

# MINUTES



## Commissioner's Task Force on ESSER II and EANS Distribution of Money Friday, February 26, 2021

### CALL TO ORDER

Chair Jim Porter called the weekly meeting of the Commissioner's Task Force to order at 3:00p.m. on Friday, Feb. 26, 2021. (00:04:07)  
The meeting was conducted via video conference and was live streamed for the public to observe and listen.

### APPROVAL OF AGENDA

Brenda Dietrich moved to approve the Friday agenda with a minor change to the first agenda item; Commissioner's welcome will occur after roll call. Adam Thomas seconded the motion. Motion carried 19-0. **MOTION** (00:06:24)

### ROLL CALL

All Task Force members attended by video conference: (00:06:30)

Jim Porter	Dr. Frank Harwood
Janet Waugh	Roberta Lewis
Brenda Dietrich	Tracy Callard
Pat Pettey	Jason Winbolt
Adam Thomas	Brad Bergsma
Simeon Russell	Janet Eaton
Lisa Peters	Dr. Nick Compagnone
Dr. Mike Argabright	Adam Proffitt
Jamie Rumford	Melissa Rooker
Dr. Alicia Thompson	

### VICE CHAIR NAMED

Chairman Porter named Rep. Adam Thomas as the Vice Chair for the Commissioner's Task Force. (00:08:15)

### COMMISSIONER WATSON - Task Force Responsibilities

Commissioner Watson went over the purpose of the Task Force; and why the group was created. He commented that historically, since 1965 KSDE has taken care of Federal funding as it relates to Title Programs. In the past, when the U.S. Government has distributed money, it has usually been done under the Title I formula. The process will be similar for the ESSER II and EANS funds, although, there will be differences; as the amount of money is larger, and they did not distribute to private schools under this formula. After he finished discussing the purpose of the Task Force, Commissioner Watson moved to the vision of the State Board, and the outcomes for measuring progress in students throughout Kansas. (00:12:20)

- 65 percent of the funding source comes from the State.
- 27 percent of the funding comes from Local.
- 8 percent of the funding is federal (primarily in the area of Special Education; small amount for Title Programs, and Food Service.
- KSDE serves 500,000 students throughout the State.

Next, Commissioner Watson went over the key focuses of the Task Force, as the Task Force will help with oversight of the Federal funds coming to education in a form similar to a grant; emphasizing that the money is not state money, or local money, it is Federal. He then mentioned to Task Force members that schools did not save money during the pandemic while students were hybrid or remote. There were many different factors throughout the pandemic that drove significant costs and needs to students and teachers throughout the State.

### CONTINUED- COMMISSIONER WATSON- Task Force Responsibilities

Commissioner Watson mentioned that there was a significant increase in expenses for districts throughout the pandemic including substitute teaching costs, additional learning time, mental health, technology equipment and support, health staff and equipment, facility expenses, etc. These are similar items that the Task Force will see in the future when reviewing applications. Federal Relief (ESSER II and EANS) funds are intended to further support LEAs and Non-Public schools in addressing needs related to the COVID-19 pandemic. Also, to maximize the use of the Federal funds to meet the needs of Kansas students through the KANSAS CAN Vision, and by adhering to the Federal regulations as the work is being complete.

(00:17:53)

Commissioner Watson then discussed the balance of the Task Force, as it will need to balance local control, and transparency to foster the public trust to help families across the state. The funds the Task Force will focus on will be ESSER II (Elementary & Secondary School Emergency Relief) and EANS (Emergency Assistance to Non-Public Schools). He then mentioned that this may be the first time that private schools haven't been funded under the Title I formula. The amount of ESSER II funds will be around \$370 million, and EANS will be close to \$27 million. The Task Force could potentially oversee ESSER III (but it has not been passed by Congress quite yet; but the Task Force would oversee the expenditures for these funds, if passed).

To answer questions from Task Force members, representatives from KSDE, and the Boston Consulting Group will be present during the weekly meetings.

The Task Force will provide oversight of the funds but it goes directly to the school districts. The goal of the Task Force is to provide oversight to the funds so when the federal audits come, and the public asks how the money was spent, we can tell them with clarity and confidence that the funds were spent according to Federal Law.

For the ESSER II funds, there is a specific dollar amount allotted to each district, they cannot apply for any more or any less. This will not be the same for private schools. There is not a limit on the amount of money the private schools can request, but there is a priority to serving private schools with a large number of students in poverty.

### COMMISSIONER WATSON- Authorized Uses of ESSER II Funds

(00:30:32)

Next on the agenda, Commissioner Watson covered the approved expenditures for the ESSER II funds. He mentioned that on December 27th, President Trump signed into law the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260, which provides an additional \$54.3 billion for an ESSER II fund- which is more than four times the initial awards to State Educational agencies under the CARESS act. Commissioner Watson then emphasized a few key points, as this is **not** a stimulus bill, it is a pandemic recovery bill. The intent of this Act is to assist students who are behind due to the pandemic, whether that is academically, socially, emotionally, or in other areas.

The purpose of the additional funds is to safely reopen schools, and to mitigate the impact of COVID-19 on the students and families who depend on our K-12 schools.

