**General Disposition Guidance for Equitable Services under the CARES Act**

The U.S. Department of Education has received several questions regarding the disposition of equipment and supplies purchased by a local educational agency (LEA) as part of providing equitable services to non-public school students and teachers with funds from either the Elementary and Secondary School Emergency Relief (ESSER) Fund or the Governor's Emergency Education Relief (GEER) Fund under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The following is intended to address those questions and assist LEAs and non-public school representatives in planning for the end of the performance period.

Equipment and supplies purchased by an LEA with CARES Act funds to provide equitable services to students and teachers in a non-public school may be used for the authorized purposes of a CARES Act program during the period of performance (i.e., through September 30, 2022) or until the equipment and supplies are no longer needed for the purposes of the program (see 34 C.F.R. § 76.661(b); 2 C.F.R. §§ 200.313(a)(1), (c)(1) and 200.314(a)). If an LEA determines, in consultation with non-public school representatives, that non-public school students and teachers continue to need such equipment and supplies for the purposes of the CARES Act program beyond the period of performance, the LEA may, but is not required to, continue to permit non-public school students and teachers to use the equipment and supplies; otherwise, the use of equipment and supplies provided with CARES Act funds would terminate at the end of the period of performance. If an LEA permits use to continue beyond the period of performance, the LEA must continue to maintain title to, and keep administrative control over, the equipment and supplies.

In general, once equipment and supplies are no longer needed for purposes of a CARES Act program, an LEA must, in consultation with non-public school representatives, remove the equipment and supplies from the non-public school. (34 C.F.R. § 76.661(d)(1)). At this point, however, the LEA may, in consultation with non-public school representatives, continue to use the equipment and supplies for students and teachers in the non-public school to the extent they are needed for other allowable purposes under another Federal education program in which the non-public school participates, such as programs under the Elementary and Secondary Education Act of 1965 or the Individuals with Disabilities Education Act. (See 2 C.F.R. § 200.313(c)). In that case, the LEA must continue to retain title to, and maintain administrative control over, the equipment and supplies or transfer title and control to another public agency providing equitable services under the other Federal education program.

When equipment is no longer needed for the original program or other activities currently supported by the Department in which a non-public school participates, an LEA must dispose of the equipment and supplies in accordance with 2 C.F.R. §§ 200.313(e) and 200.314(a*).*

*Equipment That Is No Longer Needed:* An LEA must request disposition instructions from the Department. Items of equipment purchased with CARES Act funds that have a current per unit fair market value of $5,000 or less may be retained, sold, including to a participating non-public school, or otherwise disposed of without additional responsibility to the Department. If an item of equipment has a current per unit fair market value in excess of $5,000, the LEA may retain or sell the equipment. In this case, the Department is entitled to an amount calculated by multiplying the current fair market value or proceeds from the sale by the Department's percentage of the cost of the original purchase (2 C.F.R. § 200.313(e)).

*Supplies That Are No Longer Needed*: If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon completion of the CARES Act program and the supplies are not needed for any other Federal award, an LEA must retain the supplies for use on other activities or sell them but must, in either case, compensate the Department for its share, as calculated above for equipment (2 C.F.R. § 200.314(a)).