Disposition of Equipment and Supplies under the EANS Program

On April 4, 2022, the U.S. Department of Education (Department) provided information to EANS grantees regarding the disposition of equipment and supplies provided to non-public schools under the program. A revision of that communication was then sent on May 20, 2022.

With this communication, the Department seeks to clarify the length of time a State educational agency (SEA) may permit a non-public school to continue to use equipment or supplies purchased with EANS funds. For ease of reference, this communication consolidates the April 4th and May 20th disposition information, as well as the clarification around how long an SEA may permit a non-public school to use equipment or supplies purchased with EANS funds.

Under 34 C.F.R. § 76.661(b) and as described in *Frequently Asked Questions, Emergency Assistance to Non-Public Schools Program*, FAQ F-1, 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, for CRRSA EANS or September 30, 2024, for ARP EANS) or until the equipment and supplies are no longer needed for the purposes of the EANS program (see also 2 C.F.R. §§ 200.313(a)(1), (c)(1) and 200.314(a)).

If an SEA determines, in consultation with non-public school representatives, that non-public school students and teachers continue to need such equipment and supplies for the purposes of the EANS program beyond the period of performance, the SEA may, but is not required to, continue to permit non-public school students and teachers to use the equipment and supplies; otherwise, the use of equipment and supplies provided with EANS funds would terminate at the end of the period of performance. If an SEA permits use to continue beyond the period of performance, the SEA must continue to maintain title to, and keep administrative control over, the equipment and supplies.

In general, once equipment and supplies are no longer needed for purposes of the EANS program or the period of performance ends, an SEA must remove them from the non-public school. (34 C.F.R. § 76.661(d)(1)). However, rather than disposing of equipment or supplies purchased with EANS funds when no longer needed for purposes of the EANS program or the period of performance ends, an SEA may allow a non-public school to continue to use the equipment and supplies to the extent they are needed for other allowable purposes under another Federal education program in which the non-public school participates, such as the Elementary and Secondary Education Act of 1965 or the Individuals with Disabilities Education Act. (See 2 C.F.R. §§ 200.313(c), 200.314(a)). In that case, the SEA must either retain title to, and maintain administrative control over, the equipment and supplies or transfer title and control to another public agency such as an LEA providing equitable services under the Federal education program(s) in which the non-public school participates.

When equipment is no longer needed for the EANS program or other activities currently supported by the Department in which a non-public school participates, the SEA must dispose of equipment in accordance with State laws and procedures. (34 C.F.R. § 200.313(b)).

With respect to supplies that are no longer needed for the EANS program or another Federal education program, if an SEA has a residual inventory of unused supplies exceeding $5,000 in total aggregate value, the SEA must retain the supplies for use on other activities or sell them and must, in either case, compensate the Department for its share. (2 C.F.R. § 200.314(a)).

For questions regarding disposition of equipment or supplies, contact us through your State Mailbox, [State].oese@ed.gov.