



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

Report Number:	361-10/11
Date:	June 21, 2011
Subject:	Amendment to the Facilities Services Division Strategic Execution Plan to Add Forty-Four (44) 2011-12 Proposition 39 Charter School Renovation Projects
Responsible Staff:	
Name	Kelly J. Schmader, Interim Chief Facilities Executive José J. Cole-Gutiérrez, Director, Charter Schools
Office/Division	Facilities Services Division Innovation and Charter Schools Division
Telephone No.	(213) 241-4811 (213) 241-2487

BOARD REPORT

Action Proposed: Approve an amendment to the Facilities Services Division Strategic Execution Plan (SEP) to add forty-four (44) 2011-12 Proposition 39 Charter School Renovation Projects listed in Attachment A. Authorize the Chief Facilities Executive, or his designee, to enter into the Facilities Use Agreements and other reasonable instruments for the use and occupancy of the identified District facilities by charter schools for the corresponding terms designated in Attachment A and such other reasonable terms, conditions and restrictions.

Background: The Charter School Act of 1992 ("Proposition 39") provides use of school district facilities to charter schools. The charter schools identified in Attachment A will locate on school campuses with existing District schools. The amendment to the SEP will allow Charter School Bond funds to be utilized for improvements to the identified school campuses as set forth in Attachment A. These improvements will increase the likelihood that the District school and charter school can co-locate on a single school campus with minimal interference and disruption to their respective educational programs. Facilities Use Agreements and other reasonable instruments are necessary to set forth the understanding of the District and the charter school in the shared occupancy and use of the school campus.

Prior to the passage of Proposition 39, the District had a duty under *Education Code Section 47614* to provide surplus space to charter schools. Currently, the law provides that "public school facilities



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should be shared fairly among all public school pupils, including those in charter schools.” Proposition 39 also requires the school facilities to be “reasonably equivalent” to those conditions the charter schools’ students would be accommodated if they were attending District schools.

Pursuant to Prop 1D and the Superintendent’s Delegation of Authority, offers were made to the Charter Schools as listed on Attachment A.

This amendment to the SEP proposes the following improvements and modifications to the District campuses listed in Attachment A:

- Information Technology Division – Add independent intrusion alarm, local area data networks and phone systems
- Maintenance & Operations – Site preparation and remedial construction
- Technology – Purchase of computers so that charter students have reasonably equivalent access to technology
- Furniture & Equipment – Planning, purchase and delivery of furniture and equipment such that charter students have reasonably equivalent conditions in the classroom

Use Agreements and other reasonable instruments are necessary to set forth the parties understanding of the terms and conditions for the use and occupancy of the District facilities, particularly specific arrangements between the District school and the charter school.

Regulations implementing Proposition 39 require the District to provide the District facilities to the charter school at least ten working days prior to the first day of instruction of the charter school. For good cause, the District may provide the District facilities to the charter school no less than seven working days prior to the first day of instruction of the charter school.

In order to meet the above deadlines, work is scheduled to commence immediately upon adoption of this Board action to accommodate the opening of the charter schools in August 2011. Project details including classroom count, seat count, grade levels and budget for each co-location project are included in Attachment A.

These projects are located in Local Districts 1, 2, 3, 4, 5, 7 and 8 and Board Districts 1 (LaMotte), 2 (Garcia), 3 (Galatzan), 4 (Zimmer), 5 (Flores), 6 (Martinez) and 7 (Vladovic).



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Expected Outcomes: Approval of the proposed action to allow the execution of the work for the forty-four (44) 2011-12 Proposition 39 Charter School Renovation Projects and to allow Use Agreements and other reasonable instruments to be entered into to permit the charter schools identified in Attachment A to co-locate or share the corresponding District school campus at the start of its educational program in 2011. The proposed forty-four (44) projects include approximately eleven thousand one hundred ninety-nine (11,199) charter school student seats in four hundred thirteen (413) classrooms and forty-four (44) administrative offices.

Board Options and Consequences: If “yes” vote, the District will use charter bond funds to make improvements to District school campuses as identified in Attachment A. These improvements will facilitate the use of the identified District school campuses by the identified charter schools. The District will also be permitted to enter into Use Agreements and other reasonable instruments for the use and occupancy of the identified District school campuses by the charter schools. In the event a charter school identified in Attachment A subsequently declines to sign the Use Agreement, they will not be allowed to occupy the space, the project may be cancelled and the funds returned.

