

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES CONCERNING CHARTER SCHOOLS APPLYING FOR FEDERAL AND STATE GRANTS AND PROGRAMS

1 CCR 301-91

1.00 Statement of Basis and Purpose.

The statutory basis for these rules is found in section 22-2-107 (1) (c), C.R.S., outlining state board duties and in section 22-30.5-503, C.R.S., which allows the state charter school institute to act as the local education agency and fiscal agent for a district charter school, institute charter school, or consortium of charter schools that chooses to apply for a grant through a non-formulaic, competitive grant program created by a federal or state statute or program, and requires the state board of education to promulgate rules to establish processes, guidelines, and eligibility for a single school or consortium of schools to apply for non-formulaic, competitive grants and programs.

2.00 Definitions.

- 2.01 Charter School means a public school that enters into a charter contract pursuant to the provisions of part 1 of article 30.5 of title 22, C.R.S., or an institute charter school authorized pursuant to part 5 of article 30.5 of title 22, C.R.S.
- 2.02 Charter School Institute or CSI means the independent agency in the Colorado Department of Education, established pursuant to section 22-30.5-503, C.R.S.
- 2.03 Local Education Agency or LEA refers to a local school district or the Charter School Institute.

3.00 Eligibility Criteria

- 3.01 For any grant or program requiring that funding be used for activities at the LEA-level, a Charter School or consortium of Charter Schools may request that CSI serve as the LEA for the grant if CSI meets the specific grant or program application eligibility requirements. For any grant or program requiring that funding be used for activities at the school-level, a Charter School or consortium of Charter Schools may request that CSI apply for the grant on its behalf if the Charter School or consortium itself meets the specific grant or program application eligibility requirements.
- 3.02 A single Charter School or consortium of Charter Schools shall not be eligible to apply to a grant program created in the federal "Individuals with Disabilities Education Act" 20. U.S.C. sec 1400 et seq. as amended, or in its implementing regulations.

4.00 Grant and Program Application and Administrative Processes

- 4.01 A Charter School or consortium of Charter Schools that wishes to have CSI serve as the LEA for a grant or program application must contact CSI and obtain permission from CSI in advance of applying for the grant or program.
- 4.02 In accordance with any rule established by the Charter School Institute board, a Charter School or consortium of Charter Schools may be required to pay a fee to CSI if CSI is requested to act as the LEA and fiscal agent for the Charter School or consortium. The amount of the fee shall not exceed the direct costs incurred by the Institute in applying for

and administering the grant or program. For federal grants or programs, the fee charged by CSI may not exceed the indirect cost rate approved for the Colorado Department of Education by the United States Department of Education.

- 4.04 If CSI serves as the fiscal agent for a Charter School or consortium of Charter Schools, grant or program funding shall be distributed to the Charter School or consortium by CSI, as dictated by the grant distribution schedule, and if not dictated by the grant distribution schedule, then as agreed to in writing by CSI and the Charter School or consortium.
- 4.05 If CSI serves as the LEA and fiscal agent for a Charter School or consortium of Charter Schools for a particular grant or program, CSI, and not the authorizing district for the Charter School(s), shall be liable for the funding for that particular grant or program and shall be required to fulfill the reporting and accounting responsibilities associated with the grant or program.