

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

January 26, 2011

TO: Jack R. Brick, President
and Members
Board of Trustees, Capistrano Unified School District

FROM: Ron Lebs, Deputy Superintendent, Business and Support Services

SUBJECT: **PROPOSITION 39 PRELIMINARY FACILITIES OFFER – JOURNEY
SCHOOL**

BACKGROUND INFORMATION

On November 1, 2010, the Capistrano Unified School District received Journey School's Request for Proposition 39 Facilities for the 2011-2012 school year (Exhibit A). The request sought facilities based upon 210 projected in-district classroom average daily attendance (ADA) students. Journey School is currently chartered by the Capistrano Unified School District. Journey is leasing facility space in excess of their Proposition 39 facilities entitlement from the District at the Foxborough campus. Journey has waived their Proposition 39 facilities entitlements in favor of this lease arrangement. The District is obligated under Proposition 39, Education Code 47614 and California Code of Regulations Title 5 §11969.1 – 11969.11 to provide certain facilities to charter schools to house their in-district classroom students. However, the District is not obligated to provide charter facilities beyond what is required under Proposition 39.

California Education Code 47614 and California Code of Regulations Title 5 §11969.1 – 11969.11, establish certain requirements related to the provision of school district facilities for use by charter schools. Regulation §11969.9 states, "To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district by November 1 of the preceding fiscal year." In addition, §11969.9 informs charter schools of what a written facilities request must include.

The regulations also provide the timeline for submittal of, and response to, a request for Proposition 39 facilities. The school district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. The District's response is provided in Exhibit B. On or before January 2, the charter school shall respond to any objections or issues expressed by the school district and/or to the district's projections. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district. Journey's response to the District's questions/concerns is provided in Exhibit C. Both the District and Journey have met these request deadlines and response requirements.

By February 1, 2011, the school district shall prepare a preliminary proposal in writing regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. Approval of this agenda item will provide the charter school with the District's preliminary facilities proposal for 2011-2012. At a minimum, the preliminary proposal must 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.
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 used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school's facilities request.

By March 1, 2011, the charter school shall respond in writing to the school 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.

By April 1, 2011, having reviewed any concerns and/or counter proposals made by the charter school, the school 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.

By May 1, 2011, the charter school must notify the school district in writing whether or not it intends to occupy the offered space.

CURRENT CONSIDERATIONS

Education Code §47614 provides in relevant part:

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.

Attendance Threshold

The first criteria for establishing eligibility for facilities is that the charter school must be either currently providing public education to in-district students, or have identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

Journey has submitted documentation in the form of students currently enrolled at the school and those projected to attend in 2011-2012. District staff has reviewed this documentation and has accepted Journey’s projected in-district ADA of 210 for the 2011-2012 school year.

Conditions Reasonably Equivalent

Charter school students are entitled to be housed in conditions reasonably equivalent to those experienced by students enrolled in the District. Regulations §11969.3 identifies three factors in determining whether facilities are in conditions reasonably equivalent to those provided to district students. These factors are outlined below:

1. Comparison Group - 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 §17070.15(b), in which the largest number of students of the charter school reside. The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent shall be a comparison group of district-operated schools with similar grade levels. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration.

For Journey, this comparison group is the Aliso Niguel High School (ANHS) family. Of the 210 projected in-district ADA, 103 or 48% are in the ANHS family.

Journey’s request seeks facilities located at the Foxborough campus for students entering grades K-8; they would like to remain in their current location. The District has identified the following ten school sites for purposes of establishing the comparison group for Journey’s charter students:

Elementary	Middle
Don Juan Avila	Aliso Viejo Middle
Bergeson	Don Juan Avila Middle
Canyon Vista	
Crown Valley	
Laguna Niguel	
Moulton	
Oak Grove	
Wood Canyon	

All students within the ANHS family attend campuses configured as K-5 elementary schools and 6-7-8 middle schools. Journey is currently operating as a K-8 charter school and is projecting to do so for 2011-2012.

Configuration: Given that only three students or approximately 2% of Journey’s total districtwide projected in-district students would otherwise attend schools at K-5 elementary and 6-7-8 middle schools, the District’s Proposition 39 facilities offer may be based on a K-5 elementary and 6-7-8 middle campus configuration. However, this offer proposes to keep Journey configured as a K-8 on the Foxborough campus.

2. Capacity - Regulations §11969.3(b)(1) provides that 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.

If the school district includes specialized classroom space, such as science laboratories,, in its classroom inventory, the space allocation provided shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

- A. The grade levels of the charter school’s in-district students
- B. The charter school’s total in-district classroom ADA
- C. The per-student amount of specialized classroom space in the comparison group schools

The school 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 comparison group schools. 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, custodial, multi-purpose room, and play area space. If necessary to implement this paragraph, 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 school district are least disrupted.

Classrooms: The average classroom size for comparison schools is approximately 960 square feet. District staffing ratios (teaching stations per student) for 2010-2011 is shown below. Staffing ratios for 2011-2012 have not yet been finalized. For this reason, the facilities offer will be based on 2010-2011 staffing ratios shown below:

Kindergarten	30.5:1	Single Session (one room per class)
Grades 1-3	30.5:1	

Grades 4-5 31.5:1
 Grades 6-8 32.5:1

Specialized Classroom and Non-Teaching Space: Specialized classroom space as well as non-teaching facilities at the comparison schools is shown in the chart below. Depending on grade configuration and availability of specialized space at the particular campus(s) where facilities are being offered, some of these facilities may be provided on a shared basis with the school/students at the campus of the proposed facilities. A sharing arrangement for specialized classrooms will have to be determined and worked out as part of the final facilities offer.

	K-5	6-7-8
Specialized Classroom Space		
Science Labs*	no	yes
Computer Labs* **	yes	yes
Art Classrooms* **	no	yes
Music Classrooms* **	no	yes
Library*	yes	yes
Non-Teaching Administration	yes	yes
Common Space		
Custodial* **	yes	yes
Multi-Purpose*	yes	yes
Locker Rooms* **	no	yes
Non-Classroom Outdoor space		
Playgrounds & Fields*	yes	yes
Parking*	yes	yes

**Shared Space*
***Not Requested*

3. Condition - The following factors determine whether charter school facilities are in reasonably equivalent condition to those of public schools:
 - Age from latest modernization
 - Quality of materials, and state of maintenance
 - School site size
 - The condition of interior and exterior surfaces
 - The condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes
 - The availability and condition of technology infrastructure
 - The condition of the facility as a safe learning environment including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use
 - The condition of the facility’s furnishings and equipment

- The condition of athletic fields and/or play area space

Equivalent: The facilities being offered herein meet these standards and are generally uniform and equivalent in comparison with other school facilities within the District. Therefore the District's proposed offer provides facilities suitable for a learning environment.

Contiguous, Furnished, and Equipped

Education Code §47614 requires that facilities be contiguous, furnished, and equipped and shall remain the property of the school district.

Facilities are considered "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.

Journey has requested a single site to house its student population for grades K-8. However as stated above, the comparison group is configured using K-5 and 6-7-8 campuses making it difficult to extrapolate and provide facilities that meet a strict K-8 model. Only two schools in the District are operating in a pure K-8 configuration with all grades housed at a single campus with one principal, neither one of which is in Journey's comparison group.

Contiguous: The District proposal is to house Journey's entire K-8 program at the Foxborough campus. Foxborough has sufficient space to meet the District's Proposition 39 facilities obligation and accommodate Journey's projected ADA.

A facility is "furnished and equipped" if it includes reasonably equivalent furnishings necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools. Examples of equipment include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets, such as major software programs. Furnishings and equipment acquired for a school site with non-district resources are excluded when determining reasonable equivalence.

