

CLIENT NEWS BRIEF

Charter Schools Facilities Request Deadlines Looming

Commonly referred to as "Prop. 39," Education Code section 47614 requires that, in certain circumstances, school districts must provide facilities to charter schools. Pursuant to Prop. 39, charter schools must request facilities for the 2018-2019 school year, in writing, by November 1, 2017. Because Prop. 39 triggers certain obligations for a school district, it is best to be prepared for the upcoming facilities request season.

A charter school's timely facilities request to a school district triggers the following deadlines:

December 1: Deadline for a school district to express, in writing, any objections to the charter school's projected average daily attendance (ADA). If this deadline passes without objection by the district, the district will likely be required to base its facilities offer on the charter school's in-district ADA projections.

January 2: Deadline for the charter school to respond to any objections raised by the school district regarding ADA projections.

February 1: Deadline for the school district to provide a preliminary offer of facilities to the charter school, along with detailed information about the offer and a draft facilities use agreement.

March 1: Deadline for the charter school to respond to the preliminary offer.

April 1: Deadline for the school district to provide a final facilities offer.

May 1: Deadline for the charter school to accept the district's final facilities offer.

Given these tight timelines, it is critical that a Prop. 39 facilities request be reviewed shortly after receipt to determine the reasonableness of the charter school's ADA projections and to consider what facilities will be offered. School districts should also keep in mind that in certain circumstances, even proposed charter schools may request facilities, so it is possible to receive a request from a school that has not yet been approved.

For assistance with processing Prop. 39 facilities requests or with any charter school matter, please contact the authors of this Client News Brief or an attorney in our [Charter Schools Practice Group](#) or at one of our [eight 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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