

## MEMORANDUM

## Staff Summary No. 5

**Date:** September 9, 2015

**To:** Members of the California School Finance Authority

**From:** Katrina M. Johantgen, Executive Director

**Subject:** Consideration of Appeal Regarding the Charter School Facility Grant Program

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**Background:** On April 10, 2014, all California charter schools on file with the California Department of Education were notified via-email and through the California School Finance Authority listserv of the deadline for application submission for the 2014-15 funding round under the State Charter School Facility Grant Program (Program). Section 10170.5(b) of the Program regulations set forth an application deadline of May 10, 2014 at 5:00 p.m. As May 10, 2014 fell on a Saturday, the application deadline was extended to Monday, May 12, 2014, which was specified in the notification. The Authority received 311 applications by the regulatory deadline of May 12, 2014.

On May 1, 2015, a representative for Howard Gardner Community Charter School contacted the Authority to review the school's eligible facility expenses for 2014-15. Staff informed the representative that the Authority did not have a record of receiving the 2014-15 application. Staff informed the school representative that the school could submit an appeal to the Authority related to the missing application. The appeal letter (addressed to staff) was received on July 8, 2015.

Authority staff reviewed the school's appeal, and determined the school ineligible, based on the evidence provided. A summary of the school's appeal is listed below. The school's appeal letter and an affidavit are attached for review and consideration.

- The school is alleging that it missed the 2014-15 application deadline due to turnover in staff, resulting in multiple Business Managers throughout the year serving the school, as well as alleging that an application was submitted on time yet failed to retain proof of the 2014-15 application and evidence of timely submission.
- The school sent an affidavit (attached) from the responsible party stating the application was mailed on or about April 28, 2014 with the U.S. Postal Service in a pre-paid first class envelope.
- Staff reviewed the evidence and found no compelling evidence to suggest an application was actually submitted. Staff made a recommendation of denial to the Executive Director, and the Executive Director concurred with staff's recommendation of denial.
- On July 27, 2015, the Authority notified Howard Gardner Community School of the denial. Staff informed the school that they could appeal directly to the Authority Board.
- On August 7, 2015, Howard Gardner submitted an appeal letter to the Authority Board.

Over the course of 6 months, the Authority received and presented twenty-nine (29) 2014-15 late Program applications to the Board. The Board approved all late applications but had ongoing concerns with the number of appeals they received. At the July 24, 2014 Board Meeting, Board Member Ortega stated that future late Program application submittals would most likely not be considered by the Board, and that regulatory deadlines would be adhered to. At this time, there is \$6 million remaining in Program funds for 2014-15.

**Recommendation:** Staff recommends denial of the appeal on behalf of Howard Gardner Community Charter School based on insufficient evidence of application delivery to the Authority, and the failure to provide a completed SB 740 2014-15 application by the regulatory deadline.

# Howard Gardner Community School



647 E St. Chula Vista, CA 91910  
(619)934-0300 [www.hgcschool.org](http://www.hgcschool.org)

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Mr. Ian Davis  
SB740 Lead  
Charter School Facility Grant Program  
California School Finance Authority

Dear Mr. Davis,

On behalf of students, staff and the community of the Howard Gardner Community School (HGCS), I would like to request for the opportunity to resubmit HGCS' SB740 2014-15 Application. We had a change in financial providers during the year and was discovered, very late in the year, that the California School Finance Authority did not have record of HGCS' application. We are requesting the CSFA Board of Directors consideration and approval for a late resubmission of the SB740 2014-15 Application, attached. Also attached is a signed affidavit by the previous financial provider, Mr. Todd Torpet, declaring under penalty of perjury that he in fact submitted HGCS' SB740 2014-15 Application on a timely basis to the agency's Los Angeles location.

HGCS is ready to submit any additional information or documentation needed, in order, to be considered for the allocation of funds for the 2014-15 SB740 program.

We would welcome your consideration as this funding is much needed for the school's overall budget relief and to be able to continue to provide our students with an excellent educational program. Your consideration is very much appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shannon Richardson', is written over a light blue horizontal line.

Shannon Richardson  
Executive Director  
Howard Gardner Community School  
647 E St. Chula Vista, CA 91910  
(619) 934-0300



## CALIFORNIA SCHOOL FINANCE AUTHORITY

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### MEMBERS

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Director of Finance

EXECUTIVE DIRECTOR  
Katrina M. Johantgen

July 27, 2015

Shannon Richardson  
Howard Gardner Community School  
647 E. Street  
Chula Vista, CA 91910  
Via email: [srichardson@hgcschool.org](mailto:srichardson@hgcschool.org)

Dear Ms. Richardson:

This is to advise the application submitted on behalf Howard Gardner Community School for a potential grant award under the Charter School Facility Grant Program was received by the California School Finance Authority on Wednesday, July 8, 2015.

