TITLE: Policy on Co-Locations for District School Facilities' Use Pursuant to Education Code Section 47614 (Proposition 39)

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ROUTING
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School Principals and Assistant Principals
Facilities Services Division
Charter Schools Division

MAJOR CHANGES: This Bulletin replaces BUL-5532.0, dated July 7, 2011, issued by School Operations. It reflects current District organization, procedures, and practices for charter school co-locations at District sites via Education Code Section 47614. The content has been updated to reflect additional guidelines for those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. Also included is a non-exhaustive index of District policies and procedures relevant to the operations and safety of District sites.

PURPOSE: This bulletin addresses the expectations and requirements of charter schools co-located on District properties within the context of Education Code Section 47614 and its accompanying implementing regulations issued by the State Board of Education, which require the District to maintain the condition of the facility as a safe learning environment. This bulletin establishes the expectations that: (1) each co-located charter school is responsible for an excellent standard of use, management and care of the District's facilities and property (including furniture and equipment); (2) both the District and the co-located principals will work together to establish and maintain a safe environment that supports student learning; and (3) the District school principal is the designated responsible party for site maintenance, operations and safety.

POLICY: This Bulletin replaces Bulletin Number 5532, dated July 7, 2011. The content has been updated to reflect current District organization, procedures and practices.

This bulletin provides guidelines for the shared use of District school sites by co-located District and charter schools pursuant to Education Code section 47614 and its Implementing Regulations ("Proposition 39"). All procedures are taken from and are consistent with current LAUSD Board of Education policies, as referenced at the end of each section heading. A list of cited and related District bulletins, memoranda and reference guides is included in the resource section of this document. This document lists applicable policies and should not be construed as a document related to identifying applicable laws. Although this compilation is intended to be as comprehensive as possible, it is not and cannot be considered exhaustive. Charter schools shall comply with all District policies regarding the operations and maintenance of the school facilities, furnishings and equipment.

The District is committed to ensuring that the safety and educational needs of all public school students, both District and charter, are considered when its facilities are shared as prescribed by California law.

BACKGROUND: In 2000, Proposition 39 was approved by California's voters and amended Education Code section 47614. Until that time, a charter school was entitled to use facilities not currently being used by a school district for instructional or administrative purposes, or that have not been historically used for rental purposes, i.e., school facilities that districts were not using. However, the current law mandates that "public school facilities should be shared fairly among all public school pupils, including those in charter schools." The law states that the District shall make available facilities sufficient to accommodate all of an eligible charter school's "in-district students" (i.e., students entitled to attend district schools, except for those eligible to attend district schools solely based on inter-district attendance or parental employment) in conditions "reasonably equivalent" to those in which the students would be accommodated if they were attending other public schools of the district.

The District's intent is to ensure that each in-district student has a seat in a reasonably equivalent, safe and conducive learning environment. However, to achieve this goal, District staff is tasked to work through and overcome diverse, and frequently competing, legal and practical challenges regarding the allocation of limited District facilities to eligible charter schools pursuant to Proposition 39.

For instance, challenges include considerations of the operational feasibility to fulfill the District's duty to accommodate all new and special needs students each year within an entire framework of statutory, regulatory and contractual duties that guide and bind the District's effort to meet its core mission to educate the children

of Los Angeles. The District must also use its facilities for preschool, adult education, other charter schools, and other K-12 educational needs. In addition, when administrating Proposition 39 facilities requests, the District is faced with competing laws, regulations and mandates that compel the District to reduce its inventory of classroom seats by removing portable bungalows as well as eliminating involuntary busing and year-round multi-track academic calendars. The District has more charter schools operating within its boundaries than any other school district in the nation, and while it has undertaken a massive building program to relieve critical overcrowding, it remains burdened with a scarcity of available facilities.

The difficulties of facing all of these mandates and limitations are greatly exacerbated by the limited Proposition 39 regulatory timeframe within which the District must annually allocate facilities to eligible charter schools. The District is afforded only ninety (90) calendar days (of which only fifty-seven (57) are business days) to: (1) review all charter schools' facilities requests; (2) identify all space for potential allocation; and (3) issue all preliminary proposals. Most facilities will require renovations, reconfigurations, technology, furniture and equipment, and communications/safety systems purchases and upgrades to accommodate charter schools on-site. These efforts require several months of planning, formal approval for expenditures of limited public funds, and physical execution of the work by a reduced workforce.

