



Nevada Advisory Committee to the U.S. Commission on Civil Rights Statement on Distribution of Federal Funding to Address COVID-19 Relief Efforts

The Nevada Advisory Committee to the U.S. Commission on Civil Rights offers this statement as we complete a study on the impact of remote learning on education equity.¹ We are pleased to see that federal, state, and local elected officials are acting expediently to address a long list of issues exacerbated by the COVID-19 pandemic.

In our study process, we heard from a range of community members, elected leaders, and public employees, such as teachers, school psychologists, and education administrators who have kept our education systems functioning under extreme emergency conditions. These Nevadans are encouraged that Congress and the President recognize that federal funding will help to offset some of the monumental costs associated with this devastating pandemic.

Our panelists recounted the many serious problems the pandemic exposed, which existed prior to COVID-19, and now must be addressed adequately and appropriately to ensure we do not find ourselves in another crisis of this magnitude again.

For example, advocates for students with disabilities and English language learners worry that those student populations are not receiving services under remote learning they are entitled to receive. Nevada's school districts lacked plans to continue providing these services virtually, so it is impossible to know who is being left out.² There are similar concerns directly related to student mental health and distance learning. The stress and isolation students are experiencing under pandemic conditions with distance learning is raising fears that suicide ideation could increase without greater access to

¹ U.S. Commission on Civil Rights, "Nevada Advisory Committee to the U.S. Commission on Civil Rights Announces Public Meetings Focused on Equity in Education Through Distance Learning" April 5, 2021, <https://www.usccr.gov/files/2021/02-10-NV-SAC-March-Web-Hearings-Press-Release.pdf>. Accessed June 11, 2021.

² Stephanie Patton, testimony, *Web Hearing Before the Nevada Advisory Committee to the U.S. Commission on Civil Rights*, Mar. 31, 2021, transcript, pp. 3-9 (hereafter cited as *3/3/21 Web Hearing*); Silvina Jover, testimony, *Web Hearing Before the Nevada Advisory Committee to the U.S. Commission on Civil Rights*, Apr. 21, 2021, transcript, pp 7-12; Melissa Almanza, testimony, *Web Hearing Before the Nevada Advisory Committee to the U.S. Commission on Civil Rights*, May 5, 2021, transcript, pp. 13-17.

school-based mental health services.³

Likewise, many students who access school-based disability and mental health services often live in lower socio-economic urban neighborhoods, in rural towns, or on Native American reservations, which lack stable internet access. These students cannot fully participate in school or access services normally available in the classroom and so are at higher risk for experiencing a range of learning loss and poor health outcomes each passing day.

Because of the continuing potential for harm to these at-risk student populations due to these and other pandemic-related issues, while we compile our evidence and write our report, we would like to contribute as a committee to the “Nevada Recovers Listening Tour” efforts with a few recommendations for disbursing federal relief funds allocated to mitigating education equity issues connected to remote learning.⁴

Nevada’s legislature passed what was referred to as a “waterfall” bill to provide a list of priorities for allocating federal relief funding. Senate Bill 461 includes specific dollar amounts and agencies that will receive those federal dollars and it includes general guidelines for disbursement of remaining dollars to enhance areas such as, but not limited to, education, social services, infrastructure, and health care.⁵

In these areas, the guidance is not specific, which raises some concerns, specifically with respect to how funding for education will be disbursed.⁶ The bill states:

Disbursements for any other purpose authorized for the use of the money received from the Coronavirus State and Local Fiscal Recovery Funds, within the following categories:

- (1) Increasing access to health care and community-based services;
- (2) Strengthening public education;
- (3) Supporting disadvantaged communities;
- (4) Strengthening Nevada’s workforce, supporting small businesses and revitalizing the State’s economy;
- (5) Investing in infrastructure; and
- (6) Modernizing and enhancing state government services.⁷

Normally, the public assists in defining nonspecific language, such as “Strengthen

³ Patton Testimony, *3/31/21 Web Hearing*, p. 14.