Commissioner Watson mentioned when the Task Force is approving public school applications in the future, the Task Force should think of two things. First, will be the use of this money and was this expense caused by the pandemic, and secondly, the fifteen approved uses of ESSER II funds.

Commissioner Watson then walked the Task Force through the fifteen approved expenditures for the ESSER II funds. He mentioned that the Task Force may see quite a few applications regarding mental health services, implementing activities related to summer learning, and supplemental after school programs, as well as addressing learning loss amount students.

Rep. Adam Thomas asked Commissioner Watson why the term "At-Risk" wasn't used in the categories of number 4 of the Authorized uses of ESSER II funds; Commissioner Watson responded that the list shown did not originate from KSDE, but it is Federal Law.

(00:41:16)

Commissioner Watson then mentioned that public schools do not have to try and mitigate the loss immediately, it can be spread out over time. There may be school districts who only apply for a portion of funds they are qualified for immediately, and observe the results they are receiving, and then maybe apply for more later.

### COMMISSIONER WATSON- Authorized Uses of EANS Funds

(00:55:30)

Commissioner Watson started the discussion by stating the amount of EANS funds being distributed to private schools which will be around \$27 million, and it will not take away from any of the public-school funds as it sits alone. To receive EANS funds, private schools must ask to receive the funds and submit a plan. Commissioner Watson then mentioned that private schools will not be receiving a predetermined set amount of money, which will be different from the public schools. It was also stated that private schools cannot own any of the equipment past September 2023. Next, Commissioner Watson covered the thirteen areas in which the private schools can request services or equipment. He mentioned what makes distribution difficult for private schools is that the funds will not go directly to private schools, and Service Centers have been asked to manage this money, and it will be drawn down as it is requested for use. The distribution is different for private schools because that is the way the Federal Law is written, and the funds cannot be sent directly to private schools.

Lastly, a comprehensive plan will have to be submitted from the private schools by building on how they will use the money for pandemic related items through September 2023, but the application and plan will have to be approved by the end of April 2021, and that is Federal Law.

**CONTINUED - COMMISSIONER WATSON – Authorized Uses of EANS Funds**

(01:01:45)

Commissioner Watson mentioned that non-accredited private schools can apply for the EANS funds, as long as the application is filled out, and a comprehensive plan is submitted. All EANS applications will have to be submitted, and approved by the end of April 2021. The timeline in which the EANS applications must be approved by is why the private school applications will be a high priority, as these funds will have to be distributed first. Commissioner Watson mentioned that any funds not spent by the private schools will then be sent back to the Governor, and it may be used for other pandemic related expenses in accordance with the Federal Law.

It was stated by Dean Zajic (KSDE) that any materials paid for with the EANS funds will be owned by the State of Kansas, and must be disposed of after September 2023 (as with any surplus property of the State), or the private schools can purchase the equipment back if they choose to.

Commissioner Watson stated that the Task Force will receive recommendations from staff to help prioritize applications in accordance to the Federal Law.

**ADJOURNMENT**

Chairman Porter adjourned the meeting at 4:10pm. The next meeting will occur on Friday, March 5<sup>th</sup> at 3:00pm.

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Jim Porter, Chair

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Makayla Auldridge, Administrative Officer



# 15 Authorized Uses for ESSER II Funds

AUTHORIZED USES FOR ESSER II FUNDS	EXAMPLES
<p>1. <b>Any activity authorized by the ESEA of 1965</b>, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (“IDEA”), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)</p>	<ul style="list-style-type: none"> <li>• Expand Title 1 Program for learning loss.</li> <li>• Add staff to lower class sizes for COVID-related safety. (Cohorting, increasing physical space, etc.)</li> <li>• Create additional family engagement activities – surveys, etc. to provide feedback for program development. (Making connections outside of school hours.)</li> <li>• Establish a safe in-person environment for a limited number of students most in need of in-person support, even while most of the district may be remote.</li> <li>• Provide personal protective equipment and other resources to safely, send teachers to work with students in the home, when appropriate.</li> </ul>
<p>2. <b>Coordination of preparedness and response efforts</b> of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.</p>	<ul style="list-style-type: none"> <li>• Assign staff to attend coordinating meetings.</li> <li>• Meet regularly with county health officials and emergency management staff.</li> <li>• Share resources and facilities with county health officials and emergency management staff.</li> </ul>
<p>3. Providing principals and others school leaders with the <b>resources necessary to address the needs of their individual schools.</b></p>	<ul style="list-style-type: none"> <li>• Provide professional development on leading during a pandemic, addressing learning loss, etc.</li> <li>• Provide professional development on addressing mental health for staff and students.</li> <li>• Provide health care training for administrators and school leaders.</li> <li>• Develop remote learning strategies.</li> <li>• Provide training for communicating with parents, staff, and students during remote learning.</li> </ul>