In order to fairly share the District's limited space, the District strives to continually improve the processes it follows to allocate facilities to charter schools that submit legally sufficient Proposition 39 facilities requests by streamlining the process to meet the annual needs of applicant charter schools while not unfairly burdening District schools. Charter schools' facilities offers are not made in a vacuum, and the process does not simply involve making a charter school match based solely on a statistical fit for numerical availability. Rather, the District seeks to maximize the overall quality of offers to all eligible charter school applicants while also minimizing the significant resulting disruption to District schools.

TIMELINE

The following annual statutory deadlines are prescribed by the current Proposition 39 Implementing Regulations. The District's comprehensive matching process, including collaboration with Local District Leadership, respective principals and others, will start as early as October and continue through April.

November 1: To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the District on or before November 1 of the preceding fiscal year.

** Please note, November 1 is also the internal deadline for District schools to identify all anticipated uses of classrooms for the subsequent school year to ensure that the inventory assessment performed by School Management Services is complete, accurate, and confirmed at the start of the matching process.

December 1: The District shall review the charter school's projections of in-district and total classroom ADA ("average daily attendance") on or before December 1, express any objections in writing, and state the projections the District considers reasonable.

January 2: On or before January 2, the charter school shall respond to any objections expressed by the District. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the District.

February 1: On or before February 1, the District shall prepare in writing 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. At a minimum, the preliminary proposal shall include:

1) the projections of in-district classroom ADA on which the proposal is based,
2) the specific location or locations of the space,
3) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space, and
4) the projected pro rata share amount and a description of the methodology used to determine that amount.

The District shall also provide the charter school a list and description of the comparison group schools (schools that the charter student would have otherwise attended had they elected to remain in the District) used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school's facilities.

March 1: On or before March 1, the charter school shall respond in writing to the District's preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the charter school's facilities request and/or making counter proposals.

April 1: On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school, the District shall submit in writing a final notification of the space offered to the charter school. The notification shall

include a response to the charter school's concerns and/or counter proposals (if any). The notification shall specifically identify:

1) the teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space to which the charter is to be provided access on a shared basis 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 pursuant to 5CCR Section 11969.9 (e), a written explanation of the reasons for the differences,
4) the specific location or locations of the space,
5) all conditions pertaining to the space,
6) the pro rata share amount, and
7) 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.

Specifics to be negotiated w/ PS & other stakeholders & memorialized in SUA

May 1: The charter school must notify the 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 District notification, whichever is later. The charter school's notification can be withdrawn or modified before this deadline.

If the charter school does not notify the District by this deadline that it intends to occupy the offered space, then the space shall remain available for District programs and the charter school shall not be entitled to use District facilities in the following fiscal year.

Ten (10) Business Days Prior to First Day of Charter School Instruction The space allocated to the charter school by the District (or to which the District provides the charter school access) must be furnished, equipped and available for occupancy by the charter school at least ten (10) working days prior to the first day of instruction of the charter school.

PROCEDURES: The following procedures set forth the operational guidelines for the District school principal and the charter school principal co-located on a District facility as defined in the agreement reached between the District and the charter school in the "formal use agreement". The District school principal is the responsible party for site maintenance, operations, and safety.

Facilities Utilization

Each charter school shall comply with all District policies regarding the operations and maintenance of the school facilities, furnishings and equipment.

Facilities, furnishings and equipment provided to a charter school by the District shall remain the property of the District. All District property should be labeled in order to maintain accurate inventory. It is the responsibility of the charter school to maintain all furniture and equipment not provided by the District, and to provide any and all supplies for the equipment provided by the District (e.g., toner, paper, etc.).

Per District Policy BUL-953.1, at the end of each fiscal year, schools and offices must complete an inventory for applicable equipment purchased with Unrestricted General Fund resources. However, it is preferred that the inventory be updated throughout the year as necessary. Pre-numbered identification labels will be placed on all equipment. Both the charter and District schools are responsible for the inventory associated with their own space.