Furnished and Equipped: District school classrooms are furnished and equipped with desks, chairs, and white/black boards. The offer of space will incorporate desks, chairs, and white/black boards. Specialized classroom space will be shared space and include the same furnishings and equipment available for use by District students. Equipment for non-teaching space, such as front office equipment, will be on a shared basis with the District's program. However, furnishings and equipment such as computers that were acquired for the school site with non-district resources are excluded from use.

Additional Considerations and Implications

There are several other factors to consider in determining the appropriate allocation of facilities, if any, to charter schools making requests under Proposition 39. For 2011-2012 these include: 1) The status and scope of Proposition 39 requests made by other charter schools operating within the District, and 2) Facilities that are currently being leased to the Niguel Children's Center preschool at Foxborough. The District has received two other Proposition 39 facilities requests for 2011-2012:

1. Oxford Preparatory Academy - Journey Charter is currently leasing 17,940 square feet of classroom, specialized classroom, and non-classroom space from the District at the Foxborough site. Journey is leasing space in excess of its Proposition 39 facilities entitlement. In order to accommodate Oxford's K-5 program at Foxborough, the District proposes to not extend the current lease with Journey but instead offer them only what they are entitled under Proposition 39, thereby reducing the area they occupy and freeing up facilities for Oxford. The Board of Trustees granted Journey School a one year extension to its current lease on August 3, 2010; this lease expires on June 30, 2011.

Approval of this offer will have considerable impacts on Journey School's ability to deliver its education program in its current format and configuration. Journey is leasing approximately twice the amount of space they are entitled to receive under Proposition 39. Most significantly, Journey's class sizes will likely increase and class configurations will have to be adjusted, i.e. creating the need for combination classes. However, it should be noted that Journey has enjoyed a very favorable lease arrangement over the last several years since they have been at the Foxborough site.

Oxford's charter petition has not yet been approved by the Board. It is expected to be presented for consideration at the February 8, 2010, Board meeting. However, Oxford's eligibility for facilities remains at issue and they are entitled to receive facilities under Proposition 39 if the petition is approved. Other facility configurations were considered, but in order to place Oxford at alternative location(s) and meet the reasonably equivalent and contiguous tests, the District would either have to close a school or relocate a considerable portion of an existing school within the District.

2. Community Roots Academy – The District received a Proposition 39 facilities request from Community Roots Academy; however, Community Roots did not meet the attendance threshold of at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year. The District will not be making a Proposition 39 facilities offer to Community Roots Academy for 2011-2012. However, the District at its discretion may ultimately lease classroom space to Community Roots if they are unable to secure appropriate facilities within the community which is their first preference.

Proposition 39 Preliminary Facilities Offer – Journey School

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The District is leasing 4,800 square feet of space at \$6,000 per month to the Niguel Children’s Center at Foxborough. Niguel Children’s Center is a private preschool. Their lease expires on June 30, 2011. Staff is proposing to not extend their lease in order to free up space to be used in the facilities offer to Oxford. Approval of this offer will require the Niguel Children’s Center to relocate its program to a non-district facility. A possible consequence of this offer is that the Center may have to close its doors.

In spite of the impacts outlined above, the District has an obligation to provide Proposition 39 facilities to Journey School. As stated above, other facility configurations were considered, but in order to place either Journey or Oxford at alternative location(s) and meet the reasonably equivalent and contiguous tests, the District would either have to close a school or relocate a considerable portion of an existing school within the District.

Recommended Allocation of Space (Facilities Offer)

In accordance with the Proposition 39 facilities regulations, as set forth above, the allocation of facilities to the Journey School is based on space availability at the Foxborough campus has been calculated as follows:

	Total Sq. Ft. K-8	Charter Sq. Ft. K-8
Specialized Classroom Space		
Science Labs	960	375
Art Classrooms	960	375
Subtotal Specialized Space	1,920	750
Non-Teaching Admin Space	1,920	750
Common Space		
Custodial	100	39
Multi-Purpose*	1,920	749
Subtotal Common Space	2,020	788
Non-Classroom Outdoor Space*		
Playgrounds & Fields	N/A	N/A
Parking	N/A	N/A
Totals	5,860	2,288

**Sharing arrangement to be worked out based on time, not square feet.*

Site:	Grades K-8	Foxborough
Classrooms:	Grades K-8	7 6,720 sq. ft.
Specialize Classroom:	Grades K-8	39% 750 sq. ft.
Non-Teaching Admin Space:	Grades K-8	39% 750 sq. ft.
Common Space:	Grades K-8	39% 788 sq. ft.

Non-Classroom Outdoor Space: Grades K-5 39% of the day

Classrooms: Journey will be allocated exclusive use of seven total classrooms at Foxborough, to house all of their in-district ADA and will share the site with Oxford Preparatory Academy.

Total Classroom Space = 6,720 sq. ft.

Specialized Classroom Space: Journey will be permitted to use “specialized space,” including a science lab and art room at the per day percentage rates indicated below. Sharing arrangements will have to be worked out with Oxford Prep.

Grades K-8 Foxborough 39%

Total Specialized Classroom Space = 750 sq. ft

Non-Teaching Administrative Space: A minimum of 1,440 square feet of non-teaching space will be provided at Foxborough for administrative purposes

Total Non-Teaching Administrative Space = 750 sq. ft.

Common Space: Determination of use of the common space such as custodial and multi-purpose at the school site will be available on a shared basis and is based upon the relative percentage of Journey’s ADA at the sites offered compared to the total ADA at the particular site and is as follows:

Grades K-5 Foxborough 39%

Total Common Space = 788 sq. ft.

Non-classroom space such as playgrounds and fields, restrooms, and parking spaces at the school sites will be available on a shared basis. Use of these common areas may require rotation of the available times to accommodate both Journey’s in-district students and any other programs operated on the site.

Other common non-teaching space including teacher lounges, front office equipment, and RSP classrooms shall be shared with the District operated program at the site(s) as well. Use of these common areas may require rotation of the available times to accommodate both the charter’s in-district students and any other programs operated on the site.

Total Facilities Allocation: The total square foot allocation of facilities is provided below.

Total Classroom Space	6,720 sq. ft.
Total Specialized Classroom Space	750 sq. ft.
Total Non-Teaching Administrative Space	750 sq. ft.
Total Common Space	<u>788 sq. ft.</u>

Total Allocation of Facilities 9,008 sq. ft.

Utilities: Utility bills will be divided on the same percentage basis as indicated above.

Furnished and Equipped: District school classrooms are furnished and equipped with desks, chairs, and white/black boards. The offer of space will incorporate white/black boards along with desks and chairs at District loading standards indicated in the staffing ratios previously discussed. Specialized classroom space will be shared space and include the same furnishings and equipment available for use by District students except for those furnishings and equipment that are excluded pursuant to CCR Title 5 §11969.2(e). Equipment for non-teaching space, such as front office equipment, will be on a shared basis with the District's program. However, furnishings and equipment such as computers that were acquired for the school site with non-district resources are excluded from use.

Use of Space: The space allocated to Journey must be used in a manner consistent with the final offer of facilities. Additionally, the space allocated to Journey is for occupancy of the specific sites/spaces outline herein only. All property remains the property of the District and Journey shall not enter into any agreement with any party as to the use or occupancy of the property without the express written consent of the District. The proposed facilities offer is for space only and excludes any services related to the use of such space. Use of the space will be subject to the Facilities Use Agreement.

Occupancy: The space would be made available to Journey no less than ten (10) working days prior to the first day of instruction, for the 2011-2012 school year. In conformity with the statute and regulations, this offer of the above-described facilities applies to the school year 2011-2012, only.