AUTHORIZED USES FOR ESSER II FUNDS	EXAMPLES
<p>4. <b>Activities to address the unique needs of low-income children or students</b>, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, <b>including how outreach and service delivery will meet the needs of each population.</b></p>	<ul style="list-style-type: none"> <li>• Locate disengaged students and make sure they have access to education.</li> <li>• Connect families with community resources.</li> <li>• Translate materials for families.</li> <li>• Establish a safe in-person environment for a limited number of students most in need of in-person support, even while most of the district may be remote. Hold classes at different hours of the day to accommodate unusual family schedules.</li> <li>• Provide meals (sack lunches) for students who cannot safely come to school.</li> </ul>
<p>5. Developing and implementing <b>procedures and systems to improve the preparedness and response efforts</b> of local educational agencies.</p>	<ul style="list-style-type: none"> <li>• Pay staff for time outside of their contract to develop and implement necessary procedures in response to a health emergency, i.e. health protocols, mitigation of virus, cohorting procedures.</li> </ul>
<p>6. <b>Training and professional development for staff</b> of the local educational agency on sanitation and minimizing the spread of infectious diseases.</p>	<ul style="list-style-type: none"> <li>• Bring in health departments and other community health professionals to provide professional development on mitigation efforts, training on how to use tools/ technology, etc.</li> <li>• Train all school staff on appropriate sanitation.</li> <li>• Share school staff training with staff from other agencies such as hospitals, nursing homes, businesses, retail stores, etc.</li> <li>• Share school sanitation protocol training with parents.</li> </ul>
<p>7. <b>Purchasing supplies to sanitize and clean the facilities</b> of a local educational agency, including buildings operated by such agency.</p>	<ul style="list-style-type: none"> <li>• Purchase additional supplies or specialty equipment necessary to mitigate the virus within school buildings.</li> <li>• Purchase personal protective equipment; face masks, shields, gowns, gloves, etc.</li> </ul>
<p>8. <b>Planning for, coordinating, and implementing activities during long-term closures</b>, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.</p>	<ul style="list-style-type: none"> <li>• Provide for the excess costs associated with nutritional services – delivery, additional distribution locations, additional sanitation protocols/equipment.</li> <li>• Provide remote learning sites, internet hotspots, etc.</li> <li>• Provide meals (sack lunches) for students who cannot safely come to school.</li> <li>• Provide training for parents, staff, and students on use of technology.</li> <li>• Provide training for parents, staff, and students on remote learning practices and strategies.</li> </ul>

AUTHORIZED USES FOR ESSER II FUNDS	EXAMPLES
<p><b>9. Purchasing educational technology</b> (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.</p>	<ul style="list-style-type: none"> <li>• Purchase additional technology such as tablets, laptops, screen readers etc. for remote teaching and remote learning.</li> <li>• Increase broadband for schools.</li> <li>• Purchase offsite internet security software to protect students and equipment.</li> <li>• Hire IT staff to implement and support additional technology.</li> <li>• Provide mental health services and supports.</li> </ul>
<p><b>10. Providing mental health services and supports.</b></p>	<ul style="list-style-type: none"> <li>• Contract with mental health agencies to provide counseling, social services, and access to mental health professionals for staff and students in response to COVID-19.</li> <li>• Provide professional development for counselors and social workers.</li> <li>• Develop and implement early warning systems/screeners to identify staff and student mental health needs.</li> <li>• Work with local mental health professionals to train school staff on mental health issues to watch for in students, staff, and parents; as well as how to respond appropriately.</li> </ul>
<p><b>11. Planning and implementing activities related to summer learning and supplemental after school programs</b>, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.</p>	<ul style="list-style-type: none"> <li>• Cover additional salaries/expenses for staff, utility bills, etc. associated with summer extended learning.</li> <li>• Cover expenses associated with providing student transportation to summer learning programs.</li> <li>• Cover expenses associated with additional learning materials to address specific needs created by or as a result of the pandemic.</li> <li>• Implement effective and impactful summer learning programs and after-school programs: Team teach, small classes, varied timeframes, curriculum tied to field trips and hands-on activities, multi-age student groupings, cross curricular instruction, etc.</li> </ul>

AUTHORIZED USES FOR ESSER II FUNDS	EXAMPLES
<p><b>12. Addressing learning loss among students</b>, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by —</p> <ol style="list-style-type: none"> <li>a. Administering and using high-quality assessments that are valid and reliable, to accurately assess students’ academic progress and assist educators in meeting students’ academic needs, including through differentiating instruction.</li> <li>b. Implementing evidence-based activities to meet the comprehensive needs of students.</li> <li>c. Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.</li> <li>d. Tracking student attendance and improving student engagement in distance education.</li> </ol>	<ul style="list-style-type: none"> <li>• Purchase screeners or assessments to help identify student learning loss.</li> <li>• Provide tutoring services to students.</li> <li>• Host parent camps – provide technology training, curriculum explanation/ training, etc.</li> <li>• Extend the length of the school year. Add more breaks if necessary.</li> <li>• Purchase curriculum targeted toward areas in which students have fallen behind.</li> </ul>
<p><b>13. School facility repairs and improvements</b> to enable operation of <b>schools to reduce risk of virus transmission and exposure to environmental health hazards</b>, and to support student health needs.</p>	<ul style="list-style-type: none"> <li>• Install plexiglass dividers and shields for classrooms, libraries, cafeterias, etc.</li> <li>• Replace non-opening windows with windows that open.</li> <li>• Contract an audit of district, pandemic safety protocols.</li> <li>• Create signage related to pandemic safety protocols, i.e. one-way traffic flow in cafeteria, library, etc.</li> <li>• Remodel space to create more classrooms to allow smaller, socially distanced class sizes.</li> <li>• Lease space in community buildings to allow smaller, socially distanced class sizes.</li> </ul>