- Equipment may not be loaned to any District or charter school employee, group or other persons for personal use. Equipment which is temporarily taken away from the site to perform District functions must be strictly controlled and accounted for. Refer to District Bulletin No. DB-15, "Written Authorization for Possession of Equipment Offsite", dated July 25, 2001 from the Accounting & Disbursements Division. The time period that equipment is temporarily away from the site should be kept at a minimum and should not exceed six months. All such equipment must be returned to the site prior to taking the annual equipment inventory.

- Highly desirable and portable equipment, such as computers, media players and televisions, must be anchored with security devices and housed in rooms that can be secured. When these items are not in use, they should be stored in secured rooms or locked closets. Equipment shall not be taken home to be stored. In addition, all highly desirable and portable equipment items must be permanently marked "Los Angeles Unified School District" in a prominent area on the equipment. Assistance in securing equipment and rooms can be obtained from your Maintenance Area. See the District Store's Warehouse Supplies and Equipment Catalog for appropriate security devices.

- No later than June 30 of each fiscal year, the charter school principal shall submit to the Charter Schools Operations Coordinator for the respective Local District, a written statement indicating the completion of the annual equipment inventory.

- By July 31, each Charter Schools Operations Coordinator for the respective Local District will provide a written assurance that his/her co-located schools have complied with the equipment inventory requirements to the Accounting Controls & Oversight Branch.

- The District is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.

- The District shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the District school.

- Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multipurpose room, and play area space. The District shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and District School are least disrupted. The charter school and District school allocations of space will be clearly articulated in a facility use agreement signed by both the District and the charter school principal prior to the charter school taking occupancy.

"Non-Teaching Station" space = "Set-Asides"

The District school principal is responsible to the respective Local District Superintendent, and ultimately to the Superintendent, for all educational program(s) operating on the school site. Both the District principal and the charter principal are mutually responsible for the supervision, operation, security, safety and care of the school plant.

The District principal is the authority responsible during times of crisis and will direct all activities consistent with the District's Integrated Safe School Plan (ISSP) Only the District school principal can provide the final approval and submit the ISSP: "Co-located schools, including Prop 39 charter schools, will submit only one ISSP. That ISSP includes comprehensive goals, activities, teams, and dates to ensure that everyone on the campus will work together for the well-being of all. Schools that submit plans under the umbrella of a co-located site may be required to produce or create their own specific school's Attendance and Dropout Prevention plan, goals, and/or strategies and activities."
(REF-5511.7-Instructions: 2.B.) *(REF-5511.7 COMPLETING AND UPDATING THE INTEGRATED SAFE SCHOOL PLAN [ISSP] 2017-18).*
https://issp.lausd.net

Annual Calendar Dates of Co-located Facilities Planning Meetings: Operations, Security, Safety, and Site Management

To address issues relating to the shared use of District facilities, the co-located District and charter school principals are encouraged to meet in May/June, in August before school begins, and thereafter every two weeks for the duration of the school year. (See *Proposition 39 Co-Located Principal's Handbook* for resources to schedule and conduct meetings.) To ensure effective communication and coordination between the two schools, the District school principal (or empowered designee) should attend these meetings. Regular meetings should be documented with agendas, sign-in records, and summary minutes with an action plan.

Specific topics to be addressed during these regularly scheduled meetings shall include, but are not limited to, the following:

- School Services
- Staff & Volunteer Rosters
- Student Rosters
- Site Access & Availability
- Site Access – School Visitors to Campus
- Key Control
- Student Meals Program
- Classroom / Facility Usage
- Facility Modification(s)
- Resolving Facilities Usage Issues
- Scheduling
- Safety & Security
- ISTAR Procedures (Incident System Tracking Accountability Report)
- LAUSD Learning Zone (LZ) Courses
- My Professional Learning Network (MyPLN)

School Services

Each charter school shall pay the District a per-square-foot facilities cost for, among other things, the maintenance and operations costs of the provided facilities in a manner set forth in a formal use agreement between the charter school and the District. This contribution shall be on a pro rata share basis, generally for the following costs:

1. Debt Service-interest and principal on COPS
2. Maintenance and Operations