Emergency Assistance to Nonpublic Schools (EANS)

Frequently Asked Questions

Updated May 16, 2022

The Ohio Department of Education (The Department) EANS Frequently Asked Questions document is intended to answer questions that Ohio's 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 (USED) EANS Frequently Asked Questions document. The Department's 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.

What is the Emergency Assistance to Nonpublic Schools (EANS) program? (Updated April 29, 2022)
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 (CRRSA EANS) program. As part of the American Rescue Plan (ARP) Act, Public Law 117-2, Congress set aside an additional $2.75 billion to provide emergency assistance to students and teachers in nonpublic schools through the ARP Emergency Assistance to Nonpublic Schools (ARP 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? (Updated April 29, 2022)
Ohio received $154,896,274 under CRRSA EANS, and $155,190,488 under ARP EANS. 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? (Updated April 29, 2022)
Yes. The Ohio Department of Education met with the Nonpublic Advisory Council and worked with nonpublic stakeholders throughout February 2021 to prepare the CRRSA EANS application. The Department also worked with nonpublic stakeholders in September and October 2021 to prepare the ARP EANS application.

Which nonpublic schools are eligible to apply for services or assistance under the EANS program? (Updated April 29, 2022)
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).
- (ARP EANS Only) At least 25 percent of enrolled students are from low-income families.

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 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 eligible non-public schools under the CRRSA EANS program the same schools that are eligible for services or assistance under the ARP EANS program? (New April 29, 2022)
Not necessarily. Section 2002(a) of the ARP Act requires that an SEA only provide services or assistance to an eligible non-public school that enrolls a significant percentage of students from low-income families (whose family income does not exceed 185 percent of the 2020 Federal poverty level consistent with the final requirements) and is most impacted by the COVID-19 emergency. It is possible that some nonpublic schools that received services or assistance under the CRRSA EANS program will not meet the threshold for enrolling a significant percentage of students from low-income families or being most impacted by the COVID-19 emergency under the ARP EANS program. Ohio applied for and received approval from the USED for an alternate signficant percentage of students of 25 percent. For a nonpublic school to be eligible for ARP EANS in Ohio, at least 25 percent of enrolled students must be from low-income families.

How did the Department determine the schools in which 25 percent or more of students are from low-income families and are eligible for ARP EANS? (New April 29, 2022).
The USED allows a state to use a number of data sources to obtain a count of students that are from low-income families. The Department utilized Free and Reduced Price Lunch (FRPL) data, E-Rate data, and an ARP EANS Pre-Application Survey to determine the nonpublic schools in which at least 25 percent of enrolled students are from low-income families.

What steps did the State of Ohio and the Department take to ensure a consistent and accurate process for determining the eligible schools for ARP EANS? (New April 29, 2022)
Ohio took a number of steps to ensure a consistent and accurate process for determining the eligible schools for ARP EANS. Ohio applied for and received approval from the USED for an "alternate signficant percentage" of students from low-income families of 25 percent. This means that schools with a lower percentage of students from low-income families were still considered eligible for ARP EANS. This ensured many more nonpublic schools were elgible for ARP EANS than would have been eligible under the USED's significant

percentage of 40 percent. The Department sought feedback from the Nonpublic Superintendents Advisory Committee on the State's proposed alternate significant percentage of 25 percent, as well as the proposed eligibility factors and data elements above at the Nonpublic Superintendents Advisory Committee meeting on August 19, 2021. The Department utilized the data points recommended by the USED to determine the percentage of low-income students in nonpublic schools within the State, including Free and Reduced Price Lunch data, E-Rate data, and survey data. The Department followed a data order of operations that ensured nonpublic school eligibility would be determined in a consistent and standardized manner using the most reliable low-income data available. For schools that did not have FRPL or E-Rate data, the Department contacted the nonpublic school principal to complete an ARP EANS Pre-Application Survey as outlined in CCIP Notes 483 and 488. The Department provided emails, reminder messages, and extensions to allow as many schools as possible to demontrate eligibility for ARP EANS. Office of Federal Programs staff including the Nonpublic Ombudsman provided hands on support to schools as they submitted ARP EANS Pre-Application Survey Data. The Department set up internal controls to review ARP EANS data, including verifications with the Office of Federal Programs Data Manager and Management Analyst. These internal controls ensured that if more reliable data became available through our data varification process, the Department could create an accurate list of eligble schools as described above. The Department completed these steps within challenging timelines imposed by the ARP Act and the United States Department of Education. Additional information about our EANS eligibility determination process can be found in CCIP Note 483 and CCIP Note 488.

Can organizations in Ohio with governing authority over a group of nonpublic schools apply for EANS on behalf of their member schools?
No. 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.

Did a nonpublic school need to apply to receive services under EANS? (Updated April 29, 2022)
Yes. The Department sent nonpublic applications for the CRRSA EANS and ARP EANS programs to eligible schools. The deadline to submit the CRRSA EANS application was March 23, 2021. The deadline to submit the ARP EANS application was December 12, 2021. Eligible nonpublic schools needed to apply to receive a Final Service Amount within these programs.

What happens if a nonpublic school did not apply for EANS services or assistance?
Schools must apply 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? (Updated April 29, 2022)
For CRRSA EANS, the Department utilized a Weighted Per Pupil Approach to determine estimated service amounts for nonpublic schools prior to the application. CRRSA EANS 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 porportionality 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 CRRSA EANS application period, the CRRSA EANS Estimated Service Amounts were adjusted based on the EANS applications that the Department received. Schools must have applied for

EANS to be included in the CRRSA EANS Final Service Amounts. It is important to note that the CRRSA EANS Final Service Amounts may have changed significantly from the CRRSA EANS Estimated Service Amounts. The Department's CRRSA EANS Weighted Per Pupil Approach can be found here.

