



LAW OFFICES OF YOUNG, MINNEY & CORR, LLP
SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO



California
Charter Schools
Association

Template Request for Facilities under Proposition 39 And Instructions For the 2022-23 School Year

For a copy of Proposition 39 and the Implementing Regulations, please visit <http://mycharterlaw.com/wp-content/uploads/2017/10/2017-Prop-39-Statutes-and-Regulations-4.pdf> or call Sarah J. Kollman at 916-646-1400 for a copy via email.

This template request has been prepared by the law offices of Young, Minney, & Corr LLP (YMC) in partnership with the California Charter Schools Association (CCSA). YMC is a law firm specializing in the representation of charter schools throughout California. For more information about YMC, please visit www.mycharterlaw.com or call 916-646-1400. CCSA advances the charter school movement through state and local advocacy, leadership on accountability, and resources for member schools.

This request has been prepared for informational purposes only and does not constitute legal advice. As the information contained herein is necessarily general, the completion of a legally sufficient Proposition 39 facilities request may vary depending upon the facts and circumstances facing your charter school. We do not recommend that you act upon this information without consulting legal counsel.

This template request is in four parts. Part I is the instructions and explanation regarding how to complete the template request and Part II is the template request. Part III includes Sample Meaningful Interest Forms in both Spanish and English and Part IV is a request for facilities information pursuant to the Public Records Act. It is imperative that each charter school read the instructions before completing this request.

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PART I

Proposition 39 Request Instructions for 2022-23 School Year

Please read this template request letter very carefully and complete each and every section of the request. School districts often assert that they are not required to consider an incomplete request. If you choose to skip or eliminate any section, you risk your request being rejected.

Conversion School Note: *If your charter school was established at an existing public school site (i.e., a conversion school), in whole or in part, you must complete an annual request unless you have a signed agreement with your district waiving the annual request obligation. This agreement should be approved by the governing boards of both the charter school and the district. In the absence of an express waiver from the annual application process, all charter schools, including conversion schools, must make an annual Prop. 39 request to be eligible to obtain facilities under Prop. 39.*

It is highly recommended that you consult with legal counsel before submitting this request.

Number	Instructions
<u>1</u>	Charter School to Submit Request. We recommend that the request for facilities come from the Charter School Board President/Chair or from the Executive Director/Principal. We do not recommend that the request come from legal counsel or any outside vendor.
<u>2</u>	Identify appropriate delivery method to ensure that the school district receives your request before the deadline. A charter school must be able to demonstrate that it submitted the request to the school district and that the school district <u>received the request</u> on or before Monday, November 1, 2021 . We recommend that you confirm with your school district its required and/or preferred request submission method – e.g., registered mail, return receipt; online submission, and/or personal delivery with time-stamped confirmation of receipt. The method most easy to verify is either registered mail, return receipt requested or personal delivery to the school district office, with a confirming time-stamp. Regardless of delivery method, we also recommend that you email your request to your school district’s Prop 39 and/or facilities contact person, with a read receipt.
<u>3</u>	Deadlines. A request for facilities must be submitted in a timely fashion in order to be eligible for facilities. The pertinent deadlines are as follows: <ul style="list-style-type: none">• All Charter Schools: On or before Monday, November 1, 2021.• Additional Requirement for New Charter Schools: Please note that under the Implementing Regulations, a new or proposed new charter school is eligible to receive facilities for the 2022-2023 school year only if it is “operating within the school district.” A new or proposed charter school is “operating within the school district” for the 22-23 school year if it submitted its charter petition on or before <i>Monday, November 1, 2021</i> and the charter petition is approved before <i>Tuesday, March 15, 2022</i>.

Number	Instructions
	<p>Warning: In order to avoid any complications regarding deadlines, we strongly recommend that you submit your request so that the district receives it by the close of business before the stated deadline.</p>
<p><u>4</u></p>	<p>Does your School District have a policy or form?</p> <p>A school district may have adopted a Proposition 39 board policy or administrative regulation applicable to this process or may require the use of the CDE form or a different form, such as an online application. A charter school should ask in writing for a copy of any school district board policy or administrative regulation and any required form regarding charter school requests for facilities under Proposition 39. A charter school should also review these materials, if any, before it completes this request. We are aware that the Los Angeles, West Contra Costa, and Oakland Unified School Districts typically require schools to fill out district-specific forms or use district-specific processes (such as online applications), but other districts may also have developed their own forms or processes. We recommend that if the district you are applying to has a required form, you should completely fill out the district’s form and use this form to supplement and provide any additional information not requested in the form. For example, a district may only require that you provide the information provided in our Table 4 described below. However, in order to ensure that your request contains all the required elements under the Implementing Regulations, we strongly recommend that you use this template in addition to the district form. In addition, if your district has an online application, we strongly encourage you to submit your request the business day before the deadline or earlier and print and save a copy of your application for your review and records prior to submission. We also recommend that you print/make a copy of any confirmations of the district’s receipt of the request.</p>
<p><u>5</u></p>	<p>Reasonable Projections of ADA.</p> <p>Each year a charter school desiring facilities from a school district in which it is operating must provide the school district with a “reasonable projection” of the charter school’s average daily classroom attendance (“ADA”) of in-district students for the following year.</p> <p>In order to qualify for facilities under Proposition 39, you must provide a reasonable projection of at least eighty (80) units of in-district, classroom ADA (not enrollment).</p> <p>Your request must list reasonable projections of in-district and total ADA, and in-district and total classroom ADA, and must be broken down by grade level and by the school in the school district that the student would otherwise attend. For many of you this will be redundant information, but the regulations require all four charts in the form to be completed. If you provided instruction to students during the 2020-2021 school year, the Implementing Regulations require your reasonable projections for the 2022-2023 school year to be based upon ADA claimed for apportionment during the 2020-2021 school year (using 2020-2021 P-2 data), adjusted for expected changes in enrollment for the 2022-23 school year. However, due to the unique circumstances and challenges presented by the COVID-19 global pandemic during the 2020-20 school year, ADA data and projections used in the 2022-23 request will look different.</p>

Recommended Approach for 2020-21 Actual ADA (Prior Year)

As a result of the COVID-19 global pandemic followed by the closure of classroom-based instruction in March 2020, subsequent legislation mandated that local education agencies, including public charter schools, were not required to collect or report ADA to the California Department of Education (“CDE”) for apportionment purposes for the 2020-21 fiscal year. Instead, the CDE utilized 2019-20 ADA reported for both the second period and the annual period apportionment that included all full school months from July 1, 2019, to February 29, 2020, to determine apportionment for 2020-21. Consequently, most charter schools did not collect or report actual ADA in 2020-21.

