

RESOLUTION NO. 11-38

**RESOLUTION APPROVING
PROPOSED AMENDMENTS TO THE REGULATIONS FOR THE
STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANTS PROGRAM,
AUTHORIZING STAFF TO CONDUCT THE RULEMAKING PROCESS AND
DISTRIBUTE FOR PUBLIC COMMENT**

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 \$46,132,000 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 17078.57 and 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 definitions for clarifying terms, amending the eligible applicants subdivision, amending the eligible costs subdivision, deleting the Overcrowded School District preference point category and adding an Overcrowded School Site preference point category, increasing the driving distance (miles) for the Overcrowded School Site, API School Choice and AYP School Choice categories, amend the release of funds subdivision, and to make additional clarifying changes; and

WHEREAS, Authority staff intends to conduct the rulemaking process, which includes the submission of the proposed amended regulations to the Office of Administrative Law and distribution 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.
California School Finance Authority

Date of Adoption: September 22, 2011

CERTIFICATE OF THE EXECUTIVE DIRECTOR
(Attesting to Action of the Authority)
Sacramento, California

I, Katrina Johantgen, Executive Director of the California School Finance Authority, hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 11-38 approving proposed amendments to the regulations for the State Charter School Facilities Incentive Grants Program (CFDA #84.282D) and authorizing staff to conduct the rulemaking process, adopted at a meeting of the California School Finance Authority held at 915 Capitol Mall, Conference Room 587, Sacramento, California 95814, on September 22, 2011, for which meeting all members of said Authority had due notice; and that at the meeting the staff recommendation was adopted by the following votes:

AYES: Patricia A. Wynne, designee for California State Treasurer Bill Lockyer
Kathleen Moore, designee for Superintendent of Public Instruction Tom
Torlakson
Pedro R. Reyes, designee for Director of Finance Ana J. Matosantos

NOES:

ABSTAINS:

ABSENT:

I further certify that the original minutes of said meeting and a copy of the original Resolution adopted at said meeting are on file in the California School Finance Authority office; and that the Resolution has not been amended, modified, or rescinded in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate and affixed the seal of the California School Finance Authority hereto.

(seal)

September 22, 2011

Katrina Johantgen, Executive Director