

**GC 20-013: Charter School Expansion Grant
Questions and Answers**

Eligibility

1. We were recently approved to add a high school to our existing K-8 school and thought it would be great to be able to apply for the grant. Please let me know.

An eligible applicant must meet all of the criteria listed on pages 3-5 of the RFP. In addition, a proposal must include a description of how the charter school meets the eligibility requirements listed in the RFP. The quality of the description is part of the review and scoring of each proposal (see Proposal Evaluation Rubric in the RFP).

2. Can a charter school submit a grant application if the request to add grades and/or the initial five-year renewal decisions are submitted but pending?

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3. Am I reading this guidance correctly that this grant is eligible only for existing schools that have *already* had their application approved by the Board of Regents prior to the July 27, 2021 deadline?

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4. Would a charter school finishing a 3-year renewal be excluded from applying at all, or just lose points on the application?

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5. If a school previously received a start-up CSP grant through NYSED, is the school still eligible to apply for an expansion grant? The start-up grant term has already expired, so the grant terms would not run concurrently.

Section 4303(e)(2) of Title IV, Part C of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, specifies that a charter school may not receive more than one grant through CSP for a five-year period unless the charter school has at least three years of improved educational results. A charter school that has had its charter renewed by its authorizer at least once and is in the midst of a full

five-year renewal will have demonstrated such improved educational results and, therefore, would have fulfilled that requirement of the statute.

6. The charter management organization is in its final year of a multi-year CSP grant from USDOE, but the school I am referring to is not one of the funded schools. Is the school still eligible for the NYSED expansion grant? I assume schools that are currently receiving federal CSP funds for the replication and expansion of high-quality charter schools are not eligible.

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7. With respect to the following requirement for an education corporation to be an eligible applicant: "Operate a grade expansion with the same board of trustees and management as the existing grades operated by the education corporation;":

It is not clear how a charter school education corporation would not use the "same board of trustees" unless it formed a subsidiary with a separate board for purposes of operating the grade expansion. Therefore, what does NYSED envision as not constituting the "same board of trustees."?

The RFP requires that eligible education corporations operate the expanded grades with the same board of trustees and management.

8. Under N.Y. law, charter school education corporations may form different types of committees but those committees are ultimately responsible to the board. Does the use of a committee of the board to oversee a grade expansion run afoul of the "same board" requirement?

No. The use of a committee of the board to oversee a grade expansion does not run afoul of the requirement that the same board of trustees and management operate the expanded grades.

9. None of the RFP, N.Y. Charter Schools Act of 1998 (as amended), or federal law define charter school "management." Corporate officers, key employees, and other employees generally constitute management. In addition, New York charter schools may contract with not-for-profit, and (under certain prior conditions) for-profit management, entities that perform certain, non-uniform services pursuant to contracts, or engage in shared services agreements with other charter schools to perform management functions. Private consultants may also play a role in charter school management. Is a charter school education corporation that contracts with one management entity as part of its

management for existing grades ineligible for the CSP grant if it would contract with a different management entity for part of its management of the expanding grades?

With regard to management entities, the RFP requires that eligible applicants operate all expanded grade levels with the same management that operates the education corporation's existing grades.

10. With respect to the following requirement for an education corporation to be an eligible applicant: "Have sole oversight and control of the academic program and finances of the expanding grades;":

a) Under N.Y. law, charter school education corporation boards "have final authority for policy and operational decisions of the school." N.Y. Education Law subd. 2853(1)(f) ("The board of trustees of the charter school shall have final authority for policy and operational decisions of the school. Nothing herein shall prohibit the board of trustees of a charter school from delegating decision-making authority to officers and employees of the school in accordance with the provisions of the charter.") How does "oversight and control of the academic program and finances," which is not defined in the RFP, N.Y. law, or federal law differ from N.Y. Education Law subd. 2853(1)(f)?

It does not differ.

b) Does the above RFP language prevent more than one education corporation from sharing the same program for expanded grades in fact even though they are legally operating two separate programs?

Solely within the context of this RFP, yes. With respect to the operation of expanded grades, the RFP requires an eligible applicant to have sole oversight and control of the academic program and finances of the expanding grades.

c) Does the above RFP language prevent an education corporation from contracting with any other person or entity to assist in oversight of the academic program or finances of expanding grades? For example, can a management company be involved in oversight of either the program or the finances? Can an outside finance firm assist in oversight of finances?

