



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

Prop. 39 Facilities Reminder

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 over in-lieu of arrangements (including financial assistance for rents). However, knowing your rights and how to negotiate the process is critical, especially when school districts may not wish to share their facilities during these challenging fiscal times. The Law Offices of Middleton, Young and Minney, LLP (MYM) has been successfully leading the charge since 2000, helping charter schools work with school districts to negotiate compliant allocations of facilities under Proposition 39 and the Implementing Regulations.

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 Proposition 39. It also directs charter schools to the **revised template Proposition 39 request form** and instructions for the 2010-11 school year application process. And lastly, this Legal Alert provides information about a series of workshops put on in partnership between MYM and the California Charter Schools Association (CCSA) regarding Proposition 39 and how to get the most out of Proposition 39 for your school.

Proposition 39 Deadlines for 2010/2011 School Year

In order to qualify for an allocation of Proposition 39 school facilities, a charter school must make an annual request conforming to the statutory and regulatory provisions of Proposition 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 and detailed instructions please click on the following link: [Sample Proposition 39 Form and Instructions](#) (or visit www.mymcharterlaw.com under the Legal Templates tab).

There are important **deadlines** in the Proposition 39 implementing regulations:

- ☞ Both new and ongoing charter school must request facilities for the following school year on or before **November 1, 2009**, (please note that this year, November 1 falls on a Sunday, and some district offices may be closed on the previous Friday, October 30. Therefore, we recommend that you submit your request to your district(s) no later than **October 29, 2009**) as well as provide their district(s) with detailed information regarding their projected enrollment, preferred facility location, and educational needs (see Instructions for further details). In addition, school districts may have their own Proposition 39 board policies, administrative regulations, and request forms that charter schools

must comply with. 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 2009/2010 school year) must submit their charter petitions by **November 1, 2009** and receive approval of their charter by **March 15, 2010**, in order to qualify for facilities during the 2010-2011 school year.

Review the Instructions and the Law Carefully: Noncompliance can be Fatal

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 Proposition 39 statutes and regulations that can be downloaded for reference and to assist in the negotiations of a charter school's Proposition 39 facility allocation. To download a copy of the Proposition 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.

Please do not hesitate to contact MYM to assist in the review of your Proposition 39 request letter prior to submission, to ensure that each charter school is submitting a complete and comprehensive request. In many cases MYM's services can be secured pro bono in an arrangement with CCSA.

Statewide Proposition 39 Workshops

Want to better understand your school's entitlements under Proposition 39 or need help in completing your Proposition 39 request? Want to learn how to get the most out of Proposition 39 for your school? MYM will be conducting a series of **Proposition 39 workshops** across the state (Oakland, San Diego, Los Angeles, and online). We encourage you to attend these workshops to learn more up-to-date information, and to prepare your 2010-2011 Proposition 39 request. For more information, as well as workshop dates and locations, please visit our website at www.mymcharterlaw.com under the Workshops tab.

Middleton, Young & Minney LLP's Legal Alerts provide general information about events of current legal importance; they do not constitute legal advice. As the information contained here is necessarily general, its application to a particular set of facts and circumstances may vary. We do not recommend that you act on this information without consulting legal counsel.