# PCSGP Form 7–Sub-grant Conditions and Assurances

## Specific Assurances

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances. The signatures of the authorized agents on the front of the application indicate acknowledgement and agreement to all assurances. The applicant is required to print and retain a copy of these specific assurances at the charter school site and to submit a signed copy to the California Department of Education (CDE).

### Expenditures and Reporting

* The Charter School Program (CSP) State Entities program is authorized under Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7221–7221j and administered under the Education Department General Administrative Regulation (EDGAR) as it relates to 34 *Code of Federal Regulations* (*CFR*) Parts 75–81 and 2 *CFR* Parts 200 and 3485. Expenditures shall comply with all applicable provisions of federal and state regulations and policies relating to the administration, use and accounting for public school funds. Any interpretations of law, regulations, and procedures shall be the sole responsibility of the CDE.
* The CDE reserves the authority to require the repayment of received funds, the return of all unused funds, and/or the termination of the grant if the grant recipient fails to meet the terms of this agreement, fails to meet established deadlines, fails to act in good faith to carry out the activities described in the grant proposal or fails to correctly identify the school’s operational model.
* The charter school or charter developer agrees to use the funding in a manner consistent with their applications as submitted, or as revised and approved by the CDE.
* The grant recipient agrees to fulfill the performance measures specific to its grant type and submit timely financial reports, status reports, and all other required reports. Failure to do so could result in the forfeiture of the grant and repayment of funds.
* The grant recipient agrees to cooperate with the Federal Department of Education, the CDE, the State Board of Education, and their independent contractors, if any, in the administration of this grant, and to conduct any external evaluation of the effectiveness of the grant process.
* Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

### Charter School Information and Data

* The applicant will complete all data reporting requests to the CDE for school-level data including, but not limited to, the following:
	1. California Longitudinal Pupil Achievement Data System (CALPADS) Charter School 20-Day Enrollment Reports
	2. CALPADS Census Day Enrollment Reports
	3. Annual School Accountability Report Card (SARC), and evidence of posting to the school website
	4. Internal assessment benchmark data reports, in lieu of Smarter Balanced Assessment Consortium (SBAC) data results.
* The grant recipient’s name will be used in all communications.
* Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.
* Provide CDE with a copy of any letter of violation the charter school receives from its authorizer.
* The applicant will cooperate with the Department of Education and CDE in evaluating the grant program.
* The applicant will annually provide information required to determine if the charter school is making satisfactory progress toward achieving the objectives of the charter school.
* The applicant will notify the charter authorizer of the school’s intent to apply for PCSGP funding.

### Federal and State Regulations

* The school will comply with sections 613(a)(5) and 613 (e)(1)(B) of the Individuals with Disabilities Education Act.
* All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the EDGAR, Single Audit Act Amendments, and Office of Management and Budget (OMB) Circular A-133.
* Federal regulations require grant recipients to establish written standards pursuant to employee conflicts of interest in awarding contracts, and written standards for resolution of any protests or disputes that arise from procurements. Regulations also provide numerous requirements in the procurement process, specifically designed to ensure proper use of public funds in an open and freely competitive environment. Information on these regulations can be found in Appendix D. Procurements that are not negotiated in accordance with federal regulations will be disallowed.
* The non-Federal entity or applicant for a Federal award must disclose in a timely manner, in writing to the CDE, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in Remedies for Noncompliance 2 *CFR* Section 200.338.
* For all grant recipients, the following documents must be on file at their business offices:
* Organizational charts, signed articles of incorporation, and any other organizational and governance documents of the agency.
* A copy of this Request for Applications (RFA) and the general assurances and certifications, as well as other relevant materials that are referred to but not included within the RFA. This information is subject to review and verification by CDE staff.
* All staff must have cleared health (e.g., tuberculosis) and criminal background (e.g., fingerprinting) checks. This information is subject to review and verification by CDE staff.
* Grant recipients must participate annually in all testing programs required by state law.
* The admission policy of the charter school is compliant with all applicable laws. Including but not limited to the following:
	+ California *Education Code* (*EC*) Section 47605 (d)(1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools; (2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school’s educational programs.
	+ *EC* Section 47605 (e)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil’s parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school;
	+ *EC* Section 47605 (e)(2)(A) A charter school shall admit all pupils who wish to attend the charter school; (B) If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment;

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand;

* *EC* Section 47605 (e)(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils who are subject to compulsory full-time education pursuant to Section 48200.
* *EC* Section 47605 (e)(4)(A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2); (B) A charter school shall not request a pupil’s records or require a parent, guardian, or pupil to submit the pupil’s records to the charter school before enrollment; (C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c); (D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school’s internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:
	+ (i) When a parent, guardian, or pupil inquires about enrollment; (ii) Before conducting an enrollment lottery;
	+ (iii) Before disenrollment of a pupil;

(E)(i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority; (ii)The department shall develop a template to be used for filing complaints pursuant to clause (i).