Facilities Use Agreement

Pursuant to CCR Title 5 §11969.9(f)(3), the District will prepare and submit a facilities use agreement concurrent with any final Proposition 39 facilities offer presented to the Board for consideration. A preliminary draft facility use agreement will be prepared reflecting the proposal presented herein and will be presented to the charter school along with the preliminary facilities offer prior to February 2.

Pro-Rata Share

Journey will be responsible for a pro-rata share of the facilities costs in conformity with the regulations. The pro-rata share will be calculated using the following formula (CCR Title 5 §11969.7):

A per-square-foot amount equal to those school district facilities costs that the school district

pays for with unrestricted revenues from the district’s general fund divided by the total space of the school district multiplied by the amount of space allocated by the school district to the charter school.

$$(\$12,104,375 \div 4,100,000) = \$2.95$$
$$\$2.95 \times 9,008 \text{ sq. ft.} = \$26,573$$

The District used this methodology to calculate the pro-rata share. Consistent with the regulations, the District’s pro-rata calculation amounts to \$2.95 per square foot. The composite pro-rata share for allocated facilities is shown below:

Classroom Space:	6,720 sq. ft.	x.	\$2.95	=	\$19,824
Specialized Classroom Space:	750 sq. ft.	x	\$2.95	=	\$2,212
Non-Teaching Admin Space:	750 sq. ft.	x	\$2.95	=	\$2,212
Common Shared Space:	788 sq. ft.	x	\$2.95	=	<u>\$2,325</u>
Total					\$26,573

Journey’s pro-rata share will be \$26,573 for the 2011-2012 school year. Payment for the pro-rata share will be payable in 10 monthly payments. The first payment shall be due no later than September 1, 2011, and each additional payment will be due on or before the first day of each month thereafter. This pro-rata share may be adjusted to conform to any changes in the District’s final offer and the actual facilities-related expenditures for the 2010-2011 school year that are used to determine this calculation.

Over-Allocated Space

If the charter school’s in-district classroom ADA is less than the projected in-district classroom ADA contained in the request, and the shortfall meets the test outlined in CCR Title 5 §11969.8, the charter school shall reimburse the District for the over-allocated space in accordance with CCR Title 5 §11969.8.

Alternatives and Flexibility

At the sole discretion of the District and in cooperation with the charter school, nothing shall prohibit the parties from mutually agreeing to an alternative configuration, in lieu of agreement, and/or or adjustment to the proposal contained herein or to specific compliance with any of the provisions of the regulations. Additionally, the District may lease additional facilities to the charter beyond what they are provided and entitled to within the scope of this offer. Nothing presented herein shall prohibit implementation of such an alternative means of satisfying the District’s facilities obligation under Proposition 39.

With approval of this agenda item, staff also seeks latitude from the Board of Trustees to adjust this offer as detailed above as part of the process of preparing a final facilities offer. Such an

adjustment would be at the discretion of the staff, subject to Board approval and in concurrence with the charter school.

Exhibits

The following Exhibits are attached for reference:

- Exhibit A Proposition 39 Facilities Request
- Exhibit B District’s Analysis and Response to Charter School’s Request
- Exhibit C Charter School’s Response to District Analysis
- Exhibit D Foxborough Site Map

FINANCIAL IMPLICATIONS

The actual fiscal impact of this facilities offer is difficult to calculate because of a number of actual and potential impacts to both revenue and expenditures. Ostensibly the actual cost of providing facilities to the charter school should be revenue neutral. However in this case there will be the loss of lease revenue from the Niguel Children’s Center and Journey School due to the facilities that we will be taking back from the two groups. It is also conceivable that the District may need to purchase furniture and equipment, given that several of the classrooms that are being offered do not have desks and chairs. This estimated amount includes the anticipated costs of both Journey School and Oxford Preparatory Academy.

Estimated Fiscal Impact: \$700,000 (\$200,000 ongoing, \$500,000 estimated one-time)
Funding Source: General Fund

STAFF RECOMMENDATION

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, who will present this item. Following discussion, it is recommended the Board approve providing Proposition 39 facilities to Journey School for the 2011-2012 school year under the terms and conditions outlined above. It is further requested that the Board provide staff with the latitude to adjust this offer (subject to final Board approval) as deemed appropriate, and in concurrence with Journey, prior to presentation of the final facilities offer to the Board for consideration before April 1, 2011. This offer is not only compliant with the law, but also balances the facility needs of the charter school with the facility and programmatic needs of the District.

DISCUSSION/
ACTION



November 1, 2010

Via E-mail and Hand Delivery

Superintendent Joseph Farley, Ed.D
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675

RE: Request for Proposition 39 Facilities for the 2011-12 School Year

Dear Superintendent Farley:

I am writing on behalf of the Journey School ("Charter School") to request reasonably equivalent school facilities from the Capistrano Unified School District "District") pursuant to Education Code Section 47614 (i.e., Proposition 39) and Title 5 of the California Code of Regulations ("CCR") Section 11969.1 through 11969.11, as amended ("Implementing Regulations").

Proposition 39, passed by the voters of California on November 7, 2000, requires school districts to make available, to each charter school operating within the school district, school facilities sufficient for each 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 school district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In addition, the school district must make reasonable efforts to provide the charter school with facilities near to where the charter school desires to be located. (See Education Code Section 47614(b)).

The Proposition 39 Implementing Regulations, adopted by the State Board of Education ("SBE") on August 29, 2002, and amended on March 29, 2008, require the Charter School to make an annual written request for facilities. Title 5 CCR Section 11969.9(c)(1) specifies the information that must be included in the annual facilities request. This request, along with the information submitted herewith, meets and exceeds the requirements of Education Code Section 47614 and the Implementing Regulations.

Projected Average Daily Attendance (ADA)

In accordance with Education Code Section 47614(b)(2) the District is required to allocate school facilities to the Charter School for the following school year based upon a projection of average daily classroom attendance provided by the Charter School.

The Charter School's Governing Board has determined that a reasonable projection of the Charter School's in-District average daily classroom attendance for the 2011-12 school year is 210.55. The following is a break down of the Charter School's projected average daily attendance ("ADA") as required by 5 CCR Section 11969.9(c)(1). The Charter School's ADA figures are based on the methodology outlined in the following section.

27102 Foxborough, Aliso Viejo, CA 92656
Office (949) 448-7232 Fax (949) 448-7256

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EXHIBIT A
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Please note:

- “Prior year” means the fiscal year prior to the year in which a facilities request is made. For this request, the prior year is 2009-10.
- “Current year” means the fiscal year in which a facilities request is made. For this request, the current year is 2010-11.
- “Request year” means the fiscal year for which facilities are being requested. For this request, the request year is 2011-12.
- Journey School does not have any students generating non-classroom based ADA.

Table 1: Total Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K	48.40	60.45	60.45
1	26.64	24.18	46.50
2	23.06	23.25	24.18
3	23.22	23.25	23.25
4	19.17	23.25	23.25
5	24.53	18.60	23.25
6	23.05	23.25	18.60
7	16.82	22.32	22.32
8	24.46	15.81	21.39
9	n/a	n/a	n/a
10	n/a	n/a	n/a
11	n/a	n/a	n/a
12	n/a	n/a	n/a
Total	229.35	234.36	263.19

Table 2: Total In-District Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year (based on projected P2 resident ADA)</u>	<u>Projected Total Request Year (based on estimate of 80% resident students)</u>
K	38.01	48.36	48.36
1	20.91	19.34	37.20
2	15.85	18.60	19.34
3	19.61	18.60	18.60
4	16.34	18.60	18.60
5	22.07	14.88	18.60
6	19.38	18.60	14.88
7	14.89	17.86	17.86
8	19.78	12.65	17.11
9	n/a	n/a	n/a
10	n/a	n/a	n/a
11	n/a	n/a	n/a
12	n/a	n/a	n/a
Total	186.84	187.49	210.55

The following tables represent the projected **in-District enrollment for current year** (see also Table 2 above) broken down by grade level and the school in the District the pupils are otherwise eligible to attend. (5 CCR Section 11969.9(c)(2).)

