



FEMA

RECOVERY POLICY (INTERIM) RP9521.5

I. TITLE: **Eligibility of Charter Schools**

II. DATE: June 16, 2006

III. PURPOSE:

To clarify the circumstances under which a charter school may receive FEMA Public Assistance as a local government applicant.

IV. SCOPE AND AUDIENCE:

This interim policy applies to all disasters declared on or after August 28, 2005. All personnel are directed to follow this interim policy until it is superseded by the final policy.

V. AUTHORITY:

Sections 102 and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121-5206, and implementing regulations at 44 CFR Part 206, Subpart H.

VI. BACKGROUND:

A. Section 102(6) of the Stafford Act, 42 U.S.C. §5122(6), defines "local government" to include, among other things, a local public authority, school district, or agency or instrumentality of a local government. Section 102(9) of the Stafford Act, 42 U.S.C. §5122(9), defines "private nonprofit facility" to include any private nonprofit education facility. Section 406 of the Stafford Act, 42 U.S.C. §5172, authorizes assistance to local governments and private non-profits for the repair, restoration and replacement of damaged facilities. The owner or operator of a non-profit school facility must first apply to the Small Business Administration (SBA) before FEMA may provide any assistance under section 406. 42 U.S.C. §5172(a)(3). The Stafford Act does not require local governments to apply to the SBA.

B. Charter schools are defined in Section 5210(1) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §7221i.

VII. POLICY:

A. Charter schools as defined at 20 U.S.C. §7221i will be recognized by FEMA as a local government applicant for purposes of applying for Public Assistance, including permanent



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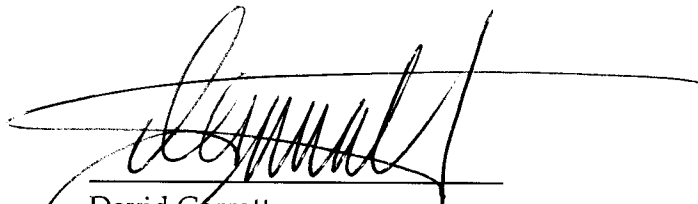
repair, restoration, and replacement assistance under Section 406. As such, charter schools will not be required to first apply to the SBA.

B. A charter school applicant must provide documentation to FEMA authoritatively establishing, pursuant to State law, approval by an authorized chartering agency to operate a charter school.

VIII. ORIGINATING OFFICE: Recovery Division (Public Assistance Branch)

IX. SUPERSESSION: This policy supersedes all previous policy and guidance on this subject.

X. REVIEW DATE: Not less than one year from the date of publication.



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