Because you may not have actual ADA to report for 2020-21, we recommend utilizing your charter school’s most accurate 2020-21 attendance documentation and enrollment roster to substantiate the data inputs for the 2020-21 (Prior Year) ADA tables. You will note we also added language to the request itself to clarify the sources of the data for your 2020-21 projections.

Recommended Approach for 2021-22 Projected ADA (Current Year)

Notwithstanding ADA reporting changes for the 2020-21 fiscal year, ADA reporting for 2021-22 has returned to pre-COVID standards. We recommend that you accurately project 2021-22 ADA based on current 2021-22 attendance documentation and enrollment rosters.

Recommended Approach for 2022-23 Projected ADA (Request Year)

If you are projecting a substantial increase in in-district ADA for the 2022-23 school year, your projections must be based upon the methodology outlined in the request and discussed below in section [6] **and** the supporting documentation outlined in section [7] of these instructions.

Be careful not to substantially overstate your projected ADA as over-allocation penalties can be substantial – approximately \$2,300 per unit of over-projected ADA. The District may be able to charge an “over-allocation” fee if your actual 2022-23 P-2 in-district classroom ADA is less than the projected 2022-2023 in-district classroom ADA upon which the district’s offer was based, and the difference is greater than or equal to 25 ADA or 10% of the projection, whichever is greater.

Please note that the projections should be in units of ADA, not enrollment.

Your ADA projections must be presented in the following tables:

Table 1 (Total ADA) includes all ADA for the charter school (i.e., classroom-based and non-classroom based, in-district and out-of-school district).

Table 2 (Total In-District ADA) includes all in-District classroom and non-classroom-based ADA but excludes units of ADA generated by out-of-district classroom and non-classroom ADA.

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	<p>Table 3 (Total Classroom ADA) includes all classroom ADA (both in and out-of-school district) but excludes all non-classroom-based ADA (both in and out-of-school district). This would likely include students who are on short-term quarantine due to COVID-19, but would not include students who chose to be on long-term independent study due to COVID-19.</p> <p>Table 4 (Total In-District Classroom ADA) is the most important chart – the school district is required to allocate facilities based upon your projection in this table. This table includes ONLY in-district classroom ADA (and excludes all non-classroom-based ADA and out-of-district classroom ADA). Note that for the examples provided in the Tables, the hypothetical school is a completely classroom-based school serving only Kindergarten. For the 2022-23 school year, the school is projecting 81.6 Total In-District Classroom ADA (which reflects a projected enrollment of 85 and a 96% attendance rate) and 4.8 out-of-district Classroom ADA (which reflects a projected enrollment of 5 and a 96% attendance rate). Therefore, for the “Request Year” of 2021-22, the school should project 86.4 Total ADA in Table 1; 81.6 Total In-District ADA in Table 2; 86.4 Total Classroom ADA in Table 3, and 81.6 Total In-District Classroom ADA. These figures would change if the school also had a non-classroom-based program.</p> <p>Table 5 (In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend) presents the projected in-District ADA (from Table 2) broken down by grade level and the schools in the District the pupils the charter school is projecting to enroll would otherwise be eligible to attend. The total units of ADA in this table as well as each of the grade-level columns should equal the total units of ADA and the ADA for each grade level in Table 2. Remember, the numbers in this table and Table 6 should be in units of ADA, not enrollment.</p> <p>Table 6 (In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend) presents the projected in-District classroom ADA (from Table 4) broken down by grade level and the school in the District the pupils the charter school is projecting to enroll would otherwise be eligible to attend. The total units of ADA in this table as well as each of the grade-level columns should equal the total units of ADA and the ADA for each grade level in Table 4. Tables 5 and 6 will be identical if the charter school only has classroom-based ADA.</p> <p>Table 7 (In-District Students Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend) presents the projected in-District Students (in other words, enrollment) broken down by grade level and the school in the District the pupils would otherwise be eligible to attend. Rather than an estimate of ADA, this table simply presents the enrollment projection you used to develop your ADA projections. As ADA is a subset of enrollment, this projection should be higher than the total units of ADA in Tables 4.</p> <p>We do not recommend that a charter school calculate or estimate the number or amount of teaching stations, specialized classroom space, or non-teaching station</p>

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	<p>space to which it is entitled in its initial request without first consulting with its legal counsel.</p> <p><u>Note on non-classroom-based ADA:</u> The Implementing Regulations were amended to expressly recognize that a school district may, but is not required to, allocate facilities based upon non-classroom-based ADA if: (1) the ADA is based upon instructional time in a classroom under the direct supervision and control of an employee of the charter school; and (2) if the district and charter school agree upon the time that facilities devoted to students generating non-classroom-based ADA will be used. It is highly recommended that you confer with legal counsel before submitting a request that includes non-classroom-based ADA.</p>
6	<p>Methodology.</p> <p>The Implementing Regulations state that the annual request must include a description of the methodology for the ADA projections. It is important that you provide as much information as you can about the methodology to support the reasonableness of your projections. Please be aware that it is not sufficient to merely reference and attach documents without any explanation. Part of your methodology should describe how you extrapolated from the foundational data (supporting documentation) to arrive at your projections. The chart we have provided in the template request letter is a starting point for reference only; you should add a detailed description about your school’s annual enrollment/ADA projection methodology. In addition, please be aware that school districts have objected to Meaningful Interest forms submitted by charter schools because the Proposition 39 request did not describe how the forms were collected (for example, by handing out forms at the end of a parent information night or from going door-to-door); where the forms were collected (for example, outside of supermarkets or at parent information nights); what percentage of students who completed forms in the prior year actually attended the charter school; how much information parents were given by the charter school prior to being given a Meaningful Interest form to complete; and when a Meaningful Interest Form was not submitted for every single unit of ADA projected. As a result, you should consider including this information in your request but should consult with your attorney regarding the manner in which it is included. Please also carefully review any supporting documentation that will be submitted with the request, ensure that every field in your Meaningful Interest Forms has been completed and that you are only submitting Meaningful Interest Forms from students who are age/grade eligible to attend your school.</p> <ul style="list-style-type: none"> • <i>New Charter Schools (schools that will begin instruction in 2022-23):</i> In addition to providing the signatures attached to the charter petition, we strongly suggest you collect Meaningful Interest forms from parents of all children you project to enroll in the 2022-23 school year. We have attached a template Meaningful Interest Form for you to adapt for your school. Your projections should be based upon these Meaningful Interest Forms, the number of meaningfully interested parents/guardians that signed the charter petition, if any, your submitted budget data (your projections should not exceed your projected ADA in your financial information submitted along

