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The Time to Apply for Facilities Under Prop. 39 is Here!

Finding adequate facilities is one of the most challenging aspects of operating a charter school in California. Proposition 39 has been a successful tool for charter schools in securing public school facilities and/or beginning a dialogue with the school district in which they negotiate in-lieu of arrangements (including financial assistance).

This Legal Alert provides an overview of the upcoming **deadlines** and **requirements** which charter schools must carefully comply with in order to qualify for public school facilities under Prop. 39. It also links charter schools to the **revised template Proposition 39 request form** and instructions for the 2021-2022 school year application process. And lastly, this Legal Alert provides information about a webinar we are offering in partnership with the California Charter Schools Association (CCSA) regarding Prop. 39 and how to get the most out of Prop. 39 for your school.

Proposition 39 Deadlines for 2021-2022 School Year

In order to qualify for an allocation of Prop. 39 school facilities in the 2021-2022 school year, a charter school must make an annual request conforming to the statutory and regulatory provisions of Prop. 39. YMC, in partnership with CCSA, has prepared a revised **template request form** and **detailed instructions** in order to assist charter schools in this annual process. To download a copy of the Template Request Form please click on the following link: [Sample Proposition 39 Form and Instructions](#) (or visit www.mycharterlaw.com under the Legal Templates tab). Please note that, as with every year, the Template Request Form has been updated for use during the 2021-2022 Proposition 39 process. Please ensure that you are using the current and updated Template Request Form when completing your request as use of the old form may result in your request being denied.

Important deadlines in the Prop. 39 regulations:

- ☞ Both new and ongoing charter school must submit a complete Prop. 39 facilities request to the district on or before **October 30, 2020 (as November 1, 2020, the regulatory deadline, falls on a Sunday)**. In addition, school districts may have their own Prop. 39 board policies, administrative regulations, and request forms that charter schools must comply with; you should request these documents from your district in writing. Lastly, a charter school should review its charter, memorandum of understanding, and any facilities use agreement for any other possible restrictions, requirements or timelines.

- ☞ New or proposed charter schools (i.e., not operating during the 2020-2021 school year) must submit their charter petitions and Prop. 39 request forms by **October 30, 2020** (rather than the regulatory deadline of November 1, 2020 for reasons identified above) and receive approval of their charter **before March 15, 2021**, in order to qualify for facilities during the 2021-2022 school year.

Review the Instructions Carefully: *Noncompliance can be fatal to your Application!*

Please review the Instructions in the Template Request Form very carefully; skipping or eliminating any part of the form or process could jeopardize the charter school's right to a facility. The current form has been updated to add important information; do not reuse a prior year's request form! YM&C has also prepared a compilation of the Prop. 39 statutes and regulations that can be downloaded for reference and to assist in the negotiations of a charter school's Prop. 39 facility allocation. To download a copy of the Prop. 39 statutes and regulations please click on the following link: [Proposition 39 and Implementing Regulations](#) or visit www.mycharterlaw.com under the Resource Documents tab.

Begin Preparing Now!

Collecting Intent to Enroll forms, calculating your projected Average Daily Attendance, and other documents necessary for submission of a complete request is a time-consuming and complicated process. We strongly encourage you to begin the process now, especially the collection of Intent to Enroll forms. In addition, a number of districts are now asking for information regarding how Intent to Enroll forms were collected, so we encourage you to keep track of this information in case it is necessary.

Should you have any questions about this Legal Alert or the Prop. 39 process please contact Sarah Kollman (skollman@mycharterlaw.com) or Paul Minney (pminney@mycharterlaw.com).

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