

KANSAS EANS I

FREQUENTLY ASKED QUESTIONS



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 at:

https://oese.ed.gov/files/2021/01/Final_EANS_FAQs_1.14.21.pdf

Kansas EANS I Program Overview

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, products, or assistance to eligible non-public schools to address educational disruptions caused by COVID-19.

2. Is this the same as the EANS funding approved in March 2021 as part of the American Rescue Plan Act?

A second round of EANS funding (sometimes referred to as “EANS II”) was recently signed into law as part of the American Rescue Plan Act. The current application process being run by KSDE is exclusively for EANS I funding. The parameters of EANS II are similar to those of EANS I, however there are some key differences including the exclusion of reimbursements from EANS II; EANS II application details and timelines will be shared by KSDE at a later date. Eligible schools may apply and receive services, products, or assistance from both EANS I and EANS II programs, as long as the non-public school meets the respective requirements and deadlines for the individual applications.

3. How will the Kansas EANS I program provide services, products, or assistance to non-public schools?

KSDE will provide services, products, 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 and products to the private schools based on their requests as described in the EANS I application. KSDE will reimburse the service centers for expenses incurred while providing those services, products, and supports. The non-public school will not receive direct funds except in the form of reimbursement for eligible expenses outlined by federal law and KSDE.

4. Who is responsible for making decisions within the Kansas EANS I program?

Kansas Education Commissioner Dr. Randy Watson has established a Task Force with a range of public and private school representatives to provide strategic oversight for the distribution of federal funding to support Kansas K-12 schools through both the EANS (non-public school) and ESSER (public school) programs. With support from KSDE, the Commissioner’s Task Force will review applications to ensure schools’ proposed use of funds is allowable under EANS I requirements and to prioritize according to federal guidelines in the event that requests exceed resources available. The Commissioner’s Task Force will then submit its recommendations to the Kansas State Board of Education for final approval. All Task Force meetings are livestreamed and recorded, and are open to the public. More information on the Commissioner’s Task Force, including agendas, meeting materials, minutes, and recordings, can be found at: <https://www.ksde.org/Default.aspx?tabid=1448>.

Kansas EANS I Timeline

5. What is the Kansas EANS I application timeline?

In line with federal requirements to obligate EANS I funds in an expedited and timely manner, key dates and activities for the Kansas EANS I program are as follows (subject to change):

Dates	Activity
March 8-19	Draft application materials are available to schools to preview and prepare
March 22-April 2	Application is available for submission via Kansas CommonApp https://commonapp.grantplatform.com/
April 5-April 16	Submitted applications are screened by KSDE and reviewed by the Commissioner’s Task Force
April 19-20	Board of Education approves Task Force-recommended applications; KSDE notifies schools of decision

6. Is there a benefit to submitting an application sooner than the deadline?

Applications will not be approved on a first-come first-served basis; all applications will be reviewed upon receipt but decisions about all applications will be made at the same time relative to the full pool of funds available. However, schools are strongly encouraged to submit applications as soon as possible in case additional information is required before KSDE and the Task Force can make a final determination.

7. Can the EANS I application be altered after submission?

After submission, a non-public school cannot alter its EANS I application, unless specifically requested to do so by KSDE.

8. How long is EANS I support available?

Equipment and supplies purchased with EANS I funds for students and teachers in a non-public school may be used for authorized EANS I 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 I program, whichever occurs first.

Once equipment or supplies are no longer needed for purposes of the EANS I 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 from the public agency.

Kansas EANS I Eligibility

9. Which non-public schools are eligible to apply for services, products, or assistance under the EANS I program?

For purposes of the EANS I program, federal law defines an eligible non-public school as 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 I 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.
 - While the applicant must be a non-profit school to be eligible for the EANS I program, the applicant is not required to be a 501C3.
- 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 12 for information regarding non-public schools that apply for but do not receive a PPP loan).

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

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

11. Can an organization that has governing authority over a group of non-public schools submit an application on behalf of its member schools?

Yes. 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. There is no advantage to submitting all applications at the same time given each application will be assessed independently.

12. If a non-public school applies for a PPP loan and is denied a loan, may it apply for services, products, or assistance under the EANS I program?

Yes. A non-public school that applies for a PPP on or after December 27, 2020, but does not receive funds under the PPP, may apply for services, products, or assistance under the EANS I program, as long as the non-public school meets the requirements and deadlines of KSDE.

13. If an organization received PPP funds on or after December 27, 2020, is an affiliated non-public school ineligible from applying for services, products, or assistance under the EANS I program?

Eligibility is determined by the entity that received PPP funding on or after December 27, 2020. If the non-public school and the organization have different federal Employee Identification Numbers (EIN), the non-public school would still be eligible to apply for services, products, or assistance under the EANS I program. If the non-public school and the organization have the same EIN, they are legally considered the same entity and the non-public school would not be eligible to apply for services, products, and assistance under the EANS I program given the receipt of PPP funding on or after December 27, 2020.

14. If a school has limited/no low-income students or limited data on low-income students, can it still apply and receive services?

Although schools that enroll low-income students will be prioritized for EANS I funding, schools are not required to have low-income students or submit data on low-income students to be eligible for EANS I funding. Schools that do not submit data will be assumed to have no low-income students, but can still receive assistance through the EANS I program for eligible COVID-related needs.

Kansas EANS I Application and Review Process

15. Where can a non-public school access EANS I application materials?

Kansas EANS I application materials can be found at:

<https://commonapp.grantplatform.com/>.

