



PROPOSITION 39 and the IMPLEMENTING REGULATIONS

March 7, 2005

[Please note the information contained is current as to the date above. Because the law is constantly changing, we do not recommend that you act on this information without consulting legal counsel]



S M Y & M

SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP
7 PARK CENTER DRIVE
SACRAMENTO, CALIFORNIA 95825
TELEPHONE 916-646-1400
FAX 916-646-1300
WWW.SMYMCHARTERLAW.COM

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**Education
Code §47614**

(a) The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school 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. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

(2) Each year each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

(3) Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including but not limited to defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

California Code of Regulations

11969.1 Purpose	This article governs provision of facilities by school districts to charter schools under Education Code section 47614.
11969.2 Definitions	<p>(a) Average Daily Classroom Attendance. As used in Education Code section 47614(b), “average daily classroom attendance,” or “classroom ADA,” is average daily attendance (ADA) for classroom-based apportionments as used in Education Code section 47612.5. “In-district classroom ADA” is classroom ADA attributable to in-district students.</p> <p>(b) Operating in the School District. As used in Education Code section 47614(b), a charter school is “operating in the school district” if the charter school meets the requirements of Education Code section 47614(b)(5) regardless of whether the school district is or is proposed to be the authorizing entity for the charter school and whether the charter school has a facility inside the school district's boundaries.</p> <p>(c) In-district Students. As used in Education Code section 47614(b), a student attending a charter school is an “in-district student” of a school district if he or she is entitled to attend the schools of the school district and could attend a school district-operated school, except that a student eligible to attend the schools of the school district based on interdistrict attendance pursuant to Education Code section 46600 et seq. or based on parental employment pursuant to Education Code section 48204(f) shall be considered a student of the school district where he or she resides.</p> <p>(d) Contiguous. As used in Education Code section 47614(b), facilities are “contiguous” if they are contained on the school site or immediately adjacent to the school site. If the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety.</p> <p>(e) Furnished and Equipped. As used in Education Code section 47614(b), a facility is “furnished and equipped” if it includes all the furnishings and equipment necessary to conduct classroom-based instruction (i.e., at a minimum, desks, chairs, and blackboards).</p>
11969.3 Conditions Reasonably Equivalent	<p>The following provisions shall be used to determine whether facilities provided to a charter school 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, as required by Education Code section 47614(b).</p> <p>(a) Comparison Group</p> <p>(1) 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 shall be a comparison group of school district-operated schools with similar grade</p>

levels.

(2) The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

(3) For school districts whose students do not attend high school based on attendance areas, the comparison group shall be three schools in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. For school districts with fewer than three schools with similar grade levels, the comparison group shall be all schools in the school district with similar grade levels.

(b) Capacity

(1) Facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations to ADA as those provided to students in the school district attending comparison group schools. School district ADA shall be determined using projections for the fiscal year and grade levels for which facilities are requested. Charter school ADA shall be determined using in-district classroom ADA projected for the fiscal year and grade levels for which facilities are requested. The number of teaching stations shall be determined using the classroom inventory prepared pursuant to [Section 1859.30 of Title 2 of the California Code of Regulations](#), adjusted to exclude classrooms identified as interim housing portables.

(2) If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to subdivision (1) shall include a share of the specialized classroom space. The amount of specialized classroom space allocated shall be determined based on the grade levels of charter school students and shall be commensurate with the in-district classroom ADA of the charter school.

(3) School districts shall provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school. Non-teaching station space is all of the space that is not identified as teaching station space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space.

(4) Space allocated to a charter school may be shared with school district-operated programs. Sharing arrangements may involve use of a space by a charter school and a school district-operated program at the same time or at different times.

(c) Condition

(1) All of the factors listed below shall be used by the school district and charter school to determine whether the condition of facilities provided to a charter school is reasonably

