**Virginia Department of Education**

**Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act**

**Emergency Assistance for Non-Public Schools (EANS) Program**

*Guidelines, Instructions, and Assurances*

**Application Due Date: April 26, 2021**

# ***Guidelines***

## Purpose of Program and General Use of Funds

The purpose of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act Emergency Assistance for Non-Public Schools (EANS) program is to provide services or assistance to eligible non-public schools to address the impact that COVID-19 has had, and continues to have, on non-public school students and teachers in the state. A non-public school may apply to receive services or assistance from the State Educational Agency (SEA) (i.e., Virginia Department of Education) 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, 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

NOTE: The title to any equipment purchased on behalf of private schools will remain with the SEA. If funds are requested to reimburse the private school for equipment purchases made by the private school, the title to such equipment must be transferred to the SEA. Permanent capital improvements and permanent installations of equipment are not allowable.

For additional information on allowable services or assistance, please see the Frequently Asked Questions posted online at the [U.S. Department of Education EANS website](https://oese.ed.gov/offices/education-stabilization-fund/emergency-assistance-non-public-schools/).

## Release of Federal Funds and Award Period

* At the conclusion of the application approval process, award recipients will be required to amend the budget to reflect the final value of services. CRRSA EANS funds will be used by the SEA to procure assistance or services to benefit the non-public school or, if the non-public school has procured or will procure assistance or services, funds will be provided on a reimbursement basis. Information on the reimbursement process will be provided to schools with approved applications when awards are announced.
* The grant period is March 13, 2020, through September 30, 2022. Final reimbursement requests must be submitted to the Virginia Department of Education by November 1, 2022.
* All approved services must be procured or obligated by the SEA or the private school no later than September 1, 2021.

## Assurances

* Assurances represent policies, procedures, and activities that must be implemented by the school to carry out the provisions of the law. The Assurances are located in Appendix A and B of the application and on pages 3 through 5 of this document.
* The authorized representative’s signature at the bottom of the assurances certifies that the non-public school will implement the assurances. The signed original of the application must be retained at the school.

## Submitting the Application to the Virginia Department of Education

* The completed two-part application (narrative and budget) must be submitted electronically via email to the Virginia Department of Education by **April 26, 2021**. The email address to submit the application is [EANS@doe.virginia.gov](mailto:EANS@doe.virginia.gov).
* Applications that are incomplete, include only one part, are not signed by the authorized representative of the school, or are submitted after the due date will not be considered for EANS funding.
* On the budget template, the “Tab” key should be used to move from cell to cell. **Do not** use the “Enter” key to advance to the next cell. Do not copy and paste information from one cell to another on the budget template.
* The completed application must be saved as two files with the following naming conventions:
  + Narrative (word document) - **XXX-EANS-Narrative**. The “XXX” should be replaced by the school name. For example, ABC School’s EANS narrative should be saved as **ABC-EANS-Narrative.**
  + Budget (excel file) – **XXX-EANS-Budget**. For example, ABC School’s EANS budget should be saved as **ABC-EANS-Budget**.
* Correspondence should be directed to the Office of ESEA Programs at [EANS@doe.virginia.gov](mailto:EANS@doe.virginia.gov).

# ***Instructions***

## Part A: Cover Sheet

* Complete the school information.
* The signature of the authorized representative of the school is required on the cover sheet.

## Part B: Non-Public School Eligibility

* Click on each box to affirm that the requirement is met. **A non-public school must meet all of the requirements in this section to be eligible for EANS funds.**
* Non-public schools that are not accredited under Virginia law ([*Code of Virginia* §22.1-19](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-19/)) or licensed must also complete the assurances in Appendix B.

## Part C: Non-Public School Data

* **2019-2020 Enrollment and Low-Income** 
  + The CRRSA Act requires the use of enrollment and low-income data from the 2019-2020 school year.
  + Report the school’s most current and complete 2019-2020 enrollment and low-income data in this section.
  + EANS funds will be prioritized for schools that enroll higher percentages of students who fall within 200% of the HHS 2019 federal poverty guidelines. If these data are not available for the school, the data sources listed in the application may be used.
  + Provide the percentage of total students in the school who are from low-income families.
* **Paycheck Protection Program (PPP)**
* Respond to the prompts by providing information about the school’s receipt of PPP loans before December 27, 2020.
* Non-public schools that received PPP loans after December 27, 2020, are not eligible for EANS funds.
* **Impact of COVID-19**
* Respond to the prompts to describe and/or quantify the impact COVID-19 has had on the non-public school.
* **Equitable Services Received under the CARES Act**
  + Respond to the prompts to describe equitable services received from a Local Educational Agency (LEA) under the CARES Act.

