

Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction

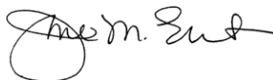


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**MEMORANDUM**

**TO:** All District Superintendents  
State Public Charter School Authority

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction 

**DATE:** August 28, 2020

**SUBJECT:** CARES Act Equitable Services: Orders of Preliminary Injunctions

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To provide ongoing assistance to school districts with equitable services under the CARES Act, this memo notifies all Nevada School Districts of two recent federal court rulings that have placed preliminary injunctions on the United States Department of Education's (USED) [April non-regulatory guidance](#) and [July interim final rule](#) for CARES Act equitable services requirements. Information on the preliminary injunction issued by the Western District of Washington can be found [here](#).<sup>1</sup> Information on the preliminary injunction issued by the Northern District of California can be found [here](#).<sup>2</sup>

The Nevada Department of Education (NDE) recommends that districts opting to release only the equitable share calculated using the Title I methodology to eligible private schools under the CARES Act continue to hold the remaining amount calculated using total enrollment until NDE receives further guidance from USED. Following this recommendation will assist districts to avoid overspending in equitable services and requiring private schools to revert the grant funds should the injunction be upheld. NDE advises districts to bring this to their legal counsel's attention for continued monitoring. NDE will continue to monitor the pending litigation and keep school districts informed of any shifts in our guidance.

In addition to the preliminary injunctions described above, there is one additional case pending litigation:

- The NAACP vs. USED in the U.S. District Court for the District of Columbia

School districts with eligible private schools may choose to reach out to those private schools to explain this situation. Additionally, those private schools may reach out to the Equitable Services Ombudsman, Dr. Melissa Schroeder at [mschroeder@doe.nv.gov](mailto:mschroeder@doe.nv.gov) if more information is needed.

cc: Dr. Jonathan Moore, Deputy Superintendent of Student Achievement  
Dr. Seng Dao-Yang Keo, Director of Office of Student and School Supports  
Gabrielle Lamarre, Esq., Title I Director and Federal Liaison

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<sup>1</sup> This preliminary injunction applies solely to the state of Washington.

<sup>2</sup> This preliminary injunction applies to Michigan, California, Hawaii, Maine, Maryland, New Mexico, Pennsylvania, Wisconsin and the District of Columbia (including several school districts) who were plaintiffs in the case.