



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 12, 2021

Notice Inviting Applications and Announcing Allocations for the Emergency Assistance to Non-Public Schools Program under the American Rescue Plan Act of 2021; Invitation for Comment

Action: Notice Inviting Applications and Announcing Allocations; Invitation for Comment

Summary: The American Rescue Plan Act of 2021 (ARP Act), Pub. Law 117-2 (March 11, 2021) provides \$2.75 billion for awards to Governors under the American Rescue Plan Emergency Assistance to Non-Public Schools (ARP EANS) program to provide services or assistance to eligible non-public elementary and secondary schools to address the impact that COVID-19 has had, and continues to have, on non-public school students and teachers in each State. This notice announces the allocation amount that the Governor of each of the 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia (hereafter Governors), is eligible to receive under the ARP EANS program. This notice also provides information on the application process; the U.S. Department of Education (Department) will publish an application package separately. Finally, this notice solicits comments regarding implementation of the requirement in section 2002(a) of the ARP Act to “provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the [Coronavirus Disease 2019 (COVID-19)] emergency” under the ARP EANS program.

Dates: Comments regarding implementation of the requirement to “provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the [COVID-19] emergency” must be received no later than **April 26, 2021**. The Department will begin accepting applications once the application package is available, on or about **May 21, 2021**. The application deadline is **July 15, 2021**.

Comment Submission: Comments may be sent to EANS@ed.gov with the subject “ARP EANS Implementation.”

For Further Information Contact: Britt Jung, Office of State and Grantee Relations, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450. Email: EANS@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Background: The ARP Act extends the EANS program authorized under section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), Pub. Law 116-260 (Dec. 27, 2020). Accordingly, with two exceptions, the requirements of ARP

EANS are the same as those in section 312(d) of the CRRSA Act. The two exceptions are: (1) a State educational agency (SEA) may only provide services or assistance under ARP EANS to non-public schools that enroll a significant percentage of low-income students and are most impacted by the COVID-19 emergency; and (2) an SEA may not use ARP EANS funds to provide reimbursements to any non-public school for costs the school incurred to address the impact of the COVID-19 emergency, as authorized under section 312(d)(4)(M) of the CRRSA Act.

Allocations: Under the ARP EANS program, the Department is required to award grants by formula to each Governor with an approved application 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, as determined by the Department on the basis of non-public school enrollment data from the U.S. Census Bureau’s American Community Survey (ACS) Public Use Microdata Sample (PUMS) for 2015-2019, which can be accessed here: <https://www.census.gov/programs-surveys/acs/microdata.html>. The amount available to each State will be published at: https://oese.ed.gov/files/2021/04/Final_ARP-EANS-Methodology-and-Table-3.16.21.pdf

Application Process: The Department intends to make the ARP EANS program application package available on or about May 21, 2021, and the Department will begin accepting applications thereafter. The application deadline is July 15, 2021. The Department will review each State’s application as it is received, and it will make awards on a rolling basis within 15 days of receiving an approvable application.

Invitation to Comment: The ARP Act contains a new requirement that an SEA implementing the ARP EANS program “provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the [COVID-19] emergency.” The Department invites comments regarding implementation of this requirement through April 26, 2021, so that we may consider such comments prior to publication of the application package and any other information the Department may need to provide regarding the ARP EANS program. We are particularly interested in feedback on how this requirement can best be implemented given the timeline under which an SEA must approve or deny applications, determine the services or assistance to provide, and obligate funds. Specific areas on which the Department is seeking comment are as follows:

1. Identifying non-public schools that enroll a significant percentage of low-income students.
 - a. What data on low-income student enrollment in non-public schools are currently available at the State, local, and school levels?
 - b. Should there be a maximum poverty threshold to define low-income (e.g., 185 percent of the poverty level)?
 - c. What is a reasonable definition of “significant percentage”?
 - i. Should it be based on minimum percentage of students enrolled in a non-public school who are low-income (e.g., 20 percent, 30 percent, 40 percent, or 50 percent)?
 - ii. Should it be any non-public school enrolling a percentage of students from low-income families that exceeds the statewide mean or median

percentage for non-public schools in a State (e.g., serving only those non-public schools that meet or exceed the median percentage of low-income enrollment among non-public schools in the State)?

- iii. Are there other approaches or considerations for identifying non-public schools that enroll a significant percentage of low-income students that would provide an accurate count of enrollment and accurate measure of significance?

2. Identifying non-public schools most impacted by the COVID-19 emergency.

- a. What factors are quantifiable and most relevant to identifying non-public schools that are most impacted by the COVID-19 emergency (e.g., rate of COVID-19 infection in the community where the non-public school is located; number of COVID-19 deaths per capita in such community; data documenting the extent of lost instructional time or academic, social, emotional, or mental health impact attributable to COVID-19)?
- b. Are there other approaches or considerations for identifying non-public schools that are most impacted by the COVID-19 emergency?

3. Incorporating both of the above factors.

- a. How can both of the above factors best be considered together in identifying which non-public schools receive services or assistance?

Assistance to Individuals with Disabilities: On request, the Department will provide an appropriate accommodation or auxiliary aid to any individual with a disability who needs assistance to review the comments submitted. To schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed above under For Further Information Contact.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed above under For Further Information Contact.

Ian Rosenblum,
Deputy Assistant Secretary for Policy and
Programs,
Delegated the Authority to Perform the Functions
and Duties of the Assistant Secretary for
Elementary and Secondary Education.