If “no” vote, the District will need to use General Funds to implement the improvements and still have an obligation to provide use of District school campuses to the identified charter schools.

Policy Implications: This action does not change District policies.

Budget Impact: Funding for this proposal will be provided from local bond dollars provided by Measure K, R and Y, for charter schools. The total cumulative budget for these forty-four (44) Charter School renovation projects is \$16,366,000.

Issues and Analysis: The District’s Legal Obligation under *Education Code Section 47614*

With the passage of Proposition 39 in 2000, the District’s obligation to provide facilities to charter schools changed fundamentally. Proposition 39 amended *Education Code Section 47614*. Where, before the passage of Proposition 39, the District had a duty under section 47614 only to provide surplus space to charter schools, the District now has an obligation to share its facilities “fairly among all public school pupils, including those in charter schools.” The law requires the District to treat charter school students who reside within District boundaries as District students.



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Attachments:

☐ **Informative**

☐ **Desegregation Impact Statement**

Attachment A - 2011-12 Proposition 39 Budget Summary
With the passage of Proposition 39 in 2000, the District's obligation to provide facilities to charter schools changed fundamentally. Proposition 39 amended *Education Code Section 47614*. Where, before the passage of Proposition 39, the District had a duty under section 47614 only to provide surplus space to charter schools, the District now has an obligation to share its facilities "fairly among all public school pupils, including those in charter schools." The law requires the District to treat charter school students who reside within District boundaries as District students.

Bond Oversight Recommendations:

This item was considered by the School Construction Bond Citizen's Oversight Committee (BOC) at its meeting on June 15, 2011. The BOC adopted the attached resolution by a vote of 9 ayes, 0 nay and 3 abstentions.

Staff has concluded that this proposed SEP amendment will help facilitate implementation of the SEP, and therefore, it will not adversely affect the District's ability to successfully complete the SEP.



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Respectfully submitted,


APPROVED BY:


JOHN E. DEASY, PH.D.
Superintendent of Schools

MICHELLE KING
Senior Deputy Superintendent
School Operations


APPROVED & PRESENTED BY:

REVIEWED BY:


for
JOSÉ J. COLE-GUTIÉRREZ
Director, Charter Schools
Innovation and Charter Schools Division


DAVID HOLMQUIST
General Counsel

☒ Approved as to form.


KELLY J. SCHMADER
Interim Chief Facilities Executive
Facilities Services Division

YUMI TAKAHASHI
Budget Director

☐ Approved as to budget impact statement.



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ATTACHMENT A 2011-12 PROPOSITION 39 BUDGET SUMMARY

Board District	Local District	District Campus	Charter School	# of Charter Offices	# of Classrooms	Grade Levels	Charter Student Seats	Estimated Budget
1	8	La Salle ES	Crescendo Charter Preparatory Central	1	12	K-5	200	\$0
2	5	Ann ES	Endeavor College Prep Charter School	1	6	4-7	183	\$0
2	5	Clinton MS	Animo Jackie Robinson	1	20	HS	600	\$0
3	1	El Camino Real HS	El Camino HS	1	117	HS	3500	\$0
4	3	Westchester HS	Lou Dantzler HS	1	12	HS	360	\$0
6	2	Kindergarten Learning Academy	Ararat Charter School	1	6	K-1	144	\$0
7	7	112th St. ES	Watts Learning Center	1	8	MS	240	\$0
7	8	Curtiss MS	Magnolia Science Academy #3	1	10	6-10	305	\$0



