

## Emergency Assistance to Nonpublic Schools (EANS)

### Frequently Asked Questions

The Ohio Department of Education (ODE) EANS Frequently Asked Questions document is intended to answer questions that nonpublic stakeholders may have regarding the Emergency Assistance to Nonpublic Schools (EANS) program. Many of the answers provided in this document come from the US Department of Education (USDE) EANS [Frequently Asked Questions](#) document. The ODE EANS Frequently Asked Questions will be edited as new information becomes available. If you have questions regarding the EANS program, please contact [EANS@education.ohio.gov](mailto:EANS@education.ohio.gov).

#### **What is the Emergency Assistance to Nonpublic Schools (EANS) program?**

As part of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, (CRRSA Act) Public Law 116-260, Congress set aside \$2.75 billion of the Governor's Emergency Education Relief (GEER) Fund specifically to provide emergency assistance to students and teachers in nonpublic schools through the Emergency Assistance to Nonpublic Schools (EANS) program. The purpose of the EANS program is to provide services or assistance to eligible nonpublic schools to address the impact that the Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on nonpublic school students and teachers in the state.

#### **How much funding did Ohio receive for the EANS program?**

On February 5th, 2021, Governor DeWine submitted a signed certification and agreement for Ohio's EANS award. Ohio received an EANS award of \$154,896,274. The Ohio Department of Education (ODE) is responsible for the administration of the EANS program.

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

The State Education Agency (SEA) 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 SEA implements the program consistent with all relevant requirements, and the statute requires Governors to consult with SEAs in carrying out this responsibility. In Ohio, the State Education Agency is the Ohio Department of Education.

#### **Did the Ohio Department of Education consult with nonpublic schools in the State regarding implementation of the EANS program?**

Yes. The Ohio Department of Education met with the Nonpublic Advisory Council and worked with nonpublic stakeholders throughout the month of February to prepare the EANS application.

#### **Which nonpublic schools are eligible to apply for services or assistance under the EANS program?**

For purposes of the EANS program, an eligible nonpublic school is an elementary or secondary school that—

- Is non-profit (see the definition [here](#)).
- Is accredited, licensed, or otherwise operates in accordance with State law;
- Was in existence prior to March 13, 2020, the date the President declared the national emergency due to COVID-19; and
- 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 December 27, 2020. (See C-12 for information regarding nonpublic schools that apply for but do not receive a PPP loan).

#### **Is a nonpublic school that serves only preschool children eligible to receive services or assistance under the EANS program?**

Not generally. Under the EANS program, in pertinent part, an eligible “nonpublic school” is a nonpublic elementary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to March 13, 2020, the date COVID-19 was declared a national emergency. (Section 316(6) of the CRRSA Act). Under section 8101(19) of the ESEA, incorporated by section 316(8) of the CRRSA Act, an elementary school is a school that provides elementary education, as determined under State law. Therefore, only nonpublic schools that provide elementary (or secondary) education are eligible for services or assistance under the EANS program. Preschool children who are enrolled in a nonpublic elementary school that receives EANS services or assistance may be served. However, a stand-alone nonpublic preschool is not eligible for services or assistance under the EANS program.

**Are faith-based nonpublic schools eligible to participate in the EANS program?**

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

**Is a nonpublic school that received a PPP loan prior to December 27, 2020 eligible to receive services or assistance under the EANS program?**

Yes. A nonpublic school that received a PPP loan prior to December 27, 2020, may receive services or assistance under the EANS program.

**If a nonpublic 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 nonpublic school under the EANS program may be the same as, or similar to, the equitable services the nonpublic 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 nonpublic schools include those authorized services in section 312(d)(4), nearly all of which are also authorized equitable services under the CARES Act programs.

**How will nonpublic schools receive EANS services and assistance?**

Nonpublic schools were required to submit the EANS application to receive services or assistance through the Emergency Assistance to Nonpublic Schools (EANS) program. The EANS application came in the form of an email survey to all nonpublic school principals on March 4<sup>th</sup>, 2021, and was required to be completed by March 23, 2021.

The Ohio Department of Education contracted with Educational Service Centers (ESCs) to provide services and assistance to EANS applicants. Educational Service Centers will work directly with nonpublic schools to review the services and assistance for which they applied, request supporting documentation, and provide the allowable requested services and assistance.

**Can organizations with governing authority over a group of nonpublic schools apply for EANS on behalf of their member schools?**

The U.S. Department’s guidance on EANS gives SEAs the authority to determine whether it will permit an organization that has governing authority over a group of nonpublic schools to submit an application on behalf of its member schools. It is the position of the Ohio Department of Education that each nonpublic school submit its own application. Among other reasons, a nonpublic school is required to attest to certain conditions and assurances in order to receive the service provided by the public entity as well as to ensure effective implementation of the overall program. The governing authority is permitted to assist the nonpublic school with its application but the school must submit the application as designed by the state and within the system used by the state.

