

Emergency Assistance to Non-Public Schools (EANS) Frequently Asked Questions

Below is a list of Frequently Asked Questions about Emergency Assistance to Non-Public Schools (EANS).

1) Are the enrollment numbers from the 2020-21 school year or the 2019-20 school year?

The enrollment numbers required in Section A of the application are 2019 enrollment numbers.

2) Does this include preschool students?

Preschool children who are enrolled in a non-public elementary school that receives EANS services or assistance may be served. However, State law does not consider preschool education to be part of elementary education, so a standalone non-public preschool is not eligible for services or assistance under the EANS program.

3) What is included in Educational Technology?

Educational Technology can be any equipment or software which is used to provide education to students. This can include, but is not limited to, laptops, tablets, iPads, webcams, Zoom licenses, security software, and educational learning software.

4) Can you reimburse for portable air purifiers?

Yes. Portable air purifiers fall under category C, which is not reimbursable; however, in accordance with category M, a special exception was made for portable air purifiers:

C. improving ventilation systems, including windows or portable air purification systems to ensure healthy air in the non-public school

M. reimbursement 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 under (C) (*other than portable air purification systems, which are an allowable reimbursable expense*), (D), (I), and (L)) or any expenses reimbursed through a loan guaranteed under the Paycheck Protection Act (15 U.S.C. 636(a)) as of December 27, 2020.

5) Will the DOE deem an order confirmation as "obligated"?

Yes, an order confirmation can be used to show that an expense has been obligated as long as it is dated before or on July 24, 2021.

6) Why do the expenses have to be obligated by July 24, 2021?

In accordance with the EANS federal agreement, "the SEA must, to the extent practicable, obligate all funds for services or assistance to non-public schools in the State in an expedited and timely manner, but not later than six months after receiving the funds."

7) Do we need to submit Invoices with the application?

Invoices do not need to be submitted with the application.

8) How is payment going to be made?

The preliminary plan is that once the approval letter is received, the school may submit their invoice document to the State for review. The State will review the invoices for proper documentation and approve for payment. The approved invoices will be paid in one payment. As the school continues to pay invoices, the school may submit the new invoices monthly to the State requesting reimbursement. The State will make one payment to the school each month, as needed.

9) We received a PPP loan after Dec. 27, 2020. Can we still apply?

No, schools that received a PPP loan after Dec. 27, 2020, are not eligible for the EANS program.

10) Will the State allow schools to keep the equipment after the EANS program has ended?

Once the EANS program has ended, as long as the equipment continues to be used for the same purpose for which it was purchased, the State may allow the school to continue to use the equipment or supplies. After equipment and supplies are no longer needed for the purposes for which they were purchased, the State may allow the use of the equipment or supplies to the extent they are needed for other allowable purposes under another federal education program.

11) To continue to use the equipment or supplies under another federal education program, which education programs would be allowed?

Other federal education programs would be Elementary and Secondary Education Act (ESEA) programs and Individuals with Disabilities Education Act (IDEA) programs. The USDA School Lunch Program would not be considered a federal education program.

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

No. Section 312(d)(4)(A) specifically authorizes a non-public 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 non-public school has contracted for cleaning and seeks reimbursement, the State may only reimburse for the cost of supplies but not for the full cleaning contract.

13) May EANS funds be used to pay the salaries of non-public school teachers or other staff?

EANS funds may not be used to provide funds to non-public schools to cover payroll. The State may contract with a vendor to provide staff, or contract with a teacher at a non-public school to provide secular, neutral, and non-ideological services outside of the teacher’s contractual obligation with the non-public school. The non-public school teacher must be employed by another public entity for EANS purposes outside of the time he or she is employed by the non-public school, and the non-public school teacher must be under the direct supervision of the other public entity with respect to all EANS activities.

Any applications with this type of request will be reviewed on a case-by-case basis to determine whether the State can provide the service being requested.

14) Regarding category C “improving ventilation systems, including windows or portable air purification systems to ensure healthy air in the non-public school.” Are there limitations on what can be claimed for this category?

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 authorized activity is allowable depends on the circumstances.

15) What factors will be used by the State to prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19.

Under section 312(d)(3)(C) of the CRRSA Act, the State must prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19.

The State has determined that out of the \$7,530,070 available for EANS funding, 10% will be reserved for those schools most impacted by COVID-19 and 10% will be reserved for those that enroll low-income students. The remaining 80% will be distributed by enrollment count.

To determine COVID-19 impact, the State will use the school’s COVID-19 case counts that have been reported to the Department of Health. The 10% reserved for COVID-19 impact will be divided by the total COVID-19 cases to determine a per pupil amount. This amount will be multiplied by the number of cases per school.

To prioritize schools that enroll low-income students, the State will use the number of low-income students enrolled as indicated on the application in section A. 1.b: The 10% reserved for low-income will be divided by the total number of low-income students to determine a per pupil amount. This amount will be multiplied by the number of low-income students per school.

For additional questions, please contact Michelle Kronberg at Michelle.Kronberg@state.sd.us