

CLIENT NEWS BRIEF

The California Supreme Court Provides School Districts Guidance in Determining the Number of Classrooms to Provide Charter Schools Under Prop. 39

The California Supreme Court has weighed in on Proposition 39, the law that requires school districts to provide facilities to charter schools.

In *California Charter Schools Association v. Los Angeles Unified School District* (April 9, 2015) S208611, the California Charter School's Association (CCSA) filed suit against the Los Angeles Unified School District (LAUSD), alleging that the use of "norming ratios" to calculate classroom allocations to charter schools in response to a Prop. 39 facilities request was illegal under California law. LAUSD used what it called "norming ratios" when apportioning facilities to charter schools, which purported to establish a uniform student/teacher ratio for each grade level throughout the district. LAUSD argued that the use of these district-wide ratios was both legal and appropriate.

CCSA, on the other hand, argued that norming ratios improperly reduced the number of classrooms provided to charter schools. CCSA contended that school districts should, instead, look to their *gross inventory* of classrooms at comparable schools when determining allocation of classrooms.

In a unanimous decision, the California Supreme Court announced something of a compromise between the two perspectives. The Court opted to require school districts to count the number of classrooms, but the classrooms owed to the charter school would not be a full inventory, as requested by CCSA. Rather, only classrooms "provided to" K-12 students at the comparison schools would be included in the calculations. The Court adopted a three-pronged approach to calculating the number of classrooms to provide a charter school and specified that, when a district receives a request for facilities, it must:

1. Identify comparison group schools pursuant to State Board of Education regulations.
2. Count the number of classrooms in the comparison group schools, and adjust the number to reflect those classrooms "provided to" K-12 students in the comparison group schools. The term "provided to" requires a site-specific, case-by-case analysis. While it does not *require* a school district to count all rooms in the comparison group schools, it also does not *allow* the school district to count only those rooms the schools elect to staff with a teacher.
3. Use the resulting number as the denominator in the ADA-classroom ratio at the comparison schools. This is the ADA-classroom ratio to be allocated to the charter school.

Will this decision impact current Prop. 39 offers already presented to charter schools? In rendering this decision, the Court contemplated a prospective application of this new approach to allocating facilities. Therefore, it is likely that this decision will not impact facilities offers that have already been presented to charter schools for 2015-2016.

Our attorneys have substantial experience handling all aspects of charter

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school issues. For assistance with processing Prop. 39 facilities requests or with any charter school matter, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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