

**TEXT OF REGULATIONS
CALIFORNIA CODE OF REGULATIONS
Title 4, Division 15, Article 1.5
Charter School Facility Grant Program**

§ 10170.2. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning as described below:

- (a) "Applicant" shall mean the Charter School, educational management organization, or charter management organization applying on behalf of a Charter School for a grant under this article.
- (b) "Application" shall mean a completed Charter School Facility Grant Program Online Application (CSFA Form 740-01; revised July 2018), incorporated herein by reference, as developed by the Authority, and described in Section 10170.6.
- (c) "Attendance Area" shall mean the geographical area within a school district established by the school board thereof for the purpose of designating the public school which pupils residing within the area normally would attend. In cases where the school district does not establish the area, the area will be determined based on a radius using the distance from the applicant to the nearest public elementary school with the applicant school as the center point of said radius.
- ~~(e)~~ (d) "Authority" shall mean the California School Finance Authority.
- ~~(e)~~ (e) "Average Daily Attendance" (ADA) shall mean the unit of attendance, as reported by the Department for the second period of the school year.
- ~~(e)~~ (f) "Average Daily Attendance Cap" (ADA Cap) shall mean for the 2017-18 Fiscal Year, an amount equal to one thousand one hundred seventeen dollars (\$1,117) per unit of ADA. Commencing with the 2018-19 Fiscal Year and moving forward, the amount of funding provided per unit of ADA in the preceding Fiscal Year, as adjusted by the Cost Of Living Adjustment Index or the amount specified in the current Budget Act.
- ~~(f)~~ (g) "Chartering Authority" shall mean the school district, county board of education, or State Board of Education that granted a Charter School's petition to become a Charter School pursuant to Education Code Section 47605.
- ~~(g)~~ (h) "Charter School" shall mean a school established and operating pursuant to the Charter Schools Act of 1992 (Education Code Section 47600, et seq.). Except where the defined term First Year Charter School is specifically used, Charter School shall also be meant to include schools that otherwise meet the definition of First Year Charter School.
- ~~(h)~~ (i) "Cost Of Living Adjustment Index" (COLA Index) shall mean a percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior Fiscal Year. This percentage change shall be determined using the latest data available as of May 10 of the preceding Fiscal Year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the

second preceding Fiscal Year, using the latest data available as of May 10 of the preceding Fiscal Year, as reported by the Department of Finance.

- (i) (j) “Department” shall mean the California Department of Education.
- (j) (k) “Estimated Annual Entitlement” shall mean the estimated grant amount to which a Charter School is entitled as calculated pursuant to Section 10170.7 prior to the first apportionment.
- (k) (l) “Facility Invoice Expenditure Report” shall mean the annual Charter School Facility Grant Program Facility Invoice Expenditure Report (CSFA Form 740-02; revised October 2017) herein incorporated by reference.
- (l) (m) “Fair Market Rent” shall mean the mean amount of money a property would rent or lease for if it was available at the time the appraisal was conducted.
- (m) (n) “Final Fiscal Year Entitlement” shall mean the final calculated grant amount to which a Grantee is entitled based on the calculation prescribed in Section 10170.8.
- (n) (o) “First Year Charter School” shall mean a school that anticipates beginning operations as a Charter School in the Fiscal Year for which it submits an Application and was not open the previous school year.
- (o) (p) “Fiscal Year” shall mean the school year for which an Application for grant funds is submitted.
- (p) (q) “Free or Reduced-Price Meal Eligibility” or “FRPM Eligibility” shall mean the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced-price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS).
- (q) (r) “Good Standing” shall mean the Applicant ~~satisfies all three both of the following conditions: 1) The Applicant has compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code Section 47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in Education Code Section 47607(h).~~ The Authority will rely on information prepared provided by the Chartering Authority and the submission of a SB740 Good Standing Confirmation Form (SB740 GSCF) (CSFA Form ~~1119~~0921; established September 2021), incorporated herein by reference.
- (r) (s) “Grantee” shall mean a Charter School determined by the Authority to be eligible for a grant.
- (s) (t) “Independent Appraisal” shall mean a value assessment of rent and lease costs for a Charter School facility completed and signed by a Certified Real Estate Appraiser or Certified General Appraiser licensed by the California Department of Real Estate Appraisers who confirms that the appraisal is in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).
- (t) (u) “New Facility Agreement” shall mean either 1) a rental or lease agreement for a facility not previously occupied by the Charter School; 2) a rental or lease agreement that includes additional square footage not included in the previous year's agreement; or 3) a new agreement for existing facilities or square footage when the existing lease is up for renewal or expires. Options to renew contained in existing rent or lease

agreements on file with the Authority executed by the Charter School and the lessor will not be considered a New Facility Agreement.

(u) (v) "Prior Year" shall mean the school year prior to the school year for which an Application is submitted.

Note: Authority cited: Section 47614.5, Education Code. Reference: Sections 47614.5, ~~47600 et seq.~~ 47604, 47604.1, 47604.2, and 47605, Education Code.

§ 10170.3. Eligible Applicant.