AUTHORIZED USES FOR ESSER II FUNDS	EXAMPLES
<p>14. Inspection, testing, maintenance, repair, replacement, and upgrade <b>projects to improve the indoor air quality in school facilities</b>, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.</p>	<ul style="list-style-type: none"> <li>• Upgrade filtration/HVAC systems for better air flow and outdoor air circulation.</li> <li>• Contract for an audit of HVAC systems.</li> <li>• Improve air filtering systems</li> <li>• Add air purification systems</li> </ul>
<p>15. Other <b>activities that are necessary to maintain the operation of and continuity of services</b> in local educational agencies and continuing to employ existing staff of the local educational agency.</p>	<ul style="list-style-type: none"> <li>• Payments for already contracted services that can't be used due to the pandemic – i.e. school bus services.</li> <li>• Payments of salaries for staff whose duties can't be performed when schools are in remote learning environments.</li> <li>• Payment of salaries for staff who are afflicted by COVID or underlying health conditions that prohibit them from working and the staff member has no remaining sick leave – hazard pay.</li> <li>• Payments for additional staff duties or risks that are due to additional COVID-19 related duties. <b>NOTE: Bonuses are explicitly prohibited.</b></li> <li>• Payment for substitute teachers necessary due to staff members being quarantined.</li> <li>• Hire additional nurses, custodians, counselors, social workers, teachers, cooks, IT staff. All additional staff must be related to needs caused by COVID.</li> </ul>



For more information, contact:

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# EANS Funds

## EMERGENCY ASSISTANCE FOR NON-PUBLIC SCHOOLS

### **This is a federal list and is subject to state requirements.**

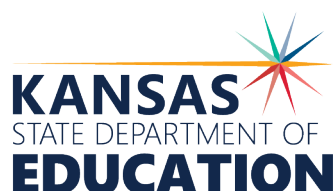
A non-public school may apply to receive services and assistance from the SEA or its contractors to address educational disruptions resulting from COVID-19 for:

- 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
- Reimbursement for the expenses of any services or assistance described above that a non-public school incurred on or after March 13, 2020.

For more information, contact:

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FEBRUARY 24, 2021

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## **Kansas EANS FAQs**

The purpose of this document is to answer Frequently Asked Questions related to the Emergency Assistance to Non-Public Schools (EANS) program under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act). This document summarizes and expands upon requirements and guidelines provided by the federal government in the federal EANS FAQ, which can be referenced [here](#).

### **Federal funding context**

#### **1. What is the purpose of the Emergency Assistance for Non-public Schools (EANS) program?**

The purpose of the EANS program is to provide services or assistance to eligible non-public schools to address educational disruptions caused by COVID-19.

#### **2. How did the US Department of Education determine the amount of funding available to Kansas under the EANS program?**

Under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), Congress provided \$2,750,000,000 for the EANS program. The US Department of Education allocated EANS funds to Governors 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 of Education on the basis of non-public school enrollment data from the U.S. Census Bureau's American Community Survey Public Use Microdata Sample, which can be accessed [here](#).

Kansas was allocated \$26,667,139 under the EANS program. The amount available to each State can be found [here](#).

### **Kansas EANS program overview**

#### **3. What is KSDE's role in the EANS program?**

According to the federal CRRSA law, KSDE is responsible for administering the EANS program. KSDE's responsibilities to administer the EANS program are outlined as follows:

- Distributing information about the EANS program promptly to non-public schools.
- Creating an application with which any eligible non-public school in Kansas may apply. Kansas's application will be made publicly available [here](#).
  - i. Establishing poverty criteria for a non-public school to identify the number and percentage of children from low-income families in its application.
  - ii. Establishing the information a non-public school must provide in its application to enable KSDE to prioritize schools most impacted by COVID-19.
- Ensuring that eligible non-public schools provide the required information related to enrollment of students from low-income families and a description of the emergency services requested from KSDE.
- Making an application easily available to non-public schools in Kansas as soon as possible but no later than 30 days after receipt of the EANS funds.
- Approving/denying each non-public school application promptly but no later than 30 days after the SEA receives the application from a non-public school.

- Prioritizing the provision of services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19.
- Determining how approved services will be provided within federal guidelines
- Ensuring the control of funds for the services or assistance provided to a non-public school, and title to materials, equipment, and property purchased with EANS funds, are in a public agency and a public agency administers the funds, services, assistance, materials, equipment, and property.
- Ensuring that all services or assistance provided, including any materials, equipment, and any other items used to provide such services or assistance, are secular, neutral, and non-ideological purposes.
- Obligating all EANS funds in an expedited and timely manner, to the extent practicable; however, obligating all EANS funds not later than six months after receiving the funds.
- Administering the EANS program in accordance with all applicable requirements.

