



## LOS ANGELES UNIFIED SCHOOL DISTRICT

### Board of Education Report

<b>Report Number:</b>	325-11/12
<b>Date:</b>	June 28, 2012
<b>Subject:</b>	Amendment to the Facilities Services Division Strategic Execution Plan to Cancel and Add One 2012-13 Proposition 39 Charter School Renovation Project
<b>Responsible Staff:</b>	
Name	Kelly J. Schmader, Chief Facilities Executive José J. Cole-Gutiérrez, Director, Charter Schools Division
Office/Division	Facilities Services Division Charter Schools Division
Telephone No.	(213) 241-4811 and (213) 241-0399

### BOARD REPORT

**Action Proposed:** Staff proposes that the Board of Education approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to cancel and add one 2012-13 Proposition 39 Charter School Renovation Project as follows:

1. Cancel the Proposition 39 Charter School Renovation Project at John Mack Elementary School that was approved by the Board of Education on May 8, 2012 (Board Report #238-11/12). This project was anticipated to provide improvements to six classrooms and one office (138 charter student seats) for use by Camino Nuevo Elementary School #3, grades six and seven. This project has a not-to-exceed budget of \$350,000 and a substantial completion date of the third-quarter of 2012.
2. Approve a Proposition 39 Charter School Renovation Project at Adams Middle School to provide improvements to six classrooms and one office (138 charter student seats) for use by Camino Nuevo Elementary School #3, grades six and seven. The not-to-exceed budget for this proposed project is \$350,000. It is anticipated that this project will be substantially complete in the third-quarter of 2012.

**Background:** The *Charter School Act of 1992* ("Proposition 39") provides use of school district facilities to charter schools wherein charter schools are located on school campuses with existing District schools. This amendment to the FSD-SEP will allow Bond Program funds earmarked for charter school facilities to be utilized for improvements to Adams Middle School in place



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of the previously approved project to provide facilities improvements to the John Mack Elementary School campus. The proposed improvements to Adams Middle School will increase the likelihood that this District school and Camino Nuevo Elementary School #3 can co-locate on a single school campus with minimal interference and disruption to their respective educational programs.

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

Camino Nuevo Elementary School #3 submitted a request for District facilities pursuant to Proposition 39. Staff reviewed the submitted request and, pursuant to Proposition 39, and Board action delegating authority to the Superintendent, an offer was made to the charter school.

Camino Nuevo Elementary School #3 received a Final Offer from the District to be co-located on the campus of John Mack Elementary School. The charter school accepted the District’s Final Offer to co-locate on the John Mack Elementary School campus.

On May 2, 2012, another charter school declined a Final Offer from the District to be co-located on the Adams Middle School campus. At that time Adams Middle School became a possible alternative to the John Mack Elementary School Final Offer to Camino Nuevo Elementary School #3. In light of the charter school’s request to house sixth and seventh grade students, Adams Middle School is more consistent with District policy of creating the least possible disruption to both charter and District students (POL-BUL 5532) than John Mack Elementary School.

Camino Nuevo Elementary School #3 has signed an alternative agreement to occupy Adams Middle School instead of John Mack Elementary School. No Bond Program funds have been expended, and no work has been performed, in connection with the previously approved project at John Mack Elementary School. Camino Nuevo Elementary School #3 would occupy six classrooms and one administrative office with corresponding shared use privileges of shared space as identified in the District’s standard co-location Facilities Use Agreement for the 2012-13 school year.

Some of the proposed improvements are for the “reasonably equivalent”



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conditions mandated by Proposition 39, and some improvements are to allow the charter school to co-locate on District facilities with minimal disruption and interference to the District's educational program.

This amendment to the FSD-SEP proposes the following improvements and modifications to Adams Middle School:

- Information Technology Division (ITD) -- adding independent intrusion alarm, local area data networks and phone systems.
- Maintenance & Operations -- relocation of room contents (where necessary), miscellaneous repairs, and remedial construction.
- Technology -- The purchase of computers and/or end user peripherals so that charter students have reasonably equivalent access to educational resources that require technology.
- Furniture & Equipment (F&E) -- The repurposing of existing furniture and equipment, as well as the planning, purchase and delivery of furniture and equipment such that charter students have reasonably equivalent conditions in the classroom.

