

PROCEDURES
FOR THE
Senator James E. “Ed” DeGrange
NONPUBLIC AGING SCHOOLS PROGRAM
(FISCAL YEAR 2021)
November 6, 2020

NASP

These procedures are available for download at:

<http://iac.maryland.gov/programs/NonPubasp/nonpubaspindex.cfm>

Submit Applications for this program online at:

<https://agingschools.msde.maryland.gov/>



Maryland State
Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595



Interagency Commission on
School Construction
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Procedures for the Nonpublic Aging Schools Program (Fiscal Year 2021)

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Forms

- A. Building Age Worksheet
- B. Grant Assurances (Form B)
- C. Request for Reimbursement to Nonpublic Schools (IAC FORM 306.2 Revised for Nonpublic Schools – Form C)
- D. Contractor’s Certification of Receipt of Payment (IAC FORM 306.2a Revised for Nonpublic Schools – Form D)

1. Introduction/Overview

The Maryland General Assembly is providing \$3,500,000 for the Senator James E. “Ed” DeGrange Nonpublic Aging Schools Program for the fiscal year 2021 (July 1, 2020 – June 30, 2021) in grants for renovations and improvements to existing nonpublic school buildings.

Nonpublic schools, except preschools, eligible in fiscal year 2021 (FY21) for the Aid to Nonpublic Schools Program for the purchase of textbooks or computer hardware and software for loans to students, commonly known as the “Textbook and Technology Program”, are eligible to apply for the FY21 Senator James E. “Ed” DeGrange Nonpublic Aging Schools Program, Interagency Commission on School Construction (IAC) Nonpublic Aging Schools Program (NASP). Nonpublic schools that serve students with disabilities through the Nonpublic Placement Program R00A02.07 Subprogram 0762 are eligible as of FY 21.

Payment for work completed under this program will be through reimbursement to the grant recipient – the school. No matching funds are required, but the school shall be responsible for all project costs exceeding the amount of the grant. The maximum grant amount is \$100,000. The minimum grant amount is \$5,000 per eligible school.

Individual grant allocations will be based on the number of schools meeting certain criteria. Preliminary allocations will be established after all applications have been received and reviewed in spring 2021. If more eligible schools apply and qualify for grants that exceed the total authorization, the Maryland State Department of Education (MSDE) shall prorate the grants. In order to fund all eligible projects in the last two years, MSDE has reduced the maximum grant amount. In FY 18 the maximum prorated grant amount was \$36,176, and in FY 19 it was \$31,320, and in FY20 it was \$25,428

Schools will have until January 8, 2021 to apply for a grant. Grant recipients will have until June 30, 2022 to contract for approved project work. Schools must complete and pay for the work in full prior to requesting State reimbursement.

Submissions at a Glance

Fiscal Year	Procedures and Applications Released	Last day for Submission of Application	MSDE Notifies Schools	Contracts must be signed on or after...	Construction Must be Under Contract by	Request for Reimbursement due by
FY 2021	November 6, 2020	01/06/2021	Mid-March 2021	6/1/2020	6/30/2022	3/31/2023

2. Eligible Schools

- a) Nonpublic schools eligible to receive aid from the Textbook and Technology Program in FY21 (school year 2020-2021) or nonpublic schools that serve students with disabilities through the Nonpublic Placement Program R00A02.07 Subprogram 0762, are eligible for this program. Nonpublic preschools are ineligible for this grant. To determine eligibility, take the second prior year tuition revenues (school year 2018-2019) and divide by the second prior year enrollment (September 30, 2018). If the resulting number is less than or equal to \$16,526, then the school qualifies to apply for this program. The \$16,526 figure represents the State average expenditure per pupil for fiscal year 2019, based on MSDE's submission for the National Public Education Financial Survey (NPEFS) federal reporting requirement.

