



LAW OFFICES OF SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP

## **Impending Deadline!! Proposition 39 Sample Form and Instructions**

### **Proposition 39: Equitable School Facilities for All Public School Children**

Proposition 39 provides in part: "Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished and equipped...." (Education Code Section 47614).

### **Compliance with Proposition 39 Requirements Is Critical**

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. SMYM, in partnership with CCSA, has prepared a revised **sample form** and **detailed instructions** in order to assist charter schools in this annual process. To download a copy of the sample form and detailed instructions please click on the following link: [Sample Proposition 39 Form and Instructions](#)

There are important **deadlines** in the Proposition 39 implementing regulations (for example, an ongoing charter school must request facilities for the following school year by **October 1, 2006**)(see Instructions for further details) as well as detailed requirements of what must be included in the annual request. In addition, school districts may have their own board policies and administrative regulations further adding to the requirements. Lastly, a charter school should review its charter, memorandum of understanding, and any facilities use agreement for any other possible restrictions or requirements.

Please review the Instructions in the Sample Form very carefully; skipping or eliminating any part of the form or process could jeopardize the charter school's right to a facility.

SMYM has 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. To download a copy of the Proposition 39 statutes and regulations please click on the following link: [Proposition 39 and Implementing Regulations](#)

### **State Board of Education is Considering Regulatory Changes**

The State Board of Education may be considering changes to the Proposition 39 regulations this fall. However, changes if any, will probably not impact the requests for

7 PARK CENTER DRIVE ■ SACRAMENTO, CA 95825 ■ T 916 646 1400 ■ F 916 646 1300

[WWW.SMYMCHARTERLAW.COM](http://WWW.SMYMCHARTERLAW.COM)

facilities for the 2007/2008 school year. Please monitor your SMYM Legal Alerts for updates on any changes to the Proposition 39 regulations.

If you should have any questions regarding this update, please contact Paul Minney ([pminney@smymlaw.com](mailto:pminney@smymlaw.com)) or Chastin Pierman ([cpierman@smymlaw.com](mailto:cpierman@smymlaw.com)) at the Law Offices of Spector, Middleton, Young & Minney, LLP at (916) 646-1400.

*Spector, 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.*