

CLIENT NEWS BRIEF

Did Your School District Receive a Prop. 39 Request Today?

Commonly referred to as Prop. 39, Education Code section 47614 requires that school districts provide facilities to charter schools. Charter schools must request facilities for the 2014-2015 school year, in writing, by **Friday, November 1, 2013**. Even proposed charter schools can request facilities if they submit a timely request and have their charter approved by March 15, 2014.

Once a school district receives a facilities request from a charter school, the following deadlines are triggered:

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 a final offer of facilities by the school district.

May 1 - Deadline for acceptance of offer of facilities by charter school.

Given these tight timelines, it is critical that a facilities request be reviewed shortly after receipt to determine the reasonableness of the charter school's ADA projections and to contemplate the facilities to be offered.

Currently, the California Supreme Court is considering whether school districts may allocate classrooms to charter schools in the same way as they do for other schools in the district. The Supreme Court will review a court of appeal's holding that school districts may use "norming ratios" as an acceptable method of counting classrooms for Prop. 39 purposes. [See our January 2013 News Brief](#). 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. As a result of ongoing litigation between the California Charter Schools Association and LAUSD, a court of appeal 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. Although we do not expect the Supreme Court to make a decision in time to affect the 2014-2015 Prop. 39 process, we will keep you apprised of any developments in this case.

This case, and other recent court decisions, illustrate the complexity of

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Devon B. Lincoln
Partner and Charter Schools Practice
Group Co-Chair
Monterey Office
dlincoln@lozanosmith.com



Edward J. Sklar
Partner and Charter Schools Practice
Group Co-Chair
Walnut Creek Office
esklar@lozanosmith.com



Manuel F. Martinez
Associate
Walnut Creek Office
mmartinez@lozanosmith.com

LS Lozano Smith
ATTORNEYS AT LAW



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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responding to Prop. 39 requests, as well as the need for school districts to invest the time in making rational and balanced facilities offers. If a facilities offer is challenged, a reviewing court will want to see that the school district documented a deliberate and objective analysis prior to making its offer of facilities.

For assistance with processing Prop. 39 facilities requests or with any charter school matter, please feel free to contact 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](#).