



Proposition 39 Background

In 2000, Proposition 39 was approved by California's voters, amending Education Code section 47614. Previously districts were required to provide charter schools with surplus space-- facilities not used by the District for administrative or instructional purposes. The current law mandates that "public school facilities should be shared fairly among all public school pupils, including those in charter schools." The law stipulates that the District must make available facilities sufficient to accommodate all of an eligible charter school's "in-district students", meaning those who are entitled to attend District schools, except for those eligible to attend District schools based on inter-district attendance or parental employment. Districts are obligated to provide conditions "reasonably equivalent" to those in which the students would be accommodated if they were attending other public schools of the District.

West Contra Costa Unified School District (WCCUSD) will comply with the law, and will provide seats for charter school students in buildings that are reasonably equivalent, safe and conducive to learning. It is important for charter founders to understand that to achieve this goal District staff must overcome competing legal and practical challenges regarding the allocation of limited District facilities to eligible charter schools. Several such instances include the need to accommodate an expanding student population in WCCUSD, and growing numbers of students with special needs. Additional hurdles include the ongoing construction, repair and enhancement projects taking place on existing school facilities.

The challenges in providing for charter schools are heightened due to the limited timeframe within which the District must allocate space. The law provides for 90 calendar days, of which approximately 57 are business days. In this narrow frame must fit a review of all charter facilities requests, the identification of all available space, and the drafting and issuance of preliminary proposals. Further complicating the process are the District's current building and maintenance schedules, and necessary changes to facilities to accommodate charter schools such as fencing, placement of portable classrooms, plumbing, electrical and technology infrastructure. This requires months of planning and approvals across numerous departments both within and without the District. In summary, Proposition 39 requests are nested within a wide and complex array of variables.

To expedite your Proposition 39 request, we ask the following:

- Please observe the timelines that follow.
- Designate **one person** to communicate with the District to minimize confusion.
- Align your request with the enrollment numbers specified in your petition.
- Align your request with your program as stated in your petition.



Timeline

Date	Action
November 1	Charter School submits a written facilities request.
December 1	District personnel review the charter school’s projections of in-district and total classroom ADA (average daily attendance) on or before December 1, express any objections in writing and state the projections the District considers reasonable.
January 2	On or before January 2, the charter school shall respond to any objections expressed by the District. The charter school shall reaffirm or modify its previous projections as necessary to respond to information received from the District.
February 1	<p>On or before February 1, the District shall prepare in writing a preliminary proposal regarding the space to be allocated to the charter school and/ or to which the charter school is to be provide access. At a minimum, the preliminary proposal shall include:</p> <ol style="list-style-type: none"> 1. The projections of in-district classroom ADA on which the proposal is based; 2. The specific location or locations of the space; 3. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school’s use to the space, and; 4. The projected pro rata share amount and a description of the methodology used to determine that amount. <p>The District shall also provide the charter school a list and description of the comparison school group schools (those that the charter student would have otherwise attended had they elected to remain in the District) used to develop the preliminary proposal.</p>
March 1	On or before March 1, the charter school shall respond in writing to the District’s preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the charter school’s facilities request and/ or making counter proposals.
April 1	<p>On or before April 1 after a review of concerns or counter proposals made by the charter school, the District Superintendent or designee shall submit in writing a final notification of the space offered to the charter school. The notification will include a response to the charter school’s concerns and/or counter proposals (if any). Within this notification will be:</p> <ol style="list-style-type: none"> 1. The teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school, and each of the above for shared use with District-operated programs; 2. For shared space, the arrangements for sharing; 3. The in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school pursuant to 5CCR Section 11969.9 (e), a written explanation of the reasons for the differences; 4. The specific location or locations of the space; 5. All conditions pertaining to the space; 6. The pro rate share amount, and; 7. The payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.
May 1	The charter school must notify the District in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the District notification, whichever is later. The charter school’s notification can be withdrawn or modified before this deadline.



Further Information

- The District is required to provide access to the site 10 business days prior to the first day of charter school instruction.
- The District is not required to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.
- Non-teaching station space is all space not identified as teaching station space, or specialized classroom space. This includes, but is not limited to, administrative space, kitchen, multipurpose room, and play area space. The District shall negotiate in good faith with the charter school to establish time allocations and schedules so that the educational programs of the charter and District schools are least disrupted. Designations of space and scheduling will be articulated in a facilities use agreement signed by both the District and the charter school principal prior to the charter school's occupancy.
- The District suggests that regular meetings take place when sites are shared spaces to insure communication between the schools.
- Furniture provided will remain the property of the District, and charter schools using district furniture are required to complete an inventory prior to opening, and provide a report at the end of the year accounting for all furniture. Charter schools should label all district furniture to avoid confusion. Charter schools are required to maintain all furniture.
- District equipment may not be loaned to any District or charter school employee, group or other persons for personal use.
- The charter school may not sub-lease or allow other entities to use provided facilities.