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Board District	Local District	District Campus	Charter School	# of Charter Offices	# of Classrooms	Grade Levels	Charter Student Seats	Estimated Budget
1	3	24th St. ES	Crown Prep Charter School	1	8	5-6	244	\$160,000
1	3	Audubon MS	Crenshaw Arts & Technology Charter HS (CATCH)	1	11	HS	330	\$160,000
1	8	Clay MS	Health Services Academy	1	15	9-11	450	\$25,000
1	3	Coliseum ES	CLAS - Affirmation	1	6	K-8	136	\$70,000
1	7	King ES	New Heights Charter School	1	9	K-8	151	\$486,000
1	8	Manhattan ES	Full Circle Learning Academy	1	11	K-8	198	\$345,000
1	3	Mann MS	Fredrick Douglas MS	1	11	MS	330	\$581,000
1	7	Muir MS	Lou Dantzler Prep MS	1	12	MS	360	\$629,000
1	8	Raymond ES	KIPP Empower Academy	1	10	K-5	250	\$281,000
1	7	Weemes ES	Lou Dantzler Elementary School	1	11	K-4	181	\$261,000
2	5	2nd St. ES	Extera Charter School	1	4	K-3	96	\$261,000
2	5	Albion ES	Endeavor College Prep Charter School	1	4	4-7	122	\$261,000
2	4	Belmont HS	College Ready Academy HS #16	1	5	9	150	\$303,000



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Board District	Local District	District Campus	Charter School	# of Charter Offices	# of Classrooms	Grade Levels	Charter Student Seats	Estimated Budget
2	4	Berendo MS	Monsenor Oscar Romero Charter School	1	5	6	152.5	\$303,000
2	5	Breed ES	Extera Charter School	1	8	K-3	192	\$439,000
3	1	Columbus MS	Ingenium Charter ES	1	12	K-6	327	\$160,000
3	1	Devonshire ES	Our Community Charter School	1	14	K-6	381.5	\$160,000
3	2	Erwin ES	Ararat Charter School	1	6	2-4	111	\$345,000
3	1	Reseda HS	Magnolia Science Academy #7	1	7	K-6	354.25	\$392,000
3	2	Romer MS	Celerity Palmati	1	12	K-5	300	\$629,000
3	1	Sunny Brae ES	Ivy Academia Charter School	1	12	K-5	327	\$219,000
4	4	Burbank MS	Celerity Troika	1	15	K-8	351	\$923,000
4	3	Cowan ES	Animo Westside MS	1	6	6	183	\$345,000
4	4	Grant ES	Magnolia Science Academy #5	1	9	6-10	274.5	\$110,000
4	4	Le Conte MS	Citizens of the World	1	9	K-2	216	\$160,000
4	3	Marina Del Rey MS	Goethe International Charter School	1	15	K-5	294	\$361,000



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4	4	Ramona ES	Equitas Charter School	1	4	K-3	96	\$261,000
4	4	Selma ES	Larchmont WeHo Charter School	1	6	K-5	145	\$345,000
4	1	Mosk ES	Ivy Academia Charter School	1	7	K-5	190.75	\$392,000
4	1	Taft HS	Ivy Academia Charter School	1	14	HS	420	\$775,000
4	3	Walgrove ES	Ocean Charter School	1	13	K-8	283	\$110,000
4	3	Webster MS	Magnolia Science Academy #4	1	7	6-10	213.5	\$160,000
4	3	Wright MS	CLAS - Affirmation	1	13	K-8	296	\$110,000
5	4	Central Region HS #13 (Sotomayor Learning Academies)	College Ready Middle Academy #5	1	15	MS	450	\$773,000
5	5	El Sereno ES	Futuro Preparatory ES	1	4	K-2	96	\$40,000
5	5	Harrison ES	Futuro Preparatory ES	1	5	K-2	120	\$303,000
5	4	Irving MS	Celerity Octavia	1	18	K-6	490.5	\$1,258,000
5	4	Los Feliz ES	Equitas Charter School	1	8	K-3	192	\$439,000
5	5	Ramona Opportunity HS	Media Arts & Entertainment HS	1	5	11	150	\$303,000



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Board District	Local District	District Campus	Charter School	# of Charter Offices	# of Classrooms	Grade Levels	Charter Student Seats	Estimated Budget
6	2	Olive Vista MS	Triumph Academy	1	14	MS	420	\$850,000
6	2	Sun Valley MS	Celerity Cardinal	1	8	K-5	299.75	\$439,000
6	2	Sun Valley HS	Lakeview Charter HS	1	8	9-10	518.5	\$439,000
7	7	122nd St. ES	Wisdom Academy for Young Scientists	1	7	K-5	147	\$392,000
7	T/7	Figueroa ES	Wisdom Academy for Young Scientists	1	10	K-5	209	\$608,000

