



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

PROPOSITION 39 UPDATE

Ridgecrest Charter School v. Sierra Sands Unified School District: Charter School Awarded Attorneys' Fees

In a recent ruling, Judge James M. Stuart of the Kern County Superior Court awarded Ridgecrest Charter School's legal counsel, Spector, Middleton, Young & Minney, LLP, attorneys' fees in the amount of \$100,000 for their work in *Ridgecrest Charter School v. Sierra Sands Unified School District* - a case that defined a charter school's right to receive contiguous facilities under Proposition 39 and its implementing regulations. Recognizing the substantial statewide impact and importance of the appellate court's ruling clarifying a charter school's right to contiguous facilities and entitlement to equal treatment, Judge Stewart found the award of attorneys' fees was warranted. Such an award could serve as a future deterrent to school districts from violating the mandates of Proposition 39, as this ruling provides that school districts may not only face costs of defending the litigation, but opposing counsels' fees as well where a charter school prevails and the court finds the award of fees appropriate.

San Diego Unified School District Rescinds Illegal Proposition 39 Policy After SMYM and LW File a Lawsuit Against the School District.

In other Proposition 39 news, the San Diego Unified School District Board of Education voted on January 10, 2005 to rescind the illegal Proposition 39 policy it adopted last May that listed conditions charter schools must meet in order to be eligible to receive district facilities. The Board of Education took this action after two local charter schools, KIPP Adelante and Fanno Charter Academy, pursued litigation through the law firms of Spector, Middleton, Young & Minney, LLP and Latham & Watkins, LLP against the District for denying the charter schools their right to Proposition 39 facilities. CCSA has committed to working with the District to develop a new policy line in time for the next round of Proposition 39 requests.

CDE Begins Working on New Proposition 39 Regulations

The California Department of Education has begun a working group to review and possibly revise the Proposition 39 regulations. The working group is comprised of representatives from the field and major organizations within the educational community. The first meeting of the group will take place during the week of January 23, 2005. The firm of Spector, Middleton, Young & Minney, LLP will play an active role in the working group's efforts to ensure the regulations properly and successfully implement Proposition 39 and its central requirement that public school facilities be shared fairly among all public school students. We shall update the charter school community through future legal alerts as information regarding Proposition 39 regulations revisions becomes available.

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



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