

# Construction with ESSER II

---

**Judy Nelson**

Executive Director

**Elisha Campbell**

Executive Director

[mdek12.org](https://mdek12.org)



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

March 22, 2021





1

**ALL** Students Proficient and Showing Growth in All Assessed Areas



2

**EVERY** Student Graduates from High School and is Ready for College and Career



3

**EVERY** Child Has Access to a High-Quality Early Childhood Program

**EVERY** School Has Effective Teachers and Leaders

4



**EVERY** Community Effectively Uses a World-Class Data System to Improve Student Outcomes

5



**EVERY** School and District is Rated “C” or Higher

6



## VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens



## MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

- ESSER II Overview
- ESSER II Construction Projects
- ESSER II Construction Approval Form
- MCAPS Application Requirement
- Selected Frequently Asked Construction Questions

# ESSER II Overview

---

Within the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021, the USDE received funding for the **Elementary and Secondary School Emergency Relief II (ESSER II) Fund** and the **Governor's Emergency Education Relief II (GEER II) Fund**. Also, the CRSSA Act provides the **Emergency Assistance to Non-Public Schools (EANS) Program** to the State of Mississippi. Each of these programs has unique requirements and allowable costs.

- The MDE is responsible for the administration of ESSER II Funds.
- ESSER II funds are available for obligations by LEAs on **March 13, 2020 through September 30, 2023**, which includes the Tydings period (General Education Provisions Act §421(b)(1)).
- ESSER II has no equitable service requirement.
- ESSER II has no supplanting provision.

- The ESSER II Fact Sheet was released on January 5, 2021.
- ESSER II has been assigned Fund Number 2594 and Revenue Function 4477. Also, this grant's CFDA Number is 84.425D.
- The ESSER II application is due April 30, 2021.

# ESSER Construction Projects

## Construction Related



- (13) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.
- (14) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

## Mississippi Code § 31-7-1(g)



“shall mean the process of building, altering, improving, renovating or demolishing a public structure, public building, or other public real property. It does not include routine operation, routine repair or regularly scheduled maintenance of existing public structures, public building or other public real property.”

# ESSER II Construction Approval Form

---

- ESSER II Construction Project Detail
- ESSER II General Assurances
- LEA's Superintendent Signature



Project  
Name

Bathroom  
Renovations



Project  
Description  
& Location

Add additional  
sewer lines &  
replace all  
bathroom  
hardware to  
all school  
locations



ESSER  
Relation

Reduce high  
touch area  
with touchless  
devices &  
expand  
bathroom  
space for  
social  
distancing



Estimated  
Cost

\$500,000\*  
\*Project cost  
should  
match  
application  
budget



Start -  
Completion  
Date

December  
2020 –  
September  
2021

- Project detail information must match application budget
- Each project must be budgeted separately in the application
- Locations and amounts must match
  - If amounts are not budgeted at school level; the expenditure per-pupil report may be skewed

Applicable requirements in 34 CFR section 76.600

Applicable requirements in 34 CFR sections 75.600–617

Applicable requirements in 2 CFR Part 200

Appendix II to Part 200 – Contract Provision for Non-Federal Entity Contract Under Federal Awards

- Form must be completed with all boxes checked and signed by the LEA's superintendent
- Any revisions to the construction project will require a revised ESSER II Construction Approval Form

# MCAPS Application Requirement

---

- Adhere to the [Accounting Manual for School Districts](#) for proper coding
- All budgeted construction item must have one of the following budget tag:
  - School facility repairs and improvements
  - Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities

- The ESSER II Construction Approval Form must be submitted in MCAPS along with the facility-related budgets. Construction project(s) will be reviewed and receive final approval within the MCAPS application.
  - Upload Form in MCAPS – ESSER II Application – Related Document

# Frequently Asked Construction Questions

---

# Was construction allowed under ESSER I?

---

No, school facility repair and improvements is only listed under ESSER II as an allowable activity.

# Can we use these funds to update our exterior doors and the electromagnetic locks (the badge system)?

---

No, this does not seem to be an expense that meets the intent of the program which is to prevent, prepare for, and respond to the pandemic.

**Should the architect for a project be paid from local funds since state purchase laws do not require them to be bid to engage? If so, is it ok to split fund, architect local and project from ESSER II?**

---

There is nothing in the law that would prevent the LEA from using multiple funding sources to support the project.

# Will lighting projects, window replacement and improving communication systems in each school be allowable?

---

All projects funded with ESSER must address how the LEA will prevent, prepare for, and respond to the pandemic. For example, window replacements to improve the air quality is an allowable activity with ESSER II.

# Would running a water line to a cafeteria to install a bottle filling station be considered construction?

---

Per the MS Code Section 31-7-1(e), running a water line to install a new bottle filling station would be a renovation to the building and deemed by state law to be a construction project.

# Does the Build American Act apply to construction with ESSER II?

---

The Build American Act is applied to the Department of Transportation. The federal grant programs are required to follow 2 CFR 200.322 “Domestic preferences for procurements” which requires the LEA to the extent practicable provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the US (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

# Will we be able to do some roofing work on our buildings?

---

All construction projects funded with ESSER II must address how the LEA will prevent, prepare for, and respond to the pandemic. The roofing repairs and replacement is normal maintenance of the building that would not meet the intent and purpose of the ESSER II program.

# Can we rework HVAC with ESSER II?

---

The upgrade of the HVAC system to improve the indoor air quality in school facilities is allowable under ESSER II.

# Can we use ESSER II funds to pay architect/engineer for bathroom renovation project?

---

Yes, this is allowable if the bathroom renovation project has been determined to be necessary to meet the intent of this program. See 2 CFR 200.320(b)(2)(iv) for specific procurement guidance.

# Would renovating an existing building to add classroom space in order to increase social distancing be allowable?

---

Yes, if the project address how the LEA prevent, prepare for, and respond to the pandemic.

# Some of our school buildings are old and dilapidated, can we use ESSER II funds to build a new school site?

---

The LEA will need to consider whether constructing a new site is more cost effective than leasing a building and if the new site will be completed and in use prior to the close of the grant period. Also, regardless of the source of funds, new school facilities shall not be constructed on any new site until the site has been submitted to and approved by the Mississippi Board of Education.

**If a school district is currently having a construction project and all federal laws are followed, except approval from the state, will the state approve the construction projects?**

---

Planning of the facility improvement or repair must have occurred on or after March 13, 2020. Costs for modifications (e.g., change orders) to facility projects that were planned prior to March 13 would also be allowed, provided the modification occurs on or after March 13 and it meets requirements of the ESSER program.

# Questions



Mary Knight – ESSER Accountant

[mknight@mdek12.org](mailto:mknight@mdek12.org)

Aisha McGee – ESSER Coordinator

[amcgee@mdek12.org](mailto:amcgee@mdek12.org)

Greg Smith – ESSER Data Collection & Reporting Coordinator

[gsmith@mdek12.org](mailto:gsmith@mdek12.org)



## Judy K. Nelson

Executive Director

Office of Federal Programs

[jnelson@mdek12.org](mailto:jnelson@mdek12.org)

## Elisha Campbell

Executive Director

Office of Grants Management

[ecampbell@mdek12.org](mailto:ecampbell@mdek12.org)

[mdek12.org](https://mdek12.org)



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