## Part D: Non-Public School Services or Assistance Requested

* Complete the Cover Page and Data tabs of the budget template (excel document). Instructions for completing the budget template are provided on the Instructions tab of the excel document.
* When the required fields on the Data tab are completed, the working budget for the school is generated.
* Schools that receive application approval must complete the Budget tab within 14 days of notification of the application approval.
* All approved services must be procured or obligated by the SEA or the private school no later than September 1, 2021.

## Appendix A: General Assurances for All Schools

* **A non-public school must agree to the general assurances to be eligible for EANS funds.**
* Agreement is indicated by placing an “X” in all boxes.
* The signature of the authorized representative of the school is required at the bottom of Appendix A in the narrative section of the application.

## Appendix B: Assurances for Schools that are Not Accredited or Licensed

* Schools that are not accredited or licensed must operate in accordance with state laws to be eligible for EANS funds.
* **In addition to agreeing to the assurances in Appendix A,** **a non-public school that is not accredited or licensed must operate in accordance with the state laws in Appendix B to be eligible for EANS funds.**
* Agreement is indicated by placing an “X” in all boxes.
* The signature of the authorized representative of the school is required at the bottom of Appendix B in the narrative section of the application.

# ***Assurances***

Appendix A and B in the narrative section of the application provide the required assurances.

## Appendix A: General Assurances for All Schools

A non-public school must agree to the general assurances to be eligible for EANS funds. The “X” beside each assurance **and** the Authorized Representative’s signature at the bottom of Appendix A certifies that the school will abide by the assurances below.

The non-public school assures:

The program will be administered in accordance with all applicable state and federal statutes, regulations, the program narrative and the program budget;

Funds will be used for activities that are reasonable, necessary, allocable, and allowable under section 312(d)(4) of the CRRSA;

The control of funds provided under the program and title to property acquired with program funds will be with the state educational agency;

It will adopt and use proper methods of administering the program, including⎯

* + The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
  + The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

It will cooperate with any examination of records with respect to CRRSA EANS funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of the state educational agency, the U.S. Department of Education and/or its Inspector General, or any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority;

It will submit such reports to the state educational agency as the state educational agency and Secretary may require to enable the state educational agency and the Secretary to perform their duties under the program;

It will maintain program records for five years, provide such information, and afford such access to the records as the state educational agency or the Secretary may reasonably require to carry out the state educational agency’s or the Secretary’s duties; and

None of the funds expended by the non-public school and reimbursed under the program will be used to acquire services, assistance, or equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the school or its employees or any affiliate of the school.

## Appendix B: Assurances for Schools that are Not Accredited or Licensed

Schools that are not accredited or licensed must operate in accordance with state laws to be eligible for EANS funds. The “X” beside each assurance **and** the Authorized Representative’s signature at the bottom of Appendix B certifies that the school operates in accordance with the state laws below.

**Fingerprinting and Background Checks:** All applicants who were offered or accepted employment with accredited K-12 private schools on or after July 1, 1997 must consent to fingerprinting and a criminal history search of the State Police and FBI databases. Applicants are barred from employment with a K-12 private school if they have been convicted of a barrier crime within or outside Virginia. [*Code of Virginia* §22.1-296.3(A)](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-296.3/#:~:text=%C2%A7%2022.1%2D296.3.-,Certain%20private%20school%20employees%20subject%20to%20fingerprinting%20and%20criminal%20records,A.&text=The%20Central%20Criminal%20Records%20Exchange%20shall%20not%20disclose%20information%20to,or%20convictions%20of%20any%20crimes.). All applicants who were offered or accepted employment with K-12 private schools on or after July 1, 2017 requiring direct contact with students must also consent to a search of the Virginia Child Abuse and Neglect Central Registry for founded complaints of child abuse and neglect. [*Code of Virginia* §22.1-296.4(A)](https://law.lis.virginia.gov/vacode/22.1-296.4/#:~:text=%C2%A7%2022.1%2D296.4.-,Child%20abuse%20and%20neglect%20data,A.&text=The%20school%20board%2C%20governing%20board%20or%20administrator%20shall%20take%20reasonable,neglect%20in%20the%20relevant%20state.). Applicants are barred from employment with a K-12 private school if they are the subject of a founded complaint of child abuse and neglect within or outside Virginia. [*Code of Virginia* §22.1-296.4(B)](https://law.lis.virginia.gov/vacode/22.1-296.4/#:~:text=%C2%A7%2022.1%2D296.4.-,Child%20abuse%20and%20neglect%20data,A.&text=The%20school%20board%2C%20governing%20board%20or%20administrator%20shall%20take%20reasonable,neglect%20in%20the%20relevant%20state.).