	<p>equivalent to the condition of comparison group schools.</p> <p>(A) School site size (B) The condition of interior and exterior surfaces (C) The condition of mechanical, plumbing, electrical, and fire alarm systems (D) The conformity of mechanical, plumbing, electrical, and fire alarm systems to applicable codes (E) The availability and condition of technology infrastructure (F) The suitability of the facility as a learning environment including, but not limited to, lighting, noise mitigation, and size for intended use (G) The manner in which the facility is furnished and equipped</p> <p>(2) Notwithstanding subdivision (1), at charter schools established through the conversion from an existing public school as described in Education Code section 47605(a)(2), the condition of the facility previously used by the school district at the conversion site shall be considered to be reasonably equivalent to the condition of school district facilities for the first year the charter school uses the facility.</p>
11969.4 Operations and Maintenance	<p>(a) Facilities and furnishings and equipment provided to a charter school by a school district shall remain the property of the school district.</p> <p>(b) The ongoing operations and maintenance of facilities and furnishings and equipment is the responsibility of the charter school. Projects eligible to be included in the school district deferred maintenance plan established pursuant to Education Code section 17582 and the replacement of furnishings and equipment supplied by the school district in accordance with school district schedules and practices, shall remain the responsibility of the school district. The school district may require that the charter school comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment. However, school districts may not require charter schools to comply with policies in cases where actual school district practice substantially differs from official policies.</p>
11969.5 Availability	<p>The space allocated for use by the charter school, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the school district's instructional year or class schedule and may not be sublet or used for purposes other than those that are consistent with school district policies and practices for use of other public schools of the school district without permission of the school district.</p>
11969.6 Location	<p>A school district may satisfy the requirements of Education Code section 47614 by providing facilities that are located outside the school district's boundaries, subject to other provisions of this article. No school district is required to provide facilities that are located outside the school district's boundaries to a charter school.</p>
11969.7 Charges for Facilities Costs	<p>The school district may charge the charter school a pro rata share of its facilities costs for the use of the facilities. The pro rata share amount shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted general fund revenues, as described on pages 203-1 and 305-1 of Part I of the 2001 edition of the California School Accounting Manual (at www.cde.ca.gov/fiscal/sacs/csam), divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school.</p>

	<p>(a) For purposes of this section, facilities costs includes those costs associated with facilities acquisition and construction and facilities rents and leases, as defined on page 81 of Part II of the 2001 edition of the California School Accounting Manual (at www.cde.ca.gov/fiscal/sacs/csam). For purposes of this section, facilities costs also includes the contribution from unrestricted general fund revenues to the school district deferred maintenance fund, costs from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and costs from unrestricted general fund revenue for replacement of furnishings and equipment according to school district schedules and practices.</p> <p>(b) For purposes of this section, the cost of facilities shall include debt service costs.</p> <p>(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space may include but is not limited to those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.</p> <p>(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.</p> <p>(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article.</p>
<p>11969.8 Reimbursement Rates for Over-Allocated Space</p>	<p>(a) Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater. The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA. For purposes of this subdivision, the actual in-district classroom ADA shall be determined using the report submitted pursuant to Section 11969.9(i) in conjunction with the second principal apportionment under Education Code section 41601.</p> <p>(b) A charter school must notify the school district when it anticipates that it will have over-allocated space that could be used by the school district. Upon notification by a charter school that the charter school anticipates having over-allocated space, a school district may</p>

	<p>elect to use the space for school district programs. The school district must notify the charter school whether or not it intends to use the over-allocated space within 30 days of the notification by the charter school. If the school district notifies the charter school that it intends to use all or a portion of the over-allocated space, payments for over-allocated space and pro rata share payments shall be reduced accordingly beginning at the time of the school district notification to use the space. If the school district notifies the charter school that it does not intend to use the space, the charter school must continue to make payments for over-allocated space and pro rata share payments. The school district may, at its sole discretion, reduce the amounts owed by the charter school.</p>
<p>11969.9 Procedures and Timelines for the Request for, Reimburse- ment for, and Provision of, Facilities</p>	<p>(a) A charter school must be operating in the school district as defined in Education Code section 47614 before it submits a request for facilities. A new or proposed new charter school is eligible to request facilities for a particular fiscal year only if it submitted its charter petition to a local education agency pursuant to Education Code section 47605 before November 15 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to receive facilities only if it received approval of the petition before March 1 of the fiscal year preceding the year for which facilities are requested.</p> <p>(b) To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district by October 1 of the preceding fiscal year. However, a new charter school, defined as a charter school that did not receive funds pursuant to Education Code section 47633 in the fiscal year preceding the fiscal year for which facilities are requested, must submit its written facilities request before January 1 of the preceding fiscal year. In the absence of a successful local school bond measure, a charter school making a request for facilities under this article in compliance with the procedures and timelines established in this section shall be entitled to receive facilities beginning on November 8, 2003.</p> <p>(c)(1) The written facilities request must include:</p> <p>(A) reasonable projections of in-district and total ADA and in-district and total classroom ADA;</p> <p>(B) a description of the methodology for the projections;</p> <p>(C) if relevant, documentation of the number of in-district students meaningfully interested in attending the charter school;</p> <p>(D) the charter school's instructional calendar;</p> <p>(E) information regarding the general geographic area in which the charter school wishes to locate; and</p> <p>(F) information on the charter school's educational program that is relevant to assignment of facilities.</p>

(2) Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the school district that the student would otherwise attend.

(3) School districts may require the charter school to submit its facilities request containing the information specified in subdivisions (c)(1) and (2) on a form available from the California Department of Education and developed in consultation with the Advisory Commission on Charter Schools or another form specified by the school district. School districts may also require the charter school either to distribute a reasonable number of copies of the written facilities request for review by other interested parties, such as parents and teachers, or to otherwise make the request available for review.