**What was the deadline to apply for EANS?**

The deadline to submit the EANS application was March 23, 2021. The nonpublic school principal accessed the EANS application through the email survey link that he or she received on March 4, 2021 from the following address: [donotreply@ohio.k12.help](mailto:donotreply@ohio.k12.help). Eligible nonpublic schools received an approval notice from the Ohio Department of Education on April 1<sup>st</sup>, 2021. Educational Service Centers are contracted to provide services and assistance to the nonpublic schools that received an EANS final service amount.

**What happens if a nonpublic school did not apply for EANS services or assistance?**

Schools must have applied for EANS to receive an EANS final service amount. Schools that did not apply for EANS will not receive EANS services or assistance.

**How did the Ohio Department of Education determine the amount of services and assistance that each nonpublic will receive through the EANS Program?**

Ohio utilized a Weighted Per Pupil Approach to determine estimated service amounts for nonpublic schools prior to the application. The estimated service amounts assisted nonpublic schools in determining if they were interested in applying for the EANS program. The Weighted Per Pupil Approach was derived using proportionality from existing nonpublic enrollment and district poverty data, information collected from Non-Chartered, Non-Tax Supported Schools, as well as information collected on the EANS application. After the EANS application period, the estimated service amounts were adjusted based on the EANS applications that the Ohio Department of Education received. Schools must have applied for EANS to be included in the final service amounts. It is important to note that the final service amounts may have changed significantly from the estimated service amounts. Ohio's Weighted Per Pupil Approach can be found [here](#).

**EANS and Paycheck Protection Program (PPP) Funding****Can a nonpublic school apply for EANS if it has applied for and received PPP funding on or after December 27<sup>th</sup>, 2020?**

No. In order to be eligible to receive services or assistance under EANS, a nonpublic school must sign an assurance in the EANS application that the school did not, and will not, **apply for and receive a loan** under paragraphs (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)(37)) on or after December 27<sup>th</sup>, 2020.

**Can a nonpublic school apply for EANS if it did not receive PPP funds?**

If a nonpublic school applies for a PPP loan on or after December 27, 2020, but does not receive funds under the PPP, the school may apply for services or assistance under the EANS program, as long as the nonpublic school meets the requirements and deadlines of this application. If a nonpublic school applied for or received a PPP loan prior to December 27, 2020, it remains eligible for the EANS program. Similarly, if a nonpublic school applies for but does not receive services or assistance through EANS, nothing in the Education Stabilization Fund would preclude that nonpublic school from applying for and receiving a PPP loan on or after December 27, 2020.

**If a nonpublic school's application for services or assistance under the EANS program is denied, may the nonpublic school apply for a loan under the Paycheck Protection Program (PPP)?**

The PPP is administered by the Small Business Administration and is governed by its requirements and timelines. However, there is nothing in the CRRSA Act that would preclude a nonpublic school whose application for services or assistance under the EANS program is denied from then applying for a PPP loan on or after December 27, 2020.

### **If a nonpublic school applies for a PPP loan and is denied a loan, may it apply for services or assistance under the EANS program?**

Yes. A nonpublic school that applies for a PPP on or after December 27, 2020, but does not receive funds under the PPP, may apply for services or assistance under the EANS program, as long as the nonpublic school meets the other EANS requirements listed in the EANS application.

### **EANS Services and Assistance**

#### **How will nonpublic schools receive services and assistance?**

The Ohio Department of Education contracted with Educational Service Centers (ESCs) to provide services and assistance to nonpublic schools that received an EANS final service amount.

The Department signed contracts with the ESCs in June, and the ESCs taking part in this program to provide services on behalf of the Department are reaching out to the nonpublic schools directly for an initial consultation. The consultation between the ESCs and the nonpublic schools will determine the allowable services and assistance, and method and manner of the delivery of the services to be provided prior to September 30, 2023. The services rendered must not exceed the EANS final service amount for the school.

The ESC shall refer to the nonpublic school's EANS application and supporting documentation provided during consultation with the nonpublic school to determine allowable services and assistance. After consultation, the ESC will determine the method, manner and process for providing allowable services and assistance to the nonpublic school.

EANS services and assistance must address educational disruptions resulting from COVID-19. It is important to note that the amount provided in services and assistance cannot exceed the final service amount for the nonpublic school provided by the Ohio Department of Education. In addition, the Ohio Department of Education reserves the right to change the delivery method of services and assistance based on the nature of the EANS applications received and the needs of nonpublic schools across the state.

