addressing student and school needs, advancing equity, and prioritizing high-impact, evidence-based activities. Enclosed with this memorandum is a certification that serves as a prerequisite for the release of ESSER II funds that LEA leaders must submit to the Superintendent of Public Instruction in advance of or concurrently with the completion of the ESSER II application in ePAGE. Completed certifications should be transmitted via email to Amelia Thibault at [acthibault@doe.nv.gov](mailto:acthibault@doe.nv.gov).

**ARP ESSER Planning**

ARP ESSER funds are intended to support state education agencies and LEAs in addressing the disruptions to teaching and learning resulting from the pandemic, as well as taking additional steps to

safely keep schools open for in-person instruction. This includes using funds to address the many impacts of COVID-19 on students, including but not limited to:

- Interrupted instruction;
- Implementing strategies to meet students’ social, emotional, mental health, and academic needs;
- Offering crucial summer, afterschool, and other extended learning and enrichment programs;
- Supporting early childhood education;
- Investing in staff capacity; and
- Avoiding layoffs at this critical moment, ensuring that all students have access to teachers, counselors, and other school personnel to support their needs.

Anticipated ARP ESSER funding for Nevada is as follows:

<b>State Education Allocation under ARP ESSER</b>	<b>\$1,071,998,392</b>
<b>LEA allocation:</b>	\$964,798,553; \$192,959,711 (20% of
<b>At least 90% to districts based on FY2020 Title I - Part A Allocations</b>	LEA funds; 18% of total funds) for learning loss
<b>SEA Reservation:</b>	\$107,199,839
At least 5% learning loss	\$5,359,992
At least 1% summer enrichment	\$1,071,998
At least 1% afterschool programs	\$1,071,998
At most 2.5% other state activities	\$2,679,996
At most 0.5% for administration	\$535,999

While ARP ESSER funds may be used for pre-award costs dating back to March 13, 2020 when the national emergency was declared and will be available for obligation through September 30, 2023, **NDE recommends that ARP ESSER funds be used in current or future fiscal years.**

*State ARP ESSER Planning*

The U.S. Department of Education (USED) has notified NDE that it will make \$714,665,595 available to NDE imminently and the remaining funds (\$357,332,797) will become available after the submission of a State application that includes a plan describing how ARP ESSER funds will be used to meet the needs of students, safely return students to in-person instruction, maximize in-person instruction time, operate schools, and address other requirements of ARP ESSER funding. This application is expected to be available in April 2021, and NDE is actively beginning to develop Nevada’s plan for the use of ARP ESSER funds. Per USED, ARP ESSER planning must be conducted in consultation with and input from stakeholders and the public, including students, families, civil rights organizations including disability rights organizations, school administrators, superintendents, educators, and their unions.

*LEA ARP ESSER Planning*

At the time of passage, each COVID-19 relief bill – CARES, CRRSA, and ARP – has included the single largest, most flexible federal investment in K-12 education in history. It is incumbent upon Nevada’s education leaders to be responsible stewards of this unprecedented federal relief funding. Further, it is crucial that we take advantage of this opportunity to continue to demonstrate that investments in Nevada’s public education system yield positive outcomes for students and communities.

Accordingly, the application for ARP ESSER funds will require LEAs to describe:

- 1) A comprehensive strategy to address learning loss and advance equity for all students;
- 2) The stakeholder engagement process that led to a consensus-driven expenditure plan; and

- 3) Detailed information on how available funding will be used to close opportunity gaps and meet the needs of students who are traditionally underserved and/or most negatively impacted by the COVID-19 pandemic.

The Department is currently developing a resource guide that will support LEAs in preparing to meet these expectations in their applications for ARP ESSER funds. We are currently awaiting final guidance from USED, and once received, we will review and incorporate this guidance into all of our documents moving forward.