Title 4, California Code of Regulations, section 10175.5 (a) provides that Program applications shall be received by the Authority by the final filing date. "Applications received after the final filing date for each funding round will not be accepted for review..." The application due date for this funding round was **Monday, May 12, 2014 5:00 P.M.** Consequently, the application for Howard Gardner Community School will not be eligible for an award of grant funds through this funding round of the Program pursuant to program regulations.

If the school wishes to appeal staff's determination of ineligibility, the school must appeal by August 10, 2015. If you have any questions or need additional information, please contact me at (213) 620-4467.

Sincerely,



Katrina Johantgen

### **Section 10170.5. Application Submission.**

Completed applications and all attachments shall be submitted to the Authority and shall include, at a minimum, the following items. All documents specified below may be submitted via hard-copy, CD Rom, or flash drive, except for the Application (CSFA Form 740-01) which must be submitted via hard-copy with original executed signatures. Applications may not be submitted by email or facsimile.

- (a) The Application for each grant year shall be made available by the Authority in the month of April. Application deadlines shall be 5:00 p.m. on the date five weeks from the date the application is made available by the Authority. The Authority shall make application materials available on the Authority's website and notify the public of the application release date.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

### **Section 10170.10. Notification of Grantee; Appeal Process.**

- (a) The Authority will provide notice to each Applicant of Authority staff's eligibility determination and Estimated Annual Entitlement calculation pursuant to section 10170.7.
- (b) An Applicant shall have 30 calendar days from receipt of the Authority's notice to request reconsideration of eligibility or the Estimated Annual Entitlement calculation by Authority staff.
- (c) Authority staff shall have 30 calendar days to review an Applicant's request for reconsideration and provide a final staff decision.
- (d) If the Applicant is unsatisfied with Authority staff's final decision, the Applicant shall have 14 calendar days following receipt of notice of the decision to notify the Authority that the Applicant wishes to appeal the matter to the Authority board.
- (e) Upon receipt of an appeal notice from an Applicant, the matter will be considered by the Authority board at the next regularly scheduled Authority meeting.
- (f) If an eligibility determination or Estimated Annual Entitlement calculation is modified by Authority staff or the Authority Board, changes in apportionments will be processed and distributed to the Applicant within 30 days.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

# Howard Gardner Community School



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Mr. Ian Davis  
SB740 Lead  
Charter School Facility Grant Program  
California School Finance Authority

Dear Mr. Davis,

On behalf of the students, staff and community of Howard Gardner Community School (HGCS) I am appealing staff decision to deny our application for 2014-15 SB740 funding through the Charter School Facility Grant. I would like the Charter School Finance Authority Board of Directors to reconsider and overturn staff's decision to deny our application based on the fact that we had a turnover in staff with multiple Business Managers throughout the year and they failed to retain proof of the 2014-15 application in which they claimed they submitted on time.

We were unaware that a 2014-15 application was not submitted until May of 2015 although an e-mail was sent to the Business Manager by me, the Director, reminding Todd Torpet, the individual, to submit this application on Wednesday, March 19th, 2014. An affidavit from Todd Torpet was submitted to the CSFA Office indicating that he did submit the application, along with a resubmittal of the SB740 2014-15 application on June 1st, 2015.

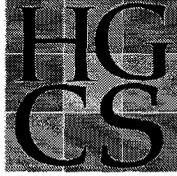
HGCS is ready to submit any additional information or supporting documentation needed in order to be considered for the allocation of funds for the 2014-15 SB740 program. As a small charter school (less than 200 students) in a competitively priced leased facility, the funding is greatly needed to offset facilities costs in order to provide an excellent education program for our students. Your consideration is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Richardson". The signature is fluid and cursive.

Shannon Richardson  
Executive Director

# Howard Gardner Community School



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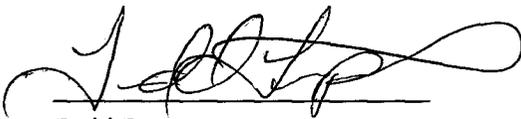
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## AFFIDAVIT OF MAILING

I am employed in the County of San Diego, State of California. I am over the age of 18. My business and mailing address is: Howard Gardner Community School, 647 E. St. Chula Vista, CA 91910.

I was the contracted financial person for Howard Gardner Community Charter School. I was responsible for all financial filings including the application for the SB740 funds for the academic year 2014-2015. It was my practice in the ordinary course of business to prepare and mail, via first class mail, the applications on or before the deadline date for the application each year. The application signed by Mrs. Shannon Richardson, addressed to California Finance Authority was deposited with the U.S. Postal Service with first class pre-paid postage on or about April 28<sup>th</sup>, 2014, by enclosing it in a sealed envelope addressed as follows: California School Finance Authority, 304 South Broadway, Suite 550, Los Angeles, California, 90013

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 18, 2015 at Chula Vista, California.



Todd Torpet