



**LAUSD**  
**UNIFIED**

# Proposition 39

## Frequently Asked Questions

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NOTE: The content of this document is subject to change and does not constitute legal advice.

## I. PROPOSITION 39 PROCESS AND REQUIREMENTS

### 1. What Is Proposition 39?

Proposition 39 (“Prop. 39”) is a state law passed by California voters in 2000, which requires school districts to make facilities (both classroom and non-classroom spaces) available to public charter schools serving students who reside in the District. As a result of the District’s compliance with Prop. 39, District schools and charter schools may be co-located on a single school site.

### 2. How Often Does a School District Have to Make Space Available to Charter Schools?

Prop. 39 requires school districts to share facilities with charter schools on a year-to-year basis, through an annual allocation process.

### 3. What is the Prop. 39 annual allocation process?

State regulations set forth the annual timeline as follows:

- **November 1:** The charter school’s deadline to submit a facilities request to the District for Prop. 39 facilities in the following fiscal year.
- **December 1:** The District’s deadline to review and respond to the charter school’s average daily attendance (“ADA”) projections in its Prop. 39 facilities request.
- **January 2:** The charter school’s deadline to respond to any objections expressed by the District regarding the charter school’s ADA projections.
- **February 1:** The District’s deadline to issue a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access.
- **March 1:** The charter school’s deadline to respond to the District’s preliminary proposal.
- **April 1:** The District’s deadline to submit a final notification of the space offered to the charter school (also referred to as “Final Offer”).
- **May 1** (or 30 days after the District’s issuance of the Final Offer, whichever is later): The charter school’s deadline to notify the District in writing whether it intends to occupy the offered space.

**4. Can Charter Schools Request to Be Located at a Specific Site?**

Yes. A charter school's Prop. 39 facilities request must provide information regarding the district school site(s) and/or general geographic area in which it wishes to locate. The school district must make reasonable efforts to provide facilities near to where the charter school wishes to locate.

**5. How Does a School District Determine the Space to Be Allocated to a Charter School?**

A school district is required to provide space to a charter school sufficient 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 district.

A "comparison group" of district-operated schools with similar grade levels is used as the standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities.

The comparison group is 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. A school district is required to provide facilities in the same ratio of teaching stations (classrooms) to ADA as those provided to students in the school district attending comparison group schools.

In order to determine the number of classrooms to be provided to a charter school, the average ratio of classrooms to ADA at the charter school's comparison group schools is applied to the charter school's reasonable projection of in-district students.

**6. What Are Shared Use Spaces?**

In addition to teaching stations (classrooms), Prop. 39 requires a school district to provide charter schools with access to a share of specialized classroom space (e.g., science laboratories) and non-teaching station space (e.g., multi-purpose room, gymnasium, play area, etc.).

This "shared use space" is shared proportionately with the charter school. The percentage for charter school use is calculated by dividing the total number of charter school teaching stations by the total number of all teaching stations on the campus.

## **7. How Does the District Assess Space/Capacity on School Sites?**

Beginning in fall of each year, District staff conducts a comprehensive analysis of the use of District school facilities through a process called the Electronic-Capacity Assessment Review (“E-CAR”). The purpose of E-CAR is to accurately assess the current capacity of each District K-12 school site, in several respects, such as:

- Documenting the number of classrooms required to accommodate instructional program’s enrollment based on grade level and specific course subject matters.
- Documenting the manner in which classrooms are being utilized.
- Documenting the school’s operating capacity.

The E-CAR process entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is reviewed by District staff to confirm accuracy and ensure that all campus spaces are being used efficiently and uniformly.

The E-CAR process requires principals from over 700 District school sites to log into an online application. Utilizing this online platform, a principal is asked to validate the school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Specifically, the principals identify and validate rooms utilized as teaching stations and “set-asides,” along with room numbers, locations and classroom sizes. Additionally, the principals identify classrooms occupied by special education programs, charter schools, preschools, alternative education programs, option programs, and other third-party users. Principals also use the E-CAR to identify space needed as swing space for construction projects, and classrooms that are out of service or mandated for removal due to legal and/or safety/physical condition requirements. District staff then reviews and analyzes the submissions by District schools. By utilizing this process, the District can determine specific capacity and usage information regarding each District school site. A school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school, such as grade levels, special education programs, magnet centers, Small Learning Communities, Personal Learning Environments, legal mandates, and other student needs.