**Mandated Child Abuse and Neglect Reporting:** Employees of private schools who have a reason to suspect that a child is abused (physical, sexual or verbal) or neglected must report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred, or to the Virginia Department of Social Services (DSS) child abuse and neglect hotline. [*Code of Virginia* §63.2-1509(A)](https://law.lis.virginia.gov/vacode/title63.2/chapter15/section63.2-1509/). Employees who file such a report are immune from civil or criminal liability unless it can be proven that the employee acted in bad faith or with malicious intent. [*Code of Virginia* §63.2-1512](https://law.lis.virginia.gov/vacode/title63.2/chapter15/section63.2-1512/#:~:text=%C2%A7%2063.2%2D1512.,report%2C%20etc.%2C%20from%20liability). In lieu of personal reporting, school employees with such abuse or neglect concerns may immediately notify the person in charge of the school, or his or her designee, who shall then take responsibility for the report. In compliance with the law, a notice outlining child abuse and neglect reporting responsibilities must be displayed within the schools. [*Code of Virginia* §22.1-291.3](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-291.3/#:~:text=Notice%20of%20duty%20to%20report%20child%20abuse%20or%20neglect.&text=The%20notice%20shall%20also%20include,child%20abuse%20and%20neglect%20hotline.). This notice can be downloaded from the [Virginia DSS website](https://www.dss.virginia.gov/abuse/mr.cgi).

**Immunization Requirements, SIS and VIIS Reporting**: No student may be admitted by a school unless the family submits proof of immunization or the student is exempt from immunization. [*Code of Virginia* §22.1-271.2(D)](https://law.lis.virginia.gov/vacode/22.1-271.2/). Students may be exempt from immunization only if (1) an immunization conflicts with the student’s religious tenets or practices or (2) a medical provider states in writing that a required immunization may be detrimental to the student’s health. [*Code of Virginia* §22.1-271.2(C)](https://law.lis.virginia.gov/vacode/22.1-271.2/). The State Health Commissioner has the authority to exclude children from school who are not immunized in the event of an outbreak, potential epidemic or actual epidemic of a vaccine-preventable disease. [*Code of Virginia §32.1-47*](https://law.lis.virginia.gov/vacode/title32.1/chapter2/section32.1-47/#:~:text=Upon%20the%20identification%20of%20an,not%20immunized%20against%20that%20disease.).

  **Calendar**: Private school students must attend school for the same number of days and hours per day as public school students. [*Code of Virginia* §22.1-254(A)](https://law.lis.virginia.gov/vacode/22.1-254/). The standard school year must be 180 instructional days or 990 instructional hours. The standard school day must include a minimum of 3 instructional hours for kindergarten students and a minimum of 5.5 instructional hours for students in grades 1-12. [8 VAC 20-131-150(A).](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section150/)

**Emergency Management & Disaster Response Plan (DRP)**:Private schools must have a written DRP in place, which ensures that school crisis plans include all hazards. [*Code of Virginia* §22.1-279.8](https://law.lis.virginia.gov/vacode/22.1-279.8/#:~:text=%C2%A7%2022.1%2D279.8.-,School%20safety%20audits%20and%20school%20crisis%2C%20emergency%20management%2C%20and,medical%20emergency%20response%20plans%20required.&text=Solutions%20and%20responses%20shall%20include,board's%20standards%20for%20student%20conduct.). Schools should annually review, practice and update DRPs.

**Disease Outbreaks:** The Virginia Department of Health defines an outbreak as the occurrence of more cases of disease than expected. In cases of disease outbreaks in private schools, a report of the outbreak must immediately be made to the local health director or to the Commissioner of Health. [*Code of Virginia* §32.1-37(B)](https://law.lis.virginia.gov/vacode/title32.1/chapter2/section32.1-37/#:~:text=Virginia%20Law&text=B.,as%20defined%20by%20the%20Board.). The reporter is immune from liability so long as the report is made without gross negligence or malicious intent. [*Code of Virginia* §32.1-38](https://law.lis.virginia.gov/vacode/title32.1/chapter2/section32.1-38/#:~:text=No%20person%20making%20a%20report,section%20when%20making%20reports%20in). Outbreaks should be reported, even if no specific disease has been diagnosed. Common outbreaks in group settings are respiratory illnesses such as influenza, gastrointestinal illnesses that cause vomiting and/or diarrhea, and communicable diseases such as chickenpox, pertussis and COVID-19. More information is available at the [Virginia Department of Health website](https://www.vdh.virginia.gov/epidemiology/epidemiology-fact-sheets/outbreak-reporting/).