

EANS FAQ's from Connecticut Non-Public Schools (Updated 3/26/21)

1. Where do we find the application?

The application is available on SERC's website: [EANS Program - State Education Resource Center \(ctserc.org\)](https://ctserc.org).

2. Can we request an application extension?

The deadline for applying for the EANS program has been extended to Monday, April 19, 2021 at 5 PM.

FUNDING QUESTIONS

3. When must the EANS funds be used by?

The state must obligate the EANS funds within six months of when it received funding (B-8). They received the award on February 4, 2021, so SDE/SERC must obligate the funds, or procure the services, by August 4, 2021. This does not mean that non-public schools need to use the service/product by that date. For example if the school is getting professional development services, it does not have to have them scheduled by August 4, it just needs to have the services procured and paid for by that date.

4. Would taking these funds obligate us to comply with certain federal regulations that are often tied to federal assistance?

Receiving services or assistance under the EANS program does not make a non-public school a "recipient of Federal financial assistance" and therefore, 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 program, unless the school receives Federal financial assistance for other purposes.

5. We have received other assistance in the past. Does that limit what we can receive through this program?

No. The services provided to a non-public school under the EANS program may be the same as, or similar to, for example, 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. The only caveat is that if your school received a PPP loan after December 27, 2020, the school is not eligible for the EANS program.

6. Are reimbursements or future expenditure amounts awarded strictly based on the percentage of low income students? Or is it based on the total number of students?

The amount of services or assistance will be prioritized by the percentage of low income students. At this time a method of how that will be calculated is not available as the department needs to make that decision based on how many non-public schools may apply and what the low income data looks like. The state was awarded \$15 million in EANS funding and there are approximately 300 non-public schools. It is not clear how many might seek assistance.

SCHOOL ELIGIBILITY

7. Are the Endowed Academies eligible for the EANS program?

The Endowed Academies (The Gilbert School, Woodstock Academy, and Norwich Free Academy) are not eligible to apply for the EANS program, but will instead receive funding from the ESSER II grant.

8. Does our non-public school qualify for services and assistance under the EANS program if we received a PPP loan?

- a. If a non-profit school received a PPP loan prior to December 27, 2020, it is still eligible to apply for EANS funds
 - i. The school would need to include the amount of funding received from the PPP loan
 - ii. The school cannot use EANS funds to reimburse costs for anything already paid for with the PPP loan
- b. If a non-profit school applied for a PPP loan after December 27, 2020 and received one, the school is not eligible for EANS funds
- c. If a non-profit school applied for a PPP loan after December 27, 2020 but did not receive one, the school is still eligible to apply for EANS funds

9. The school changed its affiliated company in March 2021 and the new company did not apply for the PPP loan; however, the previous affiliate company did receive a PPP loan in 2021. Is the school still eligible to apply for EANS?

No, because the school already received a PPP loan, it is not eligible for the EANS program regardless of the change in affiliated companies.

10. Is our early intervention program serving children ages 0-3 eligible for the EANS program?

No, per federal law, the EANS program is only available for elementary and secondary non-profit schools.

DETERMINING THE PERCENTAGE OF LOW INCOME STUDENTS

11. Our school is a Title I school, does that mean that all students are eligible or do we need documentation on 100% of students? We collect 1040's but do not have all of them.

All students in the school would be eligible to receive any services or assistance through the EANS program. The federal law requires SDE to prioritize EANS services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19. To the extent that a non-public school does not have data such as FRPL, there are other methods listed in Part C.1.C. of the application that could be used. It would appear that the proportionality data option would best be used for a Title I school.

12. How do we go about calculating the number of low income students? Is it purely the salary threshold for a low income family or since we provide financial aid, is it the amount of aid we distribute to families?

School may use poverty data from multiple sources (see the options in Part C.1.C. of the application); however, the poverty threshold needs to be the same among non-public schools so that the estimated percentage of students who are low income are comparable across all non-public schools. This means that for any low income measure used, they must equate to the FRPL income eligibility guidelines table that is in Appendix B of the application.

