

**NM Public Education Department**  
**Local Educational Agency (LEA)**  
**Application for receipt of**  
**Retention Stipends award**  
**authorized by the CRRSA**  
**ESSER II Fund - 24312**

\_\_\_\_\_  
Name of LEA

On behalf of the above-listed LEA, the undersigned Superintendent or State Charter School Leader hereby applies for, and provides the following assurances for receipt of, an LEA level Retention Stipends award from the Elementary and Secondary School Emergency Relief (ESSER II) Fund authorized by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act for paying Retention Stipends to eligible LEA employees per the [CRRSA Retention Stipend Clarification Memo 3.19.2021](#).

1. The LEA will use its LEA level Retention Stipends award to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on its elementary and secondary schools.
2. The LEA will spend its LEA level Retention Stipends Funds in accordance with the requirements in all applicable statutes, regulations, program plans and requirements.
3. **The LEA will only spend these funds for Retention Stipends per the requirements in the [CRRSA Retention Stipend Clarification Memo 3.19.2021](#) and this Application.** Requests for reimbursement that contain costs other than those stated above will be denied.
4. The LEA shall include eligible employees in its locally-authorized charter schools in the payment of Retention Stipends.
5. The LEA will comply with all reporting requirements
  - The LEA shall comply with the reporting requirements in section 15011 of the CARES Act
    - The LEA shall comply with the reporting requirements in section 313(f) of Division M of the CRRSA Act.
    - The LEA shall submit annual reports and quarterly reports that include a detailed accounting of the use of funds. PED will publish reporting requirements at a later date. (See also 2 CFR 200.328-200.329).

In the future, the NMPED also may require additional reporting, including but not limited to:

- the methodology LEAs will use to provide services or assistance to students and staff in public schools;
- the uses of funds by the LEAs and demonstration of their compliance with Section 18003(d).; and
- For LEAs that receive CRRSA ESSER II Fund awards greater than \$150,000.00, quarterly reporting to include at least a detailed list of all projects or activities for which large covered funds were expended or

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obligated, including:

- the name of the project or activity;
  - a description of the project or activity;
  - the estimated number of jobs created or retained by the project or activity, where applicable; and
  - detailed information on any level of subcontracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees.
6. The LEA will cooperate with any request for examination of records regarding such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) NMPED; the U.S. Department of Education and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
  7. The LEA will develop policies and processes to ensure equitable access to, and equitable participation in, the project or activity to be conducted with Federal assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers based on gender, race, color, national origin, disability, and age.
  8. The LEA will adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of programs.
  9. As a condition of receiving Federal Funds, the LEA certifies to the SEA in accordance with Section 8546 of ESEA that it has a policy in effect that prohibits any individual who is a school employee, contractor, or agent from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency know, or have probable cause to believe, that such a school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.
  10. The LEA certifies no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program. The SEA will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the SEA will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.
  11. The LEA certifies that the LEA level ESSER II Fund award shall not be used for:
    - (a) Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the SEA or LEAs;
    - (b) Expenditures related to state or local teacher or faculty unions or associations;
    - (c) Payment of incentives for receiving vaccinations; and
    - (d) Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.
  12. The LEA will use such fiscal control and fund accounting procedures and program documentation as will ensure proper disbursement of, and accounting for, Federal funds used, including:
    - (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients;
    - (b) the correction of deficiencies in any program operations identified through audits, monitoring, or program evaluation; and

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(c) detailed records of any purchases including P-card purchases.

13. The LEA will repay to the SEA, using non-federal funds or Federal funds for which no accountability is required to the Federal government, any amounts which the U.S. Department of Education orders the SEA to repay because of the LEA's failure to comply with applicable statutes, regulations, and requirements.
14. The LEA will further repay to the SEA with non-federal funds, or from Federal funds from which no accountability is required to the Federal government, any amounts determined by the SEA to have been misspent or misapplied because of the LEA's failure to comply with applicable statutes, regulations, and requirements.
15. The LEA will cooperate in carrying out any evaluation of each such program conducted by or for the SEA, the U.S. Secretary of Education, or other Federal officials.

**The undersigned Superintendent or State Charter School Leader certifies that she or he understands and agrees with above-listed assurances and requests consideration of this Application.**

\_\_\_\_\_  
Digital Signature of Superintendent or State Charter School Leader

\_\_\_\_\_  
Printed Name of Superintendent or State Charter School Leader

\_\_\_\_\_  
Name of LEA

\_\_\_\_\_  
Date