

January 21, 2022

Dear Grantees,

The U.S. Department of Education is aware that a number of States have unobligated Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, Emergency Assistance to Non-Public Schools (EANS) funds that will revert to the Governor for allowable uses under the CRRSA Governor's Emergency Education Relief (GEER II) program. This letter provides information on how States should proceed with these funds once they revert to the Governor.

These funds are available for obligation through September 30, 2023, and are not subject to the same one-year deadline to award funds as the GEER II program (see section 312(f) of the CRRSA Act). In addition, States will need to provide data on the uses of the reverted EANS funds in the EANS Annual Performance Report. The funds may be administered by the Governor's office or by an administering state agency (via a memorandum of understanding, interagency agreement, or other formal agreement).

Reverted CRRSA EANS funds may be used for any authorized use under the GEER II program, which includes support for public schools, institutions of higher education, and education-related entities, including non-public schools. Further, as noted in the Elementary and Secondary School Emergency Relief (ESSER) and GEER Use of Funds FAQs, any allowable activity under the ESSER program is an allowable activity under GEER II.

A State considering the use of the reverted EANS funds to provide support or services to non-public schools may do so in several ways, including directly by the Governor or SEA, through contract with a third-party or by subgrant to a non-public school. A non-public school that receives a subgrant directly under the GEER II program is a recipient of Federal financial assistance from the Department and subject to the laws and regulations that apply to recipients, including Federal civil rights laws enforced by the Department's Office for Civil Rights. These include laws prohibiting discrimination on the bases of race, color, national origin, sex, disability, and age. The school would also generally become subject to the Department's jurisdiction for purposes of enforcing those laws.

If a State has questions about the administration of reverted CRRSA EANS funds or would like to discuss other options, please contact your program officer in the Office of State and Grantee Relations at [State].oese@ed.gov

In Partnership,
The Office of State & Grantee Relations