



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). 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.

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 2012/2013 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 Proposition 39 and how to get the most out of Proposition 39 for your school.

### Proposition 39 Deadlines for 2012/2013 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 Request Form please click on the following link: [Sample Proposition 39 Form and Instructions](#) (or visit [www.mymcharterlaw.com](http://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 2012/2013 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.

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

- ☞ Both new and ongoing charter school must submit a complete Proposition 39 facilities request to the district on or before **November 1, 2011** (please confirm that your district’s office is not closed on this day, a Tuesday). In addition, school districts may have their own Proposition 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, 2011** and receive approval of their charter by **March 15, 2012**, in order to qualify for facilities during the 2012/2013 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 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](http://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 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? 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, CCSA and MYM will be offering free "office hours," where you will have the opportunity to ask questions regarding Proposition 39 directly to MYM and CCSA attorneys, on the following dates and times:

Tuesday, September 27, 2011 2:00 PM-4:00 PM

Thursday, October 06, 2011 2:00 PM-4:00 PM.

CCSA will also be offering pro bono reviews of Proposition 39 request letters, in specific school districts. Go to this link to see if your school is located in a district that qualifies!

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