The District utilizes E-CAR for various space assessment purposes. For compliance with Prop. 39, the District includes E-CAR in its analysis for making various space matching determinations, which may be impacted by the amount of space to which each eligible charter school is entitled pursuant to Prop. 39, as well as the projected utilization and potential availability of space on District campuses in the upcoming school year, and confirmation that the conditions of the facilities proposed to be allocated are reasonably equivalent.

**8. What Are Set-Asides?**

Set-asides are divided into two categories: School set-asides and District set-asides. School set-asides allocate space for instructional, safety, and health programs that are specific to a particular school. School set-asides may include, for example, a robotics lab, a makerspace, or parent center.

District set-asides use school space to implement key District-wide instructional, health, and safety programs. District set-asides may include, for example, space for Los Angeles School Police Department, regional special educational testing centers, health center clinics, and food services, among others.

**9. Why Are Set-Asides Sometimes Impacted When Allocating Space to Charter Schools under Prop. 39?**

Prop. 39 mandates that public school facilities should be shared fairly among all public-school pupils, including those in charter schools. Although school set-asides and District set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, some set-aside spaces may be affected as part of the District's comprehensive deliberative process to share space fairly where doing so would minimize the number of sites offered to a charter school in order to make an offer of reasonably equivalent space as mandated by Prop. 39. When a school set-aside is not offered as an exclusive use teaching station space to the charter school, it is considered as part of the District's evaluation of shared use spaces allocated to the charter. In every circumstance, the District seeks to minimize disruption to District schools.

**10. What Is the Prop. 39 School Site Selection Process?**

Once the District determines the number of classrooms to which a charter school would be legally entitled, the District's Prop. 39 Matching Guidelines are applied to develop provisional matches of space. The matching guidelines have been developed through continual improvement of the District's Prop. 39 matching processes within the framework of the requirements under Prop. 39.

The District's matching guidelines are set forth in the Board-adopted [Proposition 39 Charter Schools Co-Location Policy \(BR-200-23/24, adopted 03/19/24\)](#).

A copy can be found on the District's Proposition 39 website:  
<https://www.lausd.org/Page/19991>



They are as follows:

- Consider student safety and welfare.
- Identify reasonably equivalent facilities.
- Minimize the number of sites assigned.
- Make reasonable efforts to provide facilities near to where the charter school wishes to locate.
- Avoid moving a charter school unnecessarily.
- Minimize disruption to District and charter programs.
- Fairly balance the needs of District and charter programs.
- Avoid displacing any District students from their school of attendance.
- Maximum use of unallocated classroom space (i.e. those with no designated use and would be vacant/unassigned in a particular fiscal year).

Applying these matching guidelines, District staff develops provisional matches of space. Provisional matches are then presented at an Advisory Meeting for further evaluation. The Advisory Meeting includes representatives from various District divisions, Board offices, Region offices and labor partners. The Advisory Meeting provides an opportunity for feedback prior to final decisions and issuing preliminary proposals and final offers of space. The perspectives of these stakeholders are considered in an effort to make the best possible allocations of space in the best interests of all of students - both District and charter alike.

## **11. Who Decides Where Charter Schools Will Be Located?**

The location at which a charter school is offered Prop. 39 facilities is identified in a Final Offer or alternative agreement. Region leadership, with the input of staff from various District offices, makes recommendations to the Office of the Superintendent regarding the location of offers. The Superintendent (or designee(s)) issues all final offers to charter schools and negotiates and executes alternative agreements with eligible charter schools, pursuant to authority delegated by the Board of Education.

## **12. What Is an Alternative Agreement?**

State Regulations allow for a charter school and a school district to mutually agree upon an alternative to specific compliance with any of the provisions of the Prop. 39 implementing regulations. Such an agreement is referred to as an “alternative agreement.”

## **13. How Are School Sites Notified of a Potential Co-Location?**

Region leadership communicates with District principals at school sites that have been identified for a Prop. 39 preliminary proposal. Communications with impacted school

communities take place as determined by Region Leadership in coordination with the school site administrator.

## **I. CO-LOCATION LOGISTICS**

### **14. Do Charter Schools Pay for Custodial Services?**

Yes. The District charges charter schools a pro rata share (based on the ratio of space allocated by the District to the charter school divided by the total space of the District) of its facilities costs for the use of District facilities. Included in the calculation of the pro rata share of facilities costs are costs associated with school maintenance and operations, such as custodial services.