#### **What services and assistance can be covered through the EANS program?**

The following services and assistance are allowable through EANS:

- Supplies to sanitize, disinfect, and clean school facilities
- Personal Protective Equipment (PPE)
- Improving ventilation systems, including windows or portable air purification systems
- Training and professional development for staff on sanitization, the use of PPE, and minimizing the spread of infectious diseases
- Physical barriers to facilitate social distancing
- Other materials, supplies or equipment recommended by the CDC for reopening and operation of school facilities to effectively maintain health and safety
- Expanding capacity to administer coronavirus testing to effectively monitor and suppress the virus
- Educational technology
- Redeveloping instructional plans for remote or hybrid learning or to address learning loss
- Leasing sites or spaces to ensure social distancing
- Reasonable transportation costs
- Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss
- Reimbursement for the expenses of any services or assistance described above that a nonpublic school incurred on or after March 13, 2020, **except for:**

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

### **May a nonpublic school receive reimbursement for COVID-19-related expenses?**

Yes. A nonpublic school may request reimbursement for expenses it has incurred or will incur for most allowable services or assistance. A nonpublic school may be reimbursed only 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 nonpublic schools recipients of federal financial assistance.

### **Are there services or assistance for which a nonpublic school may not be reimbursed?**

Yes. Although the following are allowable services or assistance under the EANS program, a nonpublic school may not be reimbursed for:

- 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 December 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.
- Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss.

While these services may not be reimbursed, they may be provided directly to a nonpublic school. In Ohio, these services may be provided by a contracted Education Service Center (ESC).

### **If a nonpublic school wants to request services and assistance that are different from their original application what is the process?**

The nonpublic school will discuss any proposed changes in consultation with the ESC to determine allowable services and assistance. After consultation, the ESC will determine the method, manner and process for providing allowable services and assistance to the nonpublic school. The ESC will submit invoice requests using the Department's EANS Invoice and Supporting Documentation form. Invoices may include nonpublic reimbursement requests for reimbursable EANS expenses, and/or services rendered by the ESC. Approved EANS invoices will generally be paid within 10-30 days after submission to the Department. See the [EANS Service and Assistance Guide](#) for more details on the invoice process.

### **Our nonpublic school had expenses that fall into EANS reimbursable categories. What is the process for requesting reimbursement and are there requirements for procurement and assets management under EANS?**

The nonpublic school should work in consultation with the ESC assigned to provide EANS services and assistance to identify past or future expenses that fall into reimbursable EANS categories. The ESC will submit reimbursement requests as part of the EANS invoice process outlined in the [EANS Service and Assistance Guide](#). For all EANS reimbursements and services, the ESC is the public entity acting on behalf of the Department. The ESC should follow the general procurement standards ([CFR 200.318](#)). For assets of the Department, the ESC should follow the [state asset policy](#).

**Are permanent improvements to ventilation systems, such as HVAC systems or new windows, allowable under EANS?**

No. Section 312(d)(4)(C) of the CRRSA Act authorizes a nonpublic school to request services and assistance under the EANS program for “improving ventilation systems, including windows or portable air purification systems to ensure healthy air in the nonpublic school.” That authority, however, is tempered by several other provisions. Section 312(d)(7) of the CRRSA Act, for example, requires an SEA or another public agency to keep title to materials, equipment and property purchased with EANS funds and the public agency must administer such materials, equipment, and property. Moreover, 34 C.F.R. § 76.661 requires that equipment and supplies purchased with EANS funds must be able to be removed from a nonpublic school without remodeling the nonpublic school facility. Clearly, a portable air purification system could meet these requirements because an SEA could keep title and it could be removed when no longer needed without remodeling the nonpublic school facility. A ventilation system that is installed and becomes a capital improvement in a nonpublic school, however, would not meet these requirements. Similarly, new windows would not be permissible, but repairing old windows to facilitate air flow could be allowable. In sum, whether this particular authorized activity is allowable depends on the attendant circumstances.

**Are services for sanitizing, disinfecting, and cleaning school facilities an allowable use of EANS funds?**

No. Section 312(d)(4)(A) specifically authorizes a nonpublic school to request “supplies to sanitize, disinfect, and clean school facilities.” This authority does not extend to contracting with a vendor to perform the cleaning. If a nonpublic school has contracted for cleaning and seeks reimbursement, it may be reimbursed for the cost of supplies but not for the full cleaning contract.

**May preschool children receive services or assistance under the EANS program?**

If preschool children are enrolled in an eligible nonpublic elementary school that receives services or assistance under the EANS program, preschool children and their teachers may receive allowable services. However preschool children enrolled in a stand-alone nonpublic preschool may not receive services or assistance under the EANS program.

**May EANS funds be used to pay the salaries of nonpublic school teachers or other staff?**

EANS funds may not be used to cover payroll. Under section 312(d)(7) of the CRRSA Act, a public agency must control funds for services or assistance provided to nonpublic school students and teachers under the EANS program. In Ohio, the Ohio Department of Education has contracted with ESCs to provide services and assistance. On behalf of the Department, the ESC may contract with a nonpublic school teacher directly to provide secular, neutral, and non-ideological services outside of the teacher’s contractual obligation with the nonpublic school. The nonpublic school teacher must be employed by the ESC for EANS purposes outside of the time he or she is employed by the nonpublic school, and the nonpublic school teacher must be under the direct supervision of the contracted ESC with respect to all EANS activities.

If you have questions regarding the EANS program, please contact [EANS@education.ohio.gov](mailto:EANS@education.ohio.gov).