16. How will KSDE and the Task Force determine which services, products, or assistance to provide to individual non-public schools?

KSDE will make every effort, consistent with available funding and school prioritization requirements, to provide the full range of services, products, and assistance requested by each non-public school in its application that are necessary, allowable, and reasonable. However, if school requests total more than Kansas' EANS I allocation, the Commissioner's Task Force will need to prioritize requests in line with federal guidance that requires KSDE to take into account low-income student enrollment and COVID-19 impact. To enable prioritization along standard criteria, the Commissioner's Task Force will assess EANS I applications through a batched review process rather than reviewing and approving individual applications on a rolling, first-come first-serve basis.

17. Who will have access to the information contained in the applications?

Submitted applications will be reviewed and discussed in public Task Force meetings, and KSDE reserves the right to make submitted applications as well as reviews of those applications public once the review process is complete.

18. Can a non-public school apply for the EANS I program multiple times?

At this time, each school may only apply for the EANS I program once. If the total amount of available EANS I funding is not obligated during the current EANS I application period, KSDE may create additional opportunities in the future for schools to request EANS I funding, but this cannot be guaranteed since funds are limited. There will be an additional application period for EANS II funding in the future, but details and timelines are still pending.

19. Given there are multiple schools with the same / similar name in the state of Kansas, how should applicants distinguish their school name?

Applicants will be asked to provide their unique building number. If your school does not have an assigned building number, please visit the KSDE EANS website (<https://www.ksde.org/Default.aspx?tabid=564#eans>) for directions on how to obtain a building number. If the applicant does not have an assigned building number and the school name is indistinguishable from other schools in the state, please include the EIN following the school name when prompted on the application.

20. What is the minimum or maximum amount of funding available per applicant?

There is no set minimum or maximum amount of funding per applicant. In total, KSDE can allocate a maximum of \$26.7M for the EANS I program across all eligible applicants, including expenses to administer the program. The amount awarded per applicant will vary based on number of eligible responses received.

Kansas EANS I Allowable Uses

21. What types of services, products, or assistance may a non-public school receive?

As outlined by federal law, non-public school may apply to receive services, products, 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

22. 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 some of the 12 allowable uses as outlined above, but not others. 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).

Federal law states that 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.

Kansas EANS Applicant Frequently Asked Questions

- 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.

23. Can a non-public school receive future reimbursements?

No. Any future expenses may be requested, but eligible expenses will be provided through the use of a service center rather than a reimbursement to the non-public school. A non-public school may request a reimbursement in its application for expenses it has incurred in accordance with the eligible expenses outlined in question 21 of this document, excluding expenses outlined in question 22 of this document. If the request is accepted under the EANS I program, the reimbursement will only be awarded if the non-public school has incurred that expense. To clarify, ordering an item within the eligible timeframe that has not yet been paid for would not qualify as an incurred expense.

24. Can a non-public school request and receive services, products, or assistance under the EANS I program that are not listed on the allowable services menu?

Yes. Within the “Other Requests” portion of the application, a non-public school may include any additional services, products, or assistance beyond what is listed on the provided service center menu

(<https://www.ksde.org/Portals/0/ECSETS/Announcements/EANS-ServiceCenterMenu.pdf>).

Any service, product, or assistance received under the EANS I program must comply with federal qualifications listed in question 21 of this document.

25. If a non-public school is receiving equitable services under a CARES Act program, do the services, products, or assistance provided under the EANS I program need to be different?

No. The services, products, or assistance provided to a non-public school under the EANS I 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, products, or assistance must be **additive** to what was provided under a CARES Act program, such that a non-public school is only receiving one reimbursement per eligible item. Under the EANS I program, services, products, or assistance to non-public schools include those outlined in question 21, nearly all of which are also authorized equitable services under the CARES Act programs.

26. Does receiving services, products, or assistance under the EANS I program make a non-public school a “recipient of Federal financial assistance”?

No. Under the EANS I program, the Governor is the recipient of Federal financial assistance and is responsible for ensuring that KSDE administers the EANS I program in accordance with applicable laws, including civil rights laws. Section 312(d)(7)(A) of the CRRSA Act requires a public agency (e.g., KSDE) to control and administer EANS I funds and keep title to materials, equipment, and property purchased with the funds. A non-public school whose students and teachers receive services, products, or assistance under the EANS I program, even if such services, products, or assistance are delivered through reimbursement, is not a “recipient of Federal financial assistance.” As a result, certain Federal requirements that apply to a recipient of Federal financial assistance are not directly applicable to a non-public school whose students or teachers receive services, products, or assistance under the program, unless the school receives Federal financial assistance for other purposes.

27. Who will be the owner of items purchased through the EANS I fund, and is there a difference between new purchases and reimbursements?

Under federal law, control of funds for services, products, and assistance provided to a non-public school under the EANS I 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 I must transfer title and control of the property to the public agency. In addition, services or products for a non-public school must be provided by a public agency directly or through contract with another public or private entity.

28. Can the use of EANS I funds differ from the approved application requests and amounts?

Approvals of requests are specific to the request and up to the defined amount; funds may not be used for non-approved requests or above and beyond the approved amount for each request without additional review and approval. Information regarding change requests will be released in the coming weeks.

29. What is the process for hiring additional staff under the EANS I program?

Additional staff may be requested by the non-public school, such that the rationale for the additional staff is in accordance with EANS I criteria. While the non-public school may perform independent recruiting of the approved staff position(s), a designated service center will be the employer of the additional staff member(s). Given this, the service center will be responsible for the salary and benefits of the additional staff.