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	<p>with your charter without explanation), and should not exceed any specific enrollment limitations you have committed to in your charter, and any adjustments since submission of your charter (be sure to explain adjustments). Your enrollment projection must be adjusted by your anticipated attendance rate. Other data affecting the methodology might include data on surrounding charter schools and other charter schools' first year enrollment.</p> <ul style="list-style-type: none"> <li data-bbox="399 428 1438 789">• <i>Ongoing Charter Schools (every charter school that is not considered a new charter school):</i> The Implementing Regulations require using prior year P-2 ADA apportionment data for projections and adjusting the figures for expected changes. However, as described above, subsequent legislation mandated that local education agencies, including public charter schools, were not required to collect or report ADA to the CDE for apportionment purposes for the 2020-21 fiscal year. Accordingly, we recommend utilizing your charter school's most accurate 2020-21 attendance documentation and enrollment roster to substantiate ADA 2021-22 (current year) and 2022-23 (request year) projections. <li data-bbox="399 835 1438 1230">• If you anticipate a substantial increase in in-district ADA, as discussed further in section [8] below, we recommend collecting Meaningful Interest Forms from parents of all children you project to enroll in the 2022-23 school year. We have attached a template Meaningful Interest Form for you to adapt for your school. Even if you are not projecting a substantial increase in in-district ADA, you should still consider submitting documentation to support your entire projected ADA, such as Meaningful Interest Forms, current year enrollment data, wait list numbers, etc. Even for requests that don't project a substantial increase, many school districts have been challenging ADA projections based on a lack of supporting documentation submitted by the charter school. <p data-bbox="451 1268 1438 1776">Additional information you may use to project your ADA might include the current school year enrollment, number of waitlisted children, the number of requests for enrollment applications, the enrollment trends in surrounding schools, the school's historical data regarding grade progression (also referred to as the cohort survival method), the number of parents attending orientations, etc. You should ensure that your projections of future ADA are consistent with prior year(s) growth patterns and budget projections, and do not exceed any specific enrollment limitations in your charter. Your ADA projection should be in alignment with your prior and current year attendance data (e.g., 95% attendance rate in 2020-2021). The Implementing Regulations allow the district to charge an over-allocation fee if actual (2022-23 P-2) ADA falls below the projection upon which the space allocation is based (if equal to or greater than 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater).</p>
7	Documentation:

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	<p>Based upon current school district and court interpretations of the Proposition 39 Implementing Regulations, we recommend that all charter schools include supporting documentation with a Prop. 39 request which provides the foundational data for your projected ADA. We recognize that providing documentation is burdensome because there may be numerous documents, some of which the district may already have. However, doing so will ensure that the district can easily verify that your ADA projections are reasonable. <i>Failure to provide supporting documentation has been used as a basis to reject a request.</i> In addition, the submission of Meaningful Interest Forms with incomplete or incorrect data has been used as a basis to disregard not only those forms, but also to question the validity and reliability of the other forms submitted.</p> <p>Please note that the Implementing Regulations as amended provide that “when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in in-district ADA,” the written facilities request must include “documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy.” The Implementing Regulations do not define “substantial increase.” However, we suggest that a charter school should be prepared to provide supporting documentation if an increase in projected in-district ADA would result in the allocation of one or more additional classrooms to the charter school. The Implementing Regulations contemplate that allocation of an additional classroom is tied to an increase of 25 ADA, although the actual method of classroom allocation will be specific to each district.</p> <p>Please be advised that some districts, erroneously, only honor the increases in ADA that correlate exactly to signatures of meaningfully interested students. This district practice of requiring mathematical exactitude in the ADA projections is not supported by the Implementing Regulations or applicable case law and does not give proper consideration to a charter school’s own projections and methodology. Nevertheless, in light of some districts’ excessive reliance on supporting documentation, you may still wish to include as much supporting documentation as possible, even if your school does not anticipate a substantial increase in in-district ADA.</p> <p><u>We highly advise you to carefully review Meaningful Interest forms as you collect them and before you submit them, to ensure that the forms are accurate, complete, and helpful for your new or expanding charter school</u></p> <p>Based upon the foregoing, we highly recommend that you submit the following:</p> <ul style="list-style-type: none"> • Ongoing charter schools without substantial increase in ADA: <ol style="list-style-type: none"> 1. Accurate 2020-21 attendance documentation and enrollment rosters (preferably generated by your school’s student information and/or attendance software system) to substantiate 2020-21 (Prior Year) ADA.

