

American Rescue Plan Emergency Assistance to Non-Public Schools

Webinar

February 24, 2022



Agenda

- Welcome & Introductions
- ARP EANS Administration
- Questions and Answers
- Closing



Presenters & Resources

Office of State and Grantee Relations (SGR)

- Laura Jimenez, Director
- Britt Jung, Program Lead

Office of Non-Public Education (ONPE)

- Jenay Morrisey

Office of the General Counsel (OGC)



Important Timelines and Deadlines

- A State has 30 days after receiving its ARP EANS award to make an application available to non-public schools.
- Applications must be approved or denied within 30 days of receipt by the SEA.
- There is no statutory timeline for how long a State must leave the application window open.
- All ARP EANS funds must be obligated in an expedited and timely manner, to the extent practicable; and the State must obligate ARP EANS funds not later than six months after receiving the funds.



ARP EANS Final Requirements

- The Department issued **final requirements** and an **application** for the American Rescue Plan (ARP) Emergency Assistance to Non-Public Schools (EANS) program on July 9, 2021.
- Nearly all the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) EANS requirements apply to the ARP EANS program; however, there are two major exceptions.
 - (1) an SEA may **only** provide services or assistance under ARP EANS to non-public schools that enroll a significant percentage of students from low-income families and are most impacted by COVID-19; and
 - (2) an SEA may not use ARP EANS funds to provide reimbursements to any non-public school.



Eligibility of Non-Public Schools

- To be eligible, a non-public school must enroll a significant percentage of students from low-income families in accordance with the approved poverty percentage in the State's application for ARP EANS funds.
- To be counted as a student from a low-income family, a student must be ages 5 through 17 from a family whose income does not exceed 185 percent of the 2020 Federal poverty level and enrolled in a non-public school.
- To obtain a count of students from low-income families enrolled in a non-public school, an SEA may use one or more of the sources of data listed on the next two slides. Please note:
 - The poverty threshold must be consistent across sources.
 - The source(s) of data may vary among non-public schools or within an individual non-public school.



Data Sources

Under the ARP EANS final requirements, the source of data must be an actual measure of family income. Methodologies, such as proportionality, may not be used to determine the eligibility of non-public schools for ARP EANS services or assistance.

- Two allowable sources in the final requirements that use the same poverty threshold are free-and reduced-price lunch (FRPL) data and data from the E-Rate program, which is administered by the Federal Communications Commission.
- The final requirements also specify that data from a different source, such as scholarships or financial aid data, are allowable because scholarship or financial aid information can produce family income data for students enrolled in a non-public school.



Data Sources - Continued

- The final requirements also permit an SEA to develop a survey to assist non-public schools in collecting poverty data.

(Note: A non-public school could administer the survey to parents and then use the results of the survey to demonstrate its eligibility for ARP EANS services or assistance. Also, the survey could be structured similar to the FRPL survey, asking parents to identify the number of household members and annual income.)

- Additionally, non-public schools may have other available data the SEA may consider.

Please note that a State that decides to use a measure different than what is reflected in its application should amend the application accordingly.



Paycheck Protection Program

- A non-public school that has applied for and received a loan from the Small Business Administration's Paycheck Protection Program (PPP) that is made on or after December 27, 2020, is ineligible to participate in ARP EANS.
- If an SEA has questions concerning the PPP loan program as related to a non-public school's participation in ARP EANS, please reach out to the Department.



Determining Amounts of Services and Assistance

- An SEA might calculate estimated “allocations” for eligible non-public schools in the State in order to provide guidance to applicants regarding the amount of services or assistance that could be available. Please be aware that these “planning allocations” can be a useful tool but are merely for planning purposes for non-public schools to request services or assistance; a non-public school does not receive ARP EANS funds.



Determining Amounts of Services and Assistance -- Continued

- Many States also intend to provide greater access to services or assistance to non-public schools with higher proportions of low-income students enrolled, and the Department appreciates that estimating “allocations” based on some type of weighted formula might be the easiest way to do so.

In short, States should not limit a non-public school’s ability to request all needed and allowable services or assistance, even if beyond a “planning allocation” amount.



Uses of Funds

As noted earlier, the uses of funds under ARP EANS is the same as CRRSA EANS, with one notable exception: Reimbursement for services or assistance is not allowable under ARP EANS.

Please keep in mind that--

- The State must maintain control of all program funds and title to all supplies and equipment purchased with ARP EANS funds.
- The services or assistance provided must be allowable from the exclusive list in section 312(d)(4) of the CRRSA Act and in the context of addressing the impact of COVID-19, not the general needs of a non-public school.
- To be allowable, an expenditure must be consistent with the cost principles in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the requirement that a cost be necessary and reasonable for performance of the Federal award.



Obligations

What does it mean for an SEA to “obligate” ARP EANS funds?

The regulations at 34 C.F.R. § 76.707 govern when an obligation of Federal funds by an SEA occurs. Specifically, for services or assistance provided through a contract, the obligation is made on the date that the SEA makes a binding written commitment to obtain the services, work, or products. For rental or lease of real or personal property, the obligation is made when the property is first used.



Obligations -- Continued

What is not an obligation?

Approval of a non-public school's application under the ARP EANS program or completion of an associated agreement with a non-public school (e.g., through a memorandum of understanding or contract) is not an "obligation" of funds.



Reverting Unobligated Funds

If a State is in full compliance with all statutory requirements, including ensuring that the needs of ARP EANS participating non-public schools for allowable services or assistance have been met, then funds not obligated within 6 months of receipt of the award must be reverted to the Governor for allowable uses under the GEER program.

- When the SEA has determined the amount of unobligated APR EANS funds that it will revert to the Governor, the SEA should notify the Department.
- The SEA should work with the Governor's office to determine who will administer the unobligated ARP EANS funds and document any agreement between the SEA and the Governor's office, including the amount of unobligated ARP EANS funds that the SEA will revert.



Reverting Unobligated Funds -- Continued

- The reverted ARP EANS funds will be available for obligation for activities allowable under the GEER program through September 30, 2024.
- The funds remain EANS funds that become available for allowable uses under GEER; thus, no new GAN will be issued.
- If the SEA will not administer these funds and a change in the payee needs to be made in G5, please let the Department know and we can help you make that change.
- For more guidance on using these funds, please refer to the Department's communication from January 21, 2022.



Annual Performance Reporting

All grantees are required to report on CRRSA EANS and ARP EANS funds by submitting an annual performance report (APR) describing how the State used the awarded funds during the performance period. Reverted EANS funds will also be reported on the EANS APR.

- EANS annual performance report submission dates are May 16 through June 3, 2022.
- EANS Data Collection Form: https://api.covid-relief-data.ed.gov/collection/api/v1/public/docs/EANS_Annual_Reporting_Form_Final.pdf



Guidance & Technical Assistance

In addition to today's ARP EANS Office Hour, the Department will:

- Provide ongoing technical assistance, as needed; and
- Monitor EANS implementation as part of the quarterly review meetings.



Please send your questions about the ARP EANS program to EANS@ed.gov.

Additional information regarding the ARP EANS program, including State allocations, is available on the [ARP EANS webpage](#).

