

ARP EANS and the Use of Proportionality to Determine Non-Public School Eligibility

The U.S. Department of Education (Department) has received inquiries from States and non-public schools asking if proportionality may be used to determine the number of low-income students enrolled in a non-public school for purposes of the American Rescue Plan's Emergency Assistance to Non-Public Schools (ARP EANS) program. Under ARP EANS, in order to be eligible for services and assistance, a non-public school must enroll a significant percentage of students from low-income families and be most impacted by the COVID-19 pandemic (please see the Department's [Interim Final Requirements](#) for more information).

In making determinations about the enrollment of students from low-income families, States must use actual poverty data. As noted in the [Interim Final Requirements](#), States may use one or more of the following data sources to determine counts of students from low-income families enrolled in non-public schools:

- Data on student eligibility for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (43 U.S.C. 1751 et seq.).
- Data from the E-rate program administered by the Federal Communications Commission (47 CFR 54.500, 54.505(b)).
- Data from a different source, such as scholarship or financial assistance data.
- Data from a survey developed by the SEA, which can be administered to families of students currently enrolled in the non-public school.

Because proportionality is a methodology to derive an estimate and is not based on actual income data from the families of students enrolled in a non-public school, it cannot be used to determine school eligibility for ARP EANS.

During the ARP EANS State application review process, States that indicated they would use proportionality to determine the eligibility of non-public schools were informed that actual data from families of students enrolled in non-public schools must be used and were asked to revise their applications. Additionally, the Department hosted an ARP EANS webinar on administration and implementation of the ARP EANS program on February 24, 2022 (see slide 7 of the [presentation](#)), in which grantees were informed that the use of proportionality or other proxies is not an allowable source of data to determine individual non-public school eligibility.

If your State has mistakenly used proportionality or another proxy measure to determine the eligibility of non-public schools under the ARP EANS program, please contact us so that we may work on a path forward to correct this error.