* *EC* Section 47605 (e)(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.
* *EC* Section 47604.1 (a) For purposes of this section, an “entity managing a charter school” means a nonprofit public benefit corporation that operates a charter school consistent with Section 47604. An entity that is not authorized to operate a charter school pursuant to Section 47604 is not an “entity managing a charter school” solely because it contracts with a charter school to provide to that charter school goods or task-related services that are performed at the direction of the governing body of the charter school and for which the governing body retains ultimate decision-making authority.
* *EC* Section 47604.1 (b) A charter school and an entity managing a charter school shall be subject to all of the following:
	+ (1) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), except that a charter school operated by an entity pursuant to Chapter 5 (commencing with Section 47620) shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) regardless of the authorizing entity
	+ (2) (A) The California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code); (B) (i) The chartering authority of a charter school shall be the custodian of records with regard to any request for information submitted to the charter school if either of the following apply:

(I) The charter school is located on a federally recognized California Indian reservation or rancheria.

(II) The charter school is operated by a nonprofit public benefit corporation that was formed on or before May 31, 2002, and is currently operated by a federally recognized California Indian tribe.

(ii) This subparagraph does not allow a chartering authority to delay or obstruct access to records otherwise required under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code)

(3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(4) (A) The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code); (B) For purposes of Section 87300 of the Government Code, a charter school and an entity managing a charter school shall be considered an agency and is the most decentralized level for purposes of adopting a conflict-of-interest code.

* *EC* Section 47604.1 (c)(1)(A) The governing body of one charter school shall meet within the physical boundaries of the county in which the charter school is located; (B) A two-way teleconference location shall be established at each school site. (2) (A) The governing body of one non-classroom-based charter school that does not have a facility or operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside; (B) A two-way teleconference location shall be established at each resource center; (3) (A) For a governing body of an entity managing one or more charter schools located within the same county, the governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or schools are located; (B) A two-way teleconference location shall be established at each school site and each resource center. (4) (A) For a governing body of an entity that manages two or more charter schools that are not located in the same county, the governing body of the entity managing the charter schools shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside; (B) A two-way teleconference location shall be established at each school site and each resource center; (C) The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school’s internet website; (5) This subdivision does not limit the authority of the governing body of a charter school and an entity managing a charter school to meet outside the boundaries described in this subdivision if authorized by Section 54954 of the Government Code, and the meeting place complies with Section 54961 of the Government Code.
* *EC* 47604.1 (d) Notwithstanding Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, an employee of a charter school shall not be disqualified from serving as a member of the governing body of the charter school because of that employee’s employment status. A member of the governing body of a charter school who is also an employee of the charter school shall abstain from voting on, or influencing or attempting to influence another member of the governing body regarding, all matters uniquely affecting that member’s employment.
* *EC* 47604.1 (e) To the extent a governing body of a charter school or an entity managing a charter school engages in activities that are unrelated to a charter school, Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) shall not apply with regard to those unrelated activities unless otherwise required by law.
* *EC* 47604.1 (f) A meeting of the governing body of a charter school to discuss items related to the operation of the charter school shall not include the discussion of any item regarding an activity of the governing body that is unrelated to the operation of the charter school.

### Specific Sub-grant Conditions

* Auditable records will be maintained on file for five years following the grant closing date.
* All non-federal entities expending $750,000 or more in combined federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act [ARRA] funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse.
* Grant recipients will access the Federal Audit Clearinghouse web page to submit their Single Audit. The web page is available at <https://facweb.census.gov/uploadpdf.aspx>.
* The CDE will verify that the grant recipient’s school has an enrollment of at least 80 students at one point in time within the first calendar year of operation based on the effective date the charter school is open and available to serve students. Pursuant to *EC* Section 43505, all new charter schools must complete the Charter 20 Day Report to receive Charter School Special Advance Apportionment. This report must also be submitted to PCSGPGENERAL@cde.ca.gov.
* Sub-grantees with a 20-Day enrollment count below 72 students (90 percent of the required 80 students) will be placed on payment hold until the required enrollment has been achieved and certified by the charter school authorizer. Sub-grantees failing to meet this requirement by the end of the first year of implementation must show the charter school is sustainable with the reduced enrollment. Failure to show sustainability or to meet the enrollment target will result in the termination of the sub-grant award.

Name of authorized agent: [Enter name of authorized agent]

Title: [Enter title]

Date: [Enter date]

Signature: [Enter signature here]

California Department of Education
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