Table 3: In-District Classroom enrollment Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name	0	1	2	3	4	5	6	7	8	Totals
Aliso Viejo Middle School							1	4	2	7
Ambuehl Elementary School	1			2	1					4
Barcelona Hills Elementary School	1	1	1		1					4
Bathgate Elementary School	1			1						2
Bernice Ayer Middle School							3	2	1	6
Canyon Vista Elementary School	1	1								2
Carl Hankey Elementary School	1			1		1				3
Carl Hankey Middle School									1	1
Chaparral Elementary School	2	1			1	1				5
Clarence Lobo Elementary School	3	1	1		1					6
Concordia Elementary School	2			1	1	1				5
Crown Valley Elementary School		2		1	2	1				6
Don Juan Avila Elementary School	7	1	2	1	2					13
Don Juan Avila Middle School							2	1	2	5
Fred Newhart Middle School							3			3
George White Elementary School	1			1	1	1				4
Hidden Hills Elementary School				1	1	1				3
John Malcom Elementary School	1									1
Ladera Ranch Elementary School						1				1
Ladera Ranch Middle School									2	2
Laguna Niguel Elementary School			1			1				2
Las Flores Elementary School	1					1				2
Las Palmas Elementary School				1						1
Marblehead Elementary School	1		2	1	1	1				6
Marco Forster Middle School							2	3	4	9
Marian Bergeson Elementary School	3	1		1	2					7
Moulton Elementary School	2	3	4	1	2	2				14
Niguel Hills Middle School							2	3	1	6
Oak Grove Elementary School	4	2	3		1	1				11
Oso Grande Elementary		1								1
Out of District	17	8	5	6	5	8	7	6	4	66
Palisades Elementary School	2		3		1					6
Philip Reilly Elementary School	1		1							2
R. H. Dana Elementary School	4	1	2		1	1				9
San Juan Elementary School			1		1					2
Shorecliffs Middle School							5	5	1	11
Truman Benedict Elementary School						1				1
Viejo Elementary School	1	1		2						4
Vista Del Mar Elementary School				2		1				3
Vista Del Mar Middle School							1	1		2
Wood Canyon Elementary School	6	3		2	1	2				14
Totals	63	27	26	25	26	26	26	25	18	262

Methodology Used In Making ADA Projection:

Title 5 CCR Section 11969.9(c)(1)(B) requires the facilities request to include a description of the methodology for the ADA projections. The Charter School utilized the following methodology in calculating the ADA projections. The historical enrollment and ADA data was analyzed, along with growth trends and waiting list information. Based on this, as well as the current Board policy regarding the capacity of each class, as well as the number of classes for each grade, the school is conservatively estimating growth at a slightly increased rate between 2010-11 and 2011-12. This growth is primarily due to the additional of one class (first grade) in 2011-12. In addition, this rate is close to the average of the growth rates in previous years, so it is considered reasonable. In addition, the school is continuing to increase its outreach efforts during 2010-11 prior to open enrollment, and so expects to be fully enrolled with a waiting list for 2011-12. While the chart below shows the trend for all students enrolled, both in-District as well as out-of-District, the relative percentage of students in these categories has been historically fairly consistent, and is expected to be so in the request year. It should be noted that although the 2010-11 budget is based on the more conservative projected enrollment of 252, and this is what is shown below, the actual enrollment as of the first month of school is 262 students.

School Year	Enrollment	ADA Claimed at P-2	Growth Percentage Change (based on total ADA)	# of Wait Listed Students
2006-07	181	163.02	N/A	Not available
2007-08	200	188.53	16%	Not available
2008-09	213	205.84	9%	73
2009-10	240	229.35	11%	52
2010-2011	252 (projected)	234.36 (projected)	2%	87
2011-2012	283 (projected)	263.19 (projected)	12%	Available 2011

As demonstrated herein, we have analyzed our School’s historical enrollment, growth trends, prior ADA figures, and historical and current wait list numbers in order to arrive at our total projected in-District classroom ADA figure for the request year.

Supporting Documentation:

Title 5 CCR Section 11969.9(c)(1)(C) requires the facilities request to include supporting documentation. The Implementing Regulations state that when a charter school is not yet open (i.e., not yet providing instruction) or to the extent an operating charter school projects a substantial increase in in-District ADA, the annual request must include documentation of the number of in-District students meaningfully interested in attending the Charter School. Please be advised that the Charter School is an existing school and is projecting only a slight increase in its in-District ADA. Accordingly, pursuant to the Implementing Regulations, please find attached our P-2 ADA forms for the prior year (2009-10), plus the in-district and out-of-district enrollment and ADA report as of October 1, 2010 as back up documents to support our projections. In addition, the number of currently enrolled students who are expected to enroll in the first grade next year is 36. In addition, the current first grade has 26 students with 23 students on the waiting list. These facts, in combination with significant interest from the community during fall outreach activities, allows the school to be certain that expansion through an additional class of first grade next year is realistic. Backup documentation for these numbers can be provided upon request.

Should the District desire additional documentation or information regarding the Charter School’s ADA projections, please contact me as soon as possible. In addition, the District has access to the Charter School’s student information system for all prior years of operation, and therefore additional information on enrollment, ADA and student addresses is available at any time via Aeries. We remain willing to cooperate with the District to immediately address any questions or concerns about this request and the supporting documentation.

Operational Calendar:

Title 5 CCR Section 11969.9(c)(1)(D) requires the facilities request to include the Charter School’s operational calendar. The Charter School’s current operational calendar is attached for your review. The Charter School expects that its

first day of instruction will be on September 6, 2011 (2011- 2012 calendar is subject to Board approval), therefore we will need access to the facility on or before July 1, 2011 in order to prepare. Please note that Title 5 CCR Section 11969.9(j) requires the District to ensure that a furnished and equipped facility meeting the requirement of Proposition 39 be made available to the Charter School no less than ten (10) working days prior to the charter school's first day of instruction. In addition, in accordance with Section 11969.5, the space allocated must be made available for the Charter School's entire school year regardless of the School District's instructional year or class schedule.

Educational Program:

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the charter school's educational program that is relevant to the assignment of facilities. The Charter School's educational program does not have many unique facilities needs beyond a traditional public school. However, as you are aware, the educational program of the Charter School is based on Waldorf methodology, and therefore includes a rich arts based program, including the performing arts, as well as a science program that uses observation of the natural world and gardening. There is a unique games/sports program, and the staff participates in a two week long Instructional Leadership Institute prior to school opening. The Journey School kindergarten is unique in the amount of educational time spent in active endeavors, both indoors and out. The parent community at Journey is very actively engaged and subsequently, parents are on campus frequently. In order to provide these aspects of our educational program, the facility allocated to the Charter School should provide, in addition to the traditional classroom and office space, the following: a Multi Purpose Room, adequate play areas for kindergarten as well as grades 1 to 8, art and/or science rooms with running water if possible, adequate parking for staff as well as parents, and areas suitable for gardening. The facility that Journey School is currently occupying meets these needs adequately.

In addition, and in accordance with its charter and its budget, the Charter School operates grade levels K through 8 on one contiguous school site. Consequently, the Charter School's educational program requires a single contiguous school site in which to operate.