In addition, per the American Rescue Plan, an LEA receiving funds shall develop and make publicly available on the LEA's website no later than 30 days after receiving those funds, a plan for the safe return to in-person instruction and continuity of services. ARP requires that before making the plan publicly available, the LEA seek public comment on the plan and take such comments into account in the development of the plan. Federal law further indicates that if an LEA has developed a plan for the safe return to in-person instruction before the date of enactment of ARP that addresses the safe return to in-person instruction and continuity of services, such plans shall be deemed to satisfy the requirements of ARP. Nevada LEAs therefore should revisit their reopening plans and *Plans for Path Forward Programs of Distance Education* (required by [Emergency Directive 022](#) and [Guidance Memo 20-05](#), respectively) to determine whether existing plans meet the requirements of ARP or if additional work will need to be done to meet this expectation. Plans to meet this federal requirement of ARP are separate, but should complement, LEA applications for ARP ESSER funds and should reflect necessary updates for the 2021-22 school year, including plans to understand and address learning loss.

**Purpose:** This Certification for Elementary and Secondary School Emergency Relief (ESSER) II Funding form must be submitted by local education agency (LEA) leaders in advance of or concurrently with the submission of the LEA’s ESSER II funding application in ePAGE.

**Certification:**

I, **LEA Leader Name**, **LEA Leader Title**, do hereby certify that I have read and understand the allowable uses of ESSER II funds made available through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act.

**LEA** will use the following amounts of ESSER II funds in alignment with the Statewide priorities identified by NDE for COVID-19 response and recovery<sup>1</sup>: *(Fill in check boxes and funding amounts for all Statewide priorities in which the LEA anticipates investing; not all priorities need to be addressed, but all anticipated expenses should be able to fit within these broad priorities):*

	<b>Statewide Priority</b>	<b>\$ Amount (to the nearest dollar)</b>
<input type="checkbox"/>	Closing opportunity gaps for students who have been traditionally underserved;	Click or tap here to enter text.
<input type="checkbox"/>	Access to technological capacity for educators, students, and families;	Click or tap here to enter text.
<input type="checkbox"/>	Social and emotional support of students in response to COVID-19;	Click or tap here to enter text.
<input type="checkbox"/>	Access to high-quality professional development for educators;	Click or tap here to enter text.
<input type="checkbox"/>	Access to high-quality instructional materials for educators and students;	Click or tap here to enter text.
<input type="checkbox"/>	Support of parents, families, and communities; and	Click or tap here to enter text.
<input type="checkbox"/>	Safe, efficient, and equitable re-opening of school buildings;	Click or tap here to enter text.
<input type="checkbox"/>	Access to adult education and workforce development opportunities	Click or tap here to enter text.
<b>Total allocation:</b>		Click or tap here to enter text.

Please indicate the stakeholders with which the LEA consulted to develop its plan for ESSER II expenditures, which may include but are not limited to students, families, school administrators, educators, staff, and governing bodies:

Click or tap here to enter text.

**LEA** will meet the following minimum requirements in the use and tracking of ESSER II funds:

- Spend ESSER II funds to take comprehensive action to identify and address learning loss, restore and maintain high-quality learning environments, and/or to safely reopen school buildings and keep them open;
- Consider the unique needs of student groups most negatively impacted by the circumstances created by the COVID-19 pandemic, including but not limited to students from historically underrepresented populations, students who are English Learners, students with disabilities, students from families experiencing poverty, children and youth in foster care, and students experiencing homelessness;
- To the maximum extent practicable, submit requests for funds to NDE on a monthly basis;

<sup>1</sup> For a full description of allowable activities, please see Section 313(d) of CRRSA.

- Continue to comply with maintenance of effort requirements in federal education law, including the Every Student Succeeds Act and the Individuals with Disabilities Education Act; and
- Comply with all reporting requirements and supply NDE with the information necessary to comply with the Federal Funding Accountability and Transparency Act and any guidance set forth by the U.S. Department of Education.

In addition, I certify that **LEA** will **not** spend ESSER II funds on the following prohibited items:

- Bonuses, merit pay, or similar expenditures **not** related to disruptions or closures due 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.

**Signed:**

\_\_\_\_\_  
LEA Leader

\_\_\_\_\_  
Date

Completed certifications must be signed and returned to the Superintendent of Public Instruction concurrently with or in advance of LEAs' applications for ESSER II funds in ePAGE. Completed certifications should be transmitted via email to Amelia Thibault at [acthibault@doe.nv.gov](mailto:acthibault@doe.nv.gov).