

# Questions and Answers: Emergency Assistance to Non-Public Schools (EANS) Program

## Purpose

### 1. *What is the purpose of the EANS program?*

The purpose of the EANS program is to provide services or assistance to eligible non-public schools to address educational disruptions caused by COVID-19. By creating a separate reservation of funds for this purpose, Congress reiterated the need for non-public schools to participate in emergency education relief programs by establishing a separate program under the Governor's Emergency Education Response (GEER) Fund 2.0. The authorizing legislation is Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act § 312, 2021 was signed into law on Dec. 27, 2020.

## Administration

### 2. *Who is responsible for administering the EANS program?*

The department of education in a state in which the Governor receives an EANS award is responsible for administering the EANS program. However, the Governor remains the grantee and is responsible for oversight, including that the department implements the program consistent with all relevant requirements. Additionally, the statute requires Governors to consult with state education agencies (SEAs) in carrying out this responsibility. The state education agency (SEA) in Tennessee is the Tennessee Department of Education (department).

## Eligibility

### 3. *Who is eligible for the EANS program?*

An eligible non-public school is defined as an elementary or secondary school that

- (1) is non-profit;
- (2) is accredited, licensed, or otherwise operates in accordance with State law;
- (3) was in existence prior to March 13, 2020, the date the President declared the national emergency due to COVID-19; and
- (4) did not, and will not, apply for and receive a loan under the Small Business Administration's Paycheck Protection Program (PPP) (15 U.S.C. 636(a)(37)) that is made on or after Dec. 27, 2020. A state education agency (SEA) must prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19.

### 4. *If a school has accepted a loan from the first Paycheck Protection Program (PPP), does this exclude them from applying for GEER funds?*

No. If a school accepted a loan during the first PPP before Dec. 27, 2020, the school **can** apply for the EANS program under the GEER 2.0 fund if it meets the other eligibility criteria.

## Application

### 5. *How do I apply for the EANS Program? Updated March 25, 2021*

To apply, non-public schools must complete the following: (1) submit the *Intent to Participate* form to inform the department that the school intends to participate, (2) submit the *Addendum* to the Intent to Participate form, and (3) complete the EANS Program application through the ePlan platform.

## 6. *What is ePlan?*

ePlan is the department's online eGrants platform that provides schools (i.e., traditional, charter, and non-public), local educational agencies (LEAs), and community based organizations (CBO) the ability to access school and district plans, funding applications, and monitoring tools. The EANS program application will be embedded in ePlan. To complete the application in ePlan non-public school users must fill out the [ePlan user access form for Non-Public Schools](#).

## 7. *When will the EANS application be available?*

The department plans to open the application process for non-public schools on Feb. 24, 2021. Schools will have 30 days to complete and submit the application, with an application deadline of March 28, 2021. The department will work to review all applications within 30 days. Once the non-public school's application is approved, the school can begin the reimbursement process. A clearer breakdown of this timeline is below:

### **EANS Application Timeline**

- **Feb. 5:** *Intent to Participate form due back to the department*
- **Feb. 8:** [ePlan User Access Forms for Non-Public Schools](#) sent to schools
- **Feb. 18:** *ePlan User Access Forms due back to the department*
- **Feb. 23:** Webinar on how to use ePlan and complete the application
- **Feb. 26:** Application opens
- **March 28:** Application due to department
- **April 12:** First round reviews completed for all applications
- **April 28:** All applications reviewed and approved
- **Early May:** Allocations available for purchase and reimbursement requests to the department

## 8. *Will non-public schools be required to provide anything else to apply?*

Non-public schools must provide a **current W-9 IRS form** and the non-public schools **Dun & Bradstreet DUNS number**. This information was requested with the *Intent to Participate* form. Schools that were unable to provide these in time to include with the *Intent to Participate* form must provide them to the department via email as soon as possible to [Private.Schools@tn.gov](mailto:Private.Schools@tn.gov), and before submitting the application.

The [ePlan user access form for Non-Public Schools](#) is due by Feb. 18. The head of school and any non-public school users who will be contributing to the EANS Application must submit this form to be assigned the correct ePlan user access.

