



Q: Can ESSER II and III funds be used to improve ADA accessibility at the school? For example, can we add lifts or elevators to a third-floor space which isn't used much due to poor accessibility issues? This would provide additional options for social distancing?

A: The allowable uses of ESSER II and III funds is very broad. If a district is able to tie the use of the funds to COVID-19, it could be considered an allowable use of funds. If by renovating a section of the building, students are better able to social distance, this could be an allowable use of funds.

Q: Do the school facility repairs and improvements, such as HVAC air quality projects, need to be related to COVID-19? Also, does the acquisition of real property, construction, and renovation expenditures need to be COVID-related?

A: Yes, everything a district does with ESSER I, II and III funds needs to be justifiable to an auditor, to someone at the North Dakota Department of Public Instruction (NDDPI), or anyone who's questioning these funds as being COVID-related. A district must be able to document how all of these expenditures are COVID-related.

Q: We have been in school since August 19th. Do we still need a plan to come back?

A: Yes. Every district will be required to post a back-to-school plan on the district's website. Documents which were created when the district went back to face-to-face instruction may be utilized; however, an LEA must seek and incorporate public comment. All plans should address the procedures established for going back to school.

Q: Can ESSER funds be used towards construction of an entirely new school?

A: Maybe. The district must justify how the use of funds is COVID-related. In addition, federal rules regarding construction would apply.

Q: Can districts pay paraprofessionals as part of the 20% learning loss requirement?

A: Yes. A district may use ESSER I, II, and III funds to pay additional staff to work specifically with students who are struggling with learning loss, and it would count towards the mandatory 20% set-aside.

Q: Was an explanation provided by the United States Education Department as to why the original estimated allocations for ESSER II and III were reduced?

A: Estimates by the federal government should not be considered final until a funding act is signed by the president of the United States.

Q: Can ESSER funds be used to pay for Sylvan Learning programs?

A: Yes. Contracts with online providers or other educational providers in the community are an allowable use of ESSER funds.

Q: Does the requirement to spend 20% of a district's grant award on learning loss apply to both ESSER II and ESSER III?

A: ESSER II regulations do require a portion of the funds to be spent on learning loss but do not list a specific percentage. The ESSER III requirements state that 20% of a district's allocation must be utilized to address learning loss.

Q: Why is the ESSER II funding being detained in the North Dakota legislature when President Trump signed the bill on December 27, 2020 and the North Dakota legislative session didn't start until January 5, 2021?

A: All federal funding received by the state of North Dakota must go through an approval process. When the legislature is not in session, funding is approved by the Emergency Commission, which normally meets quarterly. Because the Emergency Commission was not scheduled to meet between December 27, 2020 and January 5, 2021, the funding went before the current legislative session to be approved.

Q: With the legislature investigating its ability to influence how ESSER funds are spent, will additional stipulations and requirements be added?

A: The North Dakota State Legislature, the NDDPI, and the school districts of North Dakota are all partners in this process. How districts spend federal money is a local decision made within federally mandated guidelines. Discussion at the state level has focused on how ESSER funds can be utilized to save state funds.

Q: Has there been any work on using the ARP funds for callable debt?

A: The NDDPI has had conversations with Aimee Copas of the NDCEL, Alexis Baxley with the North Dakota School Boards Association, as well as legislators regarding possible ways these funds can be spent. This is where the callable debt would come into play. ESSER funds cannot be used to directly pay for debt. Training on this topic will be forthcoming.

Q: Our district submitted a capital expense prior approval form, requesting approval to use ESSER II funds. Now our district would also like to use ESSER III funds for the same purchase; do we need to submit a new form?

A: The district does not need to submit a new form. Email [Lisa Johnson](#) with your request to utilize ESSER III funds as well and she will update the district's capital expense form to include ESSER III funds. If the project involves construction, provide a construction design or blueprint along with the

capital expense form. Construction projects require both state and federal approval (ESSER funds approval).

Q: Is updating a ventilation system and a purification system considered construction?

A: If a district is improving its real property, it would be considered construction or a capital expenditure if it exceeds the \$5,000 limit. Any expenditures over the \$5,000 limit and dated March 4, 2021 or later will require a capital expenditure approval form.

Q: For equipment purchases, is the \$5,000 limit per item or per type of equipment?

A: The limit would be per item.

Q: Do the new funds for special education go to school districts?

A: In North Dakota, IDEA dollars are allocated to the special education units. Spending decisions will be made by the special education units and their districts. Every year, IDEA gives out 619 and 611 grants. These funds provide services to students with disabilities ages 3 through 21. The new funding received under the ARP will provide additional special education money for 619 and 611 grants.

Q: Transportation is listed as a possible expenditure. Are districts able to use this money to purchase a bus?

A: Yes. Districts need to ensure that the purchase is COVID-related. A capital expense approval form would need to be submitted. Also, if federal funds are used to purchase a bus, when the bus is sold, the district must remit the sale proceeds back to the federal government.

Q: Would class size reduction count as a way to address learning loss?

A: Possibly. Since students will receive more services if there are less students in the classroom, this could potentially be a strategy to address learning loss.

Q: Would using ESSER dollars to provide additional staffing positions resulting in more classes being offered to students be an allowable way to address learning loss?

A: Yes. Any activity in which the district is able to provide more direct services to students would be an allowable activity.

Q: Are construction-related labor costs an allowable use of ESSER II and III funds?

A: Yes. The entire cost of installation and transportation related to the project would be an allowable use of funds. Keep in mind that federal rules relating to construction costs need to be adhered to.

Q: Would purchasing new curriculum be considered an allowable way to address learning loss?

A: This question has been submitted to the USED for their response. More information will be forthcoming once we hear back from the USED.

Q: Will any of the ESSER II and III funds be set aside for special governor grants (GEER) funding?

A: No. The GEERs grant was not provided under the American Rescue Plan.

Q: Can districts use ESSER II and III funds on projects which have already been approved by the state of North Dakota and already been bid out? This would save money from the district's building fund for future needs.

A: The initial construction approval process must fall after the date of March 13, 2020, to be considered eligible to be reimbursed with ESSER funds. Projects prior to the start of the pandemic are not eligible for reimbursement.

Q: Can districts give incentive pay to hourly staff?

A: When considering extra pay for hourly staff, caution must be used. Hourly staff would have already been paid for any extra hours they worked at the time they were incurred. One way districts might be able to provide extra pay to hourly staff would be to provide additional pay for having worked on-site during the pandemic.

Q: If a district would like to use federal funds to pay for construction, where should the required forms be submitted?

A: For capital expenses of \$5,000 or more, complete and submit the "Capital Expenses – Prior Approval Form" to [Lisa Johnson](#). For construction projects of \$150,000 or more, both the "Capital Expense – Prior Approval Form" and SFN 52304 "School Construction Approval Request Form" must be completed. SFN 52304 should be sent to [Adam Tescher](#).