



ODE issues new requirements for ESSER-funded construction and capital expenditures and notifies of delay in ESSER reimbursements

November 4, 2021

On October 29, 2021, the Ohio Department of Education (ODE) issued new requirements regarding the use of federal ESSER II and ESSER III funding for construction and capital expenditures. Under the new requirements, local education agencies (LEAs) (i.e., school districts) will need to provide additional assurances and budget details within their ESSER applications on the Comprehensive Continuous Improvement Plan (CCIP) platform for all ESSER-funded construction and capital expenditures. ODE's new requirements apply both proactively to future funding requests and retroactively to previously approved requests. Any school district that included budgeted funds within the "Facilities/Capital Outlay" section of their ESSER application will need to take affirmative steps to complete these additional assurances before or during the next revision of their application. LEAs will not be able to successfully submit a final expenditure report without first completing the additional requirements. LEAs that are required to provide this additional information should receive a "validation message" within their ESSER application on the CCIP platform.

With the issuance of the new requirements, ODE reminded LEAs of their obligation to maintain appropriate documentation that demonstrates the agency's compliance with state and federal law. ODE has also noted that ESSER-funded construction and capital expenditures will be subject to "heightened scrutiny and oversight by all regulatory bodies," and LEAs are encouraged to reach out to legal counsel to review the proposed plan and application for guidance.

Additionally, on November 4, 2021, ODE announced that "[t]here will be a slight delay in fulfilling reimbursement requests from the [ESSER] fund," noting the requests for reimbursement received to date have temporarily exhausted the available

appropriation. While ODE is working as quickly as possible to resolve this issue, the Ohio General Assembly has yet to introduce a bill to establish additional appropriation authority, although they are expected to do so in the near future. In the meantime, ODE has encouraged LEAs to continue to spend against their ESSER approved budgets and submit “project cash requests” as originally instructed.

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