With the EANS application itself, non-public schools are also required to provide evidence of the source and process the school used to determine poverty data, and the printed and signed copy of the *Intent to Participate* form that was attached to the submission confirmation email.

## 9. *If there is a governing authority over a group of non-public schools, can this organization submit an application on behalf of its member schools? Updated March 25, 2021*

Yes. An SEA may permit an organization that has governing authority over a group of non-public schools to submit an application on behalf of its member schools.

## Data

### **10. What data is being requested of a non-public school to provide in its application regarding the number and percentage of students from low-income families enrolled in the non-public school? *Updated March 25, 2021***

Non-public schools will be asked to provide the total number of students enrolled in the school in March of the 2019-20 school year, along with the number who were at or below the 185% poverty level. The CRRSA Act does not prescribe what poverty data a non-public school must use in its application.

Therefore, a non-public school can use existing data. Possible existing data sources might include:

- available free or reduced-priced lunch data,
- scholarship or financial assistance data,
- Family survey data,
- E-Rate data,
- or other relevant data, such as data that the non-public school has provided to the State for purposes of State or local programs.

If complete actual data from a particular source are unavailable, data may be extrapolated based on a representative sample. For non-public schools where such data are not readily available, and in order to avoid new or unnecessary data collections from non-public schools and families, the following are potential sources of estimates of the number of students from low-income families:

- data imputing the number of students from low-income families based on the American Community Survey (ACS) or the Small Area Income and Poverty Estimates (SAIPE) program by the U.S. Census Bureau, or
- proportionality data: the number of students enrolled in a non-public school who reside in a Title I school attendance area multiplied by the percentage of public school students in that same attendance area who are from low-income families. If the non-public school has students who reside in more than one Title I school attendance area, multiple calculations would be necessary

### **11. If I'm using proportionality data, where do I get the information on public school numbers?**

A non-public school should reach out to the department to receive poverty rate information for the school zones their students represent. Please email [Private.Schools@tn.gov](mailto:Private.Schools@tn.gov) to request this information.

## Funding

### **12. How does the U.S. Department of Education (ED) determine the amount of funding available for each State under the EANS program?**

Under the CRRSA Act, Congress provided \$2,750,000,000 for the EANS program. ED allocates EANS funds to a Governor with an approved Certification and Agreement based on the State's relative share of children ages 5-17 who are from families at or below 185 percent of the poverty level and enrolled in non-public schools. ED has determined this data based on non-public school enrollment data from the U.S. Census Bureau's American Community Survey Public Use Microdata Sample (PUMS), which can be accessed [here](#). The amount of funding available to each State is available [here](#).

**13. How will allocations be determined? Updated March 25, 2021**

Funding will be determined by the number of K-12 students in the school who are at or below the 185 percent poverty rate in March of the 2019-20 school year. Funding is allocated using a per pupil allocation (PPA). Eligible non-public schools receive \$4,972.64 for each student reported as being at or below the poverty rate. The \$4,972.64 PPA is identical to the PPA formula utilized in public schools receiving funding under ESSER 2.0

**14. Will the funding be based on enrollment for the current school year or the coming school year? Updated March 25, 2021**

Funding is based on the number of K-12 students at or below the 185% poverty level enrolled in the school during March of the **2019-20** school year.

**15. If a non-public school is receiving equitable services under a CARES Act program, do the services or assistance provided under the EANS program need to be different?**

No. The services provided to a non-public school under the EANS program may be the same as, or similar to, the equitable services the non-public school is receiving or has received under a CARES Act program. However, the services or assistance must be additive to what was provided under a CARES Act program. Under the EANS program, services or assistance to non-public schools includes those authorized services in the CRRSA Act § 312(d)(4), nearly all of which are also authorized equitable services under the CARES Act programs.

**16. Since the EANS program is administered through the department, will this ensure that it is not considered a federal financial assistance program?**

The Governor is the recipient of the federal financial assistance and is responsible for ensuring proper administration. CRRSA Act § 312(d)(7)(A) requires a public agency (i.e. the department) to control and administer EANS funds and keep the title to materials, equipment and property purchased with the funds. A non-public school whose students and teachers receive services or assistance under the EANS program, even if such services or assistance are delivered through reimbursement, is not a recipient of federal financial assistance.

