



EANS Q and A with Assistant Commissioner Christina Coughlin

Based on an edited transcript from our webinar

Q: Is there any way to expand the reimbursement to cover increased cleaning and sanitizing expenses for manpower, not just supplies?

A: There are constraints on what we can do to pay for your own staff. I think that's one of the key pieces of Federal funds; they tend to have this requirement in it that someone else be providing the service. So, there are going to be constraints. I think that there was a response from the federal government that indicated that they would be comfortable with reimbursements for the supplies, but not so much for the staffing, and then in communication with my colleagues, my fellow equitable services ombudsmen across the country, it seemed like someone had gotten an answer from USDE (U.S. Department of Education) that an outside contractor could be considered, but that didn't seem like it was final yet. So, I think that's one where we'll have to go back up and ask for clarification, but coming up in that context, it's a question they'll be getting from religious and independent schools and in a number of different states and from the States themselves.

Q: So, you're saying is that while you won't be able to reimburse those manpower expenses be needed to have a vendor to take care of sanitizing and going forward?

A: Right, I think that's where it's going to end up. I know, right now, we can do the supplies, but the staff work is not yet approved, maybe that will change. There seems to be a little bit more comfort with an outside vendor providing it, but I think even on that one, USDE needs to nail it down a little bit before I would not encourage people to go out and spend a lot of money on that right now.

Q: We all know that the EANS funding is not available to schools that applied for a second PPP loan. I'm not sure if this question is for you or for someone in the federal

government, but what about if you got the first term PPP loan after December 27. Are they eligible for EANS?

A: That's a great question. That's what I think we'll ask the USDE about.

Q: Right, because what happened was the eligibility rules for PPP II relaxed in terms of multiple employees. So, there were organizations that were not eligible for PPP 1 until that point, and then they applied for it. So, whereas I think many people felt that the intention of the legislator was to preclude PPP 2 and EANS, but the language may be, as of now excluding PPP 1 loans as well.

A: You've made a statement of intent on that from someone, and I think that, on the state-level when we have a question, some ambiguity on a bill, sometimes we ask for a statement of intent, like, what did you mean when you approved this bill? And that helps us move forward.

Q: I think you addressed purchasing HVAC systems. You mentioned that you're working on having an HVAC systems maintenance contract.

A: Prior to January 20, the suggestion was that this capital work can be done. Since then, it appears that USDE has changed it and instead of authorizing the full-on installation of new HVAC systems, repairs to current ones would be what they would be approving. I don't know that we have a sense of how substantial a repair is still considered a repair, so that's one we're waiting on guidance for because to be honest, we think it'll be a little bit easier to administer if it's bigger projects because then we can hire different kinds of vendors to do the work. So I'm hoping that when USDE takes a look at this, that they'll have a more expansive definition of what's eligible there.

Q: Can we be reimbursed for student transportation not covered by city and state funds? Students used to travel via mass transit, but COVID makes it risky.

A: There is some transportation that I can see my colleagues and other states are leaning towards approving. I get the sense that we wouldn't be comfortable, say buying a new school bus for school but it may be that if there was a lease or a temporary arrangement, that might be something that would be acceptable. And it appears that's something that people recognize, you know, was a response to COVID.

Q: So, it might be eligible for reimbursement, but it hasn't been verified yet?

A: Yes, but I think we're leaning toward yes on that one. So, I would encourage a school that has the receipts for that to submit it. And if it doesn't work, we would reach back out and say, okay, the decision was no, but I think we're leaning toward yes on this, given the tenor of the conversations with my colleagues around the country. So, I think you should go ahead if you have that. Again, probably not buying a bus but the leases or additional service or something like that. That's something I think we could consider.

Q: On the LOI, there was an option of leasing or purchasing space to accommodate social distancing, and on the application there's only an option of leasing. Is purchasing space still eligible for reimbursements?

A: I don't know if that was an error or whether there was a change in the guidance. I'll have to look at that.

Q: Is it possible to amend the LOI based on errors that were put in that reduce the amount of allocation?

A: I know that we've been contacted by a number of schools that realize that they had left out costs or whatever the case may be. That's one where I've reached out to the governor's office to ask how they think we should do. I mean, it has the impact of taking down the allocations of other schools if we increase, so that it would be a moving target, every change we make for one school affects the rest of them. So, I think the governor's office is going to lean toward pointing schools to round two. We're going to get the letter of intent for the second round so that schools have a little bit more time, hopefully, to fill those out and we don't have the same chances for error. So, to answer your question directly, I'm thinking it's going to be no, but that's one where we're going to consult the governor's office.

Q: We have a couple of questions regarding the deadline for future purchases to be reimbursed, meaning that the application is due April 30. But how much after that can they be reimbursed for purchase?

