THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Assistant Commissioner
Office of School Governance, Policy, and Religious and Independent Schools
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March 1, 2021

Dear Colleague:

This letter is regarding the federal Emergency Assistance for Nonpublic Schools (EANS) program. EANS is part of the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSA Act), the second federal economic stimulus package, passed in December 2020.

The CRRSA Act created a fund that was directed to each state's Governor, and within that fund, it allocated EANS money to religious and independent schools. A total of $248.9 million has been made available for New York State's religious and independent schools. Unlike last year's CARES Act, which required local school districts to provide equitable services to nonpublic schools, these EANS funds will be directly administered by the New York State Education Department (NYSED). NYSED has worked with the New York State Division of the Budget (DOB) and Governor's Office to develop this program.

For your school to receive a share of the funds, you must submit a Letter of Intent to NYSED by March 17, 2021, as explained in more detail below. Schools that do not submit a Letter of Intent in one of the approved formats (see below) by the deadline will not be able to participate. Governor Cuomo and NYSED encourage you to participate in this federally funded program.

School Eligibility Criteria - Schools must meet the following five conditions to participate:

1) The school must be a not-for-profit that serves students in kindergarten through grade 12. Approved private special education schools, including Chapter 853 schools and State-supported schools for the blind and deaf, are eligible to participate. Programs that only serve preschool students with disabilities and special act school districts are not eligible to participate.

2) The school must be accredited, licensed, or otherwise approved to operate in accordance with State law.

3) The school must have been in existence prior to March 13, 2020 and be providing instruction in the current (2020-21) school year.

4) The school did not participate in the Small Business Administration's Paycheck Protection Program (PPP) (15 U.S.C. 636(a)(37)) after December 27, 2020. PPP loans taken prior to December 27, 2020 have no impact on a school's eligibility to participate in EANS. After December 27, 2020 a school must choose between EANS and PPP; a school cannot participate in both.

5) The school must submit a completed Letter of Intent by March 17, 2021 indicating that it intends to participate in the EANS program and provide all requested information.

Letter of Intent - The Letter of Intent asks for basic information about the school, confirmation of school eligibility, and information necessary to calculate school-level allocation amounts, including:

- **Enrollment:** Schools will report their K-12 enrollment count as submitted in the 2019-20 BEDS report. If you did not report BEDS data for last year, please contact NYSED at SORIS@nysed.gov;

- **Low-income Student Counts:** Schools will report how many pupils in grades K-12 in the 2019-20 school year were from families with incomes below 185 percent of the federal poverty threshold. Examples of allowable sources of this data include free and reduced-price lunch (FRPL) counts, parent surveys, and scholarship/ financial aid applications; and

- **COVID-19 Impact:** Schools will report the financial impact that the pandemic has had on them to date: increased costs (e.g., expenses related to PPE, education technology, remote learning), the total amount of public funding the school has received to date to offset those costs (e.g., FEMA, PPP), and loss of revenue (e.g., tuition, fundraising).

Formats for filing a Letter of Intent:

- For schools that are not part of diocesan or multi-building systems, the Letter of Intent should be accessed through the Business Portal at this link: https://portal.nysed.gov/abp. If you need assistance in accessing the Portal, please contact SORIS@nysed.gov.

- Dioceses or multi-building organizations operating multiple school buildings as part of the same organization may submit the requested information in bulk. For this purpose, NYSED will provide a Letter of Intent spreadsheet that can be found at this link: http://www.nysed.gov/nonpublic-schools/emergency-assistance-nonpublic-schools-program-eans. Email the completed spreadsheet to SORIS@nysed.gov.