Regulations implementing Proposition 39 require the District to provide facilities to the charter school at least ten (10) 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 (7) 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 charter school by its first day of instruction in August, 2012.

The project at John Mack Elementary School proposed for cancellation is located in Local District 7 and Board District 1 (LaMotte). The project at Adams Middle School proposed for approval is located in Local District 5 and Board District 2 (García).

**Expected Outcomes:** Approval of the proposed action to cancel the previously Board-approved Proposition 39 Renovation Project at John Mack Elementary School and approve a new Proposition 39 Renovation Project at Adams Middle School. This action, if approved, will enable staff to execute a 2012-13 Proposition 39 Charter School Renovation Project at Adams Middle School, which will permit Camino Nuevo Elementary School #3 to co-locate on this District campus by the start of its educational year in August, 2012. The proposed project is for a charter school that will use 138 charter school student seats in 6 classrooms and 1 administrative office.



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### **Board Options and Consequences:**

If “yes” vote, the District will use Bond Program funds earmarked for charter school facilities to make improvements to the Adams Middle School campus. These improvements will facilitate the use of this District campus by Camino Nuevo Elementary School #3. Additionally, the previously Board-approved project at John Mack Elementary School will be cancelled.

If “no” vote, the District will need to use General Funds to implement these improvements as it still would have a legal obligation to provide use of District school campuses to the identified charter school.

### **Policy Implications:**

This action does not change District policies.

### **Budget Impact:**

Funding for this proposal will be provided from Bond Program funds earmarked for charter school facilities. The budget for this Proposition 39 Charter School Renovation Project is not-to-exceed \$350,000.

### **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.

### **Bond Oversight Committee Recommendations:**

This item was considered by the School Construction Bond Citizens’ Oversight Committee (BOC) at its meeting on June 20, 2012. The BOC adopted the attached resolution by a vote of 13 ayes and 0 nays.

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

### **Attachments:**

N/A

☐ **Informative**

☐ **Desegregation  
Impact Statement**



## LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

Respectfully submitted,

APPROVED BY:

DR. JOHN E. DEASY  
Superintendent

MICHELLE KING  
Senior Deputy Superintendent  
School Operations

REVIEWED BY:

APPROVED &  
PRESENTED BY:

DAVID HOLMQUIST  
General Counsel

Approved as to form.

KELLY J. SCHMADER  
Chief Facilities Executive  
Facilities Services Division

TONY ATIENZA  
Director of Budget Services and  
Financial Planning (Interim)

JOSÉ J. COLE-GUTIÉRREZ  
Director, Charter Schools Division  
Charter Schools Division

Approved as to budget impact statement.

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

**Stephen English, Chair**  
L.A. City Controller's Office  
**Pamela Schmidt, Secretary**  
Early Education Coalition

**Maria Cabildo, Executive Committee**  
LAUSD Student Parent  
**Ilene Ashcraft, Executive Committee**  
Tenth District PTSA

**Barry Waite**  
CA Tax Reform Assn.  
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Thirty-First District PTSA  
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AARP  
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L.A. Chamber of Commerce  
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L.A. Co. Auditor-Controller's Office  
**Joan Sullivan**  
L.A. Mayor's Office  
**John Hakel**  
Assoc. General Contractors of CA  
**Paul Escala**  
CA Charter School Association

**Quynh Nguyen**  
LAUSD Student Parent  
**Robbie Hunter**  
L.A. County AFL-CIO  
**Stuart Magruder**  
American Institute of Architects  
**Elizabeth Lugo**  
LAUSD Student Parent (Alternate)  
**Becki Nadybal**  
L.A. Mayor's Office (Alternate)  
**Judi E. Thomas**  
L.A. Co. Auditor-Controller's  
Office (Alternate)

**Joseph P. Buchman – Legal Counsel**  
Burke, Williams & Sorensen, LLP  
**Thomas A. Rubin, CPA**  
Oversight Committee Consultant

