



Recording & Reporting Federal Interest

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Federal Programs and Oversight

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Agenda

- Overview
- Navigating the ePlan Instrument
- Common Questions
- Checks for Understanding
- Resources & Closing



Overview: Reporting and Recording Federal Interest

Reporting & Recording Federal Interest

- Federally required
 - Regulations require LEAs with ESSER-funded construction projects, regardless of amount, to file an annual status report on each real property in which ED has an interest.
 - Additionally, projects funded by ESSER in the amount of *1 million dollars or more* must record a Notice of Federal Interest (NFI) in the official real property records for the jurisdiction in which the facility is located.



Source: [US Dept. of Education-Office of Elementary and Secondary Education](#)



The Why

- According to ED, these longstanding requirements:
 - 1) Help ensure that a facility can continue to be used for educational purposes after a grant has ended,
 - 2) Establish the level of public investment in the facility that may be recouped if the property is subsequently transferred to private ownership, and
 - 3) Promote nondiscrimination, including accessibility, while the property is used for a grant's educational purpose.

Source: [KY Dept. of Education](#)



What is federal interest?

- Essentially, federal interest refers to the portion of the property's value that is attributable to federal funding.
 - **Percentage of Federal Participation:** This is the ratio of federal funds used in the total cost of the property or improvement.
 - **Current Fair Market Value:** This is the present value of the property, considering any improvements made.
 - [2CFR § 200.330](#)
- Real Property:
 - land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment. ([2 CFR § 200.1](#))
 - Moveable equipment could include HVAC equipment, mobile classrooms, building furniture, and other similar items.

Reporting: What does this mean for your LEA?

- Did the LEA use ESSER funds on a renovation, major remodeling, construction, or real property project?
 - **Yes!**
 - The LEA must file an annual report on the status of each real property in which ED retains an interest (i.e., each property on which ESSER-funded construction is in process or has been completed). ([2 CFR § 200.330](#))
 - **No.**
 - Reporting and recording federal interest is not required.
- Were these federal funds combined with another funding source?
 - **Yes!**
 - If federal funds, *regardless of amount*, were used for any part, the reporting requirement still applies.



Recording: What does this mean for your LEA?

- Did the individual project(s) cost total \$1 million or more?
 - **Yes!**
 - The LEA must record the notice of Federal interest (NFI) in the official real property records for the jurisdiction in which the improved or purchased property is located.
 - **No.**
 - Recording is likely not required, *unless*:
 - ESSER funds represent “the vast majority” of the total value (such as a building with a total value of \$1.5 million that used \$900,000 in Federal funds),
 - ED determines that an LEA is in high-risk status, they may require an NFI to be recorded (to protect the Federal interest from other liens that could prevent the building from being used for its educational purpose), or
 - the Federal interest in the project is insignificant but the project is (even slightly) above \$1 million (such as a building with a total value of \$100 million that used \$1,000,005 in ESSER funds).



Recording and Reporting: How To

- How to *record* an NFI

- There is no specific form provided to record an NFI. Since NFIs must be filed in the jurisdiction in which the facility is located, LEAs should contact their local register of deeds or other applicable government office to determine what must be provided to record property interests. *

- How to *report* federal interest:

- Minimum of 2 reports:

- 1) [A Real Property Status Report \(Cover Page\) \(SF-429\)](#)- **Required ****
- 2) [A Real Property Status Report ATTACHMENT A \(General Reporting\) \(SF-429A\)](#)- **Required ****
- 3) [A Real Property Status Report Attachment C \(\(Disposition or Encumbrance Request\) \(SF-429C\)](#)
 - a) Only to be used when there is a real property disposition ([2 CFR §§ 200.310-200.313](#))
 - b) LEAs may be required to repay funds based on ED's percentage of participation in the cost of the original purchase.

* Sample notices of federal interest are linked on the resources page

** When downloading these files there are detailed instructions available as well



Recording and Reporting: How To

- Where:
 - ePlan > Data & Information > 2025 > **ESSER Recording & Reporting Federal Interest**
- LEAs must attest to the following:
 - The LEA used ESSER funds in part or whole for construction, major remodeling, renovation, or real property.
 - If yes, then
 - The LEA had at least one project totaling \$1 million or more that was funded by ESSER.
 - If yes, then
 - The LEA assures that any projects totaling \$1 million or greater with ESSER funds have been properly recorded with the applicable government office within their jurisdiction.
- When:
 - Opens **Oct. 9, 2024**
 - Due no later than **Dec. 20, 2024**
- How often:
 - LEAs or other subgrantees must annually report on the status of a renovation, major remodeling, construction, or real property project for **at least the first 15 years** after a project is funded and for which a Federal Interest is retained.



