

Frequently Asked Questions Emergency Assistance for Nonpublic School (EANS)

The purpose of this document is to provide further technical assistance on North Dakota's Emergency Assistance for Nonpublic Schools (EANS) program. The US Department of Education also released a [Frequently Asked Questions](#) to guide implementation.

Allocations and Data

Q. What data set did the department use to generate EANS Estimated Service Allocations?

The department used publicly reported data through enrollment and free-reduced meal programs from the 2019-2020 school year.

Q. Does the nonpublic school need to provide scholarship data and learning loss data with the application?

No. Applicants do not need to include disaggregated student data (achievement or demographic) with the application. It is important to note, the data requested in the application will need to be available if requested and justified for auditing and monitoring purposes.

Q. Are nonpublic schools able to receive funds (i.e., a direct allocation) under EANS?

No. The EANS program specifically prohibits a state from granting funds directly to nonpublic schools. Rather, it requires control of funds for services, and titles to any materials, equipment, property purchased shall be (and remain) with the public agency. There will be processes established for reimbursement to nonpublic schools for allowable items.

Process, Procedures and Logistics

Q. Is a DUNS number required before applying for a SAMs?

Each application must include a Data Universal Numbering System (DUNS) number and Sam.gov information for the nonpublic entity. Securing a public partner does not negate this requirement. The DUNS can be provided after the application has been submitted. We understand it to be a cumbersome process, and not everyone will have it completed before the application due date. We need to confirm it is done before we can pay any reimbursements or services.

Q. How and to whom are reimbursements and/or service costs paid?

Reimbursements are paid by the department directly to the nonpublic entity. All reimbursements must meet the public control requirements of EANS. Payments for services are paid by the department directly to the supplier providing the service(s).

Q. Why does the application encourage a public partner and consultation?

The EANS program requires the state department of education to provide services and assistance to nonpublic schools. The department is uncertain what each nonpublic school may ask for and what the process is for the state department to deliver those services. Identifying and consulting with a public partner may be helpful when finding solutions for services.

Q. Do public school districts know nonpublic entities may be reaching out to them?

Public school districts in North Dakota have been kept abreast of all federal funding packages; however, EANS is most likely not a program of focus of them. On Monday, April 12, 2021, the department contacted all public school districts with nonpublic schools within their boundaries. It is the responsibility of the nonpublic school to reach out and have a conversation with potential public partners.

Q. Must a public partner do all allowable uses when hiring a paraprofessional? For example, they want to do the ordering of items, but not the payroll part of the process.

If a nonpublic school asks to buy equipment and hire staff and/or services, the public partner may say it does not have the capacity for the hire process but will do the equipment ordering. It is not an all or nothing process. The public partner can decide what elements with which they want to be involved.

Just because it is listed on the nonpublic application it does not automatically mean those are the services that can or will be provided. After collecting all EANS applications, the department may need to determine the best fit for these services. For example, a nonpublic school requests a tutoring software program; however, each nonpublic is requesting a different software program. The department would need to converse with those applicants and may potentially need to put it out for public bid and contract for services to flow to the nonpublic schools.

Q. If a public entity does contracted services, what documentation is required?

To address this question, consider the following example: The nonpublic school requested in its application to receive SEL services from a local entity. The state approved this request, and the state has a contracted service with the public school district to assist in providing these services to nonpublic school students.

The public district would have an agreement/contract on file with the counseling organization, inclusive of rate, services provided, timeline, etc., to provide services to the nonpublic school. The nonpublic school would validate that, in fact, the services were provided. The public district would in-turn invoice the department. The department pays the district, and the district pays the counseling organization.

Q. How is being a public partner beneficial for a LEA? It seems like administrative work with no benefit. The contract issues with professional staff get sticky and, ultimately, the LEA is the one stuck with the contract and dealing with reductions.