Any Applicant shall be eligible to apply for a grant if all of the following conditions are met:

- (a) The Application is submitted by or on behalf of a Charter School.
- (b) An approved charter has been awarded, is in place, and is current at the time of Application.
- (c) In the case of a First Year Charter School, a charter petition has been submitted for approval to the Chartering Authority and evidence, such as a copy of the charter petition, is submitted that the school anticipates beginning operations in the Fiscal Year for which an Application is submitted.
- (d) The Charter School meets one of the following criteria:
 - (1) Fifty-five percent (55%) or more of the student enrollment at the Charter School site is eligible for prior year FRPM; or
 - (2) The Charter School site for which grant funds are requested is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for prior year FRPM and the school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the Charter School site is located. ~~as determined by the local school district.~~ One of the following must be met in order to demonstrate preference:
 - (A) Education Code Section 47614.5(c)(2)(A) directly referenced regarding preference in the admission section of the current charter petition, or;
 - (B) Students from the said public elementary school must be specifically listed as receiving preference in the admission section of the current charter petition.
 - (3) First Year Charter Schools not operational in the prior year shall be eligible in the current year if the school meets the FRPM Eligibility requirements based on current year data.
 - (4) In all subsequent funding rounds, all schools shall adhere to Application dates outlined in Section 10170.5.
- (e) The Charter School, educational management organization, or charter management organization is not in default with the requirement of all programs administered by the Authority.

(f) The Applicant is in Good Standing, as described in Section 10170.2(e), during the Fiscal Year. An Applicant found not to be in Good Standing, as determined by their Chartering Authority, shall be ineligible for grant funds. An Applicant ~~may cure ineligibility for grant funds~~ may be considered in Good Standing and/or eligible for funding by meeting one of the following criteria:

- (1) ~~The An~~ Applicant receives a superseding confirmation of Good Standing within the funding round's Fiscal Year.
- (2) ~~An Applicant found not to be in Good Standing solely due to the Applicant failing to meet the requirements of Education Code Section 47607(f)(3) must provide evidence demonstrating fiscal solvency to the satisfaction of the Authority. Such evidence may include the Applicant's organizational budgets and audited financials. The Notice of Intent to Revoke has been withdrawn by the~~ eChartering aAuthorizer.
- (3) An Applicant actively appeals a Notice of Revocation and meets the criteria described in Education Code Section 47607(l).
- (4) An Applicant successfully appeals said revocation per Section 47607(m).

(g) The Charter School shall not operate as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter organization.

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.5. Application Submission.

- (a) Application for grant funds shall be made on an online form (CSFA Form 740-01) prescribed by the Authority, and will be available as described below. The Authority will accept Applications during the Application periods described. Applications may not be submitted by email or facsimile.
 - (1) The Initial Application period for each grant year shall be made available by the Authority by 9:00 a.m. on in the month of April 1. Application deadlines shall be 5:00 p.m. on June 1 of the same year. ~~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 and deadline dates.
 - (2) The Second Application period for each grant year shall be made available by the Authority on September 10 of each Fiscal Year. The Application deadline shall be 5:00 p.m. on October 15 of each Fiscal Year. The Authority shall make Application materials available on the Authority's website and notify the public of the Application release date. Under the following circumstances, an Application may be submitted during the Second Application Period:
 - (A) A Charter School relocates from a facility that was ineligible for a grant award to a facility that is eligible, and the Application includes a description of the change in facility circumstances; or
 - (B) A First Year Charter School.
 - (3) Late Applications and late Facility Invoice Expenditure Reports are ineligible for Program funds and are not eligible for the appeal process described in Section

10170.10.

- (4) If any of the dates listed in Section 10170.5(a)(1) and (2) fall on a Saturday, Sunday, or a holiday listed in Education Code Section 45203, the new date will be the following business day. The Authority shall notify the public of dates subject to this subsection.

- (b) The Authority's review and evaluation of an Application for purposes of calculating the Estimated Annual Entitlement shall be based on the information contained in and submitted with the Application, and supporting information obtained directly from other state and local agencies.
- (c) Organizations operating more than one Charter School, as identified by separate County District School (CDS) codes, must submit a separate Application for each Charter School with a separate CDS code for which a grant award is sought. Organizations operating more than one facility location under the same CDS code must combine all facilities operating under that CDS code in one Application.

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.10. Notification of Grantee; Appeal Process.

- (a) The Authority will provide notice to each Applicant of Authority staff's eligibility determination and award calculation pursuant to Sections 10170.7 and 10170.8.
- (b) An Applicant shall have 30 calendar days from receipt of the Authority's notice to request reconsideration of eligibility or the award 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 30 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) Applicants may request a single extension of up to 30 days for either of the deadlines provided in Section 10170.10 (b) or (d). ~~Including the 30-day extension, the entire Appeal Process under subsections (b)-(d) may not exceed 120 days.~~ The extension request must be approved by Authority staff and can be granted only one time during an appeal process. Staff shall consider the request for extension based on a showing of good cause and evaluate on a case-by case basis. Extensions granted under these conditions are considered final and not subject to an additional appeal process
- (g) If an applicant fails to ~~reach~~ submit an appeal per Section 10170.10 (e) within 120 days from receipt of the Authority's notice described in Section 10170.10 (b) ~~an~~ appeal is not able to be resolved by the deadlines provided in Section 10170.10 (b), (d), and (f), the Authority shall deny the appeal based on a failure to comply with Program regulations. This decision is considered final and is not subject to an additional appeal.
- (h) If an eligibility determination or award calculation is modified by Authority staff or the

Authority Board, changes in apportionments will be processed and distributed to the Applicant within 30 days.

- (i) [Applicants whose charter has been revoked and noticed as of Education Code Section 47607\(n\) and were determined ineligible based on a lack of Good Standing confirmation are not eligible for the appeal process provided in this section.](#)

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.