

# American Rescue Plan Emergency Assistance for Non-Public Schools (ARP EANS - EANS II) Application for Utah

## BACKGROUND

### Purpose

The American Rescue Plan Act, 2021 (ARP), was signed into law on March 22, 2021 and includes \$2.75 billion for the American Rescue Plan's Emergency Assistance for Non-Public Schools (ARP EANS) program. The ARP EANS Fund award of \$26,428,418 was applied for and accepted by the Utah State Governor's Office, and will be administered by the Utah State Board of Education.

The Utah State Board of Education (USBE) is distributing these funds by application in alignment with the federal guidance on distribution. This funding is intended to help eligible non-public schools safely reopen schools, measure and effectively address significant learning loss, and take other actions to mitigate the impact of COVID-19 on the students and families who depend on Utah's K-12 non-public schools.

### ARP EANS Updates from EANS I

The ARP Act extends the EANS program authorized under section 312(d) of the CRRSA Act. Accordingly, with two exceptions, the requirements of ARP EANS are the same as those in section 312(d) of the CRRSA Act. The two exceptions are:

- USBE may only provide services or assistance under the ARP EANS program to non-public schools that enroll a significant percentage of students from low-income families and are most impacted by the COVID-19 emergency. For the state of Utah, the school must **meet or exceed 24% of total students in the school who are students from low-income families**
- For ARP EANS, the U.S. Department of Education has determined that **USBE may not use ARP EANS funds to reimburse any non-public school** as authorized under section 312(d)(4)(M) of the CRRSA Act.

On July 9, 2021, the Department posted on its website final requirements for the ARP EANS program to (1) make clear that, with the exceptions noted above, the requirements under the CRRSA EANS program apply to the ARP EANS program and (2) establish guidelines to determine that a non-public school enrolls a significant percentage of students from low-income families and is most impacted by the COVID-19 emergency. The final requirements were subsequently published in the *Federal Register* at <https://www.federalregister.gov/d/2021-14862>.

## **Allowable Use Cases**

A Utah non-public school may apply to receive services or assistance from the USBE 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 windows or 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

Please note for APR EANS, all of the above services and goods must be provided directly from USBE. Reimbursements to non-public schools are NOT ALLOWABLE for ARP EANS as directed by the U.S. Department of Education.

## **Non-allowable Use Cases**

- Any expenses reimbursed through a loan guaranteed under the PPP (15 U.S.C. 636(a)) prior to December 27, 2020.
- The Department generally does not consider the following to be an allowable use of ARP funds, under any part of section 313 including EANS:
  1. Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the non-public school
  2. Expenditures related to state or local teacher or faculty unions or associations
  3. EANS funds generally will not be used for bonuses, merit pay, or similar expenditures
  4. Reimbursement for the expenses of any services or assistance described above

## **Funding**

The Utah State Board of Education will make available to Utah's eligible non-public schools funds from the ARP EANS program. Applications will be prioritized based on:

- The number and percentage of students from low-income families enrolled in the non-public school and,
- Information regarding the impact of COVID-19 on the school.

All applications will be evaluated together after the January 21, 2022 due date. Each non-public school is encouraged to prioritize requests for services in the case that partial awards may be necessary.

## **One-Time Funding**

Non-Public schools should note that the ARP EANS program is one-time funding. Additionally, the funding must be awarded to non-public schools and encumbered by USBE by April 28, 2022.

All encumbered funds and supplies must be spent by **September 30, 2024**. All equipment purchased with ARP EANS funding must be returned to the Utah State Board of Education at that time. Non-public schools must plan for these requirements in the development of their application.

## **Maintenance of Records**

Records pertaining to this award under 2 C.F.R. 200.334 and 34 C.F.R. 76.730, including financial records related to use of ARP EANS funds, must be retained distinctly and available for review by the Utah State Board of Education with program monitoring requests.

**Application Deadline: Friday, January 21, 2022 at 5:00 PM**

*Please submit applications via email to Sara Harward at [sara.harward@schools.utah.gov](mailto:sara.harward@schools.utah.gov).*

**Resources**

The Utah State Board of Education recommends the following resources to support schools in their creation of an EANS application:

1. [U.S. Department of Education ARP EANS Website](#) This website contains information about the program.
2. [Utah Reopening School Plan and Guidance](#): The Utah State Board of Education (USBE) worked with a panel of experts—educators, administrators, public health experts, physicians, epidemiologists, teacher representatives—to articulate minimum elements and requirements that schools must address as they plan to reopen schools for in-person instruction in the fall of 2020. The agency recommends that each school consider their plan in relation to developing a spend plan for these resources.
3. [Utah Three Phases of Recovery for K-12 School](#): The USBE website has collected resources to support the “reimagining” of education including formative assessment and essential standards.
4. [Digital Teaching and Learning](#): This site provides guidance to schools regarding the feasibility, legality, and resources to provide online learning.
5. [Just in Time Supports](#): This Google drive presents resources from USBE’s Teaching and Learning Department in alignment with subject specific resources related to learning loss.
6. [Supporting Mental Health and Social Emotional Needs](#): This site provides resources related to school personnel providing support for both social emotional learning (SEL) and mental health to K-12 students related to impacts of COVID-19.
7. [COVID-19 School Manual](#): Schools are not only a place of learning for students, but workplaces for teachers and employees. This manual provides public health recommendations to help make informed decisions to protect students, teachers, and employees.
8. [Centers for Disease Control and Prevention](#): Schools and childcare program resources related to COVID-19.

**Points of Contact:**

Sara Harward  
CARES Educational Specialist  
[sara.harward@schools.utah.gov](mailto:sara.harward@schools.utah.gov)

Diana Suddreth  
EANS I Administrator  
[diana@suddrethconsulting.com](mailto:diana@suddrethconsulting.com)

# AMERICAN RESCUE PLAN EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS PROGRAM

## PART A: Cover Sheet

Please complete the fields below that are highlighted for response prior to submission of your final application package to the Utah State Board of Education:

Name of School:	
Mailing Address (Street Number and Name, City, State, Zip Code):	
Email Address of Authorized Representative of the School:	
I certify to the best of my knowledge and belief, all of the information in this application is true and correct. I further understand that knowingly making a false statement or misrepresentation on this application may subject me to criminal or civil penalties under applicable State and Federal laws.	
Authorized Representative of the School (Typed Name):	Telephone:
Signature of Authorized Representative of the School:	Date:

*\*Digital signatures are preferred and require a timestamp for authentication. If a digital signature is not possible, USBE will accept a handwritten signature uploaded as a PDF.*

## PART B: Non-Public School Eligibility

**By checking each box below, I affirm that the following is true and correct regarding my school:**

- ☐ The school requesting services or assistance is a non-profit school.
- ☐ The school requesting services or assistance is accredited, licensed, or otherwise approved to operate in accordance with State law including:  
[State of Utah Code: 53E-7-408](#)
- ☐ The school requesting services or assistance has a physical location in Utah where the students attend classes and have direct contact with the school's teachers.
- ☐ The school requesting services or assistance has completed an audit with an independent licensed certified public accountant in accordance with generally accepted auditing standards within the past 4 years; OR can make available upon request a letter of attestation from an external organization that the school participates in an annual financial review and/or audit process.
- ☐ The school requesting services or assistance complies with the antidiscrimination provisions of 42 U.S.C. 2000d.
- ☐ The school requesting services or assistance meets state and local health and safety laws and codes.
- ☐ The school requesting services or assistance requires the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring, in accordance with Section [53G-11-402](#), as a condition for employment or appointment, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
  - (i) an employee who does not hold a current Utah educator license issued by the state board
  - (ii) a contract employee; and
  - (iii) a volunteer who is given significant unsupervised access to a student in connection with the volunteer's assignment.
- ☐ 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 school requesting services has a percentage of students from low-income families that meets or exceeds 24 percent.

## PART C: Non-Public School Data

Section 312(d)(3)(C) requires the Utah State Board of Education to prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19. Accordingly, the Utah State Board of Education requests that the school provide the data described below. Such data must not include personally-identifiable information about students or their families.

1. Enrollment and Low-Income Data	
A. Total student enrollment of the school in the 2020-2021 school year	<# of total student enrolled>
B. Number or estimated number of students from low-income families enrolled in the school in the 2020-2021 school year:	<# of students from low-income families>
C. The data source that was used to calculate the number or estimated number of students from low-income families: The Utah State Board of Education will accept: <ol style="list-style-type: none"> <li>1. <i>free or reduced-price lunch data,</i></li> <li>2. <i>scholarship or financial assistance data,</i></li> <li>3. <i>E-Rate data, or</i></li> <li>4. <i>other relevant data, such as data that the non-public school has provided to the Utah State Board of Education for purposes of state or local programs.</i></li> </ol>	<Description of data source in alignment with approved list>
D. Percentage or estimated percentage of total students in the school who are students from low-income families (i.e., 1.B/1.A)* - <b>MUST BE EQUAL TO OR GREATER THAN 24% to qualify for ARP EANS</b>	<% of student population that are from low-income families>

\*In addition to meeting the definition of a non-public school in section 316(6) of the ARP Act and the eligibility requirement in section 312(d)(9) of the ARP Act, a non-public school must meet or exceed the State's significant poverty percentage and be most impacted by the COVID-19 emergency. For Utah, the approved significant poverty percentage to qualify for ARP EANS is 24% or greater.

