

Congress of the United States

Washington, DC 20515

November 10, 2022

The Honorable Miguel Cardona, Ed. D.
Secretary of Education
United States Department of Education
Washington, D.C. 20202

Dear Secretary Cardona:

We are writing today to request the Department of Education (Department) to issue guidance quickly on how school districts can utilize late liquidation flexibility under the American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) Fund to ensure construction and HVAC projects, mental health supports and learning recovery and tutoring programs can continue to be funded through December 2026. The requested extension to liquidate the ARP ESSER funds is necessary to allow school districts to maximize ESSER's impact, address significant academic and social-emotional health needs for students, and implement sustainable projects with this one-time funding distribution.

The January 2025 liquidation deadline for ARP ESSER funds has been one of the biggest challenges facing school district finance leaders regarding the management of ARP ESSER funds and in particular, has hampered efforts by districts to invest in major facility upgrades that are critical to student health and learning. As a result of inflation, labor shortages, and supply chain delays, school districts across the country have postponed their originally planned construction projects and many districts face the threat of the funding expiring before they can make the needed facility upgrades. The tight timeline has been particularly challenging for smaller, rural school districts that may not have the flexibility in the choice of contractors or materials and face competition between surrounding school districts who are all considering facility upgrades at the same time.

If the timeline for the ARP ESSER fund is not extended, then crucial school facility upgrades to protect the health and safety of students and educators may not be possible for school districts across the country. Improved school facilities will not only assist in improving learning and teaching conditions for students and educators, but also allow our schools to continue to be a hub of community life.

Another important reason to issue flexible liquidation guidance for ARP funding is related to the significant academic and social-emotional needs of students. Recent state and national assessment data demonstrates that learning recovery efforts must be extended--not artificially cut short. Districts that want to utilize ARP money to extend tutoring contracts, curriculum purchases, and continue delivering mental health supports and telehealth services to students, should be able to do so with ease. Our students continue to need more supports--not fewer.

A recent survey by AASA, The School Superintendents Association found that the top three ARP spending priorities for district leaders were expanding summer learning and enrichment offerings, adding specialist staff such as mental health personnel, and reading specialists and investing in high quality instructional materials and curriculum.¹ As states and schools continue to address the challenges of the COVID-19 pandemic to meet the

¹ The School Superintendents Association. (July 2022). *School District Spending of American Rescue Plan Funding Part III*. https://aasa.org/uploadedFiles/ARP_Survey_Findings_Part3.pdf

needs of their students and teachers, the ESSER program has provided vital resources to classrooms across the country. Additional time to liquidate the ARP ESSER funding ensures that districts can maintain the critical pandemic-related services students require to overcome the challenges of the past three academic years.

While we lacked information about what student learning loss would look like when ARP was signed into law in March 2021, we are now 18 months since the passage of the law and have access to a litany of data about not only what schools and students need, but also what is working. Given the crucial need to meet the immediate needs of students and to address the long-term impacts of the pandemic on academic growth and student mental health, we urge the Department to use its liquidation authority to issue streamlined, flexible guidance to State Education Agencies in the next 60 days and provide districts with a process for extending their service contracts through December 31, 2026.

Thank you for your consideration in this important manner for students and educators across the country.

Sincerely,



Ann McLane Kuster
Member of Congress



Peter Welch
Member of Congress



Josh Gottheimer
Member of Congress



Tom O'Halleran
Member of Congress



Dwight Evans
Member of Congress



David J. Trone
Member of Congress