- If your school does not use the internet, you may submit the Letter of Intent by mail (must be postmarked by March 15, 2020) to:

State Office of Religious and Independent Schools
EBA Room 1074
New York State Education Department
89 Washington Ave.
Albany, NY 12234.
ATTN: Emergency Assistance to Nonpublic Schools (EANS)

School-Level Allocation Methodology - Allocations will be determined as follows:

1) **K-12 Enrollment:** 35 percent of total funding (i.e., $87.1 million of the $248.9 million) will be allocated based on total 2019-20 school year K-12 enrollment. The per-pupil funding amount will equal $87.1 million divided by the total K-12 enrollment of nonpublic schools seeking to apply for funding. An individual school's award from this component will equal the per-pupil amount multiplied by the school's 2019-20 enrollment.

2) **Low-Income Students:** 35 percent of total funding (i.e., $87.1 million of the $248.9 million) will be allocated based on 2019-20 school year low-income K-12 student counts. The per-pupil funding amount will equal $87.1 million divided by the total low-income student counts of nonpublic schools seeking to apply for funding. An individual school's award from this component will equal the per-pupil amount multiplied by the school's 2019-20 low-income student count.

3) **COVID-19 Impact:** 30 percent of total funding (i.e., $74.7 million of the $248.9 million) will be allocated based on the financial impact of the COVID-19 pandemic (i.e., increased costs plus loss of revenue minus public funding received to date to offset such costs). An individual school's award from this component will equal the per-pupil amount multiplied by the school's 2019-20 enrollment. The per-pupil funding amount will equal the lesser of the following:

   A. $74.7 million divided by the total 2019-20 enrollment of nonpublic schools seeking to apply for funding, or

   B. the school's per-pupil COVID financial impact (i.e., its reported COVID-19 financial impact divided by its total 2019-20 K-12 enrollment).

   If the full $74.7 million is not allocated by this initial calculation (i.e., because some schools' COVID-19 financial impact is less than the per-pupil amount calculated in step A above), the per-pupil amount in step A will be increased so that the full $74.7 million can be allocated.

Potential Per-Pupil Funding Amounts - The per-pupil funding amounts calculated using the allocation methodology described above will depend on the total enrollment of the nonpublic schools seeking to apply for funding, the total count of low-income students they serve, and the financial impact that the COVID-19 pandemic has had on the school. The table on the following page illustrates a range of potential outcomes for these per-pupil funding amounts. For example, if the schools seeking to apply represent 80 percent of statewide nonpublic enrollment (roughly consistent with the experience of Mandated Services Aid/Comprehensive Attendance Policy), and if 55 percent of those schools' total pupils were low income (roughly consistent with the statewide average among public schools), then an individual school's award would be calculated using per-pupil funding amounts of approximately $270 per K-12 pupil, $500 per low-income pupil, and an additional
$230 per K-12 pupil for COVID-19 impact. If participating schools' total K-12 enrollment and low-income student count are lower, the per-pupil funding amounts would be higher, and vice versa.

			Participating Schools as % of Statewide Enrollment		
			70%	80%	90%
Low-Income Enrollment as % of Participating Schools' Total Enrollment	40%	**K-12 Enrollment:** $ Per Pupil	$310	$270	$240
		Low-Income: $ Per Low-Income Pupil	$790	$690	$610
		COVID-19 Impact: Initial Max $ Per Pupil	$270	$230	$210
	55%	**K-12 Enrollment:** $ Per Pupil	$310	$270	$240
		Low-Income: $ Per Low-Income Pupil	$570	$500	$450
		COVID-19 Impact: Initial Max $ Per Pupil	$270	$230	$210
	70%	**K-12 Enrollment:** $ Per Pupil	$310	$270	$240
		Low-Income: $ Per Low-Income Pupil	$450	$390	$350
		COVID-19 Impact: Initial Max $ Per Pupil	$270	$230	$210

Note: Per-pupil funding amounts in table are rounded down to the nearest $10.

New York State EANS Program Timeline - The State will implement the program on the following timeline:

February 22 – Governor applied to the U.S. Department of Education (USDOE) for funds under this federal program.

March 1 – NYSED notifies eligible schools and advises them to submit a Letter of Intent. This letter is part of that notification process. A description of how to submit a Letter of Intent is above.

