



LOZANO SMITH ALERT

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PROP 39 FACILITIES REQUESTS FROM CHARTER SCHOOLS DUE TUESDAY, NOVEMBER 1

Education Code section 47614, which is commonly referred to as "Prop. 39," requires school districts to provide facilities to charter schools that meet certain criteria. Under the regulations that implement Prop 39, charter schools must request facilities for the 2012-2013 school year by **Tuesday, November 1, 2011**. (Cal. Code Regs., tit. 5, § 11969.9.)

The receipt of a Prop. 39 facilities request triggers a tight timeline that a school district must be aware of in processing and responding to the request:

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 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, if necessary, to consult legal counsel on this issue. After reviewing ADA projections, school districts' internal processes for making facilities offers vary, but it is important that the above timelines be met.

LOZANO SMITH'S [Charter Schools Practice Group](#) can assist with the review and processing of Prop 39 requests. For more information on Prop 39 and how to evaluate a charter school's ADA projections, please contact one of our [eight offices](#) located statewide, visit our [website](#), or follow Lozano Smith on [Facebook](#).

[Edward Sklar](#)

Shareholder & Charter Schools Practice Group Co-Chair

Walnut Creek Office

esklar@lozanosmith.com

[Devon Lincoln](#)

Senior Counsel & Charter Schools Practice Group Co-Chair

Monterey Office

dlincoln@lozanosmith.com



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