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SECRETARY OF EDUCATION

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GOVERNOR

November 3, 2020

**MEMORANDUM**

**TO:** Superintendents and State Charter Leaders

**FROM:** Gabriel C. Baca, Director of Student, School and Family Support Bureau

**RE:** **Funds available under Coronavirus Aid, Relief and Economic Security (CARES) Act through the Governor's Emergency Education Relief (GEER) Fund**

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Dear Superintendents and State Charter Leaders,

Thank you for providing continued learning opportunities for students and steadfast leadership and support for your hard-working employees and contractors during this time. The purpose of this memo is to inform you of an opportunity to apply for funds, for access to internet in unserved locations, through the Governor's Emergency Education Relief (GEER) Fund authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. 116–136.

**Allowable Uses of Funding:**

A local educational agency (LEA) may only spend these funds for Internet access for students without access at home. This can include access through fiber, DSL, cable, fixed wireless, wireless hotspots, and satellite, depending on service available at an individual address. This includes installation costs and monthly recurring costs. Requests for reimbursement that contain costs other than those stated above will be denied.

The LEA must spend these funds for Internet access for students enrolled in its district-authorized charter schools in the same manner as for students enrolled in its other schools.

The LEA must comply with the Children's Internet Protection Act (CIPA) to include, but not be limited to adopting and implementing an Internet safety policy addressing:

- Access by minors to inappropriate matter on the Internet;
- The safety and security of minors when using electronic mail, chat rooms and other forms of direct Electronic communications;
- Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
- Unauthorized disclosure, use, and dissemination of personal information regarding minors; and

- Measures restricting minors' access to materials harmful to them.

<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>

#### **Finding Service Providers:**

The PED has collaborated with the State's Department of Information Technology to seek quotes from Internet Service Providers for connectivity to unserved addresses. Addresses that can be served and pricing will be made available at: <https://Solutions.doit.nm.gov/PED/Broadband4Students>.

Credentials will be sent via e-mail to district superintendents and state charter leaders with instructions on how to login. For technical support for the portal please contact [Broadband4Students@state.nm.us](mailto:Broadband4Students@state.nm.us). LEAs are not limited to the portal for finding solutions for students, and are encouraged to be creative by identifying ways to serve multiple unserved families in close proximity to one another with a single connection.

This information that will be listed on the portal will be provided as a resource for LEAs, including for volume-based pricing, and will be for informational purposes only. The PED makes no warranties as to the services or products that will be listed, and vendors will need to be separately vetted. LEAs will remain responsible for entering into their own valid procurements, and for consulting their own legal counsel for legal advice.

#### **Application for Funds:**

The PED has endeavored to make the application for funding a simple and straightforward process for LEAs. The application you will submit to gain access to GEER funding will be completed using SharePoint. Detailed instructions on completing the application are available when you log in to the SharePoint application. The same person who submitted your LEA's CARES Act ESSER application has access to the GEER application today in Sharepoint: <http://webed.ped.state.nm.us/sites/NCSS/SCAwards/SitePages/Home.aspx>.

When you submit your application, you will also submit an "Initial Budget" Budget Adjustment Request (IB BAR) via the Operating Budget Management System (OBMS) to establish budget authority for this fund. Please upload a copy of the 24305 GEER Planning Allocation Table for SY20-21 with your IB BAR. The table is listed under FY 20-21 Initial Awards and may be downloaded from:

<https://webnew.ped.state.nm.us/bureaus/administrative-services/awards-and-carryover/>

As part of this application process, the PED will refer to the answers previously provided by your LEA in the required questions section of the previous CARES application submitted by your LEA.

The due date for this application is November 25, 2020. Extensions may be granted if needed, without losing the funds allocated to your LEA. However, LEAs are encouraged to submit their applications and IB BARs as soon as possible.

This program will be administered by the PED Student, School and Family Support Bureau. Staff from the bureau will work with you on your application submission and approval. A list of staff assignments may be found at <https://webnew.ped.state.nm.us/wp-content/uploads/2020/09/CARES-Title-I-LEA.RfR-assignment-list-09.01.20.pdf>.

NMPED is pleased to offer a GEER application training in Canvas. Here you will learn everything you need to successfully complete your application for funding. You may self-register for the course by clicking this link: <https://nmped.instructure.com/enroll/YA3J8E>

**Program Requirements:**

Quarterly reporting on the use of funds will be required of all LEAs. Certain details regarding quarter reporting were provided in the assurances included accompanying the application. However, the United States Department of Education has committed to releasing additional details in the near future.

Funds may only be used for the purpose indicated on page one of this memo. There is no requirement for site allocations for these funds, and there is no requirement that these funds be used to supplement and not supplant existing funding.

**Equitable Services:**

Funds allocated to school districts are subject to equitable services, provided in the same manner as under Sec. 1117 of the [Elementary and Secondary Education Act of 1965](#) (ESEA). Consultation for equitable services is required, and must occur as soon as practicable. Such consultation must be completed and documented before Requests for Reimbursement (RFRs) will be approved by NMPED. Funds used for equitable services may only be used for the purpose indicated on page one of this memo.

Districts shall take the following steps to calculate equitable services dollar amounts for participating non-public schools under the [CARES Act](#):

- 1) School districts shall contact *all* non-public schools within their geographic boundaries to ask whether they wish to receive equitable services under the [CARES Act](#).
- 2) To help determine which students live within Title I attendance areas and who are from low-income families, non-public schools that wish to receive equitable services under the [CARES Act](#) will collect the following data:
  - a. Student addresses;
  - b. Student grade levels; and
  - c. Student poverty information.
- 3) Only those students who live within Title I attendance areas and who are from low-income families will generate an equitable share. Title I attendance areas are determined by the public schools the school district served during the 2019-2020 school year.
- 4) Since children who enroll in non-public schools live in many different school districts, school districts may transfer the equitable share funds to one another to form a "Lead District" that will deliver the equitable services on behalf of the non-public school(s), as in the Title I equitable share process.

cc: Secretary of Education Ryan Stewart, Ed.L.D.  
Deputy Secretary Dr. Hand, Policy, Resource & Accountability  
Deputy Secretary Dr. Perea Warniment, Teaching, Learning & Assessment  
Deputy Secretary Delgado, Finance & Operations  
Deputy Secretary Sandoval, Academic Engagement and Student Success  
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