

COLORADO DEPARTMENT OF EDUCATION
DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE

1 CCR 303-2

FULL-DAY KINDERGARTEN FACILITY CAPITAL CONSTRUCTION ASSISTANCE

Authority

§ 22-43.7-202 C.R.S., the Capital Construction Assistance Board may promulgate rules for evaluating Full-day Kindergarten Facility Capital Construction applications.

Scope and Purpose

This regulation shall govern all Full-day Kindergarten Facility Capital Construction applications accepted for consideration of funding pursuant to § 22-43.7-201 C.R.S.

1. Definitions

- 1.1. "Accounting District" means the School District within whose geographical boundaries an Institute Charter School is located.
- 1.2. "Applicant" means any entity that may submit an application for financial assistance to the Board if the entity submits such an application, including:
 - 1.2.1. A School District;
 - 1.2.2. A District Charter School;
 - 1.2.3. An Institute Charter School.
- 1.3. "Application" means the application for a grant or matching grant submitted by an Applicant.
- 1.4. "Board" means the Public School Capital Construction Assistance Board Created in § 22-43.7-106 (1) C.R.S.
- 1.5. "Capital Construction" shall have the same meaning as set forth in section § 24-75-301 (1) C.R.S.
- 1.6. "District Charter School" means a Charter School as described in section § 22-30.5-104 C.R.S.
- 1.7. "Division" means the Division of Public School Capital Construction Assistance created in § 22-43.7-105 C.R.S.
- 1.8. "Fund" means the Full-Day Kindergarten facility Capital Construction Fund created in § 22-43.7-201(1) C.R.S.
- 1.9. "Grantee" means a School District or the Charter School Institute that has applied for a grant for a School District, or on behalf of a Charter School or Institute Charter School and received a grant;

- 1.10. "Institute Charter School" means a charter school chartered by the Colorado State Charter School Institute.
- 1.11. "Matching Moneys" means moneys required to be used directly to pay a portion of the costs of a public school facility Capital Construction project by an Applicant as a condition of an award of financial assistance to the applicant pursuant to § 22-43.7-109 (9) C.R.S.
- 1.12. "School District" means a school district, other than a junior or community college district, organized and existing pursuant to law in Colorado.
- 1.13. "State Board" means the State Board of Education created and existing pursuant to section 1 of article IX of the State Constitution.
- 1.14. "Temporary Auxiliary Facility" means a temporary building that will be placed on the same campus as a main education facility.

2. Application Requirements

2.1. Eligible Applicants

- 2.1.1. Applicants are eligible for a grant or matching grant only if, at the time the application was filed and in the absence of such a grant, the School District or Institute Charter School would be unable to provide a facility in which to offer a full day of kindergarten to more students than were offered a full day of kindergarten in the 2007-08 school year..
- 2.1.2. An individual school of a School District, including a District Charter School, may apply for a grant or matching grant through the School District in which the school is located, and the School District may then apply to the Board for the grant or matching grant on behalf of the school.
- 2.1.3. An Institute Charter School may apply directly to the Board.

2.2. Eligible Projects

- 2.2.1. The following Capital Construction projects that will be used in conjunction with providing a full day kindergarten program are eligible for consideration for grants or matching grants under this program:
 - 2.2.1.1. A Capital Construction project to renovate a facility;
 - 2.2.1.2. A Capital Construction project to rent a facility;
 - 2.2.1.3. A Capital Construction project to provide a Temporary Auxiliary Facility.

- 2.3. An application will not be accepted unless it is received in the Board office by 4:30 pm on or before the deadline date determined by the Board. The deadline date cannot be later than July 1 for the budget year commencing on that July 1.

- 2.3.1. The Board prefers Applications to be in electronic form but one hard copy to the Board office is acceptable. Each Application shall be in a form prescribed by the Board and shall include, but is not limited to, the following (with supporting documentation):

- 2.3.1.1. A description of the scope and nature of the Capital Construction project;

- 2.3.1.2. A description of the architectural, functional, and construction standards that are to be applied to the facility that is the subject of the Capital Construction project;
- 2.3.1.3. The total estimated cost of the Capital Construction project,
- 2.3.1.4. The form and amount of financial effort that will be provided by the Applicant for the Capital Construction project;
- 2.3.1.5. A demonstration of the Applicant's ability and willingness to maintain the Capital Construction project;
- 2.3.1.6. The number of students, if any, in the School District, District Charter School, or the Institute Charter School who attended full day and half-day kindergarten in the 2007-2008 school year and the number of students in the School District, District Charter School, or the Institute Charter School who will attend full day and half day kindergarten without the Capital Construction Project or if the Capital Construction Project is completed ;
- 2.3.1.7. If the application is for a Capital Construction project to rent a facility, a copy of the lease or proposed lease and all other supporting detail concerning the facility;
- 2.3.1.8. Signature of School District Superintendent, a School District board officer, and if applicable District Charter School director, or Institute Charter School director and Charter School Institute executive director;
- 2.3.1.9. Any other information the Board may reasonably require for the evaluation of the Application.

