CCIP Note # 486

Re: **Additional Actions Needed for ESSER-Funded Construction and Capital Expenditures**
Date: October 29, 2021
To: Superintendents, Treasurers, Authorized Representatives, Fiscal Representatives and Consolidated Funding Application Contacts of ESSER Recipients

The Ohio Department of Education ("Department") has added additional assurances and budget details to the ESSER II and ARP ESSER applications within the CCIP. In certain circumstances, an LEA may need to provide additional information and return their ESSER applications. A PDF of the additional assurances and details within the application is found HERE. If you are required to provide this additional information, a validation message will be triggered in the ESSER II/ARP application in CCIP.

Rationale
The additional assurances and details being requested in the application have always been requirements when using federal resources for construction and capital projects. However, the Department believes it is important to highlight these assurances and details in the applicable parts of the application to better prepare LEAs who decide to use funds for these purposes to meet all the statutory and regulatory requirements. Furthermore, the Department wants to remind LEAs that budget applications are typically quick summaries of the proposed cost and does not generally get into the granular details for the actual cost objective. Thus, as is always the case, the Department's approval of any application is contingent on the LEAs expending the funds as outlined in the application as well as meeting all the assurances and being able to demonstrate it has complied with all applicable state and federal laws, uniform guidance and the requirements during any compliance performance audits or reviews.

The level of scrutiny and oversight of these emergency federal resources will be significant, and even more so for construction and capital expenses. Therefore, the Department strongly encourages the LEA legal staff review the proposed plan and application, especially when planning to use ESSER funds for construction and capital projects. The Department is committed to supporting the LEAs with any questionable costs during an audit where ESSER funds were used for capital expenditures if the LEA addressed all the assurances specified within the application.

Actions Needed

- Action Needed if the LEA has budgeted funds or plans to budget any ESSER II or ARP ESSER funds in Facilities/Capital Outlay within any of the ESSER applications.
    - If the LEA has already had an application final approved, the LEA will need to complete the assurances and provide the budget detail necessary. Under this circumstance, the LEA should complete the additional requirement before or during the next revision of such application. If the LEA does not plan to make any budget revisions to their application but still has funds budgeted for Facilities/Capital Outlay, they must still complete the additional requirements as they will not be able to submit a final expenditure report without completing these additional requirements.

  - If the LEA has budgeted any funds for Facilities/Capital Outlay and the application has yet to be final approved, the application will be returned to the LEA to complete the assurances before it will be final approved.

- Not Applicable if the LEA has not budgeted or does not plan to budget any ESSER II or ARP ESSER funds in Facilities/Capital Outlay within any of the ESSER applications.

For questions, please contact your Office of Federal Programs consultant or federalprograms@education.ohio.gov.

Resources:

- USED ARP ESSER FAQ
- USED "Using COVID Relief Funds for Facility Upgrades, Renovations, and Construction" Webinar