

**Frequently Asked Questions  
CARES Act – Equitable Services**

1. Are we allowed to take indirect costs out of the total funding before we calculate the allocations to the nonpublic schools? For example, can we take 2.96% off the top and then do the allocating?

***No, the proportionate share is calculated first. Indirect costs are applied against the Modified Direct Total Cost Base, meaning that if you issue a contract for clearing services, that should be recorded as a contract, but use program 07 so that the costs are allocated to nonpublic school students. LEAs are allowed to include an administrative cost for the equitable services portion, but that must be included in the consultation with local school systems.***

2. Can we for example spend the money on technology and the private schools use their money for a contract we would have set up for school cleaning? Unlike the typical ESSA equitable sharing, where we offer what services we are providing under Titles I-IV, can private schools use their share for something different in the 12 uses of the funds than what we would?

***Yes. The nonpublic school can use the funds for any of the allowable activities under Section 18003(d) of the CARES Act. This occurs during the consultation discussion.***

3. CARES Act says that only not for profit private schools are eligible for an equitable share. I am not sure if the same applies for the ESSA equitable sharing. How do we get an enrollment count for K-12 or preK-12 for nonpublic not for profit schools? Under equitable sharing for ESSA and the Titles I-IV, has that been required only for nonprofit non publics or is it all nonpublic schools?

***Only non-profit schools are eligible to participate in equitable services. The nonpublic school provides the enrollment on the Intent to Participate form.***

4. I read the DOE document on CARES Act equitable sharing and the per pupil calculation. We will have to do a consultation but is it correct that the nonpublic schools have to indicate their intent to participate. It seems like a no brainer for them.

***Yes, nonpublic schools have to indicate their intent to participate. MSDE has provided a Notice of Intent to Participate form for LEAs to use.***

4. Is there anything we MUST do by May 15 with the nonpublic schools or does it just fall after we submit the application to MSDE?

***The application deadline has been changed to June 12, 2020.***

5. Will MSDE be putting out additional guidance or hold further discussion on the equitable sharing part of the CARES Act funding? I appreciated the discussion we had on Tuesday but I just want to make sure I have a game plan on how best to proceed.

***MSDE will provide additional guidance in the form of an FAQ document as well as sample documents for LEAs to use in their efforts to provide equitable services to nonpublic schools. These include a sample outreach letter, the Intent to Participate form, the Affirmation of Consultation document, list of schools with email addresses, and the nonpublic enrollment as of 9/30/2019. The documents have been revised as of 7/1/2020.***

6. If a school system decides to buy Chromebooks, could a nonpublic decide to work with us for a contract to clean their schools, which are both allowable expenses under the ESSER

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fund. Do nonpublic schools have the ability to choose from any of the 12 provisions for ESSER? Or does the LEA decide how it is going to use the funding and the nonpublic schools can get their share of those services/product?

***Yes. The nonpublic school can use the funds for any of the allowable activities under Section 18003(d) of the CARES Act that best meet the nonpublic school's needs. This discussion occurs during the consultation process.***

7. How do we get a list of our nonpublic schools that are non-profits, which I understand is a requirement for a nonpublic school to participate in the ESSER funding?

***A list of nonpublic schools authorized to operate in Maryland has been provided to LEAs.***

8. Are prek students included in the count?

***Yes, public and nonpublic prek students who are eligible for FRPM and attend or reside in a Title I school attendance area should be included in the calculation of the proportionate share. UPDATED: If the school system is choosing Option 2 (per MSDE's Equitable Services Guidance), the nonpublic enrollment count should include all students in all nonpublic schools, grades prek-12.***

9. If a Wicomico nonpublic school has a student that does not reside in Wicomico County, do they still count in their enrollment for allocation purposes?

***The student would be counted in the school system in which the student resides. Nonpublic schools provide the income and address information to the local school system in which the school is located. Local school systems send the data for students that don't reside in their jurisdiction to the local school system where the student resides. UPDATED: the Interim Final Rule issued by USDE requires local school systems to offer equitable services to all nonpublic schools in the district. If the school system chooses Option 2 (per MSDE's Equitable Services Guidance), all students at participating nonpublic schools in the district would be included in the proportionate share calculation.***

10. Is a nonpublic school with pending non-profit status eligible to participate?

***No. the school must have officially received a non-profit designation at the time the CARES Act was signed into law – March 27, 2020.***

11. Will participating in equitable services through the CARES Act effect a nonpublic school's PPP loan?

***The nonpublic school should contact their attorney and/or fiscal agent for this information.***

12. A nonpublic entity that provides only before and after school services to students in grades K-4 would like to participate. Does this entity qualify?

***Only non-profit, nonpublic elementary and secondary schools approved to operate as a school in Maryland are eligible to participate.***

13. Can an LEA direct that the participating nonpublic school use their share of the ESSER funding in the same way that the LEA is using its share of the funding?

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*No. The nonpublic schools can use the funds for any of the allowable activities under the CARES Act. This is part of the consultation discussion.*

**Follow-up Question:** So if we wanted to buy Chromebooks and the nonpublic school wanted to use their share for cleaning their school, and we may not have an existing contact to clean schools as we use our own people for cleaning schools, how do we handle their desire for school cleaning?

*Yes, that is correct. They can use the funds for cleaning the schools. The LEA and the nonpublic school would include this in the consultation discussion. Perhaps the school has a cleaning service and the LEA could use the school's proportionate share to pay for that service. These types of "logistics" would be discussed as part of the consultation.*

14. Has MSDE developed a standard application for the LEAs to use for non-publics? Or may we develop our own?

*MSDE has developed a standard nonpublic school application for LEAs to use.*

15. Are non-publics allowed to use the ESSER funds to back pay people whom they furloughed?

*MSDE does not believe this is an allowable use of equitable services as the LEA must retain control of the funds.*

16. Is there anything in the USDE guidance document that restricts nonpublic schools from operating based on their religious beliefs?

*Nonpublic schools operating based on their religious beliefs is not an issue.*

17. How do we deal with the issue of nonpublic schools wanting to purchase technology that is not supported or used by the LEA?

*The LEA cannot restrict the use of equitable services requested by the nonpublic school. If the request is allowable, reasonable and appropriate, the request should be met.*

18. Using ESSER funds, a district purchases one-to-one devices that go home with private school children as a part of a distance learning initiative. Some of those devices get damaged or lost. There is no insurance policy to cover this loss. Is it the LEA's responsibility to fix and or replace equipment using non-equitable services funding, or does the LEA use the equitable services portion available to all participating schools to cover costs?

*It is recommended that the LEA draft an Inventory Policy that includes a Lost/Damaged clause, and clearly outline the responsibilities of both the LEA and the private school. In consultation, the LEA must be upfront, clear and transparent with private school officials about the policy. It is also suggested that each participating private school draft a policy for their students, so the student and/or family is aware of the LEA's policies and procedures.*