**4. What does it mean for KSDE to “obligate” EANS funds no later than six months after receiving the funds?**

EANS funding will be “obligated” when KSDE makes a binding, written commitment to provide services or work over the course of the program. While funding must be obligated no later than six months after receiving notification of the federal award, services and supports outlined in the commitment can be provided through September 30, 2023. KSDE expects Kansas’s EANS funds to be obligated as soon as April, 2021.

**5. What happens to EANS funds that have not been obligated for services or assistance to non-public schools within six months of KSDE receiving the funds?**

In the event that there is insufficient demand for services or assistance and KSDE has unobligated funds remaining six months after receiving those funds, the statute requires KSDE to return those funds to the Governor for any authorized use under the GEER II Fund.

**6. Must KSDE consult with representatives of non-public schools in the State regarding implementation of the EANS program?**

There is no statutory requirement that KSDE consult with representatives of non-public schools regarding implementation of the EANS program. However, KSDE is consulting extensively with non-public schools before and during the application process, and also included representation of non-public schools on the Commissioner’s Task Force on ESSER II and EANS Distribution of Money (Commissioner’s Task Force), which will oversee the distribution of EANS funding in Kansas.

**7. How will the Kansas EANS program provide services or assistance to non-public schools?**

KSDE will provide services and supports through the Kansas Association of Educational Service Agencies (KAESA), which is comprised of seven education service centers located across the State. These public agencies will provide eligible services to the private schools based on their requests as described in the EANS application. KSDE will reimburse the service centers for expenses incurred while providing those services and supports.

## 8. What is the Commissioner’s Task Force’s role in the EANS program?

The Commissioner’s Task Force was established to provide strategic oversight for the distribution of federal funding to support Kansas K-12 schools. With support from KSDE, the Commissioner’s Task Force will recommend approval or denial of applications, and review funding, supports, and services provided to each non-public school to ensure schools’ proposed use of funds is allowable under EANS requirements. The Commissioner’s Task Force will then submit its recommendations to the Kansas State Board of Education for final approval.

## 9. What is the Kansas EANS program timeline?

Kansas’s Certification and Agreement has been submitted and approved by the Department of Education and funding has been received by the Governor. In line with federal requirements to obligate EANS funds in an expedited and timely manner, key dates and activities for the Kansas EANS program are as follows (preliminary, subject to change):

<b>Dates</b>	<b>Activity</b>
March 8-12	Draft application materials are made available to schools to preview and prepare
March 15-26	Application is made available for submission via Kansas CommonApp
March 29-April 9	Submitted applications are screened by KSDE and reviewed by the Commissioner’s Task Force
April 13-14	Board of Education approves Task Force-recommended applications; KSDE notifies schools of decision

### EANS eligibility

## 10. Which non-public schools are eligible to apply for services or assistance under the EANS program?

For purposes of the EANS program, an eligible non-public school is an elementary or secondary school that:

- Is non-profit
  - A for-profit non-public school is not eligible to receive equitable services for its students and teachers under the EANS program. Section 315(6) of the CRRSA Act defines a “non-public school” as a non-public elementary or secondary school. Section 315(8) of the CARES Act incorporates the definitions in ESEA section 8101 for any terms not defined in the CARES Act. ESEA section 8101(19) and (45) defines “elementary school” and “secondary school,” respectively, and specifies that they must be non-profit.
- 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 question 17 for information regarding non-public schools that apply for but do not receive a PPP loan).

**11. Are faith-based non-public schools eligible to participate in the EANS program?**

Yes. Faith-based non-public schools are eligible to participate in the EANS program to the same extent as other eligible non-public schools. All services or assistance provided under the program must be secular, neutral, and non-ideological.

**12. May KSDE permit an organization that has governing authority over a group of non-public schools to submit an application on behalf of its member schools?**

An organization that has governing authority over a group of non-public schools may submit applications on behalf of its member schools, but must submit a separate application for each of the schools and may not merge multiple schools into a single application.

**Kansas EANS application and review process**

**13. What information must KSDE require an eligible non-public school to provide in its application for services or assistance under the EANS program?**

KSDE has discretion to create an application that requires schools to provide any information deemed reasonable to ensure expedited and timely provision of services or assistance. However, at a minimum, federal law requires that KSDE must request the following information from an eligible non-public school:

- The number and percentage of students from low-income families enrolled in the non-public school in SY 2019-2020.
- Information regarding the impact of COVID-19 on its school so that KSDE may appropriately prioritize the provision of services and assistance.
- A description of the emergency services or assistance that the non-public school requests be provided.
- Whether the non-public school received a loan guaranteed by the Small Business Association's Paycheck Protection Program (PPP) before December 27, 2020, and the amount of any such loan received. Schools that received a PPP loan before December 27, 2020 are eligible to receive services or assistance under the EANS program.
- An assurance that the non-public school did not, and will not, apply for and receive a PPP loan on or after December 27, 2020.