Pursuant to the Prop. 39 Single-Year Co-location Charter School Facilities Use Agreement executed by charter schools co-locating on District campuses, charter schools may elect to also purchase additional custodial services on a fee-for-service basis. Charter schools that use the facility after-hours are charged applicable custodial overtime charges.

### **15. Does the District Charge Charter Schools Rent for Use of Facilities?**

No, the District does not charge rent. Rather, the District charges each charter school a pro rata share of the District's facilities costs for the charter school's use of the facilities consistent with state law and regulations.

### **16. How Does the District Ensure That Space Is Shared Fairly among All Students and There Is Least Disruption to Students, Staff, and Communities?**

In allocating space to charter schools, the District thoughtfully considers impacts to all public-school students, both those attending District schools and those attending charter schools requesting space and to staff, parents, and communities. The District makes every effort to fulfill its obligation to share space fairly among all students. In doing so, the District keeps in the forefront considerations of student safety and welfare.

The Regions are committed to supporting school communities to minimize disruptions and potential impacts, and address any shared use impacts, to ensure a quality educational experience is provided to all students.

### **17. How Do Principals Address Co-location Issues during the School Year?**

There is an initial informational meeting in May/June that the District and co-located charter school principals are invited to attend that addresses operational issues that involve co-located schools. The co-located District and charter school principals are encouraged to meet in August and then every two weeks thereafter throughout the



school year. Support is provided from the Charter Schools Division, Region staff, and other District divisions, as appropriate.

**18. How Will Principals Coordinate School Calendars?**

The District school principal and charter school principal should communicate before scheduling activities in order to minimize the impact on either instructional program. Instructional programs at either school take precedence over other activities.

**19. What Types of Shared Services Does the Charter School Receive?**

The charter school's payment of the pro rata share is for services provided by the District, such as the maintenance and operations of the facilities (e.g., custodial services, rubbish removal, routine repairs and general maintenance, utilities, pest management, air filter tech and building engineering), Los Angeles School Police Department, Office of Environmental Health and Safety, and Information Technology Services, insurance, gardening services, landscaping/tree trimming, etc.

**20. Do School Sites with Co-Located Charter Schools Receive Any Additional Resources?**

Yes. Currently, some of the additional resources include:

- A. Co-Location Stipend:** The District supports principals at sites with Prop. 39 charter school co-locations by allocating funds for principals to select from one of the following options:
1. Fund a "Prop. 39 Co-location Coordinator," which is a supplemental assignment for one teacher, akin to other part-time assignments, existing at school sites in which a teacher is paid a differential for performing additional duties above his/her regular assignment
  2. Repurpose the funds that would otherwise be allocated for the co-location coordinator to support the execution of duties related to the Prop. 39 co-locations as deemed appropriate, following the General Fund School Program guidelines.
- B. Operation Support Services:** Each co-located site has an assigned Charter Schools Operations Coordinator who serves as the point person to assist with issues relating to co-location. Additional supports are provided by various other District offices, as needed.

**C. Shared Facilities Improvement Projects:** The Prop. 39 Co-Located/Shared Facilities Improvement Initiative provides funding for facilities improvements to campuses that have District schools and co-located charter schools. The intent is to support projects that jointly improve the learning conditions for all students on newly co-located school campuses. Each newly co-located campus would be eligible for up to \$100,000 for facilities improvements.

Examples of potentially eligible projects include:

- Safety and security upgrades
- New technology equipment and upgrades
- Greening and landscaping
- Water bottle filling stations
- Playground and athletic upgrades
  - New classroom or campus fixtures
  - New furniture

**D. Funding for Custodial Supplies:** Custodial budgets are adjusted to reflect the total occupancy of the campus, including the co-located charter school.

**E. Over-Allocated Space Reimbursements (When Applicable):** Pursuant to District policy, “Directing Charter School Overallocation Reimbursement Funds to Home Schools (Res-024-19/20),” funds collected for over-allocated space are directed to District “host” school sites. Distributions occur twice annually.

## **21. Is There an Environmental Study That Addresses the Impact of Co-locations on Traffic?**

The District makes efforts to ensure each co-location is configured in a way that causes the least disruption to the co-located programs and surrounding community. The District’s Office of Environmental Health and Safety (“OEHS”) evaluates potential Prop. 39 co-location arrangements as necessary to ensure adherence with applicable laws and regulations governing the appropriate and permissible use of each school site. A formal traffic study is conducted when required/appropriate and OEHS issues recommendations regarding passenger loading and drop-off, staggered instructional start and end times, and safe valet programs to diffuse traffic impacts.