- b) School buildings to be improved must have a minimum calculated age of 16 years at the time of the application to be considered an “aging school.” The school buildings must have been constructed and occupied prior to January 1, 2005 to meet the age requirement.
- c) The school must offer kindergarten and/or higher grades. Facilities serving preschool students only are not eligible. For the purposes of this program, “preschools” mean schools that generally enroll students ages 4 and below and do not provide formal kindergarten programs. Schools serving preschool students and kindergarten, or grades above are eligible.

3. Eligible Aging Schools Projects

- a) Eligible projects are capital improvements to nonpublic school buildings and sites that, when completed, will protect the school building from deterioration, improve the safety of students and staff, and enhance the delivery of educational programs. Routine maintenance and repair projects are not eligible.
- b) Projects must be in buildings that are 16 years or older. Building system components to be replaced, such as boilers and roofs, must also be 16 years or older.
- c) Projects must have an estimated life expectancy of at least 15 years with normal maintenance.
- d) Individual projects do not have a minimum cost. Several separate, eligible projects may be requested in the same building.
- e) Projects in buildings leased by nonpublic schools are eligible providing the building owner signs an agreement assuring repayment to the State of the grant should the school cease occupancy of the building within the 15-year bond period.

4. Sample List of Projects Eligible for Reimbursement

- Americans with Disabilities Act (ADA) accessibility modifications
- Carpet replacement (only if new carpet carries a 15-year warranty)
- Ceiling replacement
- Electrical system upgrades
- Elevator refurbishment or upgrades
- Fire protection system and/or components (replace and/or upgrade)
- Flooring (repair and refinish and/or replace)
- Folding partitions (installation and/or replacement)
- Heating, Ventilating, and Air Conditioning (HVAC) systems and/or components
- Lighting systems and/or components
- Playground equipment and fencing
- Roofing systems and/or components replacement
- Site redevelopment, including parking areas and sidewalks
- Telecommunication (data, voice, and video) distribution systems (hard-wired), including safety and security systems (Technology components must have a 15-year life expectancy. First installation of equipment is eligible – replacement of old equipment is not.)
- Underground fuel tanks (remove and/or replace)

This list is not complete. Contact MSDE staff to confirm the eligibility of other projects.

5. Ineligible Projects and Expenditures

The following projects and expenditures are not eligible for this program:

- a) Projects in spaces used primarily for religious instruction, programs, and worship
- b) Projects in buildings used primarily for administration, maintenance, storage, or other non-instructional, ancillary services
- c) Projects for improvements to, or the movement of, temporary or portable classroom buildings
- d) Expenditures to supplement an approved State allocation for a project
- e) Expenditures to directly or indirectly contribute to the required matching funds of a State legislative initiative grant in the annual capital bond bill
- f) Design, construction management, project management, testing, or inspection fees
- g) Salaries or wages paid to nonpublic school employees for project work
- h) Maintenance, such as painting rooms, repairing equipment, adjusting door closers, and patching roofs
- i) Non-capital furnishings and equipment (less than 15 year expected life)
- j) Instructional supplies and materials
- k) Maryland State sales taxes

For more detailed information on project eligibility and ineligibility see Code of Maryland Regulations (COMAR) Interagency Commission on School Construction, Eligible Expenditures, and Ineligible Expenditures. Go to www.dsd.state.md.us, COMAR Online. Select "Search Option 1" and enter codification numbers "14.39.02.10" and "14.39.02.11."