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	<ol style="list-style-type: none"> 2. A spread sheet that lists all students (currently enrolled for 2021-22 school year) by name, address, age, birth date, school within the district he/she would otherwise attend, grade level, parent/guardian name, address and phone number. 3. Even if not required by a district policy on Proposition 39, in an abundance of caution you may also wish to include the documentation specified in the paragraphs below. <ul style="list-style-type: none"> • Ongoing charter schools with substantial increase in ADA: <ol style="list-style-type: none"> 1. Completed Meaningful Interest Forms (for the 2022-23 school year) for each student that lists the name of the student, address, age, birth date, grade level in 2022-23, and school district school of residence, among other things, as shown in the attached template Meaningful Interest Form. This would include both current students that intend to “re-enroll” and prospective students that intend to “enroll” during the 2022-23 school year. Please ensure that your documentation reflects students’ ages and grade levels during the 2022-23 school year. For example, if your school has a 1st grade class, the families from whom you would obtain a Meaningful Interest Form to support your 1st grade projections would be families with students who are just beginning kindergarten. Although not supported by the Implementing Regulations, some districts have also discounted forms submitted without original signatures, but this is unusual. 2. A spread sheet that lists all students (currently enrolled for the 2021-22 school year) by name, address, age, birth date, school within the district he/she would otherwise attend, grade level, parent/guardian name, address and phone number. 3. Enrollment applications and/or wait list information for new incoming students for 2021-22, and, if you have any, for 2022-2023, as well as any signatures or other information from parents who have attended open houses that may have occurred prior to November 1. 4. Any documentation regarding your actual 2020-21 enrollment and attendance. 5. Declaration of the Charter School’s Principal/Executive Director or other administrator with the best knowledge of this issue regarding current enrollment and ADA, historical enrollment and ADA, and historical grade level retention rates. 6. Prior and current year attendance forms [e.g., CalPADS and CBEDS forms] to establish enrollment and attendance rate. 7. Any other documentation that would provide a foundation for the charter school’s projections (e.g., log sheets of parents/guardians attending orientation meetings). • New Charter Schools (schools that will begin instruction in 2022-23): <ol style="list-style-type: none"> 1. Completed Meaningful Interest Forms (for 2022-23 school year) for each student that lists the name of the student, address, age, birth date, grade level in 2022-2023, and the school within the district he/she would otherwise attend, among other things as shown in the attached template Form.

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	<ol style="list-style-type: none"> 2. Enrollment applications and/or wait list information for incoming students. 3. Parent/guardian signatures used to support the charter school petition process, if any. 4. Any other documentation that would provide a foundation for the charter school’s projections (e.g., log sheets of parents/guardians attending orientation meetings, historical first year charter school enrollment by surrounding charter schools). <p>Depending upon the circumstances, some of the above information may be considered confidential student record information which the school is not allowed to release absent a directory information policy with the annual parental choice to prevent release of this information. <i>We highly recommend that you consult with legal counsel before you submit any confidential student record information including students’ names, addresses and/or phone numbers.</i></p> <p>Please note that the school district may contact the school’s parents/guardians in order to verify attendance and continued commitment to your school. We recommend that you inform your parents of this possibility and the importance of their verification in the facilities allocation process; you can also confirm with them that signing a Meaningful Interest form does not mean they are giving up their spot in a district school, as a district school must accept all students within its attendance area, and a district cannot compel any student to attend a charter school. We recommend that you proceed carefully when obtaining Meaningful Interest Forms to ensure that they come from families who are “meaningfully interested” in attending the charter school.</p>
<p><u>8</u></p>	<p><u>Operational Calendar.</u></p> <p>The regulations require the request to include the “charter school’s operational calendar.” This is important because the district must provide a facility that is “available for the charter school’s entire school year regardless of the school districts instructional year or class schedule...” Be sure to include in your calendar any school programs or activities, such as summer school, inter-sessions, professional development days, boot camps, enrichment programs, or multi-track programs, as well as before- and/or after-school programs, all of which affect access to the school site. For example, if your calendar includes summer school, please ensure that the first day of your operational year begins with the first day that the site is needed for summer school preparation. The regulations are unclear about whether to submit the calendar for the current year (2021-22) or the request year (2022-23), but we are aware that some districts have taken issue with schools’ submission of calendars of the current year calendar rather than the request year. To be safe, we recommend a charter school submit both.</p>
<p><u>9</u></p>	<p><u>Relevant Information on Educational Program.</u></p> <p>The Implementing Regulations require the request to include “information on the charter school’s educational program, if any, that is relevant to assignment of facilities.” Accordingly, describe each aspect of the educational program that has unique facility needs, for example, a performing arts school’s need for a theater, or a high school’s need for a science lab, etc. As with the Operational Calendar section, be sure to describe programs and activities that affect access to the school site, such</p>

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	<p>as summer school, inter-sessions, professional development days, boot camps, enrichment programs, or multi-track programs, as well as before- or after-school programs.</p> <p>A charter school should be familiar with the specialized classroom space and non-teaching station space at the “comparison group” of district schools and should adapt its request to indicate a need for any of this type of space necessary to effectuate the educational program of the charter school (e.g., science labs). Lastly, a charter school should note the grade level configuration of its program and explain the importance of maintaining the grade level configuration of its program. You should also emphasize the importance of securing a “contiguous” (i.e., single) school site in which to operate your program. Also, if there are any specific reasons other than the one noted in the sample letter that require your charter school to be located at a single site, please include them.</p>
<p><u>10</u></p>	<p><u>Desired School Site and/or Geographic Location.</u></p> <p>The facilities request must include “information regarding the district school site and/or general geographic area in which the charter school wishes to locate.” We recommend that you describe as specifically as possible the geographic area and/or precise district school site(s) where you would like to locate the charter school. We also suggest you ask your attorney for advice regarding how many school sites to name and how best to describe the desired geographic area in light of the legal implications of this decision. Proposition 39 requires that a school district to “make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate...” (Education Code Section 47614(b)).</p> <p>If you are a conversion school, you should ask to retain your current school site. The Implementing Regulations, as amended, provide that the school sites of <u>conversion charter schools</u> established pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, shall be available to those schools for their first year of operation and thereafter upon annual request. You should consult with your legal counsel if you are a conversion school considering moving to a different location or adding facilities.</p>
<p>11</p>	<p><u>Public Records Act Request.</u></p> <p>Charter schools may also wish to consider including a separate request for public records from the school district pursuant to the Public Records Act (PRA). Specifically, this will seek site maps and other documents that identify the kinds and amounts of facilities on school district school sites, and identify, among other things, the number of classrooms, current enrollment and capacity within the “comparison group” of district schools, thereby allowing the charter school to evaluate the school district’s subsequent offer of facilities for legal compliance. The comparison group consists of the school-district operated schools with similar grade levels that serve students living in the high school attendance area in which the largest number of students of the charter school reside. For school districts whose students do not attend high school based on attendance areas, the comparison group is three schools in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. If there are fewer than three schools in the</p>

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	school district with similar grade levels, the comparison group is all schools in the district with similar grade levels.
<u>11</u>	<p data-bbox="347 247 451 279"><u>Copies.</u></p> <p data-bbox="347 279 1435 426">School districts may require a charter school either to distribute a reasonable number of copies of its written facilities request for review by other interested parties, such as parents and teachers, or to otherwise make the request available for review. It is recommended that you send a final copy of your request to your legal counsel.</p>

It is recommended that you have your legal counsel review the facilities request prior to submittal to the school district.