A: So what we did was we asked, we were going to put up another form for a school, let's say something PPE, personal protective equipment. A school knows that it's going to take a large shipment of that in June. So they can tell us that in the application, that would be a future purchase and what will end that's an approvable expense, obviously. So we're going to put up another form so that we know that a portion of their allocation is going to be dedicated to that. And then once they have made the purchase of that

PPE in June, now they can submit another form and we will authorize the reimbursement. We've given until July 15 for that, because of the deadlines in the federal program are August 23. So we've given until July 15, to get that done, so that we have time to process any remaining reimbursements and get schools paid prior to that August deadline. So you'll see that on the EANS website as well. Once we have that form available, we'll send out a note to the listserv and to the schools who identify themselves to come in for additional reimbursement, so we'll know who it is. So we'll spread the word.

Q: We've had to do numerous educational extracurricular programs outdoors. Those programs have an expense, including rental space, professional audio, video, equipment and production, remote speakers, live streaming. To what extent can those be reimbursed?

A: That's the first time I've heard that one, I think the rental space one we know is eligible. The equipment I think would be part of the cost of delivery. So, I would be inclined to think that that's something we could approve. So, I would advise the school to submit that.

Q: I think this was addressed already about the claim for the bus expenses that were not reimbursed for the end of last year.

A: I mean, that if schools were closed by the governor, at the end of last year, I don't think that we're going to be in a position to reimburse for those expenses. That's a different situation. But I was thinking when I said we were inclined to approve it, where if a school has one route, that they now are running two buses along with where they used to run one, the cost of that additional driving and so on would be eligible, for the social distancing component, not the busing during school closures.

Q: Can we get reimbursed for the independent contractor that was hired for the construction of new space, some of the barriers to any other space constructed to accommodate social distancing?

A: I'm a little nervous about that one because that's getting close to the capital expenditure that the US Department of Education has put limits on. So, I'm not entirely sure about that. I'll be happy to ask but I would expect that the answer to that one would be no.

Q: What kind of documentation needs to be sent in with the application for future purposes? I think you mentioned, there'll be a form that will be posted for that.

A: So, we modeled both the current reimbursement for past expenditures and the part for future reimbursement, right along with the kinds of documentation that you submit for the non-public safety equipment grant. And, we sent a copy of our internal review protocol to the BOCES, for safety equipment, and NPSE to the BOCES yesterday, so that they would start to know what we were going to be looking for them to do. So, it would be proof that you've made the purchase, like an invoice and a canceled check, just like you would submit it in NPSE.

Q: If we have an ongoing expense, for example, leasing a building to accommodate social distancing and that going expense as opposed to a one-time purchase, can that be reimbursed?

A: I think the federal guidance is going to come down on yes for that. But it might be a little complicated. So, I would advise the school to submit that and then have a backup plan.

Q: I think this was addressed already that if the school received the second round of PPP, and therefore were to withdraw their LOI, will they be able to resubmit the application?

A: If the rules change, we'll be happy to accept them. I think Senator Schumer is probably finding it easier to influence the third round of stimulus of the EANS two. So hopefully we'll get direction on that. So, this school which was accepted the PPP money say, January 15, we'll be able to take advantage of the EANS two. I don't anticipate that they will say for EANS one, the one we're currently implementing.

Q: Our school is a large organization that received the first round of PPP, which may have been used for our payroll. So those funds were not used to offset any direct COVID costs. Being that we applied for the EANS with our BEDS and not our organization's 501 C3, will be eligible for EANS funds?

A: We told another institution of a different sort than a large Yeshiva that the answer to that question was no. If the organization accepted the PPP after the December 27 date that's mentioned then we don't think we could authorize that.

Q: Is there a list of acceptable expenses for the EANS?

A: Well, our application has a list and then we have an 'other' category there, which as you've done here, you've asked me some questions of what is eligible. And I sort of often don't answer don't know the answer is yes or no. But there were a couple of ways that I think the answer is going to be yes. I would ask, and I will say, your schools who are all listening to this webinar should be aware that Agudah over time has been very effective, and in calling me up and asking me to make things eligible in our various programs. So, in the extent that something else comes up and it's aligned, then, you know, we will try to get to yes. And if it seems like it's a hard one, we may have to consult with the US Department of Education. But certainly, if it's aligned with the intent of the statute, and that language that you see in the application was pulled from the US Department of Education's sample application, which was pulled from the statute. So, most of eligible expenses are there at the category level, and then you may want to ask us, this fits into the other category. We'll try to say yes.

Q: If we end up taking the second round of PPP, so can we take the EANS 2 (ARPA)?

A: I think we'll all hope that Senator Schumer is able to influence that guidance in a way that we can get to yes on that. That is above my level. It's going to be a federal decision but it's a great question. We have the same question.