March 17 – Deadline for schools to submit the Letter of Intent to NYSED. NYSED collects the Letter of Intent and all information necessary to develop the allocation amounts for each eligible school that intends to participate.

March 25 – NYSED releases the application and school-level allocations to eligible schools that submitted a Letter of Intent. NYSED is required to release the application no later than 30 days after the State's application to USDOE is approved.

April 23 – Deadline for schools to submit the application to NYSED. Applications will describe the planned use(s) of the EANS funds. Eligible uses of the EANS funds are described further below.

May 23 (or Earlier) – NYSED will review the applications and notify schools of their application's approval status. NYSED is required to approve or deny a school's application no later than 30 days after receipt of the application.

May 23 (or Earlier) - August 23 – Schools request reimbursement for qualified purchases and/or request services to be provided. As NYSED or its administrator reviews the request for reimbursement or services, they may seek clarification as necessary. If there are concerns with the school's application, the school will be advised on potential revisions.

<u>August 23</u> – Federal deadline for funds to be obligated. By this date, (1) all items purchased by nonpublic schools that are to be reimbursed by NYSED must be purchased by the schools, and (2) NYSED must have an executed contract for all requested non-reimbursable assistance.

Applications/Requests for Services and Assistance - As noted in the above timeline, NYSED will release applications and school-level allocations on March 25. Through the application, a nonpublic school may request reimbursement for qualified purchases and/or request services to be provided:

- **Reimbursement for Qualified Purchases:**
    - If the school plans to request reimbursement for eligible expenditures, it must submit proof of expenditure for each eligible item (e.g., receipts, purchase orders).
    - Payments will be made through NYSED payment systems.
    - Only expenses incurred on or after March 13, 2020 may be reimbursed.
    - Schools may not have received reimbursement for eligible costs through another public program (e.g., FEMA, PPP, State Nonpublic Safety Equipment).
    - <u>Only</u> the following purchases may be reimbursed:
        - Supplies to sanitize, disinfect, and clean school facilities;
        - Personal protective equipment (PPE);
        - Portable air purification systems;
        - Physical barriers to facilitate social distancing;
        - Other materials, supplies, or equipment to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff during the qualifying emergency;
        - Expanding capacity to administer coronavirus testing to effectively monitor and suppress coronavirus, to conduct surveillance and contact tracing activities, and to support other activities related to coronavirus testing for students, teachers, and staff at the non-public school;
        - Educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) to assist students, educators, and other staff with remote or hybrid learning;
        - Leasing of sites or spaces to ensure safe social distancing to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention; and

- Reasonable transportation costs.

- **Request for Services:**

  - If the school requests that services be provided, NYSED will arrange for a vendor to provide those services and NYSED will pay the vendor directly.

  - Because NYSED has only until August 23 to enter into contracts with vendors to provide such services, schools will need to be responsive to NYSED's requests for information about the services being requested. If NYSED is unable to enter into contracts for such service by August 23, the services may not be provided.

  - Only the following services may be requested:

    - Improvements to ventilation systems, including windows;

    - Staff training and professional development on sanitization, the use of PPE, and minimizing the spread of infectious diseases;

    - Redeveloping instructional plans, including curriculum development, for remote or hybrid learning or to address learning loss; and

    - Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address learning loss.

Public Control of Funds - Control of funds for services and assistance provided to a nonpublic school under the EANS program, as well as 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. In general, once equipment or supplies are no longer needed for purposes of the EANS program, NYSED must remove them from the private school. 34 C.F.R. § 76.661(d)(1). After equipment and supplies are no longer needed for the purposes of the EANS program, NYSED may continue to use the equipment or supplies in the nonpublic school to the extent they are needed for other allowable purposes under another federal education program, such as the ESEA or the Individuals with Disabilities Education Act (IDEA). In that case, NYSED must retain title to, and maintain administrative control over, the equipment and supplies or transfer title and control to another public agency such as a school district providing equitable services under another federal education program.

Sincerely,

Christina Coughlin
Assistant Commissioner
Office of School Governance, Policy, and Religious and Independent Schools