PART II

[Place on Charter School’s letterhead] **[1]**

Delivery method **[2]**

_____, 2021 **[3]**

Superintendent _____
_____ School District
[address]
[City], CA [zip]

RE: Request for Proposition 39 Facilities for the 2022-2023 School Year

Dear Superintendent _____:

I am writing on behalf of the _____ Charter School (“Charter School”) to request reasonably equivalent school facilities from the _____ School District (“District”) pursuant to Education Code Section 47614 (i.e., Proposition 39) and Title 5 of the California Code of Regulations (“CCR”) Section 11969.1 through 11969.11, as amended (“Implementing Regulations”).

Proposition 39, passed by the voters of California on November 7, 2000, requires school districts to make available, to each charter school operating within the school district, school facilities sufficient for each charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the school district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In addition, the school district must make reasonable efforts to provide the charter school with facilities near to where the charter school desires to be located. (See Education Code Section 47614(b)).

The Proposition 39 Implementing Regulations, adopted by the State Board of Education (“SBE”) in 2002, and amended in 2008, require the Charter School to make an annual written request for facilities. Title 5 CCR Section 11969.9(c)(1) specifies the information that must be included in the annual facilities request. This request, along with the information submitted herewith, meets and exceeds the requirements of Education Code Section 47614 and the Implementing Regulations. **[4] [FOR CONVERSION SCHOOLS:** As you are aware, the Charter School was established at an existing public school site pursuant to Education Code Sections 47605(a)(2), 52055.5, 52055.55, or 52055.650. Therefore, the Charter School requests that the District make available the Charter School’s existing site.]

Projected Average Daily Attendance (ADA)^[5]

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

The Charter School’s **Governing Board** has determined that a reasonable projection of the Charter School’s in-District average daily classroom attendance for the 2022-23 school year is **[insert “Total” in-District classroom ADA number from the last row of Column D on Table 4]**. The following is a breakdown of the Charter School’s projected average daily attendance (“ADA”) as required by 5 CCR Section 11969.9(c)(1). The Charter School’s ADA figures are based on the methodology outlined in the following section.

Please note:

- “Prior year” means the fiscal year prior to the year in which a facilities request is made. For this request, the prior year is 2020-21.¹
- “Current year” means the fiscal year in which a facilities request is made. For this request, the current year is 2021-22.
- “Request year” means the fiscal year for which facilities are being requested. For this request, the request year is 2022-23.

Table 1: Total ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K (Example:)	48	57.6	86.4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

¹ Please note that schools districts and charter schools were not required to report Average Daily Attendance, for apportionment purposes or otherwise, to the California Department of Education in the 2020-21 school year, and the Charter School did not maintain ADA data for this purpose in 2020-21. **Instead, the Charter School tracked enrollment and also monitored daily participation by students as required by law, and is thus providing information in these tables to the best of its ability [PLEASE CONFIRM THIS IS CORRECT OR REVISE/SUPPLEMENT].** Thus, while the Charter School is providing estimated ADA information for the 2020-21 school year in Tables 1-7 as a courtesy to the District and in order to best address the requirements of the Prop. 39 regulations, this information may not be relied upon by the District for purposes of 5 CCR Section 11969.8, and the Charter School hereby reserves all of its rights, privileges and abilities under applicable local, state, or federal law and its charter, including Proposition 39 rights and remedies.

Total			
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Table 2: Total In-District ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K (Example:)	43.2	52.8	81.6
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

Table 3: Total Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K (Example:)	48	57.6	86.4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

Table 4: Total In-District Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K (Example:)	43.2	52.8	81.6
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

The following tables represent the projected total Request Year **in-District ADA** (from Table 2 above) and the projected total Request Year **in-District classroom ADA** (from Table 4 above) broken down by grade level and the school in the District the pupils are otherwise eligible to attend. (5 CCR Section 11969.9(c)(2).)

Table 5: In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade		K	1	2	3	4	5	6	7	8	9	10	11	12
[School Name]														
[School Name]														
[School Name] Add more rows if needed to cover all schools														

Table 6: In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade		K	1	2	3	4	5	6	7	8	9	10	11	12
[School Name]														
[School Name]														
[School Name]														

Add more rows if needed to cover all schools														
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Table 7: In-District Students Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade		K	1	2	3	4	5	6	7	8	9	10	11	12
[School Name]														
[School Name]														
[School Name] Add more rows if needed to cover all schools														

Methodology Used In Making ADA Projection:

Title 5 CCR Section 11969.9(c)(1)(B) requires the facilities request to include a description of the methodology for the ADA projections. The Charter School utilized the following methodology in calculating the ADA projections: [See instructions for description of the type of information to include in this section; add or delete columns or rows below to reflect the data you are using to make your projections.] [6]

School Year	Enrollment	ADA Claimed at P-2	Retention Rate from prior year	Growth Percentage Change	# of Wait Listed Children
2016-17					
2017-18					
2018-19					
2019-20					
2020-21		N/A			

As demonstrated herein, we have analyzed our School’s historical enrollment, retention, and growth trends, prior ADA figures, and historical wait list numbers in order to arrive at our total projected in-District classroom ADA figure for the request year. [As noted in the Instructions, please describe in detail how you extrapolated from the foundational data (supporting documentation) to arrive at your projections, and state any additional ways you arrived at your projections, e.g., talked to parents, studied historical grade progression rates, etc., as noted in the instructions. Please include as much detail as possible in this section, as this is the section which school districts usually target in challenging a charter school’s ADA projections. Just including the language above is not sufficient; this section should provide substantial detail regarding your methodology.]