**14. What data will KSDE request a non-public school to provide in its application regarding low-income students?**

The CRRSA Act does not prescribe what poverty data KSDE must request from a non-public school in its application, but does require KSDE to prioritize EANS services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19. To inform prioritization of services or assistance, the application asks schools to provide total K-12 student enrollment for the 2019-2020 school

year and number of students from low-income families enrolled in school for the 2019-2020 school year. For the purposes of the application, schools should define “low-income” as students from households with incomes at or below 185% of the federal poverty level. KSDE will accept the following data sources from the US Department of Education’s list of possible data sources:

- Free and Reduced Price Lunch eligibility data;
- E-Rate data;
- scholarship or financial assistance data;
- parent surveys identifying students whose household income does not exceed 185% of the federal poverty level, or parent surveys identifying students eligible for services under the Title I, Part A program.

Although schools that enroll low-income students will be prioritized for EANS funding, schools are not required to submit data on low-income students to be eligible for EANS funding. If a school chooses to provide low-income student data, they must use one of the four sources above. Schools that do not submit data will be assumed to have no low-income students. Schools with no data available from the above sources that wish to use another source to document low-income student enrollment should reach out to KSDE to determine the best source to use.

**15. How will KSDE determine what services or assistance to provide to individual non-public schools?**

The CRRSA Act does not prescribe how an SEA distributes services or assistance among schools; accordingly, KSDE has flexibility. KSDE will make every effort, consistent with available funding and school prioritization requirements, to provide the full range of services and assistance requested by each non-public school in its application. However, if school requests total more than Kansas’s EANS allocation, the Commissioner’s Task Force will need to prioritize requests in line with federal guidance. To enable prioritization along standard criteria, the Commissioner’s Task Force will assess EANS applications through a batched review process vs. reviewing and approving individual applications on a rolling, first-come first-serve basis. Factors that may be taken into consideration include low-income student enrollment and COVID-19 impact. The EANS review process is under development and will be discussed and confirmed by the Commissioner’s Task Force.

**16. If a non-public school’s application for services or assistance under the EANS program is denied, may the non-public school apply for a loan under the Paycheck Protection Program (PPP)?**

Yes. 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 non-public 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.

**EANS allowable uses**

**17. What types of services or assistance may a non-public school receive?**

A non-public school may apply to receive services and assistance from the Kansas service centers to address educational disruptions resulting from COVID-19, for:

- Supplies to sanitize, disinfect, and clean school facilities

- Personal Protective Equipment (PPE)
- Improving ventilation systems, including 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

#### **18. What types of reimbursements may a non-public school receive?**

A non-public school may request reimbursement in its application for expenses it has incurred or will incur for most of the 12 allowable uses as outlined above. Eligible expenses must have been incurred on or after March 13, 2020; used to prevent, prepare for, and respond to COVID-19; and not already reimbursed using federal funds, including the Paycheck Protection Program (PPP), Elementary and Secondary School Emergency Relief (ESSER), or the Coronavirus Relief Fund (CRF).

Although the following are allowable services or assistance under the EANS program, KSDE may **not** reimburse a non-public school for:

- Improvements to ventilation systems,
  - 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.

#### **19. May KSDE subgrant EANS funds to a local board of education, educational service agency (ESA), or other entity to provide services or assistance to a non-public school?**

No. Under 34 C.F.R. § 76.50(c), KSDE may not subgrant funds under a formula-grant program unless there is express authority to do so. There is no express authority to subgrant in the CRRSA Act.



**20. If a non-public 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 non-public school under the EANS program may be the same as, or similar to, the equitable services the non-public 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 non-public schools include those outlined in question 18, nearly all of which are also authorized equitable services under the CARES Act programs.

**21. Must a public agency maintain control of EANS funds used to provide services or assistance to a non-public school?**

Yes. Control of funds for services and assistance provided to a non-public school under the EANS program and title to materials, equipment and property purchased with such funds, must be in a public agency, and a public agency must administer such funds, materials, equipment, and property. A private school that receives reimbursement under EANS must transfer title and control of the property to the public agency. In addition, services for a non-public school must be provided by a public agency directly or through contract with another public or private entity.

**22. For how long are the services and assistance provided to a non-public school available?**

Equipment and supplies purchased with EANS funds for students and teachers in a non-public school may be used for authorized EANS purposes over the course of the program (through September 30, 2023) or until the equipment and supplies are no longer needed for the purposes of the EANS program, whichever occurs first.

Once equipment or supplies are no longer needed for purposes of the EANS program, the public agency must remove them from the private school. As appropriate, the private school may be able to purchase the supplies or equipment. After equipment and supplies are no longer needed for the purposes of the EANS program, the public agency may continue to use the equipment or supplies for other allowable purposes under another federal education program, such as the ESEA or the Individuals with Disabilities Education Act (IDEA).

## **EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS (EANS)**

### **APPLICATION**

The Kansas State Department of Education (KSDE) has developed this application to gather the information necessary to ensure compliance with state and federal law, approve applications, and report on the use of EANS funding. Please complete all required questions in the application form as well as the service and reimbursement template provided for download. The window for application submission will be March 15-26, 2021. **Please note** – applications will be reviewed by the Commissioner’s Task Force in recorded public meetings, and all information submitted will be made publicly available through the Task Force’s review process.

If any questions arise as you fill in the application, please review our FAQ materials or reach out to the EANS application team at [EANS@KSDE.org](mailto:EANS@KSDE.org).