Navigating the ePlan Instrument

Navigating the ePlan Instrument

- Beginning on **Oct. 9, 2024**
- Navigate to Data and Information
- Select Fiscal Year 2025
 - ESSER Reporting and Recording Federal Interest

Fiscal Year:

Data and Information:

- ESSER Reporting and Recording Federal Interest
- Extended Learning Mid-Year Report
- Federal Program Waiver Request
- Grant Award Notifications
- IDEA Parentally Placed Non-Public School Reserve Calculation

- ePlan Home
- Search
- Reports
- Inbox
- Planning
- Monitoring
- Funding
- Data and Information**
- Reimbursement Requests
- Project Summary
- LEA Document Library
- Address Book
- TDOE Resources
- Help for Current Page
- Contact TDOE



Navigating the ePlan Instrument

- Select **Draft Started** and navigate to the Cover Page
- Complete all sections of the Cover Page
 - LEA Information
 - Director of Schools
 - ESSER Point of Contact

LEA Information
* Name
<input type="text"/>
* Official Address
<input type="text"/>

Director of Schools
* Name
<input type="text"/>
* Email
<input type="text"/>

ESSER Point of Contact
* Name
<input type="text"/>
* Job Title
<input type="text"/>
* Email
<input type="text"/>

Status:	Not Started
Change Status To:	<input type="text" value="Draft Started"/>
View Change Log	
Delete this Data and Information Revision	
Description (View Sections Only View All Pages)	
All	
<input type="checkbox"/>	History Log
	History Log
	Create Comment
<input type="checkbox"/>	Reporting and Recording Federal Interest
	<input type="text" value="Cover Page"/>
	Reporting and Recording Federal Interest
	Related Documents

Recording and Reporting Federal Interest: ePlan

- Navigate to the Reporting and Recording Federal Interest section
 - Select Yes or No in response to each question

Reporting and Recording Federal Interest	
LEAs or other subgrantees must annually report on the status of a renovation, major remodeling, construction, or real property project for at least the first 15 years after a project is funded and for which a Federal Interest is retained.	
* Did the LEA use 2.0 or ESSER 3.0 funds in part or whole for construction, major remodeling, renovation, or real property.	
<input type="checkbox"/>	No, the LEA did not use ESSER 2.0 or ESSER 3.0 funds in part or whole for construction, major remodeling, renovation, or real property.
<input type="checkbox"/>	Yes, the LEA used ESSER 2.0 or ESSER 3.0 funds in part or whole for construction, major remodeling, renovation, or real property.
* Did the LEA have at least one project totaling \$1 million or more that was funded by ESSER 2.0 or ESSER 3.0.	
<input type="checkbox"/>	No, The LEA did not have at least one project totaling \$1 million or more that was funded by ESSER 2.0 or ESSER 3.0 .
<input type="checkbox"/>	Yes, the LEA had at least one project totaling \$1 million or more that was funded by ESSER 2.0 or ESSER 3.0.

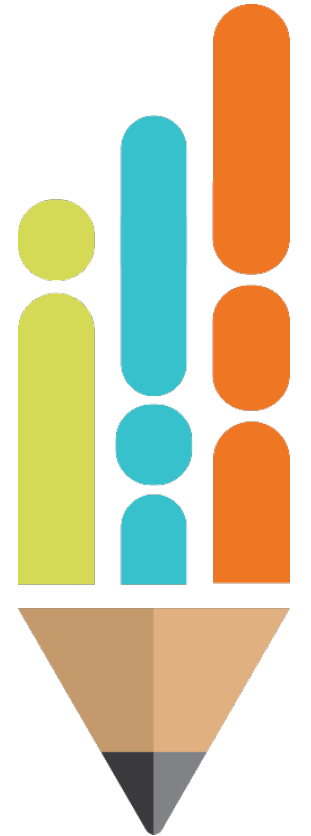
- **Note:** If the LEA selected Yes to the question, “Did the LEA have at least one project totaling \$1 million or more that was funded by ESSER 2.0 or ESSER 3.0?” they must attest to the following:
 - The LEA assures that any projects totaling \$1 million or greater with ESSER funds have been properly recorded with the applicable government office within their jurisdiction.