It is something that needs to be considered. The LEA does not have to agree to be part of the conversation. We feel all students live in and are part of your local community. The department is open to other options and ideas to how we can make this program work. We thought by opening conversations to the partners, from which nonpublic schools are already receiving services, might be a logical option. It is in no way committing the public district to providing the services or staff. This is not an all or nothing process. If a nonpublic school asks to buy equipment and hire staff and/or services, the public partner may say it does not have the capacity to hire but will do the equipment ordering. The public partner can decide what elements with which to be involved, if any.

Q. Can the public partner decline a request for help on services?

Yes. The public partner can decline a request to play a role in providing nonpublic school services or assistance. If this happens, please reach out to the department so we may assist in strategizing alternative public partners.

Q. Does the public partner receive any type of administrative funds for helping?

Possibly. This will depend on the type of service provided. If the public entity is providing a service on behalf of the department an administrative service expense will be provided. In some cases, the EANS funding from a nonpublic school may need to provide administrative or account management services expenses for the public partner. Consultation with the department, nonpublic school, and public agency will be critical in this instance.

Q. Once an application is filed, is the nonpublic school obligated to use all EANS funds?

No. The nonpublic school is not obligated to use all funds. Please consult with the department if you have unobligated funds so we can assist in allocating any remaining funds or come to the consensus that the money needed was less than what was estimated through planning allocations. Any dollars not obligated by the end of September will revert to the Governor's office.

Q. How long are EANS services and assistance available to a nonpublic school?

All approved reimbursements, activities, and services must be completed by September 30, 2023. Equipment and supplies purchased with EANS funds for students and teachers in a nonpublic school may be used for the authorized purposes of the EANS program during the period of performance (i.e., through September 30, 2023) or until the equipment and supplies are no longer needed for the purposes of the EANS program.

Q. What happens to non-consumable materials, equipment, or supplies after September 30, 2023?

The department will provide updated information on the disposition of these items as we approach the end of the EANS program.

In general, once equipment or supplies are no longer needed for purposes of the EANS program, the department must remove them from the nonpublic school. The department may authorize the nonpublic school to use the equipment or supplies to the extent they are needed for other allowable purposes under another federal education program (i.e., Title IV, IDEA, etc.). A public entity must retain title to, and maintain administrative control over, the equipment and supplies.

Q. Must a public partner maintain control of EANS funds used to provide services or assistance to a nonpublic school?

Yes. Control of funds for services and assistance provided to a nonpublic school under the EANS program and title to materials, equipment, and property purchased with such funds, must be maintained by a public partner. A public partner must also administer such funds, materials, equipment, and property.

Q. May a nonpublic school receive reimbursement for COVID-19-related expenses?

Yes. The department may reimburse a nonpublic school only for expenses for allowable services or assistance it incurred on or after March 13, 2020, to prevent, prepare for, and respond to COVID-19, that have not already been reimbursed with federal funds, including PPP. Reimbursements under the EANS program do not make nonpublic schools recipients of federal financial assistance.

To maintain control over EANS funds, the department must ensure the nonpublic school's expenditures are allowable expenses, it has sufficient documentation supporting such expenditures, it received the services or assistance related to those expenditures, and that the title to materials, equipment, and property for which it provides reimbursement is in public control. For example, if a nonpublic school purchased laptops for students and teachers to facilitate online learning in April 2020, the department may use EANS funds to purchase those laptops from the nonpublic school (thereby obtaining title for the laptops). Provided these conditions are met, the department may continue to allow the laptops to be used by nonpublic school students and teachers.

Use of Funds – General

Q. What are allowable activities for reimbursement or services?

- A. A nonpublic school may apply to receive reimbursement, and services or assistance to address educational disruptions resulting from COVID-19 for:
 - A. Supplies to sanitize, disinfect, and clean school facilities.
 - B. Personal Protective Equipment (PPE).

