



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

**New Proposition 39 Deadline for District's Initial Response on December 1, 2008**

Under the new Proposition 39 regulations, if a charter school timely submitted a request for facilities under Proposition 39 for the 2009-10 school year, a school district is required to express any objections to the charter schools ADA projections in writing and state the projections the district considers reasonable on or before **December 1, 2008**.

If the district does not express objections in writing and state its own projections by the deadline, a charter school's projections are no longer subject to challenge, and the school district must allocate facilities to a charter school based on those projections.

However, if the district does object to a charter school's ADA projections, a charter school must respond in writing **on or before January 2, 2009**. In order to document the receipt of the response by January 2<sup>nd</sup>, however, we recommend submitting the response to the district no later than whenever the district closes down for winter break. In addition, we recommend submitting the response by fax or hand delivery in order to document the district's receipt of your response.

Your response should include a reaffirmation or modification of the charter school's previous projections "as necessary to respond to the information received from the district." In other words, if your district questions your enrollment projections, you should respond by providing the district with any additional information, documentation, or explanation necessary to justify or correct your original projections and to fully respond to the district's objections.

**Please remember that if you do not respond in a timely manner, the district's projections will stand and you will not be able to challenge them going forward.**

The next step in the new Proposition 39 process after the submission of your response will be the receipt of the district's preliminary offer **on or before February 1**.

Please be aware that some school districts are making a concerted effort to marginalize Proposition 39 and its benefits to charter school and will probably push back against your projections. Spector Middleton Young and Minney, LLP has many years of expertise and experience in working with Proposition 39 as well as defending charter schools throughout the state in litigation, and is available to provide technical assistance to help in drafting responses to your district in regard to any concerns raised by the district, or to help you in any other way.

If you have questions, please contact Paul Minney (pminney@smymlaw.com) or Sarah Kollman (skollman@smymlaw.com) at the Law Offices of Spector, Middleton, Young & Minney, LLP at (916) 646-1400.

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