



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.2

Meeting Date: May 5, 2011

Subject: Proposition 39 Requests from Charter Schools

- ☒ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Accountability Office

Recommendation: To present information to the Board in regard to providing District facilities to charter schools under the Prop 39 process.

Background/Rationale: Education Code 47614 (Prop 39) mandates that public school facilities should be shared fairly among public school pupils, including those in charter schools. For 2011-2012, there are seven charter schools housed in District facilities under Prop 39. Staff will present current Proposition 39 regulations and the District procedure and timeline to process charter school requests for facilities.

Financial Considerations: The total projected Facilities Use Fees from all the Charter Schools for 2011-2012 is \$762,986.40.

Documents Attached:

1. Executive Summary

Estimated Time of Presentation: 10 Minutes

Submitted by: Chiem-Seng Yaangh, Ph.D., Coordinator

Approved by: Mary C. Shelton, Chief Accountability Officer

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Proposition 39 Requests from Charter Schools

I. Overview of Charter School Proposition 39 Requests and Facility Use Agreements:

Proposition 39 was a ballot initiative approved by California voters in 2000 that requires school districts to provide charter schools' in-District students with facilities that are "reasonably equivalent" to facilities provided to students at District-operated schools. This includes providing reasonably equivalent "furnishings and equipment." "Reasonable equivalence" is measured by the quality and quantity of facilities provided to the charter school.

II. Driving Governance:

Education Code Section 47614 and Title 5 of the California code of Regulations Section 11969, et seq., adopted by the State Board of Education ("Proposition 39"), provide guidance to the process. Among other things, the Regulations require a written agreement regarding the allocation of facilities under Proposition 39. However, it should be noted that the Regulations also allow for negotiation by the parties to all terms in the course of reaching agreement.

§ Section 47614 reads , in part:

(a) The intent is that public school facilities should be shared fairly among all public school pupils, including those in charter schools. (b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter schools' in-district students in conditions reasonably equivalent to those in other public schools of the district. Facilities provided shall be contiguous, furnished and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

III. Budget:

State regulations limit the fees charter schools pay to be housed in District facilities. The Charter Schools pay the District "Facilities Use Fees" based on a pro rata share facilities cost *estimated* at \$2.10 per square foot (SF) for the use of District facilities. Based on current estimated projection for 2011-2012, the District's Facilities Use Fees from all the Charter Schools is \$762,986.40, which is an increase of \$84,120.90 from 2010-2011 school year.

California Montessori Project - Capitol Campus (K-8), Thomas Jefferson, 2635 Chestnut Hill Drive

- \$2.10 based on approximately 24,943 square feet \$52,380.30

Capitol Collegiate Academy (K-8), Fruit Ridge Site, 4900 Roosevelt Avenue

- \$2.10 based on approximately 5,462 square feet \$11,470.20

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Capitol Heights Academy (K-5), Non-District Facility

Language Academy of Sacramento (K-8), Marian Anderson Site, 2850 49th Street

- \$2.10 based on approximately 39,086 square feet \$82,086.60

PS7 (K-8), John Muir, 5201 Strawberry Lane; and Sacramento High West Wing, 2315 34th Street

- \$2.10 based on approximately 39,203 square feet \$82,326.30

Sacramento Charter High School (9-12), Sacramento High Site, 2315 34th Street

- \$2.10 based on approximately 206,419 square feet \$433,479.90

Sol Aureus College Preparatory (SAC Prep) (5-8), currently at Freeport, 2118 Meadowview Road

- \$2.10 based on approximately 6,906 square feet \$14,502.60
- Facility may change, pending outcome of Amendment Petition to add K-4

Yav Pem Suab Academy (K-6), Lisbon Site, 7555 South Land Park Drive

- \$2.10 based on approximately 41,305 square feet \$86,740.50

IV. Goals, Objectives and Measures:

Deadlines Under Prop 39 Requests:

Action	Deadline (dates are from the year prior to the school year facilities are provided)
School submit facility request	On or before November 1
District's preliminary offer of facilities	On or before February 1
School must respond to preliminary offer	No later than March 1
District's final offer	No later than April 1
School must reply to district offer	No later than May 1

The goal of a Facility Use Agreements (FUAs) is to finalize agreement with the charter schools to implement the intent of the Proposition 39 regulations to provide "reasonably equivalent" district facilities to the charter schools' students, and to recognize that the District's obligations under the law have been met.

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V. Major Initiatives:

The Proposition 39 Implementing Regulations adopted by the State Board of Education on August 29, 2002, and amended on March 29, 2008, require the Charter Schools to make an annual written request for facilities. Title 5 CCS Section 11969.9 (c)(1) specifies the information that must be included in the annual facilities request.

In accordance with the Education Code Section 47614(b)(2) the District is required to allocate school facilities for the following school year based upon a projection of in-District average daily attendance provided by the Charter School and agreed upon by the District.

Moreover, in Education Code Section 47614(b)(5) the District is obligated to provide facilities for charter schools having identified at least 80 in-District students who are meaningfully interested in enrolling in the charter school for the following year.

VI. Results:

A collaborative process with the Charter Schools resulted in the Facilities Use Agreements for the Board consideration at the May 19, 2011 Board Meeting. The facilities remain District property and charters do not have exclusive use of the sites.

VII. Next Steps:

- District staff will continue to work collaboratively with the Charter Schools to ensure compliance with Proposition 39 regulations as described in Education Code Section 47614.