

SAN DIEGO UNIFIED SCHOOL DISTRICT
Office of General Counsel

REPORT REGARDING AMENDMENT TO PROPOSITION 39
CHARTER SCHOOLS FACILITIES POLICY AND APPLICATIONS

May 24, 2005

Introductory Statement

Education Code section 47614 and its implementing regulations mandate that the District provide facilities to charter schools to the extent practical and equitable. On March 28, 2005, the Board:

1. Approved and affirmed the recommended policies and procedures articulated in this report and in Exhibit 1 hereto for implementation of Proposition 39.
2. Directed staff to incorporate additional community outreach and input procedures into the approved policy and process.

Background

In November 2000, the voters of California passed Proposition 39. Proposition 39 primarily provided that local school districts could pass a facilities bond measure with a 55% majority vote of the electorate, rather than the traditional 2/3 super-majority of votes, provided the measure met certain requirements. The proposition also provided that a portion of such bond proceeds must go toward charter school facilities.

Proposition 39 also amended the Education Code to mandate that school districts provide facilities to charter schools, with certain limitations, and in a manner fair to both charter schools and traditional district school needs. Education Code section 47614 provides for implementing regulations to guide districts and charter schools through the process of applications for facilities and a district's response thereto.

Process and Policy

Below is the process the Board of Education approved on March 28, 2005. In bold italics is the amendment proposed to incorporate additional community outreach in the process.

If staff is able to identify space that might be available for a charter school under Education Code section 47614, the District will utilize the following procedure:

1. Board determination that a site is excess or has no reasonably foreseeable District use;
2. ***In addition to any applicable school closure or excess school property procedures for community outreach and input, District staff will conduct community outreach to advise the community of the potential for allocation of***

the facility to a charter school, and to solicit input regarding that allocation. The Board may determine that school closure or excess school property procedures are adequate for this purpose, that community outreach and input on the allocation shall be included in those procedures, or that a separate or additional community outreach and input effort is appropriate.

3. Notify all applicant schools that have not already received facilities that the particular space(s) is/are available;
4. Ask that those schools interested in occupying the space identify themselves to the District in writing;
5. Conduct an evaluation of each school's proposed use of the available space to determine the priority order in which the applicants would be offered the space(s). The evaluation would be based on the following criteria (not in priority order):
 - a. Compatibility between the space requested and the space available;
 - b. Compatibility between the location requested and location available;
 - c. Compatibility between the school program, the site ***and its community***;
 - d. The financial ability of the applicant school¹ to afford site costs or enhancements;
 - e. Applicant history of academic success;
 - f. The highest and best District use of the site, and
 - g. When temporary and transitional co-location of programs on a single site is at issue, the compatibility of the applicant program and the existing program.
6. To the extent options arise outside the above scenario, staff, and ultimately the Board, will evaluate and explore such alternative with charter schools in good standing and that have submitted applications under this procedure.

Conclusion

The above revisions will assure adequate opportunity for the impacted community to understand the potential allocation of a District facility and to provide feedback toward that Board decision.

Instructional Implications

The above additions will have no instructional implications over and above those indicated in the prior Board-adopted policies and procedures.

¹ References to applicants include the applicant's sister and parent organizations.

Facilities Implications

The above additions will have no facilities implications over and above those indicated in the prior Board-adopted policies and procedures.

Budget Implications

The above additions will have no budget implications over and above those indicated in the prior Board-adopted policies and procedures.

Public Support and Engagement Implications

The proposed amendment to policy and procedure will enhance public outreach and input as to any proposed facility allocation.

Policy Implications

The discussion contained in this report is consistent with board policy H-1800.

Recommendations

The Superintendent recommends that the Board review and approve the above amendment to the District's existing Proposition 39 charter school facilities policies and procedures.

This report was prepared by Tad Seth Parzen – General Counsel

Attachments: Exhibit 1, Instructional Facilities, San Diego City Schools Policies and Practice