

Charter School Facilities: Proposition 39 Final Offer, 2024-2025

Board Meeting: March 27, 2024

John R. Yeh, Burke, Williams & Sorensen, LLP



District Obligations Under Proposition 39

- Proposition 39 obligates school districts to provide *reasonably equivalent* facilities to charter schools who project or enroll at least *80 ADA* from that district.
- This obligation applies even if the charter was *granted by another agency* (such as a neighboring district, a county board of education or the State Board of Education.)
- No “hardship” exemption based on lack of facilities or funds.



Proposition 39 – The Basics

- Facilities offered must be contiguous, furnished and equipped, and reasonably equivalent to district schools that the charter school students would have otherwise attended.
- Obligation extends to teaching stations (classrooms), non-teaching, and specialized teaching facilities.
- The State Board of Education has implemented detailed regulations defining the key terms of Proposition 39.
(See, *5 CCR 11969.1, et seq.*)



Proposition 39 – The Basics

Following is the annual request cycle for Proposition 39 facilities:

- *November 1:* Charter school's request for facilities due;
- *December 1:* District's objections to charter school's ADA projections due;
- *January 2:* Charter school's responses to District's objections due;
- *February 1:* District's preliminary facilities offer due;
- *March 1:* Charter school's responses to preliminary offer due;
- *April 1:* District's final offer due; and
- *May 1:* Last day for charter schools to accept offer.



Approval of Final Offer

- Contra Costa School of the Performing Arts:
 - Authorized by County Office
 - Currently self-sited
- Offer of 11 rooms at Riverview Middle School
 - Shared use of Gym, MPR, Library and Restrooms if offer accepted.
- SPA has until May 1, 2024 to respond.

Requested Action

- Board approval of issuance of 2024-2025 final offer to SPA as set forth above, and direction to staff to issue written final offer in accordance with Proposition 39.
- Based on projection of 285.76 in-District classroom ADA