As a result, certain federal requirements that apply to a recipient of federal financial assistance are not directly applicable to a non-public school whose students or teachers receive services or assistance under the EANS program, unless the school received federal financial assistance for other purposes.

**17. What does it mean that the department will hold title to all purchases?**

Essentially, this means the department owns materials and goods funded and reimbursed through the EANS program. For example, if a non-public school purchased laptops for students and teachers to facilitate online learning, the department may use EANS funds to purchase those laptops from the non-public school, thereby also obtaining title for the laptops from the non-public school. Provided these conditions are met, the department may continue to allow the laptops to be used by non-public school students and teachers.

**18. What are some considerations non-public schools should use for initial planning?**

These are one-time funds, so all school applications must reflect expenses that are either one-time costs (e.g., learning loss) or long-term investments (e.g., facilities).

## Allowable Expenses

### 19. What expenditures are allowable under the EANS program? *Updated March 22, 2021*

The expenditures allowed under the EANS program should address educational disruptions resulting from COVID-19:

- Supplies to sanitize, disinfect, and clean school facilities;
- Personal protective equipment (PPE);
- Improving ventilation systems , including the repair of windows or purchasing new portable air purification systems to ensure healthy air in the non-public school;
- Training and professional development for staff on sanitation, the use of PPE, and minimizing the spread of infectious diseases;
- Physical barriers to facilitate social distancing;
- Other materials, supplies, or equipment to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention (CDC) for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff during the qualifying emergency;
- Expanding capacity to administer coronavirus testing to effectively monitor and suppress coronavirus, to conduct surveillance and contact tracing activities, and to support other activities related to coronavirus testing for students, teachers, and staff at the non- public school;
- Educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) to assist students, educators, and other staff with remote or hybrid learning;
- Redeveloping instructional plans, including curriculum development, for remote learning, hybrid learning, or to address learning loss;
- Leasing of sites or spaces to ensure safe social distancing to implement public health protocols, including guidelines and recommendations from the CDC;
- Reasonable transportation costs;
- Initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss; or
- Reimbursement for the expenses of any services or assistance described above that a non-public school incurred on or after March 13, 2020, except for services or assistance listed in the question below (other than portable air purification systems, which are an allowable reimbursable expense), or any expenses reimbursed through a loan guaranteed under the Paycheck Protection Act (15 U.S.C. 636(a)) as of Dec. 27, 2020.

### 20. Are there any exceptions to these allowable expenses?

Yes. Although the following are generally considered allowable services or assistance under the EANS program, a non-public school *may not be reimbursed* for the following:

- Improvements to ventilation systems (including windows), (except for portable air purification systems, which may be reimbursed);
- Any expenses reimbursed through a loan guaranteed under the PPP [15 U.S.C. 636 (a)] prior to Dec. 27, 2020;
- Staff training and professional development on sanitization, the use of PPE, and minimizing the spread of COVID-19;
- Developing instructional plans, including curriculum development, for remote or hybrid learning or to address learning loss; and
- Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss.

**21. Can a school lease a larger building for social distance and be reimbursed?**

Yes. The allowable expenses for school facilities and repairs include leasing spaces or sites to ensure social distance. The department would contract with the facility for the lease.

**22. Can I hire a teacher?**

No, the EANS program does not cover teachers' salaries.

**23. Can I add after school programming or summer school? Updated March 25, 2021**

After school programming or summer school is permitted under the EANS program if it is to address learning loss and continuing instruction. However, funds cannot be used to pay or reimburse staff of the non-public school. All staffing needs must be provided through an approved agency that holds a contract with the department. **For example, if a tutoring service is used for an after school program, it is considered a service not a reimbursement. Please note that services take longer to set up, and the goal of a summer school program may not be met. Plan to have services begin for the 2021-22 school year.**

**24. Can we replace ventilation systems? Updated March 22, 2021**

The EANS program allows for *improvements* to ventilation systems, **including the repair of windows or purchasing new portable air purification systems.** Any services to the ventilation system must be provided by an approved contractor through the department.