<b>2. Total EANS Award Calculation</b>	
A. Base Award for Each Non-Public School Organization	\$200,000
B. Award value to non-public school for \$1,260 per low-income student in the current school community (2020-21) in alignment with data provided in the school application. This funding structure is to prioritize services for low-income students in alignment with the program directives from the U.S. Department of Education.	<Response to 1.B. X \$1,260/low-income student>
C. Award value to non-public school for \$920 per student (not from low-income families) in the current school community (2020-21) in alignment with data provided in the school application.	<(Response 1.A. - Response 1.B) X \$920/student non from low-income family>
D. Total Projected Eligible Award for the EANS Program	<\$200,000 + Response 2.B. + Response 2.C>



3. Paycheck Protection Program (PPP) Disclosure of Participation	
A. Did the school receive a loan guaranteed under the PPP <b>before</b> December 27, 2020?	<Yes/No>
B. If the answer to 3.A is yes, please respond to the following:	
i. What was the total amount of the PPP loan?	<Total \$ of the PPP loan received before December 27, 2020>
ii. Do you assure that any funds received under the EANS program will be services or assistance not already funded by the PPP loan?	<Yes/No>

4. Impact of COVID-19 on the School Community
<p>Please include a description of the impact of COVID-19 on your school. You may include impacts such as loss of tuition revenue, decrease in enrollment, lack of capacity to provide remote learning due to insufficient technological support, documented learning loss caused by educational disruptions due to COVID-19 or any other documentable impact that requires reimbursement or intervention. This description should directly inform the justification for the EANS reimbursement/services that you are requesting.</p> <p><i>Recommended Length: 1-2 paragraphs</i></p>
<Narrative response>

5. Declaration of Non-Public School Receipt of Equitable Services Under the CARES Act	
A. Did the school receive equitable services from a Utah school district under the CARES Act?	<Yes/No>
B. From which Utah school district did you receive equitable services under the CARES Act?	<Name of Utah Public School District>

## **PART D: Non-Public School Services or Assistance 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 windows or portable air purification systems
4. Training and professional development for staff on sanitization, the use of PPE, and minimizing the spread of infectious diseases
  - Our partners at the Utah Department of Health have digital materials that are available to all schools at no cost. You can find those resources on their website:  
<https://coronavirus.utah.gov/education/>
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
  - [Arizona State University Prep Digital](#)
  - [Catapult Learning](#)
  - [FACTS Education Solutions](#)
  - [InnovationsEd](#)
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
  - [Arcadia: Guided Outdoor Education](#)
  - [Arizona State University Prep Digital](#)
  - [Catapult Learning](#)
  - [InnovationsEd](#)

The state of Utah also highlights the following stipulations from the FAQ's document for applicants:

- All services or assistance provided under the program must be secular, neutral, and non-ideological.
- The SEA or another public agency gains title to materials, equipment, and property for which it provides through equitable services. For example, if a non-public school requests laptops for students and teachers to facilitate online learning, the SEA may use ARP EANS funds to purchase those laptops, thereby also obtaining title for the laptops. These devices will need to be returned to the state on September 30, 2024.
- Any non-public school that does not meet or exceed the State's significant poverty percentage will not be eligible for the ARP EANS program.

**For additional information on allowable services or assistance, please see the "[ARP EANS FAQ](#)" posted online with the U.S. Department of Education.** You can also reach out to our CARES Educational Specialist, Sara Harward, at [sara.harward@schools.utah.gov](mailto:sara.harward@schools.utah.gov)

**Table 1: Requests for ARP EANS Goods/Services (From January 21, 2022 through September 30, 2024)**

Please use the table below to document your requests for ARP EANS good/services in alignment with the federal allowable use cases. Each non-public school is encouraged to prioritize requests for services in the case that partial awards may be necessary.

Each school should use the total projected award in response 2.D. to estimate their award. A school may request additional goods/services beyond that projection, and those requests will be considered as funding allows.

Service or Assistance	Date	Description	Which State Provided Service is requested?	Number corresponding to allowable use cases from list above	Dollar amount
<Title of Service>	<Date>	<Short narrative description of item connected to response to COVID>	<State Provided Service>	<Allowable use case number>	<Total \$>
<Add additional lines as necessary>					
<b>TOTAL Request for ARP EANS Good/Services</b>					<b>[Sum of lines above]</b>

Recognizing that this money will be highly scrutinized, the agency is requiring these items to be in alignment with expectations from both the Governor's Office of Planning and Budget (GOPB) as well as the U.S. Department of Education.