Supporting Documentation

Title 5 CCR Section 11969.9(c)(1)(C) requires the facilities request to include supporting documentation. The Implementing Regulations state that when a charter school is not yet open (i.e., not yet providing instruction) or to the extent an operating charter school projects a substantial

increase in in-District ADA, the annual request must include documentation of the number of in-District students meaningfully interested in attending the Charter School. **[Please select one of the following options: OPTION 1 – FOR EXISTING SCHOOLS WITHOUT SUBSTANTIAL INCREASE IN ADA:** Please be advised that the Charter School is an existing school and does not project a significant increase in its in-District ADA. Accordingly, pursuant to the Implementing Regulations, please find attached our P-2 ADA forms for the prior year (2020-21) to support our projections. **[Include any other documentation that supports your projections, such as a roster of current students.]****[OPTION 2: - FOR SCHOOLS THAT ARE NOT YET OPEN OR THAT HAVE SUBSTANTIAL INCREASE IN ADA:** Please be advised that because the Charter School **[is not yet open OR projects a substantial increase in ADA]**, we have attached and incorporated herein by reference the following supporting documentation that fully substantiates the reasonableness of our in-District ADA projections for the 2022-23 school year: **[List below only those documents that you are providing in support of your request]**

- (1) A roster of current year students, by name, address, and phone number;
- (2) A declaration from the **Principal** regarding the Charter School’s annual ADA and retention rate;
- (3) Newly received enrollment applications for new students for the current year;
- (4) Signed parental “Meaningful Interest ” Forms for all students for the request year;
- (5) CBEDS forms for prior school years, and any CalPADS forms;
- (6) P-2 ADA forms for prior school years and available enrollment and attendance data for 2020-21;
- (7) A copy of our waiting list for the current school year demonstrating the continuing interest in enrollment in our School; and
- (8) Parents’ signatures attached to charter petition.

As you review the Charter School’s ADA projections and supporting documentation, please keep in mind that the Proposition 39 regulations do not specify or require a particular type of supporting documentation to be used. Charter Schools may submit any type of supporting documentation which they used to arrive at their ADA projections. This documentation must be “sufficient for the district to determine the reasonableness of the projection, but ... need not be verifiable for precise arithmetical accuracy.” (Section 11969.9(c)(1)(C).) The supporting documentation is intended only to demonstrate reasonableness of Charter School’s request, not mathematical exactitude, and need not be independently verified by the District. Indeed, there have been cases where Districts have actively contacted parents to corroborate or discount the evidence provided by the Charter School. Courts have found such actions to be improper and abusive, and the District should be aware that the use of such tactics may expose the District to liability for violating legal limits on the District’s authority to “determine the reasonableness” of the Charter School’s projection. The Regulations do not authorize the District to audit the documentation provided by the Charter School or discount evidence which cannot be independently confirmed by the District. However, should the District desire additional documentation or information regarding the Charter School’s ADA projections, please contact me as soon as possible. We remain willing to cooperate with the District to immediately address any questions or concerns about this request and the supporting documentation. **[7]**

Operational Calendar:**[8]**

Title 5 CCR Section 11969.9(c)(1)(D) requires the facilities request to include the Charter School's operational calendar. The Charter School's operational calendar is attached for your review. The Charter School's first day of instruction is on _____, 2022, therefore we will need access to the facility on or before _____, 2022, in order to prepare. [As noted in the Instructions, be sure to include in your calendar any school program or activity, such as those mentioned in the instructions.] Please note that Title 5 CCR Section 11969.9(j) requires the District to ensure that a furnished and equipped facility meeting the requirement of Proposition 39 be made available to the Charter School no less than ten (10) working days prior to the charter school's first day of instruction. In addition, in accordance with Section 11969.5, the space allocated must be made available for the Charter School's entire school year regardless of the School District's instructional year or class schedule.

Educational Program:[9]

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the charter school's educational program that is relevant to the assignment of facilities. The Charter School's educational program does [does not] have unique facilities needs. As you are aware, key components of the educational program of the Charter School include _____ [insert key components, such as such as performing arts, science classes, summer school, inter-sessions, professional development days, boot camps, enrichment programs, or multi-track programs]. The Charter School also operates a [before- or after-school] program throughout the school year that must be accommodated. In order to provide this aspect of our educational program, the facility allocated to the Charter School must provide the following: [insert corresponding facility needs based upon key components of educational program described above.]

In addition, and in accordance with its charter and its budget, the Charter School operates grade levels _____ through _____ on one contiguous school site. [Insert any other reasons why a contiguous site is critical for your program.] Consequently, the Charter School's educational program requires a single contiguous school site in which to operate.

Facility Location:[10]

Title 5 CCR Section 11969.9(c)(1)(E) requires the Charter School to provide information regarding the District school site and/or general geographic area in which the Charter School wishes to locate. [FOR NON-CONVERSION SCHOOLS: Based upon the needs of the Charter School and the residency of the projected student enrollment [Insert any additional reasons why a particular location is important], the Charter School desires to locate its facility _____ [insert desired District school site and/or describe geographic area as specifically as possible]. [FOR CONVERSION SCHOOLS: As stated above, the Charter School was established at an existing public school site pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650. Accordingly, the Charter School requests that the District make available the Charter School's existing school site.]

Procedures and Timelines:

In accordance with the Implementing Regulations, the District is required to review the Charter School's attendance projections and to express any objections that it has about the Charter

School's attendance projections in writing on or before December 1, 2021. The Charter School must respond to the District's written objections, if any, on or before January 2, 2022, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)

Furthermore, we look forward to receiving a written preliminary facilities proposal from the District on or before February 1, 2022, as required under the Implementing Regulations. (5 CCR Section 11969.9(f).) The preliminary proposal must include, at a minimum, the following information: (1) a breakdown of the number of teaching stations (classrooms), specialized and non-classroom based space to be allocated to the Charter School, with an indication as to whether the space is exclusive or shared use; (2) the projections of in-District classroom ADA on which the proposal is based; (3) the specific location of the space; (4) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the Charter School's use of the space, (typically referred to as a facilities use agreement); (5) the projected pro rata share amount and a description of the methodology used to determine that amount; and (6) a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the Charter School's facilities request. In accordance with the Implementing Regulations (5 CCR Section 11969.2(d)), if the District's preliminary proposal (or final notification) does not accommodate Charter School at a single school site, the District's governing board must first make a finding that the Charter School could not be accommodated at a single site and adopt a written statement of reasons explaining the finding. The Charter School has until March 1, 2022, to respond to the preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the facilities request, and/or making counter proposals.

