

RESOLUTION NO. 15-34

**ADOPTION OF AMENDED PERMANENT REGULATIONS FOR THE
STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANTS PROGRAM
AND AUTHORIZING THE PERMANENT RULEMAKING PROCESS**

October 23, 2015

WHEREAS, on behalf of the State of California, the California School Finance Authority (Authority) was awarded a grant for \$49,250,000 in 2004, a grant for approximately \$46,132,000 in 2009, and a grant for \$50,000,000 in 2014 through the United States Department of Education entitled the State Charter School Facilities Incentive Grants Program, CFDA #84.282D (Program); and

WHEREAS, Section 17180(o) of the Education Code provides that the Authority shall adopt regulations and guidelines relating to grant programs it administers; and

WHEREAS, the administration of the Charter School Facility Grant Program, a State-funded grant program for charter schools, was transferred to the Authority commencing with the 2013-14 fiscal year pursuant to AB 86 (Chapter 48, Statutes of 2013); and

WHEREAS, federal regulations require that federal grant funds supplement and not supplant State grant funds for charter schools; and

WHEREAS, the Authority is proposing to implement amendments to the Program regulations, including: (1) providing for use of current costs associated with lease, rent, mortgage, or debt service, when available; (2) incorporation of the methodology for determining a maximum grant award when the Applicant has also been deemed eligible under the Charter School Facility Grant Program based on the same eligible lease costs; (3) clarification of the restriction that a charter school deemed eligible for renovation costs for a specific school site under the Charter School Facility Grant Program shall not be eligible for reimbursement for facility-related costs for the same school site under the Program; (4) reference to an Applicant's option to submit the Application and supporting document online once an online system is developed; and (5) addition of sentence to the declaration page of the Application Form CSFA 05-01 requiring compliance with federal regulations that forbid actual or perceived conflict of interest.

NOW, THEREFORE, BE IT RESOLVED by the California School Finance Authority as follows:

Section 1. The proposed amended permanent regulations for the Program are hereby approved in substantially the form presented to the Authority by Authority staff. The Executive Director is hereby authorized, for and on behalf of the Authority, to submit such regulations, with any and all required supporting documentation, to the Office of Administrative Law and proceed as required under the Administrative Procedure Act.

Section 2. The Executive Director is hereby authorized and directed to take such actions, including making or causing to be made such changes to the regulations 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 the Executive Director 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: October 23, 2015