



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

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Report Number:	015-13/14
Date:	August 20, 2013
Subject:	Amendment to the Facilities Services Division Strategic Execution Plan to Add One Site to the 2013-2014 Proposition 39 Facilities Renovation Effort
Responsible Staff:	
Name	Mark Hovatter, Chief Facilities Executive Matt Hill, Chief Strategy Officer
Office/Division	Facilities Services Division Office of Superintendent
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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 add the Lorena Elementary School site ("Lorena") to the 2013-2014 Proposition 39 facilities renovation effort, and authorize the Chief Facilities Executive, and/or his designee, to make any associated purchases.

The 2013-2014 Proposition 39 facilities renovation effort at Lorena will provide reasonably equivalent facilities to accommodate 142 in-district charter school students in grades K-1 attending Extera Public School #2 ("Extera"), and includes, but is not limited to:

- Installation of an independent intrusion alarm, local area data network, and public address and phone systems;
- Minor renovations to five existing classrooms, including replacing damaged flooring and molding;
- Conversion of one existing classroom into an administrative office; and
- Equipping classrooms and administrative office with appropriate desks, chairs, and related furnishings, equipment and technology including teacher and student laptops and printers.

Pre-construction activities were initiated in the second quarter of 2013 with General Funds provisionally allocated to help ensure compliance with the provisions of Proposition 39. Construction is anticipated to be completed in the third quarter of 2013. The not-to-exceed budget for the 2013-2014 Proposition 39 facilities renovation effort at Lorena is \$220,000.



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Background:

With the passage of Proposition 39 in November 2000, California Education Code section 47614 was amended with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools. Proposition 39 requires that school districts make available, to all charter schools operating in their school district that submitted a legally sufficient facilities request, facilities in conditions reasonably equivalent to those in which the charter students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In accordance with requirements and timelines of Proposition 39, preliminary proposals are issued on February 1 and final offers are issued on April 1 of each year.

Extera submitted a legally sufficient facilities request to the District, and as such may locate on a District school site(s) for the 2013-2014 school year pursuant to Proposition 39. Extera is a new school, and requested to be located in the Boyle Heights community. The District's preliminary proposal and final offer to Extera identified space for six (6) teaching stations and one (1) administrative office at Wadsworth Elementary School ("Wadsworth"), which is located in the community of South Los Angeles.

On April 16, 2013, the Board of Education adopted, as amended, Board Report No. 233-12/13, which defined and approved Proposition 39 facilities renovations at up to seventy-eight (78) school sites, including Wadsworth, and authorized the Chief Facilities Executive, and/or his designee, to make any associated purchases. Lorena was not one the school sites identified. The approved not-to-exceed cumulative budget for the renovation effort was \$8,591,000. The District is utilizing Bond Program funds earmarked for charter school facilities projects to complete renovations to the District school sites for use by charter schools in the 2013-2014 school year. The 2013-2014 Proposition 39 Facilities Renovation Effort includes various renovation, technology, security/communication system upgrades, and the furnishing and equipping of school facilities.

After the District's final offer was issued to Extera, and following negotiations resulting from a Dispute Resolution process, an alternative agreement pursuant to the Proposition 39 implementing regulations was executed on June 21, 2013. Under the terms of the alternative agreement, Extera agreed to occupy five (5) teaching stations and one (1)



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administrative office at Lorena (which is located in the Boyle Heights community), with corresponding use privileges of shared spaces as identified in the District's standard co-location facilities use agreement in lieu of occupying any facilities at Wadsworth. No other charter school will be co-located at Wadsworth for the 2013-14 school year, as such the previously approved renovations at Wadsworth will not be undertaken and the associated funding will not be spent (not-to-exceed budget of \$16,000).

Lorena is located in Educational Service Center East and Board District 2 (García). Wadsworth is located in Educational Service Center East and Board District 5 (Kayser).

