



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us


RYAN STEWART, ED.L.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

February 2, 2021

MEMORANDUM

TO: Superintendents and State Charter School Leaders

FROM: Gabriel C. Baca, Director – Student, School and Family Support Bureau  DS

RE: **Funds available under Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, through the Elementary and Secondary School Education Relief Fund (ESSER II), OBMS Fund Code 24308**

Dear Superintendents and State Charter Leaders,

Thank you for your continued leadership and commitment to New Mexico students and families and for working with us as you administer the previously awarded CARES ESSER and GEER funds.

The purpose of this memo is to inform you of the opportunity to apply for additional funds made available through the Coronavirus Response and Relief Supplemental Appropriations ([CRRSA](#)) Act, Elementary and Secondary School Education Relief Fund (ESSER II Fund), OBMS fund code 24308.

Please know, we acknowledge the multiple applications you have had to submit for funding consideration. In order to meet compliance standards per the United States Department of Education, these funds must be tracked separately from previous awards and therefore require a separate application and fund code.

Background:

The ESSER II Fund is a highly flexible federal program designed to provide local education agencies (LEAs) with funding to safely reopen schools, measure and effectively address significant learning loss, and take other actions to mitigate the impact of COVID-19. By law, awards from the ESSER II Fund are based on LEAs' proportional share of final 2019-20 Title I, Part A allocations received.

Timeline:

LEAs must expend all ESSER (24301) funds and submit the associated requests for reimbursement before expending any of the ESSER II (24308) funds, because the ESSER II funds will be available for a longer time period (through September 2023 if needed).

Allowable Uses of Funding:

LEAs may use ESSER II Fund awards for:

1. Purchasing educational technology including assistive technology or adaptive equipment;
2. Professional development for educators or families to support remote/distance learning activities;
3. Providing mental health services and supports;
4. Activities that address the unique needs of low-income children;
5. Activities that address the unique needs of students with disabilities;
6. Activities that address the unique needs of English learners;
7. Activities that address the unique needs of Native American students;
8. Activities that address the unique needs of Non-Native American racial and ethnic minorities;
9. Support for homeless or foster youth;
10. Purchasing supplies to sanitize and clean facilities operated by the LEA;
11. Other activities necessary to maintain the operation of and continuity of services in the LEA and continuing to employ existing staff, including purchasing personal protective equipment for students and staff;
12. Planning and implementing summer learning and supplemental afterschool program activities;
13. Providing resources for principals and other school leaders to address school-specific needs;
14. Career and Technical Education;
15. Adult Education;
16. Family Literacy;
17. Coordination of preparedness and response efforts of the LEA with state, local, tribal, and territorial public health departments, and other relevant agencies, to prevent, prepare for, and respond to coronavirus;
18. Procedures and systems to improve the preparedness and response efforts of the LEA;
19. Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases;
20. Planning and coordination during long-term closures, including how to provide meals to eligible students, how to provide online learning technology to all students, how to provide guidance on meeting IDEA requirements, and how to ensure other educational services can continue to be provided consistent with federal, state, and local requirements;
21. Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care;
22. School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards;
23. Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities;
24. Outdoor education supplies, support and PD; and
25. Other activities authorized under ESEA.

The following are not allowable uses of ESSER II funds:

- Lobbying;
- Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the SEA or LEAs;
- Expenditures related to state or local teacher or faculty unions or associations;
- Payment of incentives for receiving vaccinations; and
- Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.

Statewide Priorities:

The PED continues to strongly encourage each LEA to plan for how these resources can be used to ensure that critical program and infrastructure elements are in place to allow for a safe return to school and to mitigate interruptions to the learning process caused by COVID-19. With this in mind, we have identified the following priorities:

- **Providing personal protective equipment** for all staff and students, as well as ensuring that schools are fully cleaned, sanitized, and stocked with cleaning supplies;
- **Improving indoor air quality** including: Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities;
- **Accelerated Instruction** for all students, prioritizing low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care. See https://webnew.ped.state.nm.us/wp-content/uploads/2020/07/NMPED_SupportDoc_InstructionalAcceleration.pdf;
- **Closing the digital divide** through the purchase and distribution of digital devices, through the support of home internet connectivity for all students, and through the professional development and instructional coaching needed by educators to facilitate remote learning;
- **Supporting the social and emotional needs** of students, families, and staff; and
- **Supporting the needs of students with disabilities and at-risk students**, both during the building closure and when students transition back into school building.

As the disruption in our education system has disproportionately impacted our most vulnerable students, including low-income children, children with disabilities, English learners, Native American students, other racial and ethnic minorities, students experiencing homelessness, and foster care youth, we encourage you to especially consider these students as you use the ESSER II Fund award for students' education.

Application for Funds:

The application you will submit to gain access to ESSER II funding will be completed using SharePoint. Detailed instructions on completing the application are available when you log in to the SharePoint application. In most cases, the same person who submitted your LEA's CARES Act ESSER application has access to the ESSER II application.

As part of this application process, the PED will accept answers previously provided by your LEA in the required questions section of the CARES/ESSER application you submitted. This includes your LEA's response to the question referring to the General Education Provisions Act (GEPA).

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 24308 ESSER II Planning Allocation Table 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/>

Once your application and budget are approved, you may charge allowable costs to this grant (through journal entry) back to July 1, 2020.

Your LEA has access to the application in Sharepoint today. We strongly encourage all LEAs to submit their applications by April 1, 2021.

This program will be administered by the Student, School and Family Support Bureau. Staff 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/2020/12/LEA.RfR-assignment-list-12.01.20.pdf>

Program Requirements:

Annual reporting on the use of funds will be required of all LEAs. Quarterly reporting may be required. Some details are provided in the assurances included with the application. The United States Department of Education may release additional details in the future.

Please note the following requirement around continuation of employment when receiving ESSER II funds:

Each LEA, and any other entity that receives ESSER II funds will, to the greatest extent practicable, continue to compensate its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with section 315 of Division M of the CRRSA Act. In addition, each entity that accepts funds will continue to pay employees and contractors to the greatest extent practicable based on the unique financial circumstances of the entity.

There is no requirement for site allocations for these funds – LEAs may use their discretion when determining how to allocate funds among school sites. The PED strongly encourages all LEAs to ensure at a minimum that all schools, including locally authorized charter schools, are equipped to provide remote learning through digital technology and that all schools have sufficient PPE for all students and staff and cleaning supplies to open school safely. All expenditures must be reasonable, necessary, and allocable under the CRRSA Act.

A district must use these funds to address needs in its locally-authorized charter schools in the same manner as in its other schools.

There is no requirement that these funds be used to supplement and not supplant existing funding.

An LEA that receives ESSER II funds under this grant is not required to provide equitable services to non-public school students and teachers with the ESSER II funding.

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 Dr. Bannerman, Identity, Equity & Transformation
Deputy Secretary Sandoval, Academic Engagement and Student Success
Scott Wright, Director of Operations
Corina Chavez, Director, Options for Parents and Families
Rosemary Whitegeese, Bureau Chief, Director, Audit & Accounting Bureau
Susan Lucero, Bureau Chief, Administrative Services Division, Fiscal Grants Management Bureau
Title I Directors and Contacts
Business Managers