LOS ANGELES UNIFIED SCHOOL DISTRICT

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California Tax Reform

Joseph P. Buchman – Legal Counsel

Burke, Williams & Sorensen, LLP

Thomas A. Rubin

Oversight Committee Consultant

Gary C. Anderson

Director

Frank Padilla

Administrator

RESOLUTION 2011-33

BOARD REPORT NO. 361 -10/11

**FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN AMENDMENT TO
ADD FORTY-FOUR 2011-12 PROPOSITION 39 CHARTER SCHOOL RENOVATION
PROJECTS IN LOCAL DISTRICTS 1, 2, 3, 4, 5, 7, AND 8**

WHEREAS, projects included in the Existing Facilities SEP presented to the Board of Education were developed by the Facilities Services Division in consultation with the Innovation and Charter schools Division. The Charter School Act of 1992 ("Proposition 39") provides use of school District facilities to Charter Schools. The 44 Charter School Renovation Projects identified will locate on school campuses with existing District schools. These improvements will increase the likelihood that the District school and Charter school can co-locate on a single school campus with minimal interference and disruption to their respective educational programs. The amendment to the SEP will allow Charter School Bond funds to be utilized for improvements to the identified school campuses; and

WHEREAS, the proposed 44 Proposition 39 Charter School Renovation Projects abide by law which provides "public school facilities should be shared fairly among all public school pupils, including those in charter schools" and Proposition 39 also requires the school facilities to be "reasonably equivalent" to those conditions, the charter schools' students would be accommodated if they were attending District schools; and

WHEREAS, regulations implementing Proposition 39 require the District to provide the District facilities to the charter school at least ten working days prior to the first day of instruction of the charter school. For good cause, the District may provide the District facilities to the charter school no less than seven working days prior to the first day of instruction of the charter school; and

Resolution 2011-33

Facilities Services Division Strategic Execution Plan Amendment To Add Forty-Four 2011-12

Proposition 39 Charter School Renovation Projects in Local Districts 1, 2, 3, 4, 5, 7 and 8

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WHEREAS, the 44 Charter School Renovation Projects are located in Local Districts 1, 2, 3, 4, 5, 7 and 8 and Board Districts 1 (LaMotte), 2 (Garcia), 3 (Galatzan), 4 (Zimmer), 5 (Flores), 6 (Martinez) and 7 (Vladovic); and

WHEREAS, funding for the 44 Charter School Renovation Projects will be provided from local bond dollars provided by Measure K, R and Y for charter schools. The total cumulative budget for these 44 Charter School Renovation Projects is \$16,366,000; and

WHEREAS, Facilities Services Division has concluded (1) that amending the Facilities Services Division Strategic Execution Plan to add 44 2011-12 Proposition 39 Charter School Renovation Projects in Local Districts 1, 2, 3, 4, 5, 7 and 8 will facilitate implementation of the Facilities Services Division Strategic Execution Plan, and (2) that the proposed amendment will not adversely affect the District's ability to successfully complete the Facilities Services Division Strategic Execution Plan;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The School Construction Bond Citizens' Oversight Committee recommends that the Board of Education adopt an amendment to the Facilities Services Division Strategic Execution Plan to add 44 Charter School Renovation Projects in Local Districts 1, 2, 3, 4, 5, 7, and 8 as described in attached Board Report No. 361-10/11.
2. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Bond Oversight Committee's website.
3. That a written response as required by the Charter and Memorandum of Understanding between the Oversight Committee and the Board be provided to the Oversight Committee within 30 days, reporting either on action taken or proposed to be taken in response to this resolution and each recommendation herein.


ADOPTED on June 15, 2011 by the following vote:

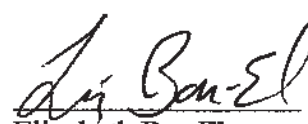
AYES: 9

ABSTAIN: 3 (S. Cunningham; E. Bar-El; L. Levitan)

NAYS: 0

ABSENT: 2


David Crippens
Chair


Elizabeth Bar-El
Vice Chair