3. Application Review

- 3.1. Applications that are incomplete may be rejected without further review.
 - 3.1.1. The Board may request supplementation of an Application with additional information or supporting documentation.
- 3.2. Each budget year, the Board shall use fifty percent of the moneys in the fund to provide grants and fifty percent of the moneys in the fund to provide matching grants under section § 22-43.7-201 C.R.S
- 3.3. The Board shall prioritize the Applications that are eligible to receive a grant and determine the type and amount of the grant or matching grant based on the following criteria, in descending order of importance:
 - 3.3.1. Capital construction projects in School Districts or, for Institute Charter Schools, Accounting Districts that have reached ninety percent or more of their limit on bonded indebtedness under section § 22-42-104 C.R.S; and
 - 3.3.2. Capital construction projects from Applicants that have previously demonstrated consistent efforts to allocate money to the Applicant's capital reserve fund in excess of the minimum amounts required pursuant to § 22-54-105(2) C.R.S. or 22-30.5-514(1) C.R.S.
 - 3.3.3. Additional considerations used for prioritization may include, but are not limited to:

- 3.3.3.1. Maximizing the total number of students statewide who will be able to attend a full day of kindergarten due to the availability of a renovated facility or Temporary Auxiliary Facility for a full-day kindergarten program;
 - 3.3.3.2. The amount of the matching contribution being provided in excess or less than the minimum;
 - 3.3.3.3. A School District's or Accounting District's bonded debt and bonded capacity used;
 - 3.3.3.4. A School District's or Accounting District's bonded mill levy;
 - 3.3.3.5. Whether the Applicant has been placed on financial watch by the Colorado Department of Education;
 - 3.3.3.6. Overall condition of the Applicant's existing facilities;
 - 3.3.3.7. If the Applicant has a current facility master plan;
 - 3.3.3.8. The project cost per pupil based on number of pupils affected by the proposed FDK project;
 - 3.3.3.9. The project life cycle;
 - 3.3.3.10. Per Pupil Assessed Valuation of the applying district or Accounting District relative to the State average;
 - 3.3.3.11. Percent of pupils eligible for free and reduced lunch in the applying district, charter school, or Institute Charter School;
 - 3.3.3.12. Median household income of the applying district or Accounting District relative to the State average.
- 3.4. The Board shall submit to the State Board the prioritized list of Capital Construction projects. The prioritized list shall include:
- 3.4.1. The Board's recommendation to the State Board as to the amount of financial assistance to be provided to each Applicant approved by the Board to receive funding and whether the assistance should be in the form of a grant or a matching grant.
- 3.5. Additional actions the Board can take when reviewing a Application:
- 3.5.1. The Board may modify the amount of financial assistance requested or modify the amount of matching contribution required by the applicant as necessary;
 - 3.5.2. The Board may recommend funding a project in its entirety or recommend a partial award to the project;
 - 3.5.2.1. If a project is partially funded a written explanation will be provided.

4. Waiver in Matching Contribution

- 4.1. If a waiver for part or all of the matching contribution is submitted, it should discuss the following items and include additional issues or impacts that are inhibiting the Applicant's ability to make the financial commitment of a matching contribution to the project:

- 4.1.1. The general fund and capital reserve fund balance and an explanation of why they are at that level (do not include TABOR Reserves);
 - 4.1.1.1. Commitments to the capital reserve fund, showing why the capital reserve fund can not be used to fund the matching contribution;
- 4.1.2. Bond history including an explanation of factors contributing to the decision to pursue or not pursue a bond issue, and factors contributing to past bond issue failures and successes;
- 4.1.3. Changes in insurance costs;
- 4.1.4. Changes in salaries;
- 4.1.5. Other increased expenses;
- 4.1.6. Changes in enrollment;
- 4.1.7. Changes in revenues;
- 4.1.8. Additional projects undertaken or additional projects which are budgeted or are being saved for;
- 4.1.9. Upgrades to technology, textbooks, facilities or other upgrades being contemplated or undertaken beyond the submitted projects;
- 4.1.10. Recent unexpected maintenance to facilities or equipment;
- 4.1.11. Planned maintenance or equipment replacement;
- 4.1.12. Busses and other capital purchases;
- 4.1.13. Additional circumstances that make it financially impractical or impossible to provide the matching contribution.

5. Payment and Oversight

5.1. Payment.

- 5.1.1. Payment of grant funds will be on a draw basis. As a Grantee expends funds on an awarded grant project, the grantee may submit a request for funds to the Division on a fund request form provided by the Division. The fund request must be accompanied by copies of invoices from the vendors for which reimbursement is being requested;
- 5.1.2. The Division will review the fund request and make payment. Payments will only be made for work that is included in the project scope of work defined in the Application;
- 5.1.3. If the Grantee is a School District, request for payment must come from the School District. Requests will not be accepted from individual School District schools;
- 5.1.4. If the Grantee is a District Charter School, request for payment must come from the School District. Payment shall be made to the School District and the School District shall make payment to the charter school. The School District may not retain any portion of the moneys for any reason;

5.1.5. If the Grantee is an Institute Charter School, request for payment must come from the Charter School Institute and the Charter School Institute shall make payment to the Institute Charter School. Payment shall be made directly to the Charter School Institute.

5.2. Oversight

5.2.1. School districts and the Charter School Institute shall submit a progress report to the Division by July 31 of each year on a Division provided form for each grant they have received and have not closed out;

5.2.2. When an School districts and the Charter School Institute completes a grant project they must submit a final report to the Division on a Division provided form before final payment will be made. Once the final report is submitted and final payment is made, the grant shall be considered closed;

5.2.3. If the Grantee has not used all of the awarded funding on a closed out grant project, the unused balance will be returned to the fund;

5.2.4. The Division may make site visits to review project progress or to review a completed project;

5.2.5. The Division may require a Grantee receiving a grant to hire additional independent professional construction management to represent the Applicant's interests, if the Division deems it necessary due to the size of the project, the complexity of the project, or the Grantee's ability to manage the project with Grantee personnel.

6. Technical Consultation

6.1. The Division may provide technical consultation and administrative services to School Districts and Institute Charter Schools to evaluate the need for full day kindergarten Capital Construction funding and the School Districts' and Institute Charter Schools' plans for expending any assistance received.