6. Requirements for All Projects

- a) Grant recipients are encouraged to submit an application and obtain MSDE project approvals to assure eligibility before awarding a contract for the work.
- b) Contracts shall have been signed on or after June 1, 2020.
- c) All work shall be under contract by June 30, 2022, two years after the funds first become available.
- d) All work shall be completed and the request for reimbursement shall be submitted to MSDE/IAC by March 31, 2023. Notify MSDE in advance to request an extension on this date if necessary.
- e) Grant recipients shall consult with the Maryland Historical Trust (MHT) and determine the project will have no adverse effects on historic properties or shall identify measures to be taken to avoid and reduce such effects. A one page "Project Review Form" is available at the web site below. Grant recipients are not required to submit a copy of the review form to MSDE. http://mht.maryland.gov/documents/PDF/projectreview/Compliance_Forms_Projectreview.pdf
- f) Grant recipients shall comply with State roofing policy on all roof projects. The policy is available at: <http://www.dgs.maryland.gov/Documents/ofp/2015RoofingPolicy.pdf>
- g) Grant recipients shall not contract with any individuals or firms suspended or debarred from work in Maryland. A list of suspended or debarred individuals or firms is available at: <https://bpw.maryland.gov/Pages/debarments.aspx>.
- h) Grant recipients are encouraged to comply with COMAR 14.39.03 –Interagency on School Construction, Construction Procurement Methods including competitive bidding processes. See instructions in Section 5 of these Nonpublic procedures to obtain a copy of the regulations.
- i) Grant recipients are encouraged to solicit and hire Maryland resident businesses.
- j) Grant recipients are encouraged to use the Maryland Correctional Enterprises for furniture and equipment needs. A complete catalog of products and services is available at: <https://www.mce.md.gov/Products>
- k) Grant recipients are encouraged to use energy conservation and green building technologies.

- l) Grant recipients are encouraged to solicit and hire minority-owned businesses certified by the Maryland Department of Transportation (MDOT.)
- m) Grant recipients are required to contact the MSDE representative should the scope of the work for the project change from the original approval, prior to signing the contract.

7. Application Process

All nonpublic schools interested in participating in the program shall submit an online application. The application is a two-step process. First, the school submits information to determine if the school is eligible to participate. Second, the eligible schools submit information about the specific project(s) for review and approval. **Applications must be received by the close of business Friday, January 8, 2020.**

In order to complete the first step, the school must have identified a contact person, the total tuition revenue for school year 2018-19, and the total enrollment as of September 30, 2018. The school must also complete the **Building Age Worksheet** and review and submit the **Grant Assurances** document.

In order to complete the second step, the school must identify a second contact person and submit a brief narrative description of the proposed work, an estimated total project cost, and a proposed schedule for the work. The school must identify the number of students eligible for federal free and reduced price meal programs (FARMS.) The school must upload the completed **Building Age Worksheet** and the signed **Grant Assurances** document.

The school must indicate whether any school funds have already been allocated for the project. The amount of State funding requested will be the difference between the **Total Estimated Cost** of the project and the funds already available. If the school does not have any funds available and is requesting the maximum State allocation, enter \$0 as the **Estimated Private/Nonpublic Funds Available**.

Applications are available at <https://agingschools.msde.maryland.gov/>

8. Application Review and Approval Process

- a) The application software determines the eligibility of the school based on tuition, age of building, and school grades offered – Step 1, and notifies the school of the result automatically.
- b) Eligible schools are then able to submit complete project applications – Step 2.
- c) MSDE will review the project applications to confirm:
 - a. the **Building Age Worksheet** has been completed correctly and the correct age has been entered;
 - b. the **Grant Assurances** document has been signed;
 - c. the proposed project is eligible; and
 - d. the project description, estimated costs, and schedule are reasonable.
- d) MSDE shall approve, return with questions, or deny the project application.
- e) The software will categorize the schools with approved projects by the number of funding criteria met. The funding criteria are described in Section 15 of these procedures.
- f) Following completion of the application period, MSDE shall review the number of schools with approved projects in each funding category and calculate the maximum grant allocations.
- g) MSDE shall submit the funding recommendations to the Interagency Commission on School Construction (IAC) for approval.
- h) Following review and approval by the IAC, MSDE staff will notify each school of its individual allocation. The earliest date final grant allocations will be announced is March 15, 2021.

9. Project Design and Approval Process

- a) No project design review or approval by MSDE or IAC shall be required, except as described below.
- b) MSDE and IAC reserve the right to review technical designs, specifications, and procurement documents if either agency determines it to be necessary. Schools will be notified as soon as such determination is made.

