

July 21, 2021

Dear Grantee,

Under the Emergency Assistance to Non-Public Schools (EANS) program, as authorized by the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), a State educational agency (SEA) must obligate EANS program funds to provide services or assistance to non-public schools in the State not later than six months after the date that a Governor received an EANS award (see section 312(d)(2)(B)(v) of the CRRSA Act). Under section 312(d)(6) of the CRRSA Act, if an SEA complies with the provisions of section 312(d)(2) but has unobligated funds remaining six months after receiving the EANS award, then the SEA must return unobligated funds to the Governor, to use for any authorized use under section 312(c) of the CRRSA Act, which is the authority for the Governor's Emergency Education Relief (GEER II) Fund.

If the SEA has approved applications from non-public schools and is in the midst of fulfilling approved requests of non-public schools at the six-month mark, then the SEA should continue with the process in order to fully implement the EANS program (see FAQ B-10). An SEA should also ensure that it has made available to non-public schools the full range of services or assistance, including if the SEA estimated non-public school "allocations" that led the non-public schools to believe there was a limit on the amount of services or assistance they could request. If an SEA has unobligated EANS funds at the six-month mark, we request that the SEA communicate with the Department before returning funds to the Governor. In that communication, the SEA should provide information on the timeline for obligating its EANS funds as well as the amount of funds the SEA anticipates it will have to return to the Governor. The Department will schedule a call with the SEA to support the SEA in ensuring that it is in compliance with the CRRSA Act before returning funds to the Governor.

If an SEA has fully implemented the EANS program, has unobligated funds, and has communicated with the Department, then it should communicate with the Governor's Office to inform them of the remaining funds. The SEA should also communicate with its EANS program officer to ensure the Governor has access to the unobligated funds in the Department's Grants Management System (G5). The unobligated funds will be available to the Governor for obligation for allowable uses under the GEER II Fund until September 30, 2023. Accordingly, the Governor would not need to award the returned EANS funds within one year of receipt or return them to the Department.

Please let us know if you anticipate having unobligated EANS program funds available at your six-month mark and also if you have any other questions. Your State mailbox is the best email address: [\[State\].oese@ed.gov](mailto:[State].oese@ed.gov).

In partnership,

State and Grantee Relations