

FACTS ABOUT PROPOSITION 39

Public school facilities “should be shared fairly among all public school pupils, including those in charter schools.”

- Ed Code 47614

Overview

Proposition 39 (Prop. 39) was written to ensure that all public school students share equally in the buildings constructed with state facilities dollars. The bargain made when Prop. 39 was passed by California voters in 2000 was to reduce the threshold for the state or a local school district to pass a facilities bond from two-thirds to fifty-five percent, a considerably easier standard to meet. In exchange, charter school students were to be given equal access to the facilities constructed with state and local bond funds, if charters are able to meet certain eligibility requirements.

The law serves to ensure "that public school facilities should be shared fairly among all public school pupils, including those in charter schools." Prop. 39 requires school districts to make "reasonably equivalent" facilities available to charter schools upon request.

History

Prior to the passage of Prop. 39, charter law permitted charter schools to use, at no cost, school district facilities which the district was not using for instructional or administrative purposes or which were historically used as rental properties. Districts sporadically complied with this permissive law and charter schools' access to adequate facilities became one of their biggest challenges.

In 2003, Prop. 39 imposed a mandatory duty on school districts to provide their charter school students facilities that are "reasonably equivalent" to those used by non-charter students within the district. The charter school facilities must be:

- Contiguous
- Similarly furnished and equipped
- Located near the area in which the charter wishes to locate

SUMMARY

Prop. 39:

- was passed by California voters in 2000
- ensures that public school facilities are “shared fairly among public school pupils, including those in charter schools”
- requires districts to make “reasonably equivalent” facilities available to charters

Facilities offered under Prop. 39 must be:

- contiguous
- similarly furnished and equipped
- located near the area in which the charter wishes to locate

Charter schools must make their Prop. 39 facilities requests by November 1

CCSA offers resources to help members prepare strong Prop. 39 facilities requests, including:

- ✓ on-demand webinars
- ✓ templates
- ✓ pro bono legal review



For more information please contact: communications@calcharters.org or visit www.calcharters.org
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Eligibility

In order to be eligible for facilities under Prop. 39, charter schools must provide "reasonable projections" of their average daily attendance (ADA) of at least 80 in-district students. In-district students are those students who could attend a district school if they had not chosen to enroll in the charter school.

Cost for Use of District Facilities

School districts are allowed to charge charter schools for use of district facilities under Prop. 39. Prop. 39 provides two alternatives for the district to charge charter schools annually for the use of facilities: a pro rata share charge or an increased oversight fee.

Making a Request

The regulations implementing Prop. 39 set forth specific requirements for making a facilities request to a district. In addition to meeting the eligibility requirements, there are a variety of dates which must be met for a charter school to preserve its right to district facilities. **Operating schools and schools planning to open must submit facilities requests to their district by November 1.**

Why Prop. 39 Matters

The principle behind Prop. 39 is one of equity and fairness for all public school students, irrespective of whether they attend public district schools or public charter schools in their communities. Charter school students are public school students. Prop. 39 represents the tangible, pragmatic embodiment of that principle in the most publicly visible sign of a successful school – the building.

Lack of adequate space and facilities for charters can limit their enrollment, and force kids onto waiting lists. Every year, dozens of charter schools in California request facilities from their districts in order to offer space to incoming students, and accommodate growth; many of these schools are left in limbo, not knowing if the district will comply with the law and offer them space to teach their students.

Many charters are forced to spend a disproportionate amount of their budgets to rent facilities, even though they're public schools. This is money that would be better spent in the classroom.

CCSA has spent the last several years engaged in policy work at the state level and in legal challenges in the California courts to add greater clarity to Prop. 39 and to support and defend a revised set of Prop. 39 regulations adopted by the State Board of Education. These regulations add specificity to the district's obligations to make facilities available to charter schools, and they establish procedures for the Prop. 39 facilities request and offer process. CCSA will continue to seek ways in which charter schools can increase accessibility to obtain Prop. 39 facilities statewide.



Every year, over a hundred California charter schools request facilities from their districts in order to offer space to incoming students and accommodate growth.

CCSA has stepped up availability of resources and support for Association members across the state, as well as offering heightened support to schools in targeted localities.

Members, log in to calcharters.org to review timelines, access on-demand webinars, and access resources to help you prepare a strong Prop. 39 request.

To learn more about Prop. 39, visit: www.calcharters.org