10. Project Bidding and Construction Process

No submissions to MSDE or IAC are required. Please refer to Section 6 (h – l) of these procedures for recommendations on the bidding and procurement processes.

11. Reimbursement Process

- a) The IAC shall make one (1) payment only to the school.
- b) Upon completion of the project and no later than March 31, 2023, the grant recipient shall submit to MSDE a single, signed Request for Reimbursement to Nonpublic Schools (IAC Form 306.2 Revised for Nonpublic Schools – Form C) with attachments for all work done under the grant. Attachments include invoices, copies of cancelled checks, (front and back), W-9 form and any other pertinent information.
- c) MSDE will review the reimbursement request for consistency with the approved project description and grant allocation and for the required attachments.
- d) If the request is consistent and complete, MSDE will forward the request to IAC Fiscal Services for final review and payment.
- e) If the request is inconsistent or incomplete, MSDE will notify the grant recipient to revise or complete the submission and resubmit.
- f) IAC staff will review the request for accuracy, inclusion of required documents, consistency among the documents, required signatures, and dates.
- g) If the request is approved, IAC will submit the request to the office of the Comptroller of Maryland for payment. The Comptroller’s office will mail a check to the school.
- h) If the request is not approved, IAC shall notify school of the reasons and work with the school to resolve issues, if possible.

12. Appeals Process

Nonpublic schools may appeal the decision of MSDE and/or IAC staff to the Interagency Commission on School Construction. To appeal a decision by MSDE and/or IAC staff, submit a letter by email to iac.pscp@maryland.gov or by U. S. Mail to the address identified below explaining the circumstances and any mitigating conditions to the address below. The Executive Director will present the matter to the Designees and notify the school of the outcome.

Mr. Robert Gorrell, Executive Director
Interagency Commission on School Construction
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Appeals to the IAC will be considered only at regular meetings of the Commission. IAC meetings are open to the public.

13. Audit Requirements

The grant award is subject to audit by the IAC staff. Grant recipients shall maintain records for five years after reimbursement and make all records related to the program available for review and audit by the Interagency Commission on School Construction upon request.

14. Schedule

June 1, 2020	FY21 Nonpublic Aging School Program (NASP) funds are available in IAC budget
November 6, 2020	MSDE School Facilities Branch releases procedures and opens application website - Nonpublic schools may submit online applications
January 8, 2021	Last day for nonpublic schools to submit applications for FY21 NASP
Nov 2020 – Feb 2021	MSDE School Facilities Branch reviews applications, classifies requests, and prorates grant awards
February 2021	IAC reviews and approves grant allocations
March 11, 2021	Earliest date grant allocation amounts announced
June 1, 2020 – June 30, 2022	Nonpublic schools plan projects and procure contract(s). (Schools that proceed to contract prior to grant approval do so at their own risk.)
June 30, 2022	Last day for nonpublic school to sign contract for project work
March 31, 2023	Last day for nonpublic school to submit Request for Reimbursement Form to MSDE (All construction must be complete and all contractors fully paid)

15. Budget Language

Chapter 537 - 2020 LAWS OF MARYLAND

RA07.02 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION (Statewide)

RA07.02 (C)

- (C) *Senator James E. “Ed” DeGrange Nonpublic Aging Schools Program. Provide funds to be distributed as grants to nonpublic schools in Maryland for expenditures eligible under the Aging Schools Program established in § 5–206 of the Education Article, including school security improvements. Provided that grants may be provided only to nonpublic schools eligible to receive Aid to Non–Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools) or nonpublic schools that serve students with disabilities through the Non–Public Placement Program R00A02.07 Subprogram 0762, excluding preschools in fiscal 2021, with a maximum amount of \$100,000 and a minimum amount of \$5,000 per eligible school.*

Further provided that:

- (a) *An Unless a school serves students through the Non–Public Placement Program, an eligible school*
- (1) *At least 20% of the school’s students are eligible for free or reduced price meal programs;*

- (2) Tuition charged to students is less than the statewide average per pupil expenditure for public schools as calculated by the Maryland State Department of Education; and
- (3) The school has a facility with an average age of 50 years or more; and

(b) If a school meets:

- (1) All three of the criteria specified above, or serves students through the Nonpublic Placement Program, the school may receive up to \$100,000;
- (2) Two of the three criteria specified above, the school may receive up to \$75,000; and
- (3) One of the three criteria specified above, the school may receive up to \$25,000.