Section 11969.9(h) of the Implementing Regulations requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2022. The final notification specifically must include, at a minimum, the following:

- (1) The teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space which the charter is to be provided access on a shared basis with District operated programs, if any;
- (2) For shared space, if any, the proposed 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, a written explanation of the reasons for the differences;
- (4) The specific location of the space;
- (5) All conditions pertaining to the Charter School's use of the space;
- (6) The pro rata share amount and a description of the methodology used to determine that amount;
- (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; and
- (8) A response to the Charter School's concerns and/or counter-proposals, if any.

A California Court of Appeals decision has made clear that, in meeting their Proposition 39 obligation, school districts must give the same degree of consideration to the needs of charter school students as it does to the students in district-run schools. The court noted that "accommodating a charter school might involve moving district-operated programs or changing

attendance areas” and that providing a contiguous school facility to a charter school might require disruption and dislocation among district students, staff and programs. (*Ridgecrest Charter School v. Sierra Sands Unified School District* (2005) 130 Cal.App.4th 986.) In addition, the Court concluded that a school district responding to a request for facilities must issue a statement of reasons at the time it makes its final determination that is “thorough” and “factual” enough to permit “effective review by the courts”; the statement of reasons issued by the school district must demonstrate that the district has “adequately considered all relevant factors” and that the district can “demonstrate a rational connection between those factors, the choice made, and the purposes of [Proposition 39].” Furthermore, as the District may be aware, two court cases clarified the manner in which a school district must allocate facilities to a charter school. Specifically, *Bullis Charter School v. Los Altos School District* (2011) 200 Cal.App.4th 1022, among other things, requires the District to perform a calculation of the square footage of all of the specialized and non-teaching station spaces at the comparison schools. The District must base its allocation of space to the Charter School on this analysis. In addition, the California Supreme Court has stated that a school district may not use its internal “norming ratios,” or student-teacher ratios, in determining the number of classrooms to offer to charter schools but rather must use the facilities inventory at the comparison group schools to perform the teaching station to ADA analysis required by the Implementing Regulations. (*California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 154 Cal.Rptr.3d 889.)

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

The Charter School **Governing Board** has delegated to me the responsibility to negotiate the allocation of a facility under Proposition 39. All communications regarding this matter should be sent to my attention at the address below. My contact information is as follows:

[name]
[address]
[phone number]
[cell phone]
[fax number]
[e-mail address]

I appreciate your time and consideration of this request and I look forward to developing a mutually agreeable plan to meet the facilities needs of the Charter School’s in-District students.

Sincerely,

[name]
[title]

cc: **[11]** _____,

Charter School Board Members
Legal Counsel

Attachments (the following attachments are incorporated by reference herein):

Proposition 39 Request: 2022-23 School Year
Meaningful Interest Form

[Specifically state the title of each document or form that is referenced in this request and attach to the request (e.g., supporting documentation, operational calendar etc.)]

[insert name of school] Charter School
Meaningful Interest Form
for purposes of requesting facilities
DUE Back to the Charter School by **OCTOBER _____, 2021!**

Dear current and potential [insert name of school] Charter School parents/guardians:

Under California law (i.e., Proposition 39) the [insert name of district] School District must provide the [insert name of charter school] Charter School reasonably equivalent school facilities in which to operate the charter school. This Form may be used to support the Charter School's request for facilities. By submitting this Form, you are indicating that you are meaningfully interested in enrolling or re-enrolling (as applicable) your child/children in the Charter School's classroom-based program during the 2022-2023 school year. Thank you very much for your support and cooperation!

Student Information:

Name: _____ Grade in 2022-23: _____ Last, First, Middle
Home Address: _____ Street City, State Zip
Home Phone: _____ Age: _____ Date of Birth: _____
Current [insert name of school] Charter School student? Y/N (circle one) Resident of [insert name of district] School District? Y/N (circle one) If yes, please list the school within the District your son/daughter would otherwise attend: _____
Name: _____ Grade in 2022-23: _____ Last, First, Middle
Home Address: _____ Street City, State Zip
Home Phone: _____ Age: _____ Date of Birth: _____
Current [insert name of school] Charter School student? Y/N (circle one) Resident of [insert name of district] School District? Y/N If yes, please list the district school you would otherwise attend: _____
Parent/Legal Guardian Information: Parent/Legal Guardian Name: _____ Last, First, Middle
Home Address: _____ Street City, State Zip
Home Phone: _____ Email: _____

By signing below, I am indicating that I am meaningfully interested in [re-enrolling/enrolling] the above-named child(ren) in [insert name of school] Charter School for the 2022-23 school year. I understand that signing this Form does not guarantee enrollment in the Charter School. I further understand that this information will be disclosed to the [insert name of district] School District to support the Charter School's request for facilities under Proposition 39. Districts have been known to call parents directly to verify their interest; I understand that if the District does contact me, I am not required answer any questions but may choose to confirm that I am meaningfully interested in enrolling my child(ren) at the Charter School.

Signature of Parent/Legal Guardian: _____ **Date:** _____
IMPORTANT!! Return by **October _____, 2021 in person, by mail, or by fax to: (**insert address and fax number**).**

[insert name of school] Charter School
Documentación de interés significativo de los padres para inscribirse o reinscribirse
En apoyo de una solicitud para obtener instalaciones escolares
¡Devuelva a la [insert name of school] antes del [] de Octubre del 2021!

Estimado padre/tutor de actual o futuro estudiantes de la **[insert name of school]**:

Bajo la ley de California (Proposición 39) el Distrito Escolar de **[insert name of school district]** tiene que proveer a la **[insert name of school]** instalaciones razonablemente equivalentes en donde se pueda operar la **[insert name of school]**. Este formulario puede ser usado para apoyar la solicitud para instalaciones de la **[insert name of school]**. Al devolver este formulario, usted está indicando que tiene un interés significativo de inscribir o reinscribir a su estudiante en el programa de chárter para el curso escolar 2022-23. ¡Gracias por su apoyo y su cooperación!

