

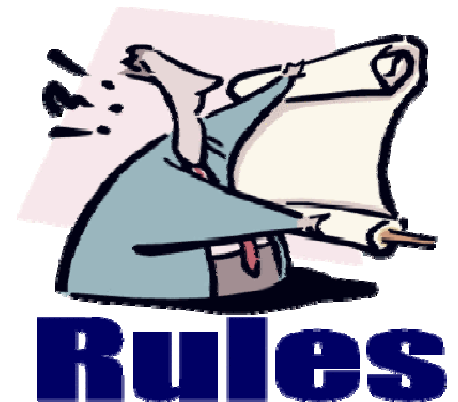
Charter School Facilities: Proposition 39 Final Offers

Board Meeting: March 26, 2018
John R. Yeh, Burke, Williams & Sorensen, LLP



District Obligations Under Proposition 39

- Proposition 39 obligates school districts to provide *reasonably equivalent* facilities to charter schools who project or enroll at least *80 ADA* from that district.
- This obligation applies even if the charter was *granted by another agency* (such as a neighboring district, a county board of education or the State Board of Education.)
- No “hardship” exemption based on lack of facilities or funds



Proposition 39 – The Basics

- Facilities offered must be contiguous, furnished and equipped, and reasonably equivalent to district schools that the charter school students would have otherwise attended.
- Obligation extends to teaching stations (classrooms), non-teaching, and specialized teaching facilities;
- The State Board of Education has implemented detailed regulations defining the key terms of Proposition 39.
(See, *5 CCR 11969.1, et seq.*)



Proposition 39 – The Basics

Following is the annual request cycle for Proposition 39 facilities:

- *November 1:* Charter school's requests for facilities due;
- *December 1:* District's objections to charter school's ADA projections due;
- *January 2:* Charter school's responses to District's objections due;
- *February 1:* District's preliminary facilities offer due;
- *March 1:* Charter schools' responses to preliminary offer due;
- *April 1:* District's final offer due; and
- *May 1:* Last day for charter schools to accept offer.



Approval of Final Offers

- Clayton Valley Charter High School: 1101 Alberta Way, Concord, CA 94521
 - Conversion Charter: same site since 2012-2013
- Rocketship Futuro Academy: Glenbrook Middle School, 2351 Olivera Road, Concord, CA 94520

Rocketship at Glenbrook

- Two additional classrooms for additional ADA: 307, 308 (960 SF each) at market rate
- Additional student restrooms (either 300 wing or conversion of restrooms near Room 500)
- Same terms as preliminary offer, including:
 - Shared use of Multi-Use Room and Kitchen
 - Shared use of blacktop and fields with Seneca
 - Drop-Off/Pick-up zone, access points
 - Parking spaces

Requested Action

- Board approval of issuance of final offers to CVCHS and Rocketship as set forth above, and direction to staff to issue written final offers in accordance with Proposition 39 by April 1, 2018