## **22. Do Charter Schools Get Access to Cafeteria Services And/or Equipment?**

A co-located charter school is not permitted to physically occupy kitchen space because it would impact the provision of food services to public school students. Additionally, the charter school does not possess a valid food permit or certification for the site, as required for the California Health and Safety Code.

The District offers to provide and charge the charter schools for student meals. A charter school may not provide meal services in a manner that would violate compliance with any federal, state or local laws.

**23. Are Charter Schools Allowed to Visit School Sites Prior to Occupancy?**

No. Due to various factors including, but not limited to, budgetary, timing, and staffing constraints, charter schools are currently not permitted to visit school sites prior to occupancy.

**24. What Best Practices Create an Optimal Relationship?**

Please refer to the Co-Location Principal's Resource Guide and Bulletin 5532.2 for some examples of best practices.

**25. Can Co-Located Schools Jointly Participate in Any Activities?**

Yes. District and charter school Leaders are highly encouraged to bring their staff, students, and parents together for activities that can help build a strong collaborative school culture.

**26. Who Is Responsible for the Overall Safety of the Campus?**

The District principal is responsible during times of crisis, and both District and charter school personnel must follow the District's Integrated Safe School Plan (ISSP).

**27. Do Co-Located District Schools and Charter Schools Share Equipment?**

Certain equipment (e.g. tennis nets, basketball courts, auditorium PA Systems, and wireless routers, etc.) is shared pursuant to the shared space arrangements in a Shared Use Agreement executed by the District and charter school principals.

The use of certain specialized equipment (e.g., audio, computer, and laboratory equipment, etc.) may require additional procedures, including but not limited to a check-in and check-out processes and special training, and arrangements for the replacement of broken or damaged equipment.

**28. How Will Existing Facilities Issues, Such as Clean Restrooms and Shared Spaces, Be Addressed if a Charter School Occupies Space on the Campus?**

The District is committed to keeping all campuses safe, clean and ready for students and staff. Under Prop. 39, the District provides charter schools co-located on District

campuses with custodial services and charges a pro rata share of the District's facilities costs associated with school maintenance and operations.

The Plant Manager produces a daily schedule of tasks to be performed based on the hours provided in the custodial allotment, and priorities on what tasks should be included are set by the site administrator(s). The Plant Manager and Area Operations Supervisors (AOS) inspect the work of the custodial staff according to the scheduled duties and ensure that all areas are safe and clean for students and staff. Complex Project Managers conduct annual School Accountability Report Card inspections and identify any cleanliness and repair issues. Additionally, the AOS inspects the site routinely through the school year and documents the inspection finding for the Plant Manager's action.

Co-located principals are encouraged to meet regularly to discuss how to provide students and staff a safe campus. The principals work with the campus Plant Manager and other school personnel to monitor campus cleanliness.

## **29. How Are Safety Issues Addressed on Co-Located Campuses?**

The co-located charter school shall adopt the District's Integrated Safe School Plan and participate in all required school safety events and activities as scheduled and directed by the District school principal. Examples include, but are not limited to, active participation on the Safe School Committee, ongoing/regular activities such as fire drills, emergency preparedness, and critical incident management activities such as campus lock downs and relocations. District schools maintain a cache of emergency supplies for its students and staff on campus as well as lockdown supplies in classrooms.

Charter schools are expected to provide supplies for their own students and staff, including specific supplies for students and staff with special needs. Emergency supplies will be stored in the District school site's emergency supply container/bin, and lockdown supplies in the charter school's exclusive use classrooms. The District co-location training meetings also include a discussion of the methods of communication during emergencies, (e.g., radios, cell phones, PA systems and land lines) to ensure appropriate and consistent practices are followed and are used by both co-located schools to communicate with students, parents and staff during an emergency. For this reason, all co-located programs on a campus share a common radio frequency.

Both co-located schools participate in the Districtwide radio test and annual Fall Great Shakeout Drill in October of each school year. The District principal serves as the Incident Commander for these drills. It is District practice that all co-located schools on one campus follow a single plan and employ the Incident Command System (ICS), the international standard structure for emergency response, with the District school principal as the single School Incident Commander.