Required Documentation: ePlan

- Navigate to the Related Documents section
 - Upload all required documentation
 - A minimum of two (2) reports are required:
 - [A Real Property Status Report \(Cover Page\) \(SF-429\)](#)- **Required**
 - [A Real Property Status Report ATTACHMENT A \(General Reporting\) \(SF-429A\)](#)- **Required**
 - [A Real Property Status Report Attachment C \(\(Disposition or Encumbrance Request\) \(SF-429C\)](#)
 - » Only to be used when there is a real property disposition ([2 CFR §§ 200.310–200.313](#))
 - » LEAs may be required to repay funds based on ED's percentage of participation in the cost of the original purchase.

Type
(ESSER-FedInt) A Real Property Status Report (Cover Page) (SF-429)
(ESSER-FedInt) A Real Property Status Report ATTACHMENT A (General Reporting) (SF-429A)
(ESSER-FedInt) A Real Property Status Report Attachment C (Disposition/Encumbrance)(SF-429C) ⓘ



Submitting the ePlan Instrument

- Have all sections of the Cover Page been completed?
- Has the LEA responded to each question in the Recording and Reporting section?
 - Has the LEA completed the necessary assurances?
- Has all required documentation been uploaded?
- Have all the necessary LEA personnel reviewed and approved the instrument?
 - The instrument must be submitted as **LEA Authorized Representative Approved** on or before **Dec. 20, 2024**.



Common Questions



One Location, Multiple Projects

- What if there are multiple projects for one building? For example, a building had three separate projects; no single one was over \$1 million, but all three combined were. Does the LEA record or not?
 - The guidance says “a project” of \$1 million or more. However, the NFI reporting requirements only ask for the award number and property identification. Because ED and the Department of Labor (DOL) have been critical of breaking down projects to avoid the Davis-Bacon Act (DBA), we would apply the same logic here. If it is multiple projects on the same property all paid with one cost (e.g. ESSER), and they total \$1 million or more, we recommend that it be recorded to avoid any potential finding. We would lean towards recording since it is about the total value credited to the federal government.

Source: [KY Dept. of Education](#)



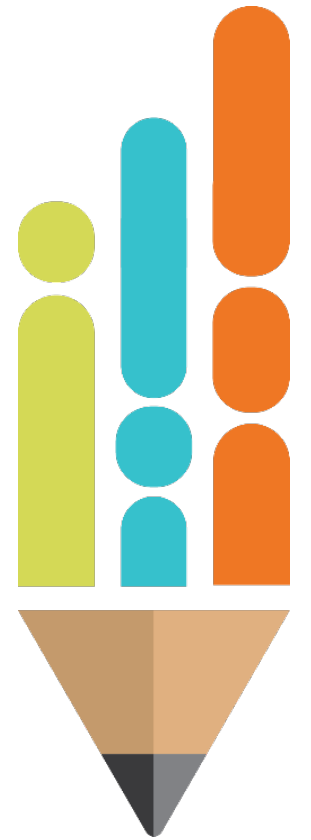
Separate or Combine?

- An LEA had multiple HVAC projects across the district. Would this be separate reports for each building or one report for the district since they were bid under one contract?
 - Because the NFI guidance is broken down by property, the department takes the position that each property represents a different project and could be considered separately. So, there is flexibility here either way.
 - **However**, combining projects not on the same property may make responding to parts of the required reports more difficult.



Additional Questions

- Our LEA used a combination of ESSER funds and state and local funds for a capital project. Do we still need to report?
 - Yes. The reporting requirement still applies if federal funds, regardless of amount, were used for any part.
- Our LEA has a charter school that used ESSER funds for a capital project. Who is responsible for recording and/or reporting for charter schools?
 - The LEA is responsible for recording and/or reporting any capital projects by charter schools using ESSER funds.



Checks for Understanding



How many reports are required for LEAs?

- A. 2
- B. 3
- C. 4
- D. None are required, only recommended





Where and by what date should LEAs upload the required reports to ePlan for federal interest?