The regulations implementing Proposition 39 mandate that the space allocated to each charter school by the District must be furnished, equipped and available for occupancy by the charter school for a period of at least ten working days prior to the first day of instruction of the charter school. For good cause, the period is subject to reduction by the District, but to no fewer than seven working days. The District and Extera agreed that, while the District would proceed in good faith to complete all work at Lorena as soon as reasonably possible, by agreeing to occupy facilities at a different location than what was identified in the District's April 1, 2013 final offer, Extera waived all legal claims against the District based on any potential failure to timely complete the work by July 29, 2013, the Proposition 39 regulatory deadline. Notwithstanding, the District provided Extera with access to its exclusive use space on July 29, 2013.

Expected Outcomes: Approval of the proposed action to allow the execution of the 2013-2014 Proposition 39 facilities renovations at Lorena with Bond Program funds earmarked for charter school facilities projects.

Board Options and Consequences: If "yes" vote, the FSD-SEP will be amended and the District will utilize Bond Program funds earmarked for charter school facilities projects to complete renovations at Lorena for use by Extera in the 2013-2014 school year. In order to ensure that the facilities at Lorena are ready for occupancy by Extera, General Funds have been provisionally allocated pending the outcome of this proposed action so that certain necessary renovations will be completed prior to the commencement of the 2013-2014 school year. Expended General Funds, if any, will be reimbursed by Bond Funds. Any remaining renovations will be completed to accommodate Extera and minimize impacts to the Lorena campus, students and staff.



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If “no” vote, the District will be obligated to use General Funds to complete the facilities renovations at Lorena, since the District will still face an obligation to allocate use of contiguous, furnished and equipped facilities to Extera pursuant to Proposition 39 for the 2013-2014 school year.

Policy Implications: This action does not change District policies.

Budget Impact: The not-to-exceed budget for the proposed renovation effort at Lorena is \$220,000. Bond Program funds earmarked for charter school facilities projects will fund the 2013-2014 Proposition 39 facilities renovation effort at Lorena.

Issues and Analysis: Proposition 39 requires school districts to make available, to all charter schools operating in their school district that submitted a legally sufficient facilities request, facilities in conditions reasonably equivalent to those in which the charter students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, equipped and available for occupancy by the charter school for a period of at least ten working days prior to the first day of instruction of the charter school.

To fulfill this mandate, the District faces numerous challenges, including:

- Extremely brief amount of time between a charter school’s May 1 acceptance of the District’s final offer (or later, if a negotiated resolution to a dispute is reached) and the deadline for the District to provide occupancy at least ten working days before each charter school’s first day of instruction.
- Very brief amount of time to assess the type, quantity and condition of the District’s existing furniture and equipment, match it to the charter schools’ grade levels, and plan, repurpose/purchase, and receive additional/supplemental furniture and equipment.
- Varying conditions of allocated spaces on different school sites, including quantity and type of furniture and equipment that may change between original site survey and actual occupancy.
- Limited sources of reasonably equivalent existing furniture and equipment, and lead time required to research, locate, validate, repair and repurpose it.

The District has implemented numerous successful strategies to reduce



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costs and timelines, including:

- Establishing procedures to streamline the process from pre-planning to post-occupancy.
- Re-purposing existing furniture and equipment recovered from charters that vacated District facilities or have expiring furniture and equipment leases.
- Creating templates for reasonably equivalent furniture and equipment for specific grade levels in order to improve planning, repurposing/purchasing and delivery.
- Standardize manufactured item selections to expedite the purchase, production and delivery.

Bond Oversight Committee Recommendations:

This item was considered by the School Construction Bond Citizens' Oversight Committee (BOC) at its meeting on August 14, 2013. The BOC adopted the attached resolution by a vote of __ ayes and __ nays.

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

Attachments: None.

☐ **Informative**

☐ **Desegregation
Impact Statement**



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Respectfully submitted,

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Superintendent of Schools

APPROVED BY:

MICHELLE KING
Senior Deputy Superintendent
School Operations

APPROVED & PRESENTED BY:

MARK HOVATTER
Chief Facilities Executive
Facilities Services Division

REVIEWED BY:

DAVID HOLMQUIST
General Counsel

☒ Approved as to form.

MATT HILL
Chief Strategy Officer
Office of the Superintendent

TONY ATIENZA
Director of Budget Services and
Financial Planning

☒ Approved as to budget impact statement.