**Gary C. Anderson, PhD**  
Bond Administrator  
**Daniel Hwang**  
Administrative Analyst

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RESOLUTION 2012-21

BOARD REPORT NO. 325-11/12

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION  
PLAN TO CANCEL AND ADD ONE 2012-13 PROPOSITION 39 CHARTER SCHOOL  
RENOVATION PROJECT**

WHEREAS, *Education Code Section 47614*, as amended in 2000 pursuant to the passage of Proposition 39 ("Proposition 39"), provides that "public school facilities 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; and

WHEREAS, Camino Nuevo Elementary School #3 submitted a request for District facilities pursuant to Proposition 39; and

WHEREAS, Camino Nuevo Elementary School #3 received a Final Offer from the District to be co-located on the campus of John Mack Elementary School. The charter school accepted the District's Final Offer to co-locate on the John Mack Elementary School campus; and

WHEREAS, On May 2, 2012, another charter school declined a Final Offer from the District to be co-located on the Adams Middle School campus, and thereby, Adams Middle School became a possible alternative to the John Mack Elementary School Final Offer to Camino Nuevo Elementary School #3. In light of the charter school's request to house sixth and seventh grade students, Adams Middle School presents an alternative for the charter school that is more consistent with District policy of creating the least possible disruption to both charter and District students (POL-BUL 5532) than John Mack Elementary School; and



## **RESOLUTION 2012-21**

### **AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO CANCEL AND ADD ONE 2012-13 PROPOSITION 39 CHARTER SCHOOL RENOVATION PROJECT**

**June 20, 2012**

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WHEREAS, Camino Nuevo Elementary School #3 has signed an alternative agreement to occupy Adams Middle School instead of John Mack Elementary School. No Bond Program funds have been expended, and no work has been performed, in connection with the previously approved project at John Mack Elementary School. Camino Nuevo Elementary School #3 would occupy six classrooms and one administrative office with corresponding shared use privileges of shared space as identified in the District's standard co-location Facilities Use Agreement for the 2012-13 school year, and

WHEREAS, the primary funding sources for the current bond program are local bonds and matching funds from state bonds; Measure Q funds and \$675 million of Measure R and Y bond funds that cannot be immediately issued due to the District's debt capacity limit are not included in the plan; and

WHEREAS, Facilities Services Division has concluded (1) that amending the Facilities Strategic Execution Plan to approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to cancel and add one 2012-13 Proposition 39 Charter School Renovation Project as described in attached Board Report No. 325-11/12 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; and

NOW, THEREFORE, BE IT RESOLVED THAT

1. The School Construction Bond Citizens' Oversight Committee recommends that the Board of Education approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) as described in attached Board Report No. 325-11/12 to cancel and add one 2012-13 Proposition 39 Charter School Renovation Project as follows:
  - A. Cancel the Proposition 39 Charter School Renovation Project at John Mack Elementary School that was approved by the Board of Education on May 8, 2012 (Board Report #238-11/12). This project was anticipated to provide improvements to six classrooms and one office (138 charter student seats) for use by Camino Nuevo Elementary School #3, grades six and seven. This project has a not-to-exceed budget of \$350,000 and a substantial completion date of the third-quarter of 2012.
  - B. Approve a Proposition 39 Charter School Renovation Project at Adams Middle School to provide improvements to six classrooms and one office (138 charter student seats) for use by Camino Nuevo Elementary School #3, grades six and seven. The not-to-exceed budget for this proposed project is \$350,000. It is anticipated that this project will be substantially complete in the third-quarter of 2012.
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.

**RESOLUTION 2012-21**

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION  
PLAN TO CANCEL AND ADD ONE 2012-13 PROPOSITION 39 CHARTER SCHOOL  
RENOVATION PROJECT**

**June 20, 2012**

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3. The District is directed to track the above recommendation and to report on the adoption, rejection, or pending status of the recommendation as provided in section 6.2 of the Charter and Memorandum of Understanding between the Oversight Committee and the District.

ADOPTED on June 20, 2012, by the following vote:

AYES: **13**

ABSTAIN: **0**

NAYS: **0**

ABSENT: **2**

Stephen English  
Steve English  
Chair

Pamela Schmidt  
Pamela Schmidt  
Secretary