- A. LEA Document Library; **Sept. 30, 2024**
- B. LEA Document Library; **Dec. 20, 2024**
- C. Data and Information; **Dec. 20, 2024**
- D. Email to relief funding coordinator; **Dec. 20, 2024**





LEAs with projects over \$1 million are required to file a Notice of Federal Interest (NFI).

- True
- False





The form for filing a NFI is in the ePlan instrument.

- True
- False





The reporting and recording requirement must be completed for at least the first:

- A. 5 years
- B. 7 years
- C. 10 years
- D. 15 years





Your LEA has 3 buildings with HVAC projects. Each project costs \$400,000.

- Must these projects be reported?
 - Yes
 - No
- Must these projects be recorded?
 - Yes
 - No



Resources & Closing

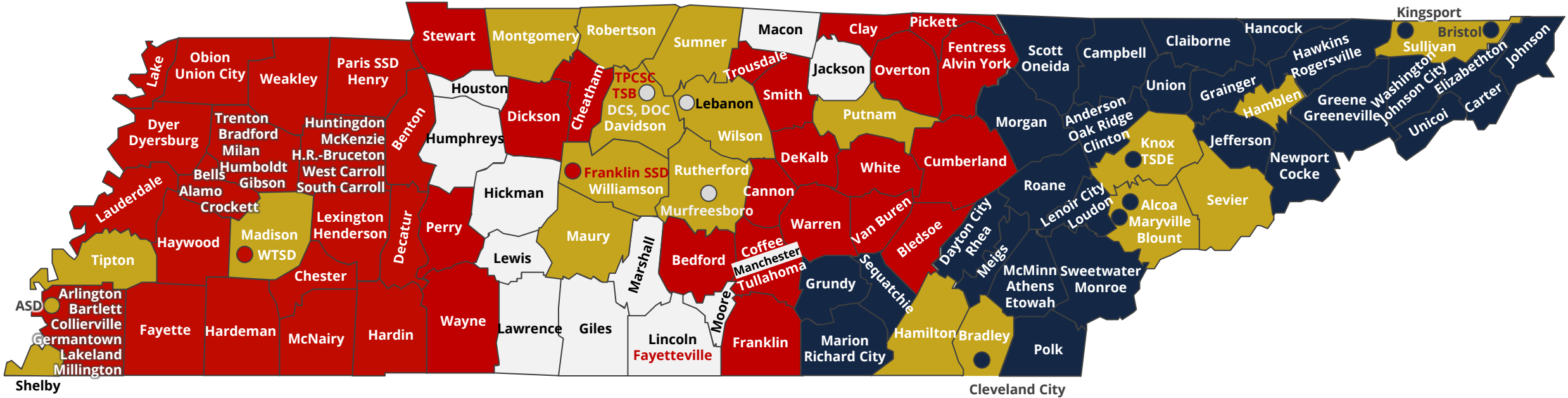
Resources

- ePlan > [TDOE Resources](#) > Relief Funding > ARPA Act/ESSER Fund 3.0
- [ESSER Recording and Reporting Federal Interest Quickguide](#)
- [ESSER Recording and Reporting Federal Interest FAQ](#)
- [ED Guidance- Recording and Reporting Federal Interest](#)
- [Post Award Reporting Forms](#)
- [Tennessee Department of Education Equipment & Capital Expenditure Q & A](#)
- [A Real Property Status Report \(Cover Page\) \(SF-429\)](#)
- [A Real Property Status Report ATTACHMENT A \(General Reporting\) \(SF-429A\)](#)
- [A Real Property Status Report Attachment C \(\(Disposition or Encumbrance Request\) \(SF-429C\)](#)
- [Sample Notice of Federal Interest- Rural Development, USDA](#)
- [Sample Notice of Federal Interest- Bureau of Primary Health Care](#)



FPO Divisional Coordinator Map for ESSER Funds

(effective July 1, 2024)



West

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Middle

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East

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20 Districts with Largest Enrollment

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West Julia Hudson	
Alamo	Arlington
Bartlett	Bells
Benton	Bradford
Chester	Collierville
Crockett	Decatur
Dyer	Dyersburg
Fayette	Germantown
Gibson	Hardeman
Hardin	Haywood
Henderson	Henry
Hollow Rock	Humboldt
Huntingdon	Lake
Lakeland	Lauderdale
Lexington	McKenzie
McNairy	Milan
Millington	Obion
Paris	South Carroll
Trenton	Union City
Weakley	West Carroll
WTSD	