**25. Are faith-based non-public schools eligible to participate in the EANS program?**

Yes. Faith-based non-public schools are eligible to participate in the EANS program to the same extent as other eligible non-public schools. All services or assistance provided under the program must be *secular, neutral, and non-ideological.*

**26. Will the EANS cover a contract for an assessment service?**

Yes, provided that the assessment service is directly related to learning loss and continuing instruction. The assessment service used would also be required to have an approved contract with the department.

**27. If the department has a contract established with a temp agency, could the school use temps to act as substitute teachers or tutors (provided they have the appropriate credentials), to support educational activity in the school?**

Yes. The teachers could be used to support educational activities as tutors, instructors, etc., but the contract and services would have to go through the department.

**28. Can a non-public school reimburse staff for initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss? Can materials and equipment used for those purposes be reimbursed?**

A school may not reimburse staff time, but the school could still seek reimbursement for materials and equipment back to March 13, 2020. However, materials and equipment that are reimbursed from the EANS program become the property of the department and must be inventoried and tracked as such.

**29. If a non-public school wants to provide 10 hours of tutoring services a month and sets this up with a vendor and then pays the vendor directly, does the school then submit a reimbursement request to the department for the tutoring services?**

No. The department must contract with and pay the vendor directly. If the school is asking for reimbursement for a tutoring expense that happened on or after March 13, 2020, then that expense would not be reimbursable, as it falls under "initiating and maintaining education and support services" which is explicitly excluded from reimbursement in CRRSA.

### **30. *May a non-public school receive reimbursement for COVID-19-related expenses?***

Yes. A non-public school may request reimbursement in its application for expenses it has incurred or will incur for most allowable services or assistance. See question above about allowable expenses. An SEA may reimburse a non-public school only for expenses for allowable services or assistance it incurred on or after March 13, 2020, to prevent, prepare for, and respond to COVID-19, that have not already been reimbursed with Federal funds, including PPP. Reimbursements under the EANS program do not make non-public schools recipients of Federal financial assistance. For example, if a non-public school purchased laptops for students and teachers to facilitate online learning, the SEA may use EANS funds to purchase those laptops from the non-public school, thereby also obtaining title for the laptops from the non-public school. Provided these conditions are met, the SEA may continue to allow the laptops to be used by non-public school students and teachers.

## **Reporting and Accountability**

### **31. *What will reporting look like, and how frequently will that need to take place?***

The department is required to submit reporting data to the federal government regarding the EANS funds. At this time, the United States Department of Education has not released specifics on what those reporting requirements will be. The department will share these reporting requirements with non-public schools as they learn of them.

### **32. *What additional accountability components are expected for non-public schools?***

Non-public schools choosing to participate in the EANS program must satisfy all criteria established by the department. These requirements include, but are not limited to:

- Submitting a timely application
- Tracking all inventory and expenses
- Subject to monitoring of EANS services by the department

### **33. *What type of tracking and inventory is going to be required? For example, if we buy hotspots, will we need to produce those hotspots 5 years from now?***

Equipment and supplies purchased with EANS funds for students and teachers in a non-public school may be used for the authorized purposes of the EANS program during the period of performance (i.e., through Sept. 30, 2023) or until the equipment and supplies are no longer needed for the purposes of the EANS program [see 34 C.F.R. § 76.661(b); 2 C.F.R. §§ 200.313(a)(1), (c)(1) and 200.314(a)]. In general, once equipment or supplies are no longer needed for purposes of the EANS program, the department must remove them from the private school [34 C.F.R. § 76.661(d)(1)].

After equipment and supplies are no longer needed for the purposes of the EANS program, the department may continue to use the equipment or supplies in the non-public school to the extent they are needed for other allowable purposes under another federal education program, such as the Elementary and Secondary Education Act (ESEA) or the Individuals with Disabilities Education Act (IDEA). In that case, the department must retain title to, and maintain administrative control over, the equipment and supplies or transfer title and control to another public agency such as an LEA providing equitable services under another federal education program.

## **Contact Information**

For any additional questions, please reach out to the non-public school team at [Private.Schools@tn.gov](mailto:Private.Schools@tn.gov)