

PROCEDURES
FOR THE
NONPUBLIC AGING SCHOOLS PROGRAM SAFETY IMPROVEMENTS
(FISCAL YEAR 2019)
October 10, 2018

These procedures are available for download at:

<http://www.pscp.state.md.us/programs/NonPubASP/nonpubaspindex.cfm>

Applications for this program must be submitted online at:

<https://npsi.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 Safety Improvements (Fiscal Year 2019)

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Forms

- A. Grant Assurances
- B. Request for Reimbursement to Nonpublic Schools *(IAC FORM 306.2 Revised for Nonpublic Schools)*
- C. Contractor's Certification of Receipt of Payment *(IAC FORM 306.2a Revised for Nonpublic Schools)*

1. Introduction/Overview

The Maryland General Assembly is providing \$3.5 million in fiscal year 2019 (July 1, 2018 – June 30, 2019) in grants for safety improvements to existing nonpublic school buildings.

Nonpublic schools, including preschools, eligible in fiscal year 2019 (FY19) for the Aid to Nonpublic Schools Program for the purchase of textbooks or computer hardware and software for loan to students, commonly known as the “Textbook and Technology Program”, are eligible to apply for the FY19 Interagency Commission on School Construction Program (IAC) Nonpublic Aging Schools Program Safety Improvements (NPSI.)

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 \$65 per student, except where at least 20% of the students are eligible for free or reduced price meal program, the maximum grant amount is \$85 per student. 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 early 2018. If more eligible schools apply and qualify for grants than the total authorization, the Maryland State Department of Education (MSDE) shall prorate the grants

Schools will have until December 14, 2018 to apply for a grant. Grant recipients will have until June 30, 2020 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 2019 | Mid- September | 12/14/2018 | 2/4/2019 | 6/1/2018 | 6/30/2020 | 3/31/2021 |

2. Eligible Schools

- a) Nonpublic schools, except preschools, eligible to receive aid from the Textbook and Technology Program in FY19 (school year 2018-2019) are eligible for this program. To determine eligibility, take the second prior year tuition revenues (school year 2016-2017) and divide by the second prior year enrollment (September 30, 2016). If the resulting number is less than or equal to \$15,581, then the school qualifies to apply for this program. The \$15,581 figure represents the State average expenditure per pupil for fiscal year 2017, 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, 2003 to meet the age requirement.

- c) The school must offer preschool, kindergarten and/or higher grades. For the purposes of this program, “preschools” means schools that generally enroll students ages 4 and below and do not provide formal kindergarten programs.

3. Eligible Safety Improvements School Projects

- a) The proposed project(s) is a capital improvement that when completed will improve the safety of students and staff.
- b) Projects must have an estimated life expectancy of at least 15 years with normal maintenance.
- c) Individual projects do not have a minimum cost. Several separate, eligible projects may be requested in the same building.
- d) 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

- Doors and/or windows replacement, including security hardware and devices
- Window locking hardware
- Renovation projects, including constructing security vestibule entries
- Camera surveillance systems
- Interior renovations to improve visual control and/or control of access
- Site improvements to improve visual control and/or control of access
- 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.)

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) *Board of Public Works, Public School Construction, Administration of the Public School Construction Program, Eligible Expenditures, and Ineligible Expenditures*. Go to www.dsd.state.md.us, COMAR Online. Select "Search Option 1" and enter codification numbers "23.03.02.11" and "23.03.02.12."

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, 2018.
- c) All work shall be under contract by June 30, 2020, 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, 2021. 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 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: www.bpw.maryland.gov/pages/debarments.aspx.
- g) Grant recipients are encouraged to comply with COMAR 23.03.03 – *Board of Public Works, Public School Construction, Construction Procurement Methods*, including competitive bidding processes. See instructions in Section 5 of these procedures to obtain copy of regulations.
- h) Grant recipients are encouraged to solicit and hire Maryland resident businesses.

- i) 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: www.mce.md.gov/Portals/0/pdf_2015/MCE%20FY17%20Catalog.pdf?ver=2016-06-29-070640-237.
- j) Grant recipients are encouraged to solicit and hire minority-owned businesses certified by the Maryland Department of Transportation (MDOT.)
- k) 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, December 14, 2018.

In order to complete the first step, the school must have identified a contact person, the total tuition revenue for school year 2016-17, and the total enrollment as of September 30, 2016. The school also must have completed and reviewed 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 and 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://npsi.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 **Grant Assurances** document has been signed;

- b. the proposed project is eligible; and
 - c. 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 staff, MSDE staff will notify each school of its individual allocation. The earliest date final grant allocations will be announced is March 15, 2019.

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, 2021, the grant recipient shall submit to MSDE a single, signed Request for Reimbursement to Nonpublic Schools (*IAC Form 306.2 Revised for Nonpublic Schools*) with attachments for all work done under the grant.
- 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 staff 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 staff 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 (IAC). To appeal a decision by MSDE and/or IAC staff, submit a letter by email to pscp.msde@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 IAC 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 Program upon request.

14. Schedule

| | |
|-----------------------------|---|
| June 1, 2018 | FY19 Nonpublic Schools Safety Improvement Program (NPSI) funds are available in IAC budget |
| Mid – Sept. 2018 | MSDE School Facilities Branch releases procedures and opens application website - Nonpublic schools may submit online applications |
| December 14, 2018 | Last day for nonpublic schools to submit applications for FY19 NPSI |
| Sept 2018 – Jan 2019 | MSDE School Facilities Branch reviews applications, classifies requests, and prorates grant awards |
| March 2019 | IAC reviews and approves grant allocations |

| | |
|---|--|
| March 2019 | BPW reviews and approves grant allocations |
| March 15, 2019 | Earliest date grant allocation amounts announced |
| June 1, 2018 – June 30, 2020 | Nonpublic school plans project and procures contract. (Schools that proceed to contract prior to grant approval do so at their own risk.) |
| June 30, 2020 | Last day for school to sign contract for project work |
| March 31, 2021 | Last day for school to submit Request for Reimbursement Form to MSDE (All construction must be complete and all contractors fully paid) |

15. Budget Language

Chapter 9 - 2018 LAWS OF MARYLAND

DE02.02 PUBLIC SCHOOL CONSTRUCTION (Statewide)

DE02.02(C) Nonpublic Schools Program Safety Improvements. Provide funds to be distributed as grants to nonpublic schools in Maryland for school safety improvements. Provided that grants may be provided only to nonpublic schools currently 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), with a maximum amount of \$65 per eligible nonpublic school student for participating schools, except that at schools where at least 20% of the students are eligible for free or reduced price meal program there shall be a distribution of \$85 per student and no individual school may receive less than \$5,000. Further provided that the funds shall be administered by the IAC.....\$3,500,000

Further provided that if more eligible schools apply and qualify for grants than the total authorization, 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.....\$3,500,000

16. Forms Required

The **Grant Assurances** form is available for download in the application website <https://agingschools.msde.maryland.gov/> and at the PSCP website, www.pscp.state.md.us/programs/NonPubASP/nonpubaspindex.cfm.

- A. Grant Assurances – 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.

- B. Request for Reimbursement to Nonpublic Schools (IAC Form 306.2 Revised for Nonpublic Schools) – 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.)

- C. Contractor's Certification of Receipt of Payment (IAC Form 306.2a Revised for Nonpublic Schools) (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

For general information on MSDE Aid to Nonpublic Schools (Textbook and Technology Program) and Nonpublic Aging 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 Program or Nonpublic Schools Safety Improvement 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.

For questions on Nonpublic Schools Safety Improvements funding reimbursement:

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