**PART A: Basic Non-Public School Information and Assurances**

- 1. **Full School Name** (Short text answer):
- 2. **KSDE-Assigned Building Number\*** (Short numeric response):

\*Note: If a non-public school does not have a building number with the KSDE, please contact the EANS application team at [EANS@KSDE.org](mailto:EANS@KSDE.org) for information on how to apply for a building number. Please list “pending” on your application if you have not received your building number prior to submission of your application.

- 3. **Building Address**
  - a. Street Number and Name (Short text response):
  - b. City (Short text response):
  - c. Zip Code (Short numeric response):

- 4. **Mailing Address**
  - a. Street Number and Name (Short text response):
  - b. City (Short text response):
  - c. Zip Code (Short numeric response):

- 5. **School district** (Drop-down selection):

- 6. **Grades served** (Check all that apply):  K  1  2  3  4  5  6  7  8  9  10  11  12

**Note:** Only grades K-12 are eligible for EANS funding or services

- 7. **Learning environment** for the majority of K-12 students from **March 13, 2020 through the end of the spring 2020 semester** (Select from drop-down list): Remote, hybrid, in-person, closed due to COVID – no services provided

*Note: if multiple models were used, please select the one that was used for the greatest percentage of time for the greatest percentage of students*

- 8. **Learning environment** for the majority of K-12 students over the **fall 2020 semester** (Select from drop-down list): Remote, hybrid, in-person, closed due to COVID – no services provided

*Note: if multiple models were used, please select the one that was used for the greatest percentage of time for the greatest percentage of students*

**Learning environment** for the majority of K-12 students for the **spring 2021 semester to-date** (Select from drop-down list): Remote, hybrid, in-person, closed due to COVID – no services provided

*Note: if multiple models were used, please select the one that was used for the greatest percentage of time for the greatest percentage of students*

**9. Authorized Representative of the School**

- a. Name (Short text response):
- b. Position/Title (Short text response):
- c. Email address (Short text response):
- d. Phone number (Short text response):

**10. Other School Representatives**

Please add any additional school representatives you would like to be included on future EANS application-related communications.

- a. Name (Short text response):
- b. Position/Title (Short text response):
- c. Email address (Short text response):
- d. Phone number (Short text response):

**11. Assurances**

Please acknowledge the following (Checklist – completion required):

- Control of funds for services and assistance provided to a non-public school under the EANS program and title to materials, equipment and property purchased with such funds, must be in a public agency, and a public agency must administer such funds, materials, equipment, and property. Therefore, the Kansas Department of Education or the Kansas Association of Educational Service Centers will assume ownership and title to all materials, equipment and property purchased using EANS funds, including reimbursements.
- All services or assistance provided under the program must be secular, neutral, and non-ideological.

**PART B: Non-Public School Eligibility**

By **checking each box** below, I affirm that the following is true and correct regarding my school (Checklist – completion required).

- The school requesting services or assistance is a non-profit school.
- The school requesting services or assistance existed and operated prior to March 13, 2020.
- The school requesting services or assistance 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.

NOTE: If a non-public 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 non-public school meets the requirements and deadlines of this application. If a non-public school applied for or received a PPP loan prior to December 27, 2020, it remains eligible for the EANS program. Similarly, if a non-public school applies for but does not receive services or assistance through EANS, nothing in the Education Stabilization Fund would preclude that non-public school from applying for and receiving a PPP loan on or after December 27, 2020.

- None of the services or assistance for which I am requesting support in Part D of this application have already been supported by a loan under the PPP, the Coronavirus Relief Fund (CRF), or by Elementary and Secondary School Emergency Relief (ESSER) services provided by a Local Education Agency (LEA).

Note: At its discretion, the KSDE may require a non-public school applicant to submit any documentation necessary to substantiate one or more of the above assurances.

### **PART C: Funding Need**

Section 312(d)(3)(C) requires an SEA to prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19. Accordingly, the State requests that the school provide the data described below. Data provided in this application should not include personally identifiable information about students or their families.

#### **Enrollment and Low-Income Data**

1. Total K-12 student enrollment of the school in the **2019-2020** school year (Short numeric response): \_\_\_\_\_
  
2. (Optional) Number of K-12 students from low-income families enrolled in the school in the **2019-2020** school year (Short numeric response): \_\_\_\_\_

*Note: For the purposes of this application, please define “low-income” as students from households with incomes at or below 185% of the federal poverty level.*

3. (Optional) Data source(s) used to provide the above estimate (Note - KSDE will accept the following data sources) (Checklist): \_\_\_\_\_
  - a. Free and Reduced Price Lunch eligibility data;
  - b. E-Rate data;
  - c. scholarship or financial assistance data;
  - d. parent surveys identifying students whose household income does not exceed 185% of the federal poverty level, or parent surveys identifying students eligible for services under the Title I, Part A program.

**Note:** Although schools that enroll low-income students will be prioritized for EANS funding, schools are not required to submit data on low-income students to be eligible for EANS funding. If a school chooses to provide low-income student data, they must use one of the four sources above. Schools that do not submit data will be assumed to have no low-income students. Schools with no data available from the above sources that wish to use another source to estimate low-income students should reach out to KSDE to determine the best source to use.