⁴ Sean Golonka, “State plans 75 meetings to get input on spending \$6.7 billion from American Rescue Plan,” *The Nevada Independent*, Aug. 3, 2021, <https://thenevadaindependent.com/article/state-plans-75-meetings-to-get-input-on-spending-6-7-billion-from-american-rescue-plan>.

⁵ S.B. 416, 81st Leg. Reg. Sess. (Nv. 2021).

⁶ Nevada Legislative Counsel Bureau. (2021, June 2). Nevada Legislature NELIS. <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/8240/Overview>. Accessed June 11, 2021.

⁷ S.B. 416, 81st Leg. Reg. Sess. (Nv. 2021).

public education” through legislative hearings. But, as Nevada’s legislative session ended on May 31, 2021, we are now outside of the window for the public to engage in the legislative decision-making processes.⁸ We are concerned that expediency of the state’s need to disburse the funds will infringe upon the public’s right to transparency, participation, and accountability as federal dollars are allocated.

We affirm the intent of SB461 and subscribe to the belief that open meetings, opportunities for meaningful feedback, transparency, and clear accountability mechanisms are fundamental for full civic engagement and the right to directly participate in governance, especially for marginalized communities.

We are aware that some funding will be disbursed directly to state agencies, such as our school districts, the State Department of Education, and the Nevada System of Higher Education. We encourage these secondary agencies to follow federal directives for distributing federal funds to directly help students, teachers, and families.⁹

We recognize the extreme nature of the pandemic-related issues that must be addressed quickly. Nevertheless, the Committee asks for a commitment to transparency, accountability, and engagement with stakeholders from all agencies that receive federal relief funding, specifically with respect to funding directed towards education.

We acknowledge and appreciate Nevada’s active approach to ensuring that community needs caused by the pandemic are met as quickly as possible. Considering that the total amount coming to Nevada is approximately \$6.7 billion,¹⁰ we also strongly recommend the following:

- As the Governor’s Office is identified as the state office responsible for distributing \$2.7 billion of the federal funds,¹¹ he will ensure feedback processes will be transparent and sufficient for public input to ensure funds related to education are equitably distributed.

⁸ Nevada Legislative Counsel Bureau. (2021, February 2). Nevada Legislature NELIS. https://www.leg.state.nv.us/Session/81st2021/Docs/120-day_calendar.pdf. Accessed June 6, 2021.

⁹ U.S. Department of Education. (2021, May 11). “U.S. Department of Education Makes Available \$36 Billion in American Rescue Plan Funds to Support Students and Institutions.” <https://www.ed.gov/news/press-releases/us-department-education-makes-available-36-billion-american-rescue-plan-funds-support-students-and-institutions>. Accessed June 6, 2021.

¹⁰ Nevada Governor Steve Sisolak Press Release. (2021, May 10). “Governor Sisolak releases statement regarding issuance of U.S. Treasury guidance for American Rescue Plan funds.” [https://gov.nv.gov/News/Press/2021/Gov Statement Issues Guidance for American Rescue Plan funds/](https://gov.nv.gov/News/Press/2021/Gov%20Statement%20Issues%20Guidance%20for%20American%20Rescue%20Plan%20funds/). Accessed June 6, 2021.

¹¹ Interim Finance Committee (June, 2021) Meeting Notice and Agenda, Item L-5. <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/25369> Accessed August 10, 2021.

- The Legislative Commission and the Interim Finance Committee will notify the public of all hearings each conducts that concern or address the distribution of federal relief funds related to education.
- Stakeholders, such as parents, students, teachers, and nonteaching staff, should be able to view education budgets and have meaningful options to provide input and feedback on disbursement priorities. Education leadership should accept guidance and assistance from stakeholders to ensure transparency and accountability.
- The American Rescue Plan includes engagement and accountability requirements that must be followed to ensure efficacy and to provide a barrier against fraud.¹² We, therefore, recommend that assessment and accountability plans be in place and made publicly available before federal dollars are disbursed to ensure every education-related dollar addresses the priorities identified by stakeholders.

¹² Department of the Treasury (May 2021) “Recipient Compliance and Reporting Responsibilities.” <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities> Accessed August 10, 2021.