

## TEXT OF REGULATIONS

### CALIFORNIA CODE OF REGULATIONS

#### Title 4, Division 15, Article 2

#### State Charter School Facilities Incentive Grants Programs

##### Section 10179. Maximum Grant.

- (a) Grant awards that are used toward the annual cost of rent, lease, mortgage, or debt service payments for existing or new facilities shall be based on the following:
- (1) Per-pupil facilities aid for charter schools which shall be awarded to subgrantees in an amount of seven hundred and fifty dollars (\$750) per student based on the eligible K – 12 grade student enrollment on file with the California Department of Education, not to exceed seventy five percent (75%) of the annual eligible costs for the current year if available, or based on prior year data if current year data is not available, for which the applicant is applying.
  - (2) No individual grant may exceed two hundred and fifty thousand dollars (\$250,000) per year, with a maximum grant period of up to three years. The grant period shall not exceed the end of the funding period as determined by the U.S. Department of Education and referenced in Section 10185.
- (b) Grant awards that are used toward the purchase, design, construction, and renovation costs of land and facilities, shall be based on the following:
- (1) Per-pupil facilities aid for charter schools which shall be awarded to subgrantees in an amount of one thousand dollars (\$1,000) per student based on the eligible K – 12 grade student enrollment on file with the California Department of Education, not to exceed seventy five percent (75%) of the annual eligible costs for which the applicant is applying.
  - (2) No individual grant may exceed five hundred thousand dollars (\$500,000) per year, with a maximum grant period of up to three years. The grant period shall not exceed the end of the funding period as determined by the U.S. Department of Education and referenced in Section 10185.
- (c) If a charter school is determined to be eligible for an award under the Charter School Facility Grant Program during the period of eligibility as a subgrantee following any specific funding round based on the same eligible lease costs, the following shall apply:
- (1) if the maximum grant award for the Program is determined by an amount of seven hundred and fifty dollars (\$750) per student pursuant to subdivision (a)(1) of this Section, the maximum grant award shall be determined by the difference between seven hundred and fifty dollars (\$750) per student and seven hundred and fifty dollars (\$750) per unit of current year average daily attendance (The remaining balance is the grant award as defined by the Charter School Facility Grant Program regulations, Section 10170.2(d));
  - (2) If the maximum grant award for the Program is determined by 75% of eligible lease costs pursuant to subdivision (a)(1) of this Section, no award shall be issued under the Program.
- (d) If a charter school is determined to be eligible for an award under the Charter School Facility Grant Program during the period of eligibility as a subgrantee following any specific funding round based on eligible renovation costs for a specific school site, no award shall be issued under the Program for that school site.
- ~~(e)~~ (e) Grant awards, for up to a three-year period, will be reserved and apportioned from funds available in the year that the subgrantee is awarded funding.

~~(d)~~ (f) Grant funds that become available may be awarded to an alternate applicant from the most recent funding round until the next funding round commences, at which time any funds that become available will be combined with the available funds for the new funding round

~~(e)~~ (g) An organization comprised of more than one charter school may apply for more than one grant by submitting a separate application for each charter school.

Note: Authority cited: Sections 17179 and 17180, Education Code.  
Reference: Section 17180, Education Code.

### **Section 10180. Application Submission.**

- (a) Application for grant funds shall be made on a form prescribed by the Authority, and will be available as described below. The Authority will accept applications during the application periods described. One original application package must be received by the Authority, during regular business hours, by the final filing date. Applications received after the final filing date for each funding round will not be accepted for review and will be returned to the applicant. Applications shall be considered complete and final as of the date submitted. No further information will be accepted after the final filing date for purposes of evaluating the application, unless otherwise determined by the Executive Director of the Authority. For organizations with more than one charter school, a separate application is required for each charter school applying for a grant.
- (b) ~~The Application Specific application availability~~ and deadline dates for each funding round will be posted on the Authority's web-site at least 30 days prior to the beginning of that funding round by February 1 of each year. Grant awards will be made no later than June 30 of each fiscal year.

Note: Authority cited: Sections 17179 and 17180, Education Code.  
Reference: Section 17180, Education Code.

### **Section 10181. Content of Application.**

Completed applications and all attachments shall be submitted in duplicate to the Authority and shall include, but not be limited to, all of the following items. All documents specified below, except an Application (CSFA Form 05-01) with an original executed signature, which must be submitted via hard-copy, may be submitted via hard-copy, CD Rom, or flash drive. Upon the development of an on-line application system, an Applicant may submit both the Application and all supporting documents via that system. Applications may not be submitted by email or facsimile.

- (a) Application (CSFA Form 05-01, revised 10/2015).
- (b) Description of how an award of grant funds for facilities will be used.
- (c) Copy of current charter agreement, and verification of the expiration date.
- (d) Evidence that the school is organized under section 501(c)(3) of the Internal Revenue Code, or is a nonprofit public benefit corporation pursuant to California Corporations Code section 5110, et seq., if applicable.
- (e) Copy of lease contract, rental agreement or other documentation verifying required payments and evidence that the term matches or exceeds the anticipated grant term.
- (f) A completed Legal Status Questionnaire submitted in the form set forth in CSFA 05-01.
- (g) For construction/renovation or purchase projects only, a detailed description of the project, including timelines, anticipated costs, bids, and other funding sources.
- (h) For construction/renovation or purchase projects only, proof of site control for a minimum of the grant period. Such proof may consist of (1) a current title report issued

no more than 90 days prior to application showing ownership of the site; or (2) a valid, current, enforceable contingent purchase and sale agreement or option agreement between the Applicant and the owner of the subject property, including evidence that all extensions are in place to keep the agreement current through the grant award date.

- (i) For construction/renovation or purchase projects only, evidence of the applicable discretionary use permits and approvals from federal, state or local planning agencies for the proposed project.
- (j) Agreement and Certification. The applicant shall agree and certify under penalty of perjury to the following terms and conditions as a requirement of receiving any grant funds. The agreement and certification shall be executed by the charter school's executive director, principal, chair of the board, or another authorized individual and shall be included in the application.
  - (1) Applicant may be required to return all or a portion of the grant funds including any investment earnings if the applicant fails to use the funds as approved. In cases where the grant will fund architect, design, or engineering fees or land acquisition costs as part of a construction project, the applicant may be required to return all grant funds and any investment earnings if the Authority cannot determine the associated larger construction project has been completed, based on timelines provided within the application. Grant funds shall only be used by the subgrantee in the manner described in the application, unless the Authority approves a change in writing pursuant to section 10186.
  - (2) Applicant agrees that any laborers and mechanics employed by contractors or subcontractors on the project(s) assisted with these federal funds must be paid in accordance with prevailing wage requirements in the Davis-Bacon Act (40 USCA section 3142, et seq.).
  - (3) The applicant's project and financial records are subject to audit and inspection by the Authority and the Bureau of State Audits.
  - (4) Applicant has either disclosed all legal information as required in the Legal Status Questionnaire, or has no legal information to disclose.
  - (5) Applicant will notify the Authority in writing at the time of project completion with evidence of completion included.
  - (6) Applicant will provide all documents and information required by law and meet all necessary requirements prior to the release of any funds.
  - (7) Applicant is required to immediately notify the Authority of any material change to the charter school's enrollment, student performance, charter status, or financial condition.
  - (8) For all construction/renovation or purchase projects, a copy of the executed construction contracts and all required permits must be submitted no later than one year from the award date and prior to any disbursements.

Note: Authority cited: Sections 17179 and 17180, Education Code.  
Reference: Section 17180, Education Code.