



Date: October 14, 2020

To: Board of Directors

From: Kevin Sved, CEO

Subject: Proposition 39 Requests for GPS, HPS, and WPS

Overview

Gilroy Prep School (GPS), Hollister Prep School (HPS), and Watsonville Prep School (WPS) have operated in school district facilities through Proposition 39. Proposition 39, introduced in the November 2000 ballot, amended California Education Code to require school districts to make available to all charter schools operating in their school districts with projections of at least 80 units of average daily attendance, facilities that will sufficiently accommodate all of the charter’s in-district students. In addition to meeting the eligibility requirements, there are a variety of procedural deadlines which must be met for a charter school to preserve its right to district facilities. The first deadline to meet is November 1, when charter schools must submit facilities requests to the school district in which the school is located.

The requests planned for submission by November 1 are summarized in Table 1 below.

Table 1. Requests and Changes

School	District	Students	Request Submission and Description of Changes from 2019-20
GPS	Gilroy USD	540	Current site and classrooms, no changes
HPS	Hollister SD	540	Current site and classrooms, no changes
WPS	Pajaro Valley USD	300	Current Sites and classrooms, plus two additional classrooms (two for new 4th grade)

School districts have until January 1, 2020 to respond to the requests and challenge enrollment projections. Ultimately, districts have until April 1 to make final facilities offers. Additional details regarding the Prop 39 process and related deadlines are attached.

Recommendation

It is recommended that the Board approves the resolution to submit Prop 39 requests for GPS, HPS, and WPS.

Attachments: Resolution, General Information on Proposition 39

General Information on Proposition 39

Proposition 39, introduced in the November 2000 ballot, amended California *Education Code (EC)* Section 47614, with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

EC Section 47614 requires that school districts make available, to all charter schools operating in their school district with projections of at least 80 units of average daily attendance (ADA), facilities that will sufficiently accommodate all of the charter's in-district students, and that facilities be "reasonably equivalent" to other classrooms, buildings, or facilities in the district.

EC Section 47614(b)(1) states that school districts may charge a charter school a pro-rata share of the facilities costs which the school district pays for with unrestricted general fund revenues. The pro-rata share is based on the ratio of space allocated by the school district to the charter school divided by the total space of the district. Charter schools shall not be otherwise charged for use of the facilities.

Relevant Deadlines Under Prop. 39

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.

Action	Deadline
Operating schools and schools planning to open must submit facilities request	On or before November 1
Schools planning to open must submit charter petition	On or before November 1
Districts must provide to school written objections to ADA projections, if any	On or before December 1
Schools must rebut district's objections	On or before January 2
Districts must provide preliminary proposal of space	On or before February 1
Schools must respond to preliminary proposal	No later than March 1
Schools planning to open must have charter approved	Before March 15
Districts must provide final notification of space	No later than April 1
Schools must reply to district notification	No later than May 1

Sources for this document where there is additional information are:

<http://www.ccsa.org/2010/05/proposition-39.html>

<https://www.cde.ca.gov/sp/cs/as/proposition39.asp>

BOARD RESOLUTION 2020-02

October 19, 2020

Proposition 39 School Facilities Requests for GPS, HPS, and WPS

A RESOLUTION OF THE BOARD OF DIRECTORS of Navigator Schools authorizing submission of Proposition 39 School Facilities Requests for GPS, HPS, and WPS:

WHEREAS Proposition 39, introduced in the November 2000 ballot, amended California Education Code (EC) Section 47614, with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools,

WHEREAS EC Section 47614 requires that school districts make available, to all charter schools operating in their school district with projections of at least 80 units of average daily attendance (ADA), facilities that will sufficiently accommodate all of the charter's in-district students, and that facilities be "reasonably equivalent" to other classrooms, buildings, or facilities in the district, and

WHEREAS GPS, HPS, and WPS have operated in school district facilities provided by the respective school districts in which the schools are located,

RESOLVED, the CEO of Navigator Schools is authorized to submit Proposition 39 requests for school facilities for Gilroy Prep, Hollister Prep, and Watsonville Prep.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Navigator Schools at its regular meeting held on October 19, 2020 at Watsonville Prep School in Watsonville, California.

Signature of Board Chair
John Flaherty
Navigator Schools, a California Nonprofit Public Benefit Corporation

The Secretary of the Corporation certifies that the above is true and a copy of the resolution that was duly adopted at the dated meeting of the board of directors.

Signature of Secretary, Nora Crivello

Date