Facility Location:

Title 5 CCR Section 11969.9(c)(1)(E) requires the Charter School to provide information regarding the District school site and/or general geographic area in which the Charter School wishes to locate. Based upon the needs of the Charter School and the residency of the projected student enrollment, the Charter School desires to locate its facility in the Aliso Viejo area, and in particular, would like to continue to occupy the former Foxborough Elementary School site.

Procedures and Timelines:

In accordance with the Implementing Regulations, the District is required to review the Charter School's attendance projections and to express any objections that it has about the Charter School's attendance projections in writing on or before December 1, 2010. The Charter School must respond to the District's written objections, if any, on or before January 2, 2011, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)

Furthermore, we look forward to receiving a written preliminary facilities proposal from the District on or before February 1, 2011, as required under the Implementing Regulations. (5 CCR Section 11969.9(f).) The preliminary proposal must include, at a minimum, the following information: (1) a breakdown of the number of teaching stations (classrooms), specialized and non-classroom based space to be allocated to the Charter School, with an indication as to whether the space is exclusive or shared use; (2) the projections of in-District classroom ADA on which the proposal is based; (3) the specific location of the space; (4) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the Charter School's use of the space, (typically referred to as a facilities use agreement); (5) the projected pro rata share amount and a description of the methodology used to determine that amount; and (6) a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the Charter School's facilities request. The Charter School has until March 1, 2011, to respond to the preliminary proposal.

The Implementing Regulations Section 11969.9(h) requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2011. The final notification specifically must include, at a minimum, the following:

- (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 which the charter is to be provided access on a shared basis with District operated programs, if any;
- (2) For shared space, if any, the proposed 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 specific location of the space;
- (5) All conditions pertaining to the Charter School's use of the space;
- (6) The pro rata share amount and a description of the methodology used to determine that amount;
- (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; and
- (8) A response to the Charter School's concerns and/or counter-proposals, if any.

A California Court of Appeals decision has made clear that, in meeting their Proposition 39 obligation, school districts must give the same degree of consideration to the needs of charter school students as it does to the students in district-run schools. The court noted that "accommodating a charter school might involve moving district-operated programs or changing attendance areas" and that providing a contiguous school facility to a charter school might require disruption and dislocation among district students, staff and programs. *Ridgecrest Charter School v. Sierra Sands Unified School District*, 130 Cal.App.4th 986 (2005). In addition, the Court concluded that a school district responding to a request for facilities must issue a statement of reasons at the time it makes its final determination that is "thorough" and "factual" enough to permit "effective review by the courts"; the statement of reasons issued by the school district must demonstrate that the district has "adequately considered all relevant factors" and that the district can "demonstrate a rational connection between those factors, the choice made, and the purposes of [Proposition 39]."

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

The Charter School Governing Board has delegated to me the responsibility to negotiate the allocation of a facility under Proposition 39. All communications regarding this matter should be sent to my attention at the address below. My contact information is as follows:

Shaheer Faltas, Administrator
 27102 Foxborough
 Aliso Viejo, CA 92656
 949.448.7232 office
 949.616.8962 cell
 949.448.7256 fax
 administrator@journeyschool.net

I appreciate your time and consideration of this request and I look forward to developing a mutually agreeable plan to meet the facilities needs of the Charter School's students.

Sincerely,

Shaheer Faltas
 School Administrator
 Journey School

cc: Julie Hatchel
 CUSD – Assistant Superintendent

Attachments (the following attachments are incorporated by reference herein):

2009-2010 P2 ADA Forms (J18/19)

Attendance Summary Report for September (Month 1) 2010, including enrollment by grade and program

Journey School 2010-11 Calendar

Journey Charter School

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2009-2010

MONTHLY ATTENDANCE SUMMARY

Page 1

Month 7 - From 03/08/2010 Through 04/02/2010

Regular Program

Grade Tchr Level No.	A Tchg Days	B Enroll- ment Carried Fwd	C Gains	D Total Enroll- ment (B+C)	E Losses	F Ending Enroll- ment (D-E)	G Days Not Enroll	H Days Non- Apport Attend	I Actual Days (A*D)	J Total Apport Attend (A*D)-G-H	K Total A.D.A. (J/A)	L Percent Attend J/(A*D)-G	M Loss at End of Last School Day	N		O		P
														Total Apport Attend	Total Attend	Days Taught	Year To Date	
K 001	20	13	0	13	0	13	0	12	260	248	12.40	95.38%	0	1565	127	12.32		
K 084	20	15	0	15	0	15	0	22	300	278	13.90	92.67%	0	1787	127	14.07		
K 087	20	11	0	11	1	10	0	20	220	200	10.00	90.91%	1	1475	127	11.61		
K TOTAL	20	39	0	39	1	38	0	54	780	726	36.30	93.08%	1	4827	127	38.01		
TOTAL KDG	20	39	0	39	1	38	0	54	780	726	36.30	93.08%	1	4827	127	38.01		
1 088	20	21	0	21	0	21	0	21	420	399	19.95	95.00%	0	2656	127	20.91		
1 TOTAL	20	21	0	21	0	21	0	21	420	399	19.95	95.00%	0	2656	127	20.91		
2 081	20	16	0	16	0	16	0	17	320	303	15.15	94.69%	0	2013	127	15.85		
2 TOTAL	20	16	0	16	0	16	0	17	320	303	15.15	94.69%	0	2013	127	15.85		
3 089	20	21	0	21	0	21	0	30	420	390	19.50	92.86%	0	2490	127	19.61		
3 TOTAL	20	21	0	21	0	21	0	30	420	390	19.50	92.86%	0	2490	127	19.61		
TOTAL 1-3	20	58	0	58	0	58	0	68	1160	1092	54.60	94.14%	0	7159	127	56.37		
4 002	20	16	0	16	1	15	0	25	320	295	14.75	92.19%	1	2075	127	16.34		
4 TOTAL	20	16	0	16	1	15	0	25	320	295	14.75	92.19%	1	2075	127	16.34		
5 090	20	23	0	23	0	23	0	32	460	428	21.40	93.04%	0	2803	127	22.07		
5 TOTAL	20	23	0	23	0	23	0	32	460	428	21.40	93.04%	0	2803	127	22.07		
6 091	20	21	0	21	0	21	0	25	420	395	19.75	94.05%	0	2461	127	19.38		
6 TOTAL	20	21	0	21	0	21	0	25	420	395	19.75	94.05%	0	2461	127	19.38		
TOTAL 4-6	20	60	0	60	1	59	0	82	1200	1118	55.90	93.17%	1	7339	127	57.79		
7 092	20	15	1	16	0	16	10	23	320	287	14.35	92.58%	0	1891	127	14.89		
7 TOTAL	20	15	1	16	0	16	10	23	320	287	14.35	92.58%	0	1891	127	14.89		
8 060	20	21	0	21	0	21	0	23	420	397	19.85	94.52%	0	2512	127	19.78		
8 TOTAL	20	21	0	21	0	21	0	23	420	397	19.85	94.52%	0	2512	127	19.78		
Total 7-8	20	36	1	37	0	37	10	46	740	684	34.20	93.70%	0	4403	127	34.67		
PROGRAM	20	193	1	194	2	192	10	250	3880	3620	181.00	93.54%	2	23728	127	186.83		

Principal Signature: *[Signature]* Date: 4/14/10

To the best of my knowledge, the information contained on this document is accurate and complete.

