

**DEPARTMENT OF EDUCATION**

[CFDA No.: 84.282A]

**Public Charter Schools Program,  
Notice Inviting Applications for New  
Awards for Fiscal Year (FY) 1995**

*Purpose of Program:* The purpose of the Public Charter Schools program is to increase understanding of the charter schools model by providing financial assistance for the design and initial implementation of charter schools.

*Eligible Applicants:* State educational agencies (SEAs) that have the authority under State law to authorize or approve a charter school, and, if such an SEA elects not to participate in this program, eligible applicants, as defined in this notice, that serve these States. Each eligible applicant that is not an SEA and desires to participate in this competition is responsible for finding out if the SEA in its State is applying for a grant under this program. An eligible applicant that is not an SEA that plans to participate in this competition must submit an application in partnership with a developer—as defined in this notice.

**Note:** If an eligible SEA applies but does not have an application approved under this competition, the Secretary may issue a separate notice at a later date inviting eligible applicants that are not SEAs and that serve such State or States to apply directly to the Secretary for a grant to plan and implement a charter school.

*Deadline for Transmittal of Applications:* June 16, 1995.

*Deadline for Intergovernmental Review:* August 15, 1995.

*Applications Available:* May 15, 1995.

*Available Funds:* \$5,400,000.

*Estimated Range of Awards:* State educational agencies: \$50,000-\$750,000; other eligible applicants: \$10,000-\$200,000.

*Estimated Average Size of Awards:* State educational agencies: \$500,000; other eligible applicants: \$50,000.

*Estimated Number of Awards:* State educational agencies: 5-11; other eligible applicants: 3-20.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* State educational agencies: Up to 36 months. Other eligible applicants: Grants awarded by the Secretary to eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use—

- (a) Not more than 18 months for planning and program design; and
- (b) Not more than two years for the initial implementation of a charter school.

*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 77, 79, 80, 81, 82, 85 and 86.

**SUPPLEMENTARY INFORMATION:** A part of wider efforts to enhance flexibility in order to strengthen teaching and learning, charter schools represent an innovative approach to improving public education. Public charter schools are freed from most statutory and regulatory requirements in exchange for better student academic achievement. The idea is to replace rules-based governance with performance-based accountability, thereby stimulating the creativity and commitment of teachers, parents, students, and citizens.

**Definitions**

As used in this program—

(a) The term “charter school” means a public school that—

(1) In accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(2) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(3) Operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

(4) Provides a program of elementary or secondary education, or both;

(5) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(6) Does not charge tuition;

(7) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(8) Admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(9) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(10) Meets all applicable Federal, State, and local health and safety requirements; and

(11) Operates in accordance with State law.

(b) The term “developer” means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) The term “eligible applicant” means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) The term “authorized public chartering agency” means a State educational agency, local educational agency, or other public entity that has the authority under State law and approved by the Secretary to authorize or approve a charter school.

**Contents of a State Educational Agency Application**

Each SEA application shall—

(a) Describe the objectives of the SEA’s charter school grant program and how those objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA’s charter school grant program;

(b) Contain assurances that the SEA will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing—

(1) A description of the educational program to be implemented by the proposed charter school, including (A) how the program will enable all students to meet challenging State student performance standards; (B) the grade levels or ages of children to be served; and (C) the curriculum and instructional practices to be used;

(2) A description of how the charter school will be managed;

(3) A description of (A) the objectives of the charter school; and (B) the methods by which the charter school will determine its progress toward achieving those objectives;

(4) A description of the administrative relationship between the charter school and the authorized public chartering agency;

(5) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(6) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in subparagraph (3)(A);

(7) A request and justification for waivers of any Federal statutory or regulatory provisions, except Federal civil rights laws, that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

(8) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(9) A description of how students in the community will be (A) informed about the charter school; and (B) given an equal opportunity to attend the charter school;

(10) An assurance that the eligible applicant will annually provide the Secretary and the SEA information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (3)(A);

(11) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the charter school assisted under this program; and

(12) Other information and assurances as the Secretary and the SEA may require;

(c) Contain assurances that the SEA will—

(1) Award subgrants under this program in a manner that, to the extent possible, subgrants are distributed throughout different areas of the State, including urban and rural areas;

