



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

July 22, 2021

The Honorable Ryan Stewart  
Secretary of Education  
New Mexico Public Education Department  
300 Don Gaspar Street  
Santa Fe, NM 87501-2786

Dear Secretary Stewart:

I am pleased to approve New Mexico's American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) State plan. This plan, together with the unprecedented funding available under ARP ESSER, will help ensure that districts and schools in your State can continue to reopen safely; support sustained access to in-person instruction throughout the summer and into next school year; and address the social, emotional, mental health, and academic needs of students due to the impact of the coronavirus pandemic (COVID-19), particularly those students most impacted by the pandemic.

Except as described below, New Mexico's plan is consistent with all ARP ESSER statutory and regulatory requirements and addresses all of the ARP ESSER State plan elements. This letter, along with New Mexico's approved ARP ESSER State plan, will be posted on the U.S. Department of Education's (Department's) website, and the Department will immediately release the remaining one-third of your State's ARP ESSER allocation for your use.

In its ARP ESSER State plan, a State educational agency (SEA) must describe how it engaged in meaningful consultation with stakeholders. The description must include how the SEA provided the public the opportunity to provide input in the development of the plan, a summary of the input (including any letters of support), and how the SEA took such input into account. In its ARP ESSER State plan, New Mexico described extensive consultation with stakeholders. However, New Mexico indicated that it did not have evidence or data to demonstrate that it meaningfully consulted with stakeholders representing the interests of children and youth in foster care. As a result, this approval is conditioned on New Mexico continuing to engage in meaningful consultation specifically with stakeholders representing the interests of children and youth in foster care. Within 45 days of receipt of this letter, New Mexico must amend its ARP ESSER State plan to describe how it met the requirements in section C.1 of the ARP ESSER State plan template, including how it incorporated feedback from stakeholders representing the interests of children and youth in foster care into its ARP ESSER State plan.

As part of the ARP ESSER State plan, each State assured that it would provide the Department the URLs for information related to ARP ESSER requirements. First, by June 21, 2021, each State was required to post publicly on its website, for the most recent time period available, data on mode of instruction and enrollment for all students, disaggregated by student subgroups. The State assured that it would provide to the Department the URL(s)

where the public can readily find this data. The Department will follow up separately with you regarding this requirement, if necessary. Second, your State assured that it would provide to the Department the URL(s) for the SEA and/or local educational agency (LEA) websites where the public can find the LEA plans for: (a) the safe return to in-person instruction and continuity of services; and (b) use of ARP ESSER funds. Please submit the URL or URLs to the Department via email to your State mailbox at [NewMexico.OESE@ed.gov](mailto:NewMexico.OESE@ed.gov).

Please be aware that approval of New Mexico’s ARP ESSER State plan is not a determination that all the information included in the State plan complies with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is New Mexico’s responsibility to comply with these civil rights requirements.

The Department is committed to working in partnership with your State so that your ARP ESSER funds are quickly put to work to ensure students have sustained access to in-person instruction as well as the comprehensive support they need to recover fully from the impacts of the COVID-19 pandemic. As you implement this plan, we expect you to continue meaningfully engaging with stakeholders and the public and revising your plan, as necessary, to best meet the needs of students, parents, and educators. Ongoing engagement with all stakeholders is vital to ensuring that implementation of your plan is transparent, effective, equitable, inclusive, and best meets the needs of your State. The thoughtful, evidence-based, and timely use of ARP ESSER funds will have a lasting impact on our Nation’s schools and help to address the inequities in resources, services, and opportunities available to our students.

Sincerely,

/s/

Miguel A. Cardona, Ed.D.