PCSGP Form 9
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 CDE.

Expenditures and Reporting

- This grant shall be administered in accordance with the provisions of California law regarding charter schools; Title X, Part C of the Improving America's Schools Act of 1994; and the *Code of Federal Regulations* (*CFR*) parts 75, 76.785 through 76.799, 77, 81, and 99. 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 California Department of Education (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 Untied State Department of Education (ED), 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

- Report to the CDE the school-level data as described in this Request for Applications (RFA).
- 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 ED, CDE and any firm 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.
- Include in the application all required forms signed by the primary applicant or designee.

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 Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.
- Applicant has provided timely notice of its intent to apply for PCSGP sub-grant and a copy of the sub-grant application to the authorizer.
- 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* §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 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) states - 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 his or her 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(d)(2)(A) – A charter school shall admit all pupils who wish to attend the school; and

- *EC* Section 47605(d)(2)(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 as a criterion for admission or continued enrollment.

Specific Sub-grant Conditions

- Auditable records will be maintained on file for five years following the grant closing date.

- All non-federal entities expending $500,000 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://harvester.census.gov/facweb/.

- The CDE will verify that the grant recipient's school has an enrollment of at least 50 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. Depending on the date the charter school opened to serve students, grant recipients may provide the CDE with either a copy of an online CDE DataQuest certified enrollment report, a copy of an aggregate school-level California

Longitudinal Pupil Achievement Data System (CALPADS) Operational Data Store (ODS) enrollment report, or a signed letter from the charter authorizer that confirms enrollment.

- If the school does not reach the minimum enrollment required during the grant project period, grant disbursements may be withheld until the enrollment requirement has been met. If the school does not reach the minimum requirement by the end of the grant project period, the CDE may invoice the school for grant payments issued to date. If the grant recipient is concerned that the school will not meet the enrollment requirements, in lieu of meeting this requirement the CDE will consider a budget report submitted by the grantee that attests to the sustainability of the school beyond the duration of the grant.

Name of authorized agent: _____

Title: _____

Date: _____

Signature: _____