

RESOLUTION NO. 12-41

**RESOLUTION APPROVING
AMENDMENTS TO THE REGULATIONS FOR THE
STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANTS PROGRAM
AND AUTHORIZING THE RULEMAKING PROCESS**

WHEREAS, on behalf of the State of California, the California School Finance Authority (Authority) was awarded a grant for \$49,250,000 in 2004 and a grant for approximately \$48,500,000 in 2009 through the United States Department of Education entitled the State Charter School Facilities Incentive Grants Program, CFDA #84.282D (Federal Grant); and

WHEREAS, Sections 17180(o) of the Education Code provide that the Authority shall adopt regulations and guidelines establishing uniform terms and conditions that shall apply equally to all applicants seeking grant funding; and

WHEREAS, the Authority is proposing to implement amendments to the Federal Grant regulations, including but not limited to, adding language to clarify the process for awarding funds to alternate applicants should funds become available; clarifying that grant funds may not be used for other costs such as administration or overhead nor for the costs of another entity to provide a facility; clarifying the calculation for eligible grant awards will rely on K-12 enrollment provided by the California Department of Education; clarifying that construction and renovation projects will need to provide verification of site control for a minimum of the grant period; and to make additional clarifying changes; and

WHEREAS, Authority staff intends to conduct the rulemaking process, including submitting the draft form of the proposed amended regulations to the Office of Administrative Law and distribute for public comment.

NOW, THEREFORE, BE IT RESOLVED that

Section 1. The Authority adopts the amendments to the regulations and authorizes the Chair and Executive Director of the Authority, and each of them, for and on behalf of the Authority, to conduct the rulemaking process through the Office of Administrative Law, and submit the regulations for public comment as required by law; and

Section 2. The Chair and the Executive Director of the Authority, and each of them, are hereby authorized and directed to take such actions, including making or causing to be made such changes to the regulations and such steps to the rulemaking process as may be required for approval of the regulations by the Office of Administrative Law, and to execute and deliver any and all documents and take any and all steps that they may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon its approval.

Date of Adoption: November 27, 2012