



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 27, 2023

Dear Governor,

We are reaching out to you in your role as the grantee under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) and American Rescue Plan Act of 2021 (ARP Act) Emergency Assistance to Non-Public Schools (EANS) programs. Under both the CRRSA and ARP EANS programs, the Governor is the grantee, while the State educational agency (SEA) is responsible for administering the programs. Specifically, we want to share information with you regarding unobligated EANS funds that must revert to the Governor and be used for allowable purposes under the Governor's Emergency Education Relief (GEER) program as authorized under the CRRSA Act.

Under section 312(d)(6) of the CRRSA Act, an SEA that has implemented the EANS program in compliance with section 312(d)(2) but has unobligated EANS funds remaining after 6 months of receipt must return such funds to the Governor to use for any authorized purpose under section 312(c). Among other allowable purposes, a Governor may use returned EANS funds to provide support to local educational agencies and institutions of higher education that have been most significantly impacted by COVID-19 and to provide support to other education-related entities that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 313(d)(1) of the CRRSA Act. Please review the [GEER Fund Frequently Asked Questions](#) (FAQs) and the updated [ESSER and GEER Use of Funds FAQ](#) document for more information on the allowable uses of funds under GEER.

SEAs have taken a variety of approaches in obligating EANS funds for services or assistance to non-public schools. Some SEAs entered into a contract with a third party, such as a regional educational service agency, and obligated all EANS funds within the 6-month timeframe. Other SEAs are directly administering the program and providing services and procuring equipment or supplies for non-public schools. For SEAs that are directly administering the program, once those SEAs have received applications from non-public schools, determined the eligibility of the schools, and obligated EANS funds for all requested allowable services or assistance, any unobligated EANS funds must revert to the Governor, consistent with section 312(d)(6) of the CRRSA Act. In addition, the Department has communicated to SEAs that obligated all EANS funds via a third-party contract that they need to monitor those contracts to determine if all funds will be needed for services or assistance to non-public schools so that any unneeded funds can be de-obligated from the contract and reverted to the Governor in a timely manner. Reverted

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access

CRRSA EANS funds are available for obligation by the Governor until September 30, 2023, while reverted ARP EANS funds are available for obligation until September 30, 2024. SEAs that are ready to revert funds should contact the Department, if they have not already, so that we can discuss next steps.

The Department recommends that each Governor reach out to the State's SEA to check on the status of funds under the EANS programs, including the obligation of both CRRSA and ARP EANS funds. As the EANS grantee, the Governor's office should work with the SEA to ensure that the SEA is in compliance with the requirements of the CRRSA and ARP EANS programs and that any unobligated EANS funds are reverted to the Governor in a timely manner that allows for the funds to be utilized prior to the end of the period of performance.

Please do not hesitate to send any questions you may have to your State mailbox at [*State name*].oese@ed.gov.

Sincerely,

Laura Jimenez

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Office of Elementary and Secondary
Education
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