Further provided that if more eligible schools apply and qualify for grants than the total authorizations, the Maryland State Department of Education shall prorate the grants based on the total authorization amount. Further provided that the funds shall be administered by the Maryland State Department of Education and the Interagency Commission on School Construction.

Further provided that grants made to nonpublic schools shall be expended within 3 years of the date that funding for the grants became available. Any funding for grants that is unexpended following 3 years of having become available shall be transferred to the Unreserved Statewide Contingency Account for public school construction.....\$3,500,000

16. Forms Required

The **Building Age Worksheet** and the **Grant Assurances** forms are available for download in the application website <https://agingschools.msde.maryland.gov/> and at the IAC website, iac.maryland.gov/programs/NonPubasp/nonpubaspindex.cfm

- a) Building Age Worksheet (Form A)- Complete this worksheet prior to submitting the application. It must be saved as a .pdf file and uploaded to the application at submission. We recommend the applicant compare this form to the prior year’s form be consistent with the information. Use the “Calculated Age” of the school as the Building Age in Step 1 of the application.
- b) Grant Assurances (Form B)– Complete this form prior to submitting the application. It must be uploaded to the application prior to submission. Please note the text of the non-discrimination statement on this form (Item 1.c.) is directly from law and cannot be altered.

The remaining forms are available for download only at the IAC website address above.

- c) Request for Reimbursement to Nonpublic Schools (IAC Form 306.2 Revised for Nonpublic Schools – Form C) – Complete this form after the project is complete and all contractors have been paid by the school. The following attachments are required: copies of invoices, copies of canceled checks (front and back) or bank statements, and an IRS Form W-9 - Request for Taxpayer Identification Number and Certification for the school, if not currently registered with the Comptroller of Maryland. (IRS Form W-9 is available from www.irs.gov.)
- d) Contractor’s Certification of Receipt of Payment (IAC Form 306.2a Revised for Nonpublic Schools – Form D) (OPTIONAL) – This form requires signature by a notary public. Complete this form only if copies of canceled checks or bank statements verifying full payment to the contractor are not available. Mail or deliver original notarized form with stamp to MSDE.

17. Contacts

Due to Covid-19, for all calls please leave a message. Return calls will be made within 2-3 days. It is preferred that all questions be sent by email.

For general information on MSDE Aid to Nonpublic Schools (Textbook and Technology Program) and other Nonpublic Schools Programs:

Mr. Jamie Klarman, MSDE Nonpublic Schools Program Coordinator, at 410-767-0141, or by email to james.klarman@maryland.gov.

For questions on Nonpublic Aging Schools project eligibility and application procedures:

Ms. Gloria Mikolajczyk, MSDE School Facilities Architect Supervisor, at 410-767-0101, or by email to gloria.mikolajczyk@maryland.gov

Mr. Fred Mason, III, MSDE School Facilities Branch Chief, at 410-767-0097 or by email to Fred.Mason1@maryland.gov.

Mr. Myron Mason, MSDE School Facilities Administrative Officer, at 410.767.0113 or by email to myron.mason@maryland.gov.

For questions on Nonpublic Aging Schools funding reimbursement:

Mr. Robert Goetz, IAC Fiscal Services, Administrative Specialist, at 410-767-0613 or by email to robert.goetz@maryland.gov

Or

Mr. Myron Mason, MSDE School Facilities Administrative Officer, at 410.767.0113 or by email to myron.mason@maryland.gov.