For ARP EANS, the Department utilized a similar approach but adjusted for requirements of the ARP EANS program. First, Ohio determined the schools that were eligible for ARP EANS. Next, Ohio produced ARP EANS Estimated Service Amounts based on existing data on the number of students from low-income families and the impact of COVID-19 in schools that were determined to be eligible for the ARP EANS program. Eligible schools had the chance to apply for the ARP EANS program and provide additional data on the impact of COVID-19. Finally, the Department produced ARP EANS Final Service Amounts for schools that were eligible and applied for ARP EANS using a weighted approach that included data on students from low-income families and the impact of COVID-19. A description of Ohio's ARP EANS Service Determination Approach can be found here.

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.

EANS and Paycheck Protection Program (PPP) Funding

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.

Can a nonpublic school apply for CRRSA or ARP EANS if it has applied for and received PPP funding on or after December 27th, 2020? (Updated April 29, 2022)
No. In order to be eligible to receive services or assistance under CRRSA or ARP 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 27th, 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 do nonpublic schools receive services and assistance? (Updated April 29, 2022)
The Ohio Department of Education contracted with Educational Service Centers (ESCs) to provide services and assistance to schools that received a CRRSA EANS or ARP EANS Final Service Amount. Educational Service Centers work directly with nonpublic schools to review the services and assistance that they requested on their EANS application, request supporting documentation, and provide the allowable requested services and assistance. Through consultation with the nonpublic school, the ESC reviews the services and assistance requested by the nonpublic school on its EANS application and provides allowable requested EANS services and assistance. The ESC, as the public entity contracted by the Department to provide EANS Services and Assistance, determines the means, manner, method and process of the delivery of EANS services in consultation with the nonpublic school. For CRRSA EANS, services must be provided by September 30, 2023. For ARP EANS, services must be provided by September 30, 2024. 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? (Updated April 29, 2022)
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

CRRSA EANS Only:

- 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.

Please Note: Under CRRSA EANS, reimbursement is allowed for the expenses of any services or assistance described above that a nonpublic school incurred on or after March 13, 2020, except for services or assistance listed above (See section 312(d)(4)(M) of the CRRSA Act). Under ARP EANS, reimbursements are prohibited for any nonpublic school (See section 2002(b) of the ARP Act).

(CRRSA EANS Only) 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.

(CRRSA EANS Only) Are there services or assistance for which a nonpublic school may not be reimbursed? (Updated April 29, 2022)
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 directly to the nonpublic school, they are allowable and the ESC may render or contract with a third-party provider to render these services.

If a nonpublic school wants to request services and assistance that are different from their original application what is the process? (Updated April 29, 2022)
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. For CRRSA EANS, invoices may include nonpublic reimbursement requests for reimbursable EANS expenses, and/or services rendered by the ESC or third-party provider. For ARP EANS, invoices may only include services rendered by the ESC or third-party provider. 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.

(CRRSA EANS Only) 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 its policy, which should comport with Uniform Guidance and 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.

May EANS funds be used to pay for the installation of equipment or supplies purchased with EANS funds? (New April 29, 2022)
Yes. To the extent the purchase of supplies or equipment is allowable under the EANS program, EANS funds may be used to pay the costs of installation as long as the SEA and ESC as the public entity contracted by the SEA for EANS can do so consistent with other applicable requirements. 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. Additionally, 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. Moreover, under 34 C.F.R. § 76.662, an SEA is prohibited from using EANS funds for construction.

May EANS funds be used to pay for the installation of equipment or supplies purchased by a nonpublic school for purposes of improving its ventilation system? (New April 29, 2022)
Yes. EANS funds generally may only be used for the costs of installation of supplies or equipment that is otherwise allowable and not for installation of supplies or equipment that is not otherwise allowable. However, because section 312(d)(4)(C) of the CRRSA Act authorizes the use of funds for improving ventilation systems,

an ESC may use EANS funds to install supplies or equipment that are otherwise unallowable as long as such supplies or equipment are needed to improve a nonpublic school's ventilation system. For example, purchasing new windows for a nonpublic school using EANS funds would be inconsistent with the public control of funds requirements in section 312(d)(7) of the CRRSA Act and 34 C.F.R. § 76.661. However, to the extent a nonpublic school uses its own funds to purchase new windows for the purpose of improving ventilation (e.g., replacing windows that do not open with ones that do), an ESC may use EANS funds for the installation of such windows.

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? (Updated April 29, 2022)
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. Teachers hired by an ESC under EANS must meet state licensure requirements as applicable. This may include certification in accordance with ORC 3301.07 and 3301.071.

Do PPE purchases need to comply with safety requirements? (New April 29, 2022)
Yes. Ohio passed House Bill 169 of the 134th Ohio General Assembly regarding the purchase of personal protective equipment (PPE). Details can be found on this letter from Office of Budget and Management. Personal protective equipment purchases after January 14, 2022 must be either (1) approved by the National Institute for Occupational Safety and Health; or (2) Authorized for use by the United States Food and Drug Administration, including under emergency use authorization. The ESC or school should comply with Section 125.035 of the Revised Code if applicable. More information can be found at the following links: National Institute for Occupational Safety and Health; United States Food and Drug Administration.

If you have questions regarding the EANS program, please contact EANS@education.ohio.gov.