Further guidance is provided in FAQ C-11 of the updated federal FAQs:

- available free or reduced-priced lunch data,
- scholarship or financial assistance data that identify students *whose family income does not exceed 185 percent of the 2020 Federal poverty guidelines*,
- 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 that identify students *whose family income does not exceed 185 percent of the 2020 Federal poverty guidelines*.

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 available, 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.

PUBLIC CONTROL OF FUNDS

13. Do non-public schools receive grant funding through EANS?

No, grants are not distributed to non-public schools through the EANS program. Funding is used by the State via SERC to purchase services and assistance for non-public schools. Federal law requires the public control of funds, which is why the state would retain title to any items purchased through EANS.

14. Does the public control of funds provision mean that the state owns any items that are funded through the EANS program?

Yes, SDE would gain title of materials, equipment, and property for which it provides reimbursement or that were or will be purchased using EANS funding. This would not include consumable items such as cleaning products. For example, if a non-public school purchased laptops for students and teachers to facilitate online learning, SDE 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.

15. Since the items will be owned by the state, would they need to be returned to the state at the end of the health crisis?

Item F-1 of the Federal EANS FAQs answers this question:

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 September 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, an SEA 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 SEA 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 ESEA or the Individuals with Disabilities Education Act (IDEA). In that case, the SEA must retain title to, and maintain administrative control over, the equipment and 13 supplies or transfer title and control to another public agency such as an LEA providing equitable services under another federal education program.

ELIGIBLE EXPENSES, SERVICES, AND ASSISTANCE

16. **Would cleaning staff that is hired to clean the school for in-person learning be an eligible expense under the EANS program?**

No, EANS will not cover staff salaries; however, it would cover training/professional development regarding sanitation, the use of PPE and minimizing the spread of infectious diseases. FAQ D-3 of the updated federal FAQ states that the law specifically authorizes the supplies but it does not extend to cover the salaries or contracted costs with a vendor to perform the cleaning.

17. **Would future items purchased under the program have to be purchased through SERC?**

Future items purchased may be done either through SERC, or by your school and reimbursed. Please see FAQ items D-2 and D-3 in the federal FAQ's. Given the guidance in the federal FAQ, it may be more cost efficient and less administratively burdensome to purchase items through SERC since the state will need to gain title to durable items reimbursed through EANS.

18. **Does EANS cover reimbursement for COVID-19 testing? Can we continue to use the current testing company or does it need to be a state approved vendor? *(New FAQ 3/26/2021)***

COVID-19 testing is a reimbursable expense. You may continue to utilize your existing vendor and request reimbursement of those expenses through the August 4, 2021 end date or you may request those services through SERC.

19. **How would a school do summer programming for learning loss? *(New FAQ 3/26/2021)***

The EANS program could be used to assist schools in getting the necessary cleaning and sanitizing supplies, PPE and other materials, supplies and equipment needed to maintain a healthy and safe learning environment; to redevelop instruction plans to address learning loss; and initiate and maintain education and support services or assistance to address learning loss, which could include contracted nurses and teachers to provide services but not the salaries of non-public school employees. See D-6 of the updated federal FAQs.

20. **Can we apply for ventilation upgrades? *(New FAQ 3/26/2021)***

Ventilation upgrades were listed as an allowable service under the EANS program to be provided for through SERC, not as a reimbursement; however the updated federal FAQ's would exclude ventilation upgrades that could not be removed from the school without remodeling the facility:

E-2. How can an SEA maintain control of services or assistance for allowable activities that might affect the infrastructure of a non-public school? *(NEW March 19, 2021)*

Section 312(d)(4)(C) of the CRRSA Act authorizes a non-public 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 non-public 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 non-public school without remodeling the non-public 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 non-public school facility. A ventilation system that is installed and becomes a capital improvement in a non-public 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.