Middle Julia Hudson	
Alvin C. York	Bedford
Bledsoe	Cannon
Cheatham	Clay
Coffee	Cumberland
DeKalb	Dickson
Fayetteville	Fentress
Franklin	Overton
Perry	Pickett
Smith	Stewart
TN Public Charter	TSB
Trousdale	Tullahoma
Van Buren	Warren
Wayne	White
Middle Jerri Beth Nave	
Giles	Hickman
Houston	Humphreys
Jackson	Lawrence
Lebanon	Lewis
Lincoln	Macon
Manchester	Marshall
Moore	Murfreesboro

East Jerri Beth Nave	
Alcoa	Anderson
Athens	Bristol
Campbell	Carter
Claiborne	Cleveland
Clinton	Cocke
Dayton	Elizabethton
Etowah	Grainger
Greene	Greeneville
Grundy	Hancock
Hawkins	Jefferson
Johnson City	Johnson
Kingsport	Lenoir
Loudon	Marion
Maryville	McMinn
Meigs	Monroe
Morgan	Newport
Oak Ridge	Oneida
Polk	Rhea
Richard	Roane
Rogersville	Scott
Sequatchie	Sweetwater
TSD	Unicoi
Union	Washington

Top 20 Jerri Beth Nave	
ASD	Blount
Bradley	Davidson
Hamblen	Hamilton
Knox	Madison
Maury	Montgomery
Putnam	Robertson
Sevier	Shelby
Sullivan	Sumner
Tipton	Williamson
Wilson	





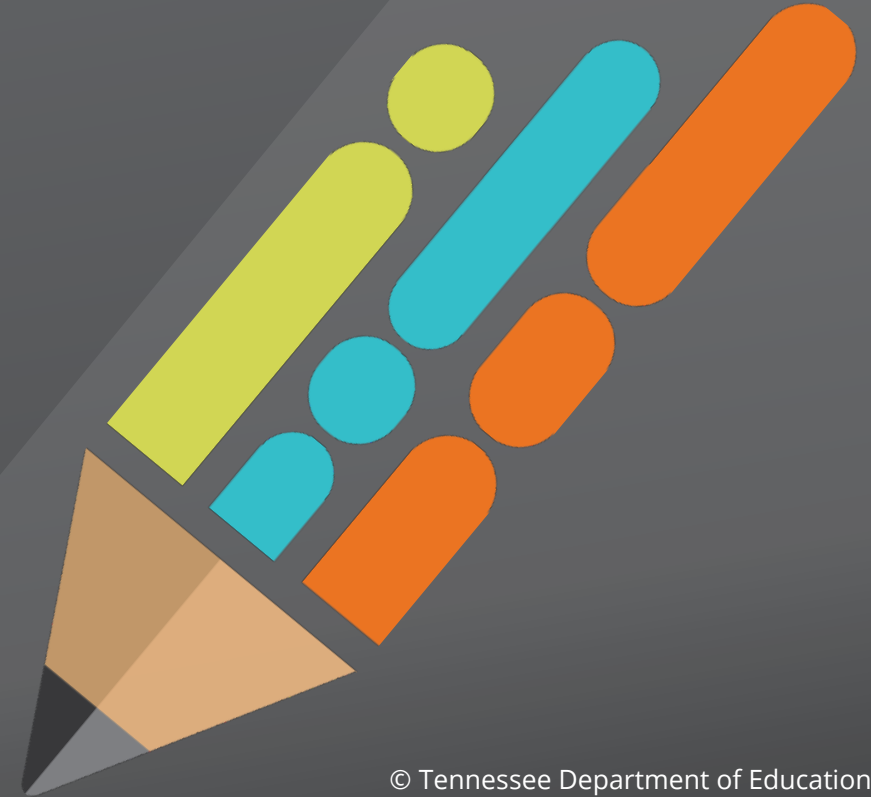
Thank You!

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Please Share your Feedback:

https://stateoftennessee.formstack.com/forms/fpo_professional_development_survey



Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

<http://www.comptroller.tn.gov/hotline>