- C. Improving ventilation systems, including windows or portable air purification systems.
- D. Training and professional development for staff on sanitization, the use of PPE, and minimizing the spread of infectious disease.
- E. Physical barriers to facilitate social distancing.
- F. Other materials, supplies or equipment [recommended by the CDC](#) for reopening and operation of school facilities to effectively maintain health and safety.
- G. Expanding capacity to administer coronavirus testing to effectively monitor and suppress the virus.
- H. Educational technology.
- I. Redeveloping instructional plans for remote or hybrid learning or to address loss of learning.
- J. Leasing sites or spaces to ensure social distancing.
- K. Reasonable transportation costs.
- L. Initiating and maintaining education and support services or assistance for remote or hybrid learning or to address loss of learning.

Reimbursement for expenses of any services or assistance described above that a nonpublic school incurred on or after March 13, 2020 are allowable from the categories above, except for:

- Section (C) shall not be reimbursable, except portable air purification systems shall be an allowable, reimbursable expense.
- Section (D) shall not be reimbursable.
- Section (I) shall not be reimbursable.
- Section (L) shall not be reimbursable.
- Any expenses reimbursed through a loan guaranteed under the PPP (15 U.S.C. 636(a)) prior to December 27, 2020.
- Any expenses or services already provided through ESSER I equitable services, GEER I equitable services, or North Dakota CARES Act funding.

Use of Funds – Personnel

- Q. Can a public entity (for instance a public school district) hire or contract with tutors, paraprofessionals, counselors, or SLD teachers to provide services to the nonpublic entity?**
Yes. A public district who is working as a public partner with the nonpublic entity can hire or contract individuals to provide a service as it relates to dealing with the pandemic.

Q. If we need to hire a new paraprofessional, does the nonpublic school have a say in who is hired? Is the nonpublic school part of the hiring process, wage decisions, and associated benefits?

If the nonpublic school has a public partner, that public partner would perform the tasks of hiring of a paraprofessional, consulting with nonpublic school staff in the decision making process. If the nonpublic school does not have a public partner, the department will explore other ways to provide paraprofessional services. In this case, the department would make the decisions regarding hiring or support services. If the department is to provide this service, it may hire a state, non-department employee and provide that service through a state contract as a temporary employee to serve the nonpublic school. In that situation, the department and nonpublic school would consult on contract logistics.

Another approach might be to work with your public district. A nonpublic school may consult with the public school district regarding hiring someone for paraprofessional services and may ask the public school district if it would be interested in being a preferred partner in this type of service. The public district may feel it is not the best option and could, potentially, contract for those services. This would not be a benefitted FTE, rather for a contracted service (Object Code 300). In that situation the department, nonpublic school, and public school district would consult together on the best plan forward.

In the event the public district has an extra paraprofessional FTE that could be placed in the nonpublic school, it would be considered a district FTE and paid salary/benefits at public district rate to serve the nonpublic school.

Q. Can nonpublic schools pay for staff with EANS funding?

No. All EANS activities are requests for services and the nonpublic school will not be able to hire nor pay for any staff directly (i.e., payroll). The school would be able to request additional staff services on their application. The state or public partner could potentially contract with a teacher at a nonpublic school directly to provide secular, neutral, and non-ideological services outside of the teacher's contractual obligation with the nonpublic school. The nonpublic teacher must contract with or be employed by the state or another public entity for EANS purposes outside of the time he or she is employed by the nonpublic school, and the nonpublic teacher must be under direct supervision of the state or other public entity with respect to all EANS activities.

Q. How is pay rate set for personnel? Must benefits be provided?

When securing personnel to provide services to nonpublic schools, there are two scenarios that seem most likely:

- FTE: If the personnel are hired as an FTE of the public partner, then the salary and benefit schedule would follow that of the public partner.
- Contracted Service: If the personnel are secured as a contract through the public partner, then the rate of pay is negotiable and typically benefits are not included.