#### **4. Impact of COVID-19**

- a. Please briefly describe the impacts of COVID-19 on your school and its K-12 students, including any relevant data where possible (e.g., revenue impact, cost impact, learning loss, emotional impact on students). If there has been a disproportionate impact on a special population at the school (e.g., students with disabilities, English Learners, students in foster care, students in poverty, etc.), please describe the impact and provide the number of K-12 students in that population. (Text response, up to 250 words).

**5. Other COVID-19 Services or Funding**

Please briefly describe any prior COVID-19 funding or services received by the school (e.g., Paycheck Protection Program loan before December 27, 2020, ESSER I equitable services, services from counties under the Coronavirus Relief Fund). Include estimated dollar amounts for funding and services where known (Text response, Up to 150 words).

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## **PART D: Non-Public School Services or Assistance Requested**

**Please review the following requirements for services and reimbursements requested before completing the Excel template portion of the application.**

### **Services requested**

A non-public school may apply to receive services or assistance from the SEA or its contractors to address educational disruptions resulting from COVID-19 for:

1. Supplies to sanitize, disinfect, and clean school facilities
2. Personal Protective Equipment (PPE)
3. Improving ventilation systems, including portable air purification systems
4. Training and professional development for staff on sanitization, the use of PPE, and minimizing the spread of infectious diseases
5. Physical barriers to facilitate social distancing
6. Other materials, supplies or equipment recommended by the CDC for reopening and operation of school facilities to effectively maintain health and safety
7. Expanding capacity to administer coronavirus testing to effectively monitor and suppress the virus
8. Educational technology
9. Redeveloping instructional plans for remote or hybrid learning or to address learning loss
10. Leasing sites or spaces to ensure social distancing
11. Reasonable transportation costs
12. Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss

### **Reimbursements**

Eligible reimbursements may include the expenses of any services or assistance described above that a non-public 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, 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.
- Any expenses reimbursed through a loan guaranteed under the PPP (15 U.S.C. 636(a)) prior to December 27, 2020.

Prior to any reimbursement, the non-public school must provide **sufficient documentation supporting such expenditures** demonstrating that the school actually received the services or assistance related to those expenditures.

**The public agency gains title to materials, equipment, and property for which it provides reimbursement.** For example, if a non-public school purchased laptops for students and teachers



to facilitate online learning, KSDE may use EANS funds to purchase those laptops from the non-public school, thereby also obtaining title for the laptops from the non-public school.

**For additional information on allowable services or assistance, please review the KSDE EANS FAQ on the KSDE website.**

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**1. Description of use of services**

Please briefly summarize how the products and services requested (including any requested reimbursements for prior expenses) will be used, and how they will specifically address the school’s incremental COVID-19 needs (free response, 250 word limit).

**2. Requests for services, assistance, and/or reimbursement**

Please fill out the attached Excel template with the school’s request for future services or assistance and reimbursement of previous expenses and upload as part of your submission.

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**Part E: Certification of Information Provided**

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

- a. Name of Authorized Representative of the School:
- b. Signature of Authorized Representative of the School:
- c. Date:

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## Kansas EANS Application Instructions

**This Excel file is required to be completed as part of a non-public school's EANS application submission. Please complete the following data tabs and upload the Excel file in the application where prompted. If any questions arise as you fill in the application, please review our FAQ materials or reach out to the EANS application team at [EANS@KSDE.org](mailto:EANS@KSDE.org).**

### **Guidance for using the Excel template:**

- Please add the School Name and Building Number to all tabs in cells C2 and C3.
- Schools should only edit cells that are highlighted in yellow. Please do not edit any other cells in the file or add columns, rows, or tabs.
- There is data validation throughout the tabs to ensure schools provide answers in the correct format and to auto-populate certain columns. In columns with drop-down menus or specific instructions on types of answers to provide, please provide answers from the allowable set.
- Please reach out to the EANS application team ([EANS@KSDE.org](mailto:EANS@KSDE.org)) if you believe additional template updates are needed to complete the application for your school.









### Reimbursement requests

Please use this tab to document reimbursement requests. Allowable reimbursement uses are documented in Reference Table 3 in Columns H-U. Please use a separate line for each reimbursement request. In Column B, select from a drop down of allowable uses. Then provide the date the expense was incurred, which organization was paid for providing the services, a brief description of the expense and how it addressed a COVID-specific need, and the total dollar amount to be reimbursed for each line item. Please include quantities within the expense description, if applicable (e.g., number of devices purchased).

**NOTE - Schools will be required to upload reasonable documentation (e.g., receipts, invoices) as proof of expense along with this template. In addition, any equipment, materials, or supplies reimbursed using EANS funding is required to become property of a public agency at the end of the program or once the items are no longer being used to address COVID-specific needs.**

Total dollar amount:	\$0
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Allowable reimbursement uses (Select from drop down)	Expense date (Date)	Provider (Short text response)	Description of how the expense was used. Briefly describe how this request addresses a COVID-19 impact or need.	Total dollar amount (Short numeric response)