Solely within the context of this RFP, yes, the above language prevents an education corporation from contracting with any other person or entity. With respect to assistance, by an entity other than the eligible applicant, in the academic and financial oversight of expanded grades, the RFP requires an eligible applicant to have sole oversight and control of the academic program and finances of the expanding grades.

Formatting

11. Should the completed application that will be emailed to the email address indicated on the RFP be combined into one PDF that contains all the documents enumerated on the Application Checklist in the order that they are listed? Or should documents be attached to the email as separate PDF packets for instance, PDF #1: the Application Cover Page, Application Checklist, Workers Comp Documentation and Disability Benefits Documentation; PDF #2 Proposal Narrative; PDF #3: Budget and Budget Narrative; PDF #4: MWBE Documents Package.

A single .pdf file is ideal. However, should the size of the file exceed either the Department's or the bidder's e-mail systems' size limitations, the proposal may be split into smaller .pdf files across multiple emails provided that the files and emails are clearly and accurately labeled, including what the file contains and the name of the bidding entity.

Fiscal

12. Are charter schools able to include an indirect cost rate in the budget? And if so, is that rate 2.6%?

Yes. The indirect cost rate is 2.6 percent.

13. During the grant's project period, January 1, 2022 -June 30, 2024 our school will be adding Grades 2, 3 and 4. Our final grade 5 will be coming on line beginning with the school year commencing July 1, 2024 right after the project period ends. Are we able to include costs associated with the Grade 5 expansion (equipment, classroom furniture, curriculum, etc.) in our budget for Year 3 (Jan 1-June 30, 2024) even if we are not expanding into grade 5 during the project period?

Yes, provided that the encumbrances (or obligations) for those expenditures are made during the grant period as required by the cost principles outlined in 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards). See Fiscal Guidelines for Federal and State Grants at <http://www.oms.nysed.gov/cafe/guidance/> for additional information.

14. In addition to purchasing commercial curriculum for the expansion grades, we must engage a curriculum consultant to align the curriculum to NYS standards and personalize the curriculum for our specific students and needs. The curriculum consultant works closely with instructional leaders to develop curriculum maps and unit plans in advance of the school year when the expansion grade comes online. Is the curriculum consultant expenditure an allowable cost?

The expenditure is an allowable cost. However, the encumbrance(s), or obligation(s) for the expenditure(s) must be made during the grant period, January 1, 2022 - June 30, 2024.

15. Is the cost for August pre-opening PD delivered by an outside consultant to teachers for the expansion grades an allowable expense?

The expenditure is an allowable cost. However, the encumbrance(s), or obligation(s) for the expenditure(s) must be made during the grant period, January 1, 2022-June 30, 2024.

16. The facility in which our elementary school is expanding is an old former parochial school that has not been upgraded or renovated in 50 years. As we add each expansion grade, we must renovate the rooms and floors the expansion grades will occupy and upgrade electrical and technology infrastructure in these expansion rooms and floors. Are the following upgrades allowable expenditures in this grant?
- The staircase railings in the stairwell are not high enough to prevent a child from leaning over and potentially falling while walking up and down the stairs. We must install plexiglass barriers in the stairwells for safety.
 - We need to install fire doors on the expansion floors in the building to meet fire code.
 - The expansion classrooms include very old coat closets which are unusable and need to be removed which will also serve to expand the classroom instructional space.
 - We must install new flooring in each expansion classroom.
 - We need to create small breakout rooms inside each expansion classroom for pull out instruction.
 - We need to upgrade some electrical wiring in the expansion classrooms in order to install air conditioners, as there are currently no electrical outlets for this purpose.
 - With the school expanding to include Grades 2-4 over the grant period, we will be expanding our music curriculum and will need to renovate a room in the building to become the designated music room.

As we will increase our student enrollment by 300 students over the project period, we will need to upgrade the physical infrastructure technology of the expansion classrooms to make them internet ready—including cabling, switches, routers, etc. Are these physical infrastructure technology improvements allowable?

Section 4303(h) of Title IV, Part C of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, addresses local uses of CSP funds, including “[c]arrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).”

Whether proposed expenditures in the FS-10 budget for year one are allowable will be part of the scoring of submitted proposals. In addition, FS-10 budgets submitted as part of successful proposals will be reviewed, and any unallowable proposed expenditures will be removed.