Q. If services are rendered through a public partner for a paraprofessional, for example, does the nonpublic building principal direct and supervise the paraprofessional?

Because the individual providing services would technically be an employee of the public entity or under contracted services with the public entity, the supervision of the individual needs to be in public control. We could reasonably assume there would be some collaboration and oversight with nonpublic leadership.

Q. Can nonpublic schools reimburse for staff time (i.e., salary or stipends) with EANS funding?

No. Guidance released from the U.S. Department of Education indicates funding cannot be used for payroll purposes.

Use of Funds – Supplies, Software, Dues and Fees

Q. Can EANS funds be used to pay for COGNIA memberships or professional development platforms such as LincSpring?

COGNIA memberships are not considered pandemic related and, thus, not an allowable expense under EANS.

Virtual professional development services, such as LincSpring, may be allowable. The department has already provided ND educators access to LincSpring, so we will need to determine if the nonpublic educators already have access.

Q. Would EANS funds cover the costs of Map Testing?

Yes. Testing is a strategy that needs to be in place to better understand student learning losses or gains; therefore, Map Testing is allowable.

Q. What is defined as workbooks in section F...workbooks for students? If we list what we expect to spend in the future, are we allowed to reallocate over the next couple years?

Keep in mind, this is in response to COVID. Maybe you need to purchase additional workbooks for students who are schooling at home. This would be reimbursable. For future requests, you need to plan for it. If an activity changes, there will be a budget revision process.

Q. Are remote learning subscriptions (i.e., SEESAW) or device management services allowable with EANS funds?

Tools, like SEESAW, are an allowable expense under educational technology. If the product is reimbursed, it is no longer in nonpublic school control, it moves over as a public purchase.

Q. Has there been any clarification on what the transfer of ownership might look like in September 2023 (specifically related to purchased instructional materials, equipment, etc.)?

If a nonpublic school is reimbursed for equipment purchased because of the pandemic, or if it is acquiring new equipment in response to the pandemic, those equipment items need to

be transferred to public control. The public entity would need to have title to and inventory the equipment/material. In short, the equipment is owned by a public school district but housed at a nonpublic school and utilized for the EANS program.

The law indicates at the end of September 2023, EANS is done. The federal law provides some options on what happens to equipment at the close of a federal program. The law indicates we can either A) bring it back to the department, B) transfer to the local LEA, or C) transfer to another allowable federal program that serves the nonpublic school. Your inventory would show the equipment was purchased with EANS funds until September 2023. In October 2023 that equipment could be transferred to your equitable services Title IV program or, if it is a teacher laptop, equitable services Title II, or special education IDEA program. We have a plan of what that transition of equipment and materials would look like in a federal program.

Another option that could exist is for the nonpublic to purchase these federally owned pieces. For example, a nonpublic program purchased ten Chromebooks and they were reimbursed with EANS funds. At the end of September 2023, the public partner could say fair market value is \$25 per Chromebook (based on an independent appraisal). The nonpublic could purchase them from the public partner for \$25 per item; hence, the equipment becomes property of the nonpublic school. Another thing we have seen is fair market estimates or bids are provided on those ten Chromebooks and they are worth \$250 and the public partner gifts them as a donation to an eligible agency, of which can be the nonpublic school.

Use of Funds – Professional Development

Q. Would PD for teachers to embed accelerated learning principles and strategies into classroom instruction allow for graduate classes taken by teachers? (Category I)

A nonpublic can request a contract with someone to provide professional development. Salary, stipends, and time for teachers cannot be provided by EANS. A nonpublic instructional coach cannot be paid through EANS. It would need to be determined who or what contracted service the nonpublic would like provided.

Q. It is allowable to contract with a non-state person for services?

Yes. For example, say there is an independent counselor the public district that could contract to provide counseling services to the nonpublic school. Or maybe there is a school counselor who works part-time two days a week and could potentially work an additional three days a week to provide services to the nonpublic school.