

CLIENT NEWS BRIEF

School Districts Now Have Guidance to Determine the Number of Classrooms to Provide Charter Schools Under Prop. 39

For the first time, a California Court of Appeal has provided guidance on how to determine the number of classrooms school districts must provide charter schools under Proposition 39 ("Prop. 39"). Under a recently issued opinion, school districts may look at their own student-to-classroom ratios, rather than looking at their *gross inventory* of classrooms, when determining the allocation of classrooms to a charter school. On January 4, 2013, the court certified its decision, which means that the case has been published and is binding legal precedent.

In *California Charter Schools Association v. Los Angeles Unified School District* (Dec. 5, 2012) __ Cal.App.4th __ (2012 WL 6789081), the court ruled that school districts may use "norming ratios" as an acceptable method of counting classrooms for Prop. 39 purposes. Los Angeles Unified School District ("LAUSD") had adopted "norming ratios" to reflect how many students would be placed in a classroom on a district-wide basis. The court determined that a school district's use of "norming ratios" in its Prop. 39 calculations was consistent with regulations requiring that school facilities be "shared fairly" between charter schools and district operated schools.

This appellate decision overturns a lower court opinion that required LAUSD to base its facilities offer on its gross inventory of classrooms. Charter schools across the State of California have cited to the lower court's opinion in their letters requesting facilities from school districts for the 2013-2014 school year. LAUSD argued, and the Court of Appeal found, that if school districts were to adopt this method, "it may well have anomalous results."

Initially, this Court of Appeal decision was not officially published, and therefore it did not establish legal precedent that could be relied upon by California school districts. Along with several school districts, Lozano Smith filed a letter brief on behalf of CSBA's Education Legal Alliance to request publication of this opinion based on the important guidance it provides school districts on Prop. 39 issues.

We will continue to monitor this case and keep you apprised of any further developments. If you would like assistance in responding to a charter school's Prop. 39 request for facilities, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

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