Journey Charter School

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2009-2010

MONTHLY ATTENDANCE SUMMARY

Page 2

Month 7 - From 03/08/2010 Through 04/02/2010

Program J Charter School Only

Grade Tchr Level No.	A Tchg Days	B Enroll- ment Carried Fwd	C Gains	D Total Enroll- ment (B+C)	E Losses	F Ending Enroll- ment (D-E)	G Days Not Enroll	H Days Non- Apport Attend	I Actual Days (A*D)	J Total Apport Attend (A*D)-G-H	K Total A.D.A. (J/A)	L Percent Attend J/(A*D)-G	M Loss at End of Last School Day	N		O		P
														Total Apport Attend	Total Attend	Days Taught	Total ADA (N/O)	
K 001	20	4	0	4	0	4	0	4	80	76	3.80	95.00%	0	474	127	3.73		
K 084	20	3	0	3	0	3	0	7	60	53	2.65	88.33%	0	320	127	2.52		
K 087	20	5	0	5	0	5	0	3	100	97	4.85	97.00%	0	525	127	4.13		
K TOTAL	20	12	0	12	0	12	0	14	240	226	11.30	94.17%	0	1319	127	10.39		
TOTAL KDG	20	12	0	12	0	12	0	14	240	226	11.30	94.17%	0	1319	127	10.39		
1 088	20	6	0	6	0	6	0	8	120	112	5.60	93.33%	0	728	127	5.73		
1 TOTAL	20	6	0	6	0	6	0	8	120	112	5.60	93.33%	0	728	127	5.73		
2 081	20	8	0	8	0	8	0	5	160	155	7.75	96.88%	0	916	127	7.21		
2 TOTAL	20	8	0	8	0	8	0	5	160	155	7.75	96.88%	0	916	127	7.21		
3 089	20	4	0	4	0	4	0	2	80	78	3.90	97.50%	0	458	127	3.61		
3 TOTAL	20	4	0	4	0	4	0	2	80	78	3.90	97.50%	0	458	127	3.61		
TOTAL 1-3	20	18	0	18	0	18	0	15	360	345	17.25	95.83%	0	2102	127	16.55		
4 002	20	3	0	3	0	3	0	2	60	58	2.90	96.67%	0	360	127	2.83		
4 TOTAL	20	3	0	3	0	3	0	2	60	58	2.90	96.67%	0	360	127	2.83		
5 090	20	3	0	3	0	3	0	2	60	58	2.90	96.67%	0	312	127	2.46		
5 TOTAL	20	3	0	3	0	3	0	2	60	58	2.90	96.67%	0	312	127	2.46		
6 091	20	4	0	4	0	4	0	4	80	76	3.80	95.00%	0	466	127	3.67		
6 TOTAL	20	4	0	4	0	4	0	4	80	76	3.80	95.00%	0	466	127	3.67		
TOTAL 4-6	20	10	0	10	0	10	0	8	200	192	9.60	96.00%	0	1138	127	8.96		
7 092	20	2	0	2	0	2	0	4	40	36	1.80	90.00%	0	245	127	1.93		
7 TOTAL	20	2	0	2	0	2	0	4	40	36	1.80	90.00%	0	245	127	1.93		
8 060	20	5	0	5	0	5	0	13	100	87	4.35	87.00%	0	594	127	4.68		
8 TOTAL	20	5	0	5	0	5	0	13	100	87	4.35	87.00%	0	594	127	4.68		
Total 7-8	20	7	0	7	0	7	0	17	140	123	6.15	87.86%	0	839	127	6.61		
PROGRAM	20	47	0	47	0	47	0	54	940	886	44.30	94.26%	0	5398	127	42.50		

Principal Signature 

Date 4/14/10

To the best of my knowledge, the information contained on this document is accurate and complete.

Journey Charter School MONTHLY ATTENDANCE SUMMARY

2010-2011
Month 1 - From 09/06/2010 Through 10/01/2010
Regular Program

Grade Level	Tchr No.	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	YEAR TO DATE	
																		Total Enroll-ment (B+C)	Losses
K	001	18	0	15	15	0	15	0	7	270	263	14.61	97.41%	0	263	18	14.61		
K	087	18	0	16	16	0	16	8	12	288	268	14.89	95.71%	0	268	18	14.89		
K	098	18	0	16	16	0	16	0	12	288	276	15.33	95.83%	0	276	18	15.33		
K	TOTAL	18	0	47	47	0	47	8	31	846	807	44.83	96.30%	0	807	18	44.83		
	TOTAL KDG	18	0	47	47	0	47	8	31	846	807	44.83	96.30%	0	807	18	44.83		
1	097	18	0	19	19	0	19	2	14	342	326	18.11	95.88%	0	326	18	18.11		
1	TOTAL	18	0	19	19	0	19	2	14	342	326	18.11	95.88%	0	326	18	18.11		
2	096	18	0	21	21	0	21	2	12	378	364	20.22	96.81%	0	364	18	20.22		
2	TOTAL	18	0	21	21	0	21	2	12	378	364	20.22	96.81%	0	364	18	20.22		
3	081	18	0	18	18	0	18	1	8	324	315	17.50	97.52%	0	315	18	17.50		
3	TOTAL	18	0	18	18	0	18	1	8	324	315	17.50	97.52%	0	315	18	17.50		
	TOTAL 1-3	18	0	58	58	0	58	5	34	1044	1005	55.83	96.73%	0	1005	18	55.83		
4	089	18	0	21	21	0	21	0	13	378	365	20.28	96.56%	0	365	18	20.28		
4	TOTAL	18	0	21	21	0	21	0	13	378	365	20.28	96.56%	0	365	18	20.28		
5	002	18	0	19	19	0	19	7	8	342	327	18.17	97.61%	0	327	18	18.17		
5	TOTAL	18	0	19	19	0	19	7	8	342	327	18.17	97.61%	0	327	18	18.17		
6	090	18	0	19	19	0	19	0	11	342	331	18.39	96.78%	0	331	18	18.39		
6	TOTAL	18	0	19	19	0	19	0	11	342	331	18.39	96.78%	0	331	18	18.39		
	TOTAL 4-6	18	0	59	59	0	59	7	32	1062	1023	56.83	96.97%	0	1023	18	56.83		
7	091	18	0	19	19	0	19	0	11	342	331	18.39	96.78%	0	331	18	18.39		
7	TOTAL	18	0	19	19	0	19	0	11	342	331	18.39	96.78%	0	331	18	18.39		
8	095	18	0	14	14	0	14	0	11	252	241	13.39	95.63%	0	241	18	13.39		
8	TOTAL	18	0	14	14	0	14	0	11	252	241	13.39	95.63%	0	241	18	13.39		
	Total 7-8	18	0	33	33	0	33	0	22	594	572	31.78	96.30%	0	572	18	31.78		
	PROGRAM	18	0	197	197	0	197	20	119	3546	3407	189.28	96.63%	0	3407	18	189.28		

EXHIBIT A
(10 of 13)

Principal Signature _____ Date _____
To the best of my knowledge, the information contained on this document is accurate and complete.

