

# **Presentation on Proposition 39 Process to Provide Reasonably Equitable School Facilities to Alameda Public Charter Schools**

**February 12, 2013**



# History and Intent of Prop. 39

- Enacted into law by California taxpayers back in 2000, Proposition 39 has been legally mandated since 2003 through Education Code Section 47614.
- Proposition 39 and EC 47614 both state very clearly how “public school facilities should be shared fairly among all public school pupils, including those in charter schools.”
- Proposition 39 and EC 47614 also mandate that “students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.”

# A School District's Obligation

- If possible, school districts must provide “reasonably equivalent” facilities to accommodate in-district students.
- Facilities must be contiguous (either located on one site or immediately adjacent); if the district does not allocate a contiguous facility, the district governing board must then adopt a written statement of reasons explaining why the charter school can’t be accommodated at a single site.
- Facilities must be “furnished and equipped” adequately.
- A district must provide deferred maintenance to facility.

# A School District's Rights

- School districts cannot be required to use their unrestricted general fund revenues to rent, buy, or lease facilities for charter school needs.
- School districts may charge a pro-rata share of facilities costs along with a district's actual costs of oversight (up to 1% of a charter school's revenue or 3% if no pro-rata share is charged).
- Charter schools must conduct routine maintenance.
- School districts are entitled to fair reimbursement for space provided to charter schools exceeding their fair share according to in-district enrollment (over-allocated space).

# **Five Major Activities Under Prop. 39**

- **Facilities Request**
- **Preliminary Proposal**
- **Negotiations**
- **Final Offer of Facilities**
- **Negotiations of Facilities Use Agreements**

# Preliminary Proposal

- District makes preliminary proposal of facilities to charter school on or before February 1.
- District staff must work to determine reasonably equivalent facilities:
  - Staff develop a comparison group of district schools (district-operated schools of similar grade levels in the attendance area where the majority of charter school students would have otherwise attended).
  - Staff determine allocation of teaching stations, specialized stations, and non-teaching stations (assessing capacity and using formula to allocate).
  - Staff assess conditions of comparison group facilities.

# Preliminary Proposal

- **Proposal must include the following items:**
  - Projections of in-district ADA (average daily attendance) on which the proposal is based
  - Specific location(s) of space
  - All conditions pertaining to use of space, including draft Facilities Use Agreement (FUA)
  - Pro-rata share amount
  - Methodology used to determine pro-rata share

# Preliminary Proposal

- **Proposal must include the following:**
  - List and description of comparison group schools used in developing proposal
  - Description of differences between the proposal and the request
- **Charter school must respond to the district's preliminary proposal on or before March 1**

# **Final Notification**

- **Final notification is due on or before April 1**
- **Final notification must identify:**
  - The teaching stations, specialized stations, and non-teaching station spaces for exclusive use and/or shared use
  - For shared space, arrangements for sharing
  - In-district ADA (average daily attendance) assumption noticed and district projection explained if varying from school's projection

# **Final Notification (continued)**

- **Final Notification must identify**
  - Response to charter school's concerns and counter-proposals (if any)
  - Pro-rata share amount and payment schedule
  - All conditions pertaining to the space
  - Specific location of space
- Charter school must respond by May 1 (or 30 days after final notification provided them)

# **Final Notification (continued)**

- District must provide charter school with furnished and equipped space ten (10) working days prior to instruction (or can be seven (7) working days for “good cause”)
- Parties must negotiate agreement for use and payment of space (including insurance, maintenance, et cetera)

# **Synopsis and Next Steps**

- Charter school annual request due by Nov. 1
- District response to ADA projection by Dec. 1
- Charter school response to concerns by Jan. 2
- District's preliminary offer to school by Feb. 1
- Charter's response to prelim. offer by March 1
- District's final offer to charter school by April 1
- Charter accepts/rejects offer by May 1

# **Synopsis of February 1 Proposition 39 Preliminary Facilities Proposals**

- Academy of Alameda was offered thirteen (13) classrooms at AUSD's former Chipman Middle School site.
- Alameda Community Learning Center was offered nine (9) classrooms at AUSD's Wood Middle School site.
- Nea Community Learning Center was offered a split offer, including eight (8) classrooms at AUSD's former Longfellow Elementary School site and nine (9) classrooms at AUSD's former Chipman Middle School site.
- Negotiations continue until a final offer is made on April 1. Facilities Use Agreements will be shared with the Board when offered on May 1.