Información del Estudiantes:

<p>Estudiante 1:</p> <p>Nombre: _____ Grado en el año 2022-23: _____ Apellido, Primer Nombre, Segundo Nombre</p> <p>Domicilio: _____ Calle, Ciudad, Estado, Código Postal</p> <p>Teléfono de Casa: _____ Edad del Estudiante: _____ Fecha de Nacimiento: _____</p> <p>¿Estudiante actual de [insert name of school]? Sí/No (marque uno) ¿Reside usted dentro de los límites del Distrito Escolar de [insert name of school district]? Sí/No (marque uno) Si contesto sí, por favor identifique la escuela dentro del distrito a la cual su estudiante de otra manera asistiría: _____</p>
<p>Estudiante 2:</p> <p>Nombre: _____ Grado en el año 2022-23: _____ Apellido, Primer Nombre, Segundo Nombre</p> <p>Domicilio: _____ Calle, Ciudad, Estado, Código Postal</p> <p>Teléfono de Casa: _____ Edad del Estudiante: _____ Fecha de Nacimiento: _____</p> <p>¿Estudiante actual de [insert name of school]? Sí/No (marque uno) ¿Reside usted dentro de los límites del Distrito Escolar de [insert name of school district]? Sí/No (marque uno) Si contesto sí, por favor identifique la escuela dentro del distrito a la cual su estudiante de otra manera asistiría: _____</p> <p>Nombre del padre o tutor legal: _____ Apellido, Primer Nombre, Segundo Nombre</p> <p>Domicilio: _____ Calle, Ciudad, Estado, Código Postal</p> <p>Teléfono de Casa: _____ Correo Electrónico: _____</p>

Con mi firma, indico que tengo un interés significativo de inscribir o reinscribir al estudiante mencionado arriba en la **[insert name of school]** para el curso escolar 2022-23. Entiendo que al firmar este formulario no garantiza matriculación en la **[insert name of school]**. También entiendo que esta información será revelada al Distrito Escolar de **[insert name of school district]** para apoyar la solicitud de instalaciones bajo la Proposición 39 de la **[insert name of school]**. Los distritos han hablado al los padres directamente para verificar su interés significativo. Yo entiendo que si el Distrito me habla, tengo el derecho de no contestar las preguntas, pero puedo confirmar que tengo interés significativo de inscribir o reinscribir mi hijo/hija en la **[insert name of school]**

Firma del Padre o Tutor Legal: _____ **Fecha:** _____

PART IV

[Place on Charter School's letterhead]

[INSERT DATE]

[INSERT NAME OF DISTRICT]

[INSERT DISTRICT ADDRESS]

Re: Public Records Act Request

To Whom It May Concern:

[Insert Name] Charter School (the "Charter School") has made a request for facilities ("Request") from the [Insert Name] School District (the "District") pursuant to Education Code Section 47614 ("Proposition 39"). In response to this request, the District must perform an analysis of the facilities made available to students at certain schools within the District. These are schools with similar grade levels in the same high school attendance area as the Charter School.

Pursuant to the California Public Records Act, Government Code Section 6250 *et seq.*, the Charter School hereby requests the following records related to the following schools (the "Comparison Schools"): [List Comparison Schools]

1. Campus maps and any other map-like documents which identify the rooms and other spaces at the Comparison Schools.
2. Any and all records regarding the capacity of the Comparison Schools' facilities.
3. Any and all records regarding the 2020-2021 and 2021-2022 enrollment and ADA as well as 2022-2023 enrollment and ADA projections for the Comparison Schools. We request that the data be individually set out for each school for each year listed and broken down by grade level. These records should include any records related to the projections of ungraded ADA at the Comparison Schools for these years. This request does not seek any data regarding charter school ADA.
4. Any and all records related to and including Master Schedules and room assignment documents for the 2020-2021 and 2021-2022 school years for the Comparison Schools.
5. Any and all records regarding the current and projected use of each room and/or space at the Comparison Schools including, but not limited to the designated use for each room and space during the 2020-2021 and 2021-2022 school years.
6. Any and all records describing the physical school site of the Comparison Schools, including, but not limited to, the square footage of the site, the square footage of each room, the types and amounts of space at the site, and the facilities at the site.

7. Any and all records related to the types and amounts of teaching station, specialized classroom and non-teaching station space available for, provided to, and/or accessible by students in the Comparison Schools.
8. The number of current full-time teachers and their room assignments at the Comparison Schools, and any lists, rosters, reports, memoranda, or other records identifying such number.

Preemptively, the Charter School also requests any and all records the District uses or relies upon in its development of its Preliminary Proposal and Final Offer to the Charter School pursuant to 5 C.C.R. § 11969.9(f) and (h), respectively.

To clarify, for purposes of this request: (1) the term “records” includes any “writing” containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics; (2) the term “writing” means any handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored; and (3) the terms “and” and “or” are terms of inclusion and not of exclusion and shall have both conjunctive and disjunctive meanings, and the words “any” and “all” mean each and every.

Please determine the accessibility of these documents within ten (10) days of receipt of this letter and notify me as to the status of the District’s response. If any of the records responsive to this request are stored on computer, please provide a copy of the records on CD-ROM or other media that will enable us to load the records onto a computer. Please transmit the records in the same format (e.g., PDF) as maintained by the District. The Charter School would prefer to receive all responsive records in electronic format, where appropriate.

To expedite the delivery of the requested records, please provide a receipt with your response indicating the charges for each document so that the Charter School may immediately mail payment to the District and minimize delays in processing this request. If the District does not maintain one or more of the public records requested, please inform us as to which person or agency does maintain this record and please provide the name and address of any such person and agency. Please identify the Charter School in all responses and send the requested materials to the address below:

To Charter School at:

[Insert Name of Charter School]
[Insert Name of Representative]
[Insert Address of Charter School]
[Insert Address of Charter School]

We anticipate your response within ten (10) working days of receipt of this letter, as required by Government Code Section 6253(c). Furthermore, we agree to pay any reasonable copying and postage fees. However, for records transmitted in electronic form, the Charter School would not expect the District to charge a copying fee because no records will have been copies.

Sincerely,

[INSERT NAME OF CHARTER SCHOOL]

[Insert Name and Title]