Journey Charter School

MONTHLY ATTENDANCE SUMMARY

2010-2011

Month 1 - From 09/06/2010 Through 10/01/2010

Program J Charter School Only

Grade Level	Tchr No.	A Tchg Days	B Enroll- ment Carried Fwd	C Gains	D Total Enroll- ment (B+C)	E Losses	F Ending Enroll- ment (D-E)	G Days Not Enroll- ed	H Days Non- Attend	I Actual Days (A*D)	J Total Attend (A*D)-G-H	K Total A.D.A. (J/A)	L Percent Attend J/(A*D)-G	M Loss at End of Last School Day	N Total Attend	O Days Taught	P Total ADA (N/O)
K	001	18	0	5	5	0	5	0	2	90	88	4.89	97.78%	0	88	18	4.89
K	087	18	0	4	4	0	4	0	2	72	70	3.89	97.22%	0	70	18	3.89
K	098	18	0	6	6	0	6	0	9	108	99	5.50	91.67%	0	99	18	5.50
K	TOTAL	18	0	15	15	0	15	0	13	270	257	14.28	95.19%	0	257	18	14.28
	TOTAL KDG	18	0	15	15	0	15	0	13	270	257	14.28	95.19%	0	257	18	14.28
1	097	18	0	7	7	0	7	0	7	126	119	6.61	94.44%	0	119	18	6.61
1	TOTAL	18	0	7	7	0	7	0	7	126	119	6.61	94.44%	0	119	18	6.61
2	096	18	0	5	5	0	5	0	0	90	90	5.00	100.00%	0	90	18	5.00
2	TOTAL	18	0	5	5	0	5	0	0	90	90	5.00	100.00%	0	90	18	5.00
3	081	18	0	6	6	0	6	0	0	108	108	6.00	100.00%	0	108	18	6.00
3	TOTAL	18	0	6	6	0	6	0	0	108	108	6.00	100.00%	0	108	18	6.00
	TOTAL 1-3	18	0	18	18	0	18	0	7	324	317	17.61	97.84%	0	317	18	17.61
4	089	18	0	5	5	0	5	0	8	90	82	4.56	91.11%	0	82	18	4.56
4	TOTAL	18	0	5	5	0	5	0	8	90	82	4.56	91.11%	0	82	18	4.56
5	002	18	0	7	7	0	7	0	9	126	117	6.50	92.86%	0	117	18	6.50
5	TOTAL	18	0	7	7	0	7	0	9	126	117	6.50	92.86%	0	117	18	6.50
6	090	18	0	7	7	0	7	0	5	126	121	6.72	96.03%	0	121	18	6.72
6	TOTAL	18	0	7	7	0	7	0	5	126	121	6.72	96.03%	0	121	18	6.72
	TOTAL 4-6	18	0	19	19	0	19	0	22	342	320	17.78	93.57%	0	320	18	17.78
7	091	18	0	6	6	0	6	0	10	108	98	5.44	90.74%	0	98	18	5.44
7	TOTAL	18	0	6	6	0	6	0	10	108	98	5.44	90.74%	0	98	18	5.44
8	095	18	0	4	4	0	4	13	2	72	57	3.17	96.61%	0	57	18	3.17
8	TOTAL	18	0	4	4	0	4	13	2	72	57	3.17	96.61%	0	57	18	3.17
	Total 7-8	18	0	10	10	0	10	13	12	180	155	8.61	92.81%	0	155	18	8.61
	PROGRAM	18	0	62	62	0	62	13	54	1116	1049	58.28	95.10%	0	1049	18	58.28

Principal Signature _____ Date _____
To the best of my knowledge, the information contained on this document is accurate and complete.

Journey School Calendar: 2010-2011

Attendance Month	Calendar Month	M	T	W	TH	F	Teacher Days	Total Student Days	Regular Days	Minimum Days	Student and Teacher Holiday	
1st Day of School: Min Day	Aug	23	24	25	26	27	5	0	0	0	Teacher Only Work Day	
	Sept	30	31	1	2	3	5	0	0	0	No School for students	
		6	7		9	10	4	3	2	1	Labor Day	
		13	14	15	16	17	5	5	4	1	Parent evening 9/15, min day	
		20	21	22	23	24	5	5	4	1	First day of school -9/8	
Month 1	18	Oct	27	28	29	30	1	5	5	4	1	Minimum Day 1-8
			4	5	6	7	8	5	5	4	1	Attendance months
			11	12	13	14	15	5	5	4	1	
		18	19	20	21	22	5	5	4	1		
Month 2	19		25	26	27	28	29	5	4	2	2	10-27 to 11-1 Parent Conferences/ Goals
		Nov	1	2	3	4	5	5	4	3	1	
			8	9	10	11	12	4	3	2	1	11/11-Veterans' Day 11/12-Progress Report work 11/19-Progress reports home, regular day
		15	16	17	18	19	5	5	4	1		
Month 3	12		22	23	24	25	26	0	0	0	0	Thanksgiving
		Dec	29	30	1	2	3	5	5	4	1	
			6	7	8	9	10	5	5	4	1	
		13	14	15	16	17	5	5	4	1		
		20	21	22	23	24	0	0	0	0	Winter Break	
		27	28	29	30	31	0	0	0	0	Winter Break	
Month 4	20	Jan	3	4	5	6	7	5	5	4	1	
			10	11	12	13	14	5	5	4	1	
			17	18	19	20	21	4	4	3	1	Martin L King
		24	25	26	27	28	5	5	4	1		
Month 5	19	Feb	31	1	2	3	4	5	5	4	1	
			7	8	9	10	11	5	5	4	1	
			14	15	16	17	18	4	4	3	1	
		21	22	23	24	25	4	4	3	1	Presidents' Day	
Month 6	18	March	28	1	2	3	4	5	5	4	1	
			7	8	9	10	11	5	5	4	1	
			14	15	16	17	18	5	5	4	1	
		21	22	23	24	25	5	5	4	1	End of P2/M7 is April 1 4/11 to 4/15 for Parent Conferences/ Goals	
Month 7	20	April	28	29	30	31	1	5	5	4	1	Spring Break
			4	5	6	7	8	0	0	0	0	Progress Reports home 4/15
			11	12	13	14	15	5	5	0	5	KINDY Min days week of 4/11
		18	19	20	21	22	5	5	4	1	NOTE: Easter is 4/24/11	
Month 8	15	May	25	26	27	28	29	5	5	4	1	
			2	3	4	5	6	5	5	4	1	
			9	10	11	12	13	5	5	4	1	
		16	17	18	19	20	5	5	4	1		
Month 9	20		23	24	25	26	27	5	5	4	1	
		June	30	31	1	2	3	4	4	3	1	Memorial Day
			6	7	8	9	10	5	5	4	1	
Month 10	14		13	14	15	16	17	5	5	4	1	Last day of school-6/17
			20	21	22	23	24	5	0	0	0	
		July	27	28	29	30	1	4	0	0	0	
175		Total Teacher Days					198	175	133	42	Total Student Days	
Teacher only work days:		Aug 23 to Sept 7, Oct 29 & Nov 1, Nov 12, June 20 to June 30									Approved by Council 7/22/10	
Student Holidays:		Oct. 29 & Nov. 1 (Fall Recess); Nov. 11-12 (Veterans Day); Nov. 22-26 (Thanksgiving); Dec. 20-31 (Winter Break); Jan. 17 (Martin Luther King); Feb. 18-21 (President's Day); April 4-8 (Spring Break); May 30 (Memorial Day).										
End of attendance months:		Oct 1, Oct 29, Nov 26, Jan 7, Feb 4, Mar 4, Apr 1, Apr 29, May 27, June 17										
First/Last Days of School for the Students:		9/8/10 and 6/17/11					First/Last Days of Work for the Teachers:					8/23/10 and 6/30/11