(d) The school district shall review the projections and provide the charter school a reasonable opportunity to respond to any concerns raised by the school district regarding the projections. The school district shall prepare a preliminary proposal regarding the space to be allocated to the charter school and the associated pro rata share amount and provide the charter school a reasonable opportunity to review and comment on the proposal.

(e) The school district must provide a final notification of the space offered to the charter school by April 1 preceding the fiscal year for which facilities are requested. The school district notification must specifically identify:

(1) the teaching station and non-teaching station space offered for the exclusive use of the charter school and the teaching station and non-teaching station space to be shared with district-operated programs;

(2) for shared space, the arrangements for sharing;

(3) the in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school, a written explanation of the reasons for the differences;

(4) the pro rata share amount; and

(5) the payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

(f) The charter school must notify the school district in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the school district notification, whichever is later. The charter school's notification can be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the school district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the school district by this deadline that it intends to occupy the offered space, then the space shall remain available for school district programs and the charter school shall not be entitled to use facilities of the school district in the following fiscal year.

(g) The space allocated by the school district must be furnished, equipped and available for occupancy by the charter school at least seven days prior to the first day of instruction of the charter school.

(h) The school district and the charter school shall negotiate an agreement regarding use of and payment for the space. The agreement shall contain at a minimum, the information included in the notification provided by the school district to the charter school pursuant to subdivision (e). In addition, if required by the school district, the agreement shall provide that the charter school shall:

(1) Maintain liability insurance naming the school district as an additional insured to indemnify the school district for damage and losses for which the charter school is liable; and/or

(2) Comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment.

(i) The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available on request by the school district.

(j) The charter school and the school district may negotiate separate agreements and/or reimbursement arrangements for specific services not considered part of facilities costs as defined in [Section 11969.7](#). Such services may include, but are not limited to, the use of additional space and operations, maintenance, and security services.

(k) Notwithstanding any of the other provisions of this section, a charter school and the school district may mutually establish different timelines and procedures than provided in this section. A school district may establish timelines as much as two months earlier than provided in this section provided that (1) it notify charter schools of the changes, (2) it does not change the dates for submission of facility requests, and (3) charter schools have the same amount of time to respond to the school district's offer of space.

Proposition 39 Text

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends provisions of the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SMALLER CLASSES, SAFER SCHOOLS AND FINANCIAL ACCOUNTABILITY ACT

SECTION ONE. TITLE

This act shall be known as the Smaller Classes, Safer Schools and Financial Accountability Act.

SECTION TWO. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

- (a) Investing in education is crucial if we are to prepare our children for the 21st Century.
- (b) We need to make sure our children have access to the learning tools of the 21st Century like computers and the Internet, but most California classrooms do not have access to these technologies.
- (c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.
- (d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.
- (e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.
- (f) We need to give local citizens and local parents the ability to build those classrooms by a 55 percent vote in local elections so each community can decide what is best for its children.
- (g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SECTION THREE. PURPOSE AND INTENT

In order to prepare our children for the 21st Century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Smaller Classes, Safer Schools and Financial Accountability Act. This measure is intended to accomplish its purposes by amending the California Constitution and the California Education Code:

- (a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st Century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing and equipping school facilities;
- (b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;
- (c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;
- (d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and
- (e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

SECTION FOUR

Section 1 of Article XIII A of the California Constitution is amended to read:

SEC. 1.

- (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.
- (b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(1) any indebtedness~~ *of the following:*
 - (1) *Indebtedness* approved by the voters prior to July 1, 1978. ~~or (2) any bonded~~
 - (2) *Bonded indebtedness* for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) *Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:*

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(c) *Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).*

SECTION FIVE

Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18.

(a) No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-

thirds of the ~~qualified electors thereof~~, *voters of the public entity* voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the ~~qualified electors~~ *voters* of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and ~~also provision to constitute~~ *provide for* a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the ~~same~~; ~~provided, however, anything to the contrary herein notwithstanding, when~~ *indebtedness*.

- (b) *Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.*
- (c) *When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority or 55 percent of the ~~qualified electors~~ voters, as the case may be, voting on any one of such those propositions, vote in favor thereof, such the proposition shall be deemed adopted.*

SECTION SIX

Section 47614 of the Education Code is amended to read: 47614. ~~A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes, or that have not been historically used for rental purposes provided the charter school shall be responsible for reasonable maintenance of those facilities.~~

- (a) *The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.*

- (b) *Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school 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. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.*
- (1) *The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.*
 - (2) *Each year each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.*
 - (3) *Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.*
 - (4) *Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.*
 - (5) *The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.*

- (6) *The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including but not limited to defining the terms “average daily classroom attendance,” “conditions reasonably equivalent,” “in-district students,” “facilities costs,” as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.*

SECTION SEVEN. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the 55 percent vote requirements of this act.

SECTION EIGHT. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SECTION NINE. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

SECTION TEN. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.