(2) Assist charter schools representing a variety of educational approaches, such as approaches to reduce school size;

(3) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and

(4) Use a peer review process to review applications for subgrants;

(d) If an SEA elects to reserve part of the grant funds for the establishment of a revolving loan fund as allowed under this program, describe how the revolving loan fund would operate; and

(e) If an SEA desires the Secretary to consider waivers under the authority of this program, contain—

(1) a request and justification for waivers of any Federal statutory or regulatory provisions that the SEA believes are necessary for the successful operation of a charter school, and

(2) a description of any State or local rules, generally applicable to public

schools, that will be waived for, or otherwise not apply to, a charter school.

#### *Contents of a non-SEA Application*

Each application submitted to the Secretary by an eligible applicant that is not an SEA shall contain—

(a) The information and assurances described in (b) (1) through (12) under the section “Contents of a State Educational Agency Application,” except that subparagraphs (10), (11), and (12) shall be applied by striking “and the SEA” where this phrase appears;

(b) Assurances that the SEA—

(1) Will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(2) Will assist each eligible applicant in the State in receiving applicable waivers; and

(c) Assurance that the eligible applicant will use the funds to plan and implement a charter school in accordance with this program.

#### *Selection Criteria for SEAs*

The maximum score for all of the criteria in this section is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion. In evaluating an application from an SEA the Secretary will consider the following factors:

(a) The contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieve State content standards and State student performance standards and, in general, a State’s education improvement plan (20 points);

(b) The degree of flexibility afforded by the SEA to charter schools under the State’s charter schools law (20 points);

(c) The ambitiousness of the objectives for the State charter school grant program (20 points);

(d) The quality of the strategy for assessing achievement of those objectives (20 points); and

(e) The likelihood that the charter school grant program will meet those objectives and improve educational results for students (20 points).

#### *Selection Criteria for non-SEA Eligible Applicants*

The maximum score for all of the criteria in this section is 120 points. The maximum score for each criterion is indicated in parentheses with the criterion. In evaluating an application from an eligible applicant other than an SEA the Secretary will consider the following factors:

(a) The quality of the proposed curriculum and instructional practices (20 points);

(b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency, to the charter school (20 points);

(c) The extent of community support for the application (20 points);

(d) The ambitiousness of the objectives for the charter school (20 points);

(e) The quality of the strategy for assessing achievement of those objectives (20 points); and

(f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

#### *Diversity of Projects*

The Secretary will ensure that grants—

(a) Are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

(b) Will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

#### *Empowerment Zones and Enterprise Communities*

The Secretary especially invites applications that address linkages between charter school initiatives and any comprehensive educational improvement strategies of Empowerment Zones and Enterprise Communities designated by the Departments of Agriculture or Housing and Urban Development.

#### *Waivers*

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any requirement relating to the elements of a charter school, as defined above, if—

(a) The waiver is requested in an approved application under this program; and

(b) The Secretary determines that granting such a waiver will promote the purposes of this program.

The Secretary strongly urges applicants to provide the public with notice and an opportunity to comment on waiver requests. In addition, the Secretary has determined, as a matter of policy, that waivers of Title II of the Americans with Disabilities Act of 1990 will not be granted.

#### *Allowable Activities*

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds only for—

(a) Post-award planning and design of the educational program, which may

include (1) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (2) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (1) informing the community about the school; (2) acquiring necessary equipment and educational materials and supplies; (3) acquiring or developing curriculum materials; and (4) other initial operating costs that cannot be met from State or local sources.

#### *Administrative Expenses*

Each SEA receiving a grant under this program may reserve not more than five percent of the grant for administrative expenses related to the charter school

grant program assisted under this program.

#### *Revolving Loan Funds*

Each SEA receiving a grant under this program may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund, which the SEA would use to make loans to its subgrantees to defray initial operating costs of the charter school.

*For Applications or Information Contact:* John Fiegel, U.S. Department of Education, 600 Independence Avenue, SW., Portals Room 4504D, Washington, DC. 20202-6140. Telephone (202) 260-2671. Internet John—Fiegel@ED.Gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 8061-8067.

Dated: May 1, 1995.

**Thomas W. Payzant,**

*Assistant Secretary Elementary and Secondary Education.*

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