

June 12, 2024

To: ARP ESSER and ARP EANS grantees

From: Office of State and Grantee Relations

Subject: ARP ESSER and ARP EANS obligation deadlines and liquidation extensions

ARP Act Obligation Deadlines

The Department has received inquiries from grantees about the September 30, 2024, obligation deadline for the Elementary and Secondary School Emergency Relief (ESSER) and Emergency Assistance to Non-Public Schools (EANS) funds under the American Rescue Plan (ARP) Act. **As a reminder, all ARP ESSER and ARP EANS funds, including reverted ARP EANS funds, must be obligated by September 30, 2024.** While the Department has communicated Tydings waiver information for the consolidation of certain State-level administrative funds, grantee and subrecipient ARP ESSER and ARP EANS program funds may not be obligated beyond September 30, 2024. For additional information regarding the Tydings Waiver for Consolidated Administrative funds, please reference the [Dear Colleague letter](#), [FAQs](#), and [webinar presentation](#) from earlier this year.

In light of the upcoming deadline, grantees have asked if funds that were previously committed for an allowable activity but are no longer needed for that purpose can be obligated for another allowable purpose. If a State educational agency (SEA), Governor, or subrecipient, including an LEA, has obligated ARP ESSER or ARP EANS funds for an allowable activity and finds that some of the obligated funds will not be needed for that activity, the SEA, Governor, or subrecipient may de-obligate those funds so that they may be used for another allowable activity, provided the funds are obligated by the September 30, 2024, obligation deadline. However, grantees and subrecipients must continue to meet any required reservations of funds or SEA administrative cost limits.

Specific to the funds the SEA reserved under ARP ESSER (SEA Reserve), if the funds are no longer needed for the original intended purpose for which the SEA planned to use those funds, the SEA may identify different allowable uses for those funds to ensure they are obligated by September 30, 2024. As a reminder, a State must seek an amendment if it plans to implement different or additional evidence-based interventions than those currently described in Sections D.1, D.2, or D.3 of its ARP ESSER State plan. States are not required to submit amendments related to uses of funds set aside for emergency needs as described in Section D.4. For more information about the process for submitting an amendment, please refer to the Department's September 19, 2022, [communication to Chief State School Officers](#). Amendments to ARP ESSER State plans must be submitted **as soon as possible**.

Specific to the ARP EANS funds that were obligated by the SEA for services and assistance to non-public schools, any unobligated EANS funds must revert to the Governor, consistent with section 312(d)(6) of the CRRSA Act. SEAs that obligated all ARP EANS funds via a third-party contract should monitor those contracts to determine if all funds will be needed for services or assistance to non-public schools. If an SEA determines that not all previously obligated funds will be needed for services or assistance to non-public schools, the SEA should work with the Governor's office to de-obligate (as necessary) the unneeded funds and revert them to the Governor in a timely manner. Reverted ARP EANS funds are available for obligation by the Governor until September 30, 2024.

The State or SEA should work with its subrecipients under each program to ensure they are able to obligate all of their ARP ESSER and EANS funds, including any reverted funds, by the September 30, 2024, obligation deadline. Further, unless the grantee has submitted and received approval for a liquidation

extension, all funds must be liquidated within 120 calendar days after the close of the obligation period, or by January 28, 2025, per 2 CFR § 200.344(b).

ARP Act Liquidation Extensions

The Department has the authority to approve liquidation extension requests based upon the specific facts and circumstances of a given obligation and upon written request of a grantee on behalf of itself or its subrecipients, in accordance with 2 CFR § 200.344(b), so long as a timely and valid obligation has been made pursuant to 34 C.F.R. § 76.707. If approved, grantees may have up to 18 months beyond the obligation deadline to liquidate funds. On January 9, 2024, the Department released an [updated ARP Act Liquidation Extension Request template](#) for grantees to utilize in the event that an extended liquidation period is needed by the grantee or its subrecipients.

Grantees may submit requests as soon as data are available to inform a complete and comprehensive request. A completed request should reflect a forecast of funds to be liquidated during the extension period for both the State and its subrecipients. The Department will not accept partial requests; however, a State may submit an amendment to its approved request after the regulatory obligation or liquidation deadlines as updated data become available. The Department recommends submission prior to December 31, 2024, for ARP Act funds to minimize disruption in accessing funds in the G6 grants management system. Requests received after this date will still be reviewed.

As a reminder, any grantee that intends to submit an ARP Act liquidation extension request for itself or its subrecipients must complete a request template detailing the grantee and subrecipient funds included in the request and provide a signed attestation from an authorizing official. Additionally, the grantee must provide a cover letter that explains how the ARP ESSER or ARP EANS liquidation extension request contributes to the acceleration of academic success for students.

The Department has provided technical assistance for the ARP Act liquidation extension request submission process, which is available on the [ESSER](#) and [EANS](#) program resources websites. The Department has also updated the technical FAQs for the ARP Act liquidation extension process, [attached here for reference](#). Grantees may send questions about completing a liquidation extension request to their State mailbox ([*StateName*].*OESE@ed.gov*).

In partnership,
Office of State and Grantee Relations