



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

The Time to Apply for Facilities Under Prop. 39 is Here!

Finding adequate facilities is one of the most challenging aspects of operating a charter school in California. Proposition 39 has been a successful tool for charter schools in securing public school facilities and/or beginning a dialogue with the school district in which they negotiate in-lieu of arrangements (including financial assistance).

Some recent court cases have clarified charter schools' rights under Prop. 39 making it easier to secure to reasonably equivalent school facilities. In *Bullis v. Los Altos School District* (200 Cal.App.4th 1022) the Court of Appeal mandated that a school district must analyze the exact number of square feet of specialized and non-teaching station space per unit of ADA at the comparison schools, and allocate space to a charter school based on the same square feet per ADA as the comparison schools. In *California Charter School Association v. LAUSD* the court clarified that school districts cannot use their loading standards to allocate teaching stations to a charter school, but rather must make the allocation based on the actual teaching station to ADA ratio in the comparison schools.

This Legal Alert provides an overview of the upcoming **deadlines** and **requirements** which charter schools must comply with in order to qualify for public school facilities under Prop. 39. It also links charter schools to the **revised template Proposition 39 request form** and instructions for the 2013/2014 school year application process. And lastly, this Legal Alert provides information about a webinar and online "office hours" offered in partnership between MYM and the California Charter Schools Association (CCSA) regarding Prop. 39 and how to get the most out of Prop. 39 for your school.

Proposition 39 Deadlines for 2013/2014 School Year

In order to qualify for an allocation of Prop. 39 school facilities, a charter school must make an annual request conforming to the statutory and regulatory provisions of Prop. 39. MYM, in partnership with CCSA, has prepared a revised **template request form** and **detailed instructions** in order to assist charter schools in this annual process. To download a copy of the Template Request Form please click on the following link: [Sample Proposition 39 Form and Instructions](#) (or visit www.mymcharterlaw.com under the Legal Templates tab). Please note that, as with every year, the Template Request Form has been updated for use during the 2013/2014 Proposition 39 process. Please ensure that you are using the current and updated Template Request Form when completing your request as use of the old form may result in your request being denied.

Important **deadlines** in the Prop. 39 regulations:

SACRAMENTO OFFICE:
701 UNIVERSITY AVENUE, SUITE 150
SACRAMENTO, CA 95825

LOS ANGELES OFFICE:
5250 LANKERSHIM BLVD., SUITE 610
NORTH HOLLYWOOD, CA 91601

SAN DIEGO OFFICE:
591 CAMINO DE LA REINA, SUITE 910
SAN DIEGO, CA 92108

- ☞ Both new and ongoing charter school must submit a complete Prop. 39 facilities request to the district on or before **November 1, 2012** (please confirm that your district's office is not closed on this day, a Tuesday). In addition, school districts may have their own Prop. 39 board policies, administrative regulations, and request forms that charter schools must comply with; you should request these documents from your district in writing. Lastly, a charter school should review its charter, memorandum of understanding, and any facilities use agreement for any other possible restrictions, requirements or timelines.
- ☞ New or proposed charter schools (i.e., not operating during the 2012/2013 school year) must submit their charter petitions by **November 1, 2012** and receive approval of their charter by **March 15, 2013**, in order to qualify for facilities during the 2013/2014 school year.

Review the Instructions and the Law Carefully: Noncompliance can be Fatal to your Application

Please review the Instructions in the Template Request Form very carefully; skipping or eliminating any part of the form or process could jeopardize the charter school's right to a facility. MYM has also prepared a compilation of the Prop. 39 statutes and regulations that can be downloaded for reference and to assist in the negotiations of a charter school's Prop. 39 facility allocation. To download a copy of the Prop. 39 statutes and regulations please click on the following link: Proposition 39 and Implementing Regulations or visit www.mymcharterlaw.com under the Resource Documents tab.

Proposition 39 Webinar and Office Hours -- Pro Bono Services!!

Want to better understand your school's entitlements under Prop. 39 or need help in completing your Prop. 39 request? Want to learn how to get the most out of Prop. 39 for your school? In partnership with CCSA, MYM encourages you to view our free online Training Session: Acquiring Facilities Under Proposition 39, which can be found on CCSA's website.

In addition, MYM and CCSA will be offering free "office hours," where you will have the opportunity to ask questions regarding Prop. 39 directly to MYM and CCSA, on the following dates and times:

Tuesday, October 4, 2012 3:00 PM-4:00 PM
Thursday, October 11, 2012 3:00 PM-4:00 PM.

CCSA will also be offering pro bono reviews of Prop. 39 request letters – please visit CCSA's website to learn more!

Legal Alert
Prop. 39 Facilities Reminder
September 18, 2012

Should you have any questions about this Legal Alert or the Prop. 39 process please contact Sarah Kollman (skollman@mymlaw.com) or Paul Minney (pminney@mymlaw.com).

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