2010-11									
Instructional minutes calculation:					JOURNEY	TOTALS	Regular Requirement	Temporary Requirement	Grade level
Kindergarten REG	170 days	@	240	40,800	41400	36000	35000	K	
Kindergarten MIN	5 days	@	120	600					
Grades 1-8 MIN	42 days	@	220	9240					
Grades 1-8 REG	133 days	@	330	43890	53130	54000	52500	4 to 8	
						50400	49000	1 to 3	
Bell Schedule:									
INSTRUCTIONAL Mins									
Kindergarten regular days	8:30	AM	to	12:30	PM			240	
Kindergarten min days	8:30	AM	to	10:30	AM	(April 11 to 15)		120	
All days, grades 1-8	8:30	AM	to	10:30	AM			120	
Recess	10:30	AM	to	10:55	AM			0	
All days, grades 1-8	10:55	AM	to	12:35	PM			100	
Lunch	12:35	PM	to	1:10	PM			0	
All regular days, grades 1-8	1:10	PM	to	2:00	PM			50	
All regular days, grades 1-8	2:00	PM	to	3:00	PM			60	
Minimum day release at 12:35									
1-8 Regular day total							Total	330	
Kindergarten regular day total							Total	240	
Kindergarten min day total							Total	120	
1-8 Minimum day total							Total	220	



Capistrano Unified School District

Excellence in Education

33122 Valle Road, San Juan Capistrano, CA 92675

Telephone (949) 234-9200/FAX 493-8729

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December 1, 2010

Mr. Shaheer Faltas, Administrator
Journey School
27102 Foxborough
Aliso Viejo, CA 92656

Re: Request for Charter School Facilities for the 2011/12 School Year

Dear Mr. Faltas:

Thank you for the timely submission of the Journey School's ("Journey") Proposition 39 facilities request for 2011/12 ("Request"). This letter is in response to your Request dated November 1, 2010.

Review Process and Request Requirements

Procedures and timelines for the request for, reimbursement for, and provision of facilities for charter schools are found in Title 5 California Code of Regulations, §11969.9. To receive facilities during a particular fiscal year ("Request Year"), a charter school must submit a written facilities request to the school district on or before November 1 of the year preceding the Request Year. The written facilities request must consist of:

- A. Reasonable projection of in-district and total ADA and in-district and total classroom ADA broken down by the grade level and school the student would otherwise attend. §11969.9 (c) (1) (A) and §11969.9 (c) (2)
- B. Description of the methodology for the projections. §11969.9 (c) (1) (B)
- C. Documentation of the number of meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection. §11969.9 (c) (1) (C)
- D. Charter school's operational calendar. §11969.9 (c) (1) (D)
- E. Information regarding the district school site and/or general geographic area in which the charter school wishes to locate. §11969.9 (c) (1) (E)
- F. Information on the charter school's educational program, if any, that is relevant to assignment of facilities. §11969.9 (c) (1) (F)



EXHIBIT B (1 of 2)

Findings

District staff has reviewed Journey's Request and determined that it generally meets the requirements of Title 5 California Code of Regulations, §11969.9. However, it appears that enrollment and ADA are being used interchangeably. Table 3 provides in-district "classroom enrollment" broken down by grade. Is this chart reflective of enrollment or ADA? Title 5 CCR, §11969.9 (c) (1) (A) and §11969.9 (c) (2) require the charter school to provide in-district classroom student populations to be presented on an ADA basis, not enrollment. In-district classroom ADA in Table 2 is projected at 210.55. Shouldn't the total in Table 3 correspond to this number?

While this issue is not sufficient reason to deny the Request, please provide clarification of the concern set forth above. Specifically, please provide a breakdown of the actual projected in-district ADA by grade and by school that the students would otherwise attend as required by Title 5 CCR, §11969.9 (c) (1) (A) and §11969.9 (c) (2).

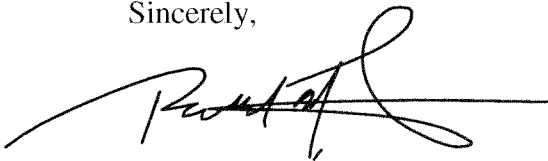
In order to accurately address Journey's facilities needs, accurate in-district ADA projections by grade level will need to be provided.

Conclusion

As stated above, Journey's Proposition 39 facilities Request generally appears to meet the requirements of Title 5 California Code of Regulations, §11969.9 with the exception of the discrepancies and concerns noted above which will need to be clarified in writing to the District by January 2, 2011.

You may contact me at (949) 234-9211 if you have any questions.

Sincerely,



Ronald N. Lebs
Deputy Superintendent
Business and Support Services

cc Julie Hatchel, Assistant Superintendent
Clarissa Canady, Dannis Woliver Kelley



Where education is
a journey, not a race

January 2, 2011

Via E-mail

Ron Lebs
Deputy Superintendent, Business and Support Services
rlebs@capousd.org
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675

RE: Addendum to Request for Proposition 39 Facilities for the 2011-12 School Year

Dear Mr. Lebs:

I am writing in response to your letter dated December 1, 2010 regarding Journey School's Proposition 39 Request for Facilities for the 2011-12 school year.

You requested additional information regarding the Charter School's in-district ADA projections for 2011-12. Table 3, included in the initial request, showed the actual enrollment at Journey School broken down by grade and by the school the students would otherwise attend. Those numbers were taken from the school's enrollment data as of October, 2010. In order to provide clarification of how these enrollment numbers translate into the in-district ADA projections shown in Table 2 of the initial request, we are including additional data in Table 4, below. Table 4 shows our best estimates, using the methodology described in the initial request letter, for the in-district projected ADA for the 2011-12 school year, broken down by grade level and by school that the students would otherwise attend. The totals in Table 4 correspond to the total projected in-district ADA of 210.55 that was originally included in Table 2.

TABLE 4: Projected In-District ADA for 2011-12 by Grade and School

School Name	0	1	2	3	4	5	6	7	8	Totals
Aliso Viejo Middle School	1.86							0.93	3.72	6.51
Ambuehl Elementary School	0.93				1.86	0.93				3.72
Barcelona Hills Elementary School	0.93	0.93	0.93	0.93		0.93				4.65
Bathgate Elementary School	0.93				0.93					1.86
Bernice Ayer Middle School								2.79	1.86	4.65
Canyon Vista Elementary School	0.93	0.93	0.93							2.79
Carl Hankey Elementary School	0.93				0.93		0.93			2.79
Chaparral Elementary School	1.86	2.79	0.93			0.93	0.93			7.44
Clarence Lobo Elementary School	0.93	1.86	0.93	0.93						4.65
Concordia Elementary School	1.86				0.93		0.93			3.72
Crown Valley Elementary School		1.86	1.86		0.93	1.86	0.93			7.44
Don Juan Avila Elementary School	6.51	7.44	0.93	1.86	0.93	1.86				19.53
Don Juan Avila Middle School								1.86	1.14	3.00

Fred Newhart Middle School								2.79		2.79
George White Elementary School	0.93				0.93	0.93	0.93			3.72
Hidden Hills Elementary School					0.93	0.93	0.93			2.79
John Malcom Elementary School	0.93									0.93
Ladera Ranch Elementary School	1.86						0.93			2.79
Laguna Niguel Elementary School				0.93			0.93			1.86
Las Flores Elementary School	0.93						0.93			1.86
Las Palmas Elementary School					0.93					0.93
Marblehead Elementary School	0.93			1.86	0.93	0.93	0.93			5.58
Marco Forster Middle School								1.86	2.79	4.65
Marian Bergeson Elementary School	2.79	3.72	0.93		0.93	1.86				10.23
Moulton Elementary School	1.86	4.65	2.79	3.72	0.93	1.86	1.86			17.67
Niguel Hills Middle School								0.93	3.72	4.65
Oak Grove Elementary School	3.72	5.58	1.86	2.79		0.93	0.93			15.81
Oso Grande Elementary		0.93	0.93							1.86
Palisades Elementary School	1.86			2.79		0.93				5.58
Philip Reilly Elementary School	0.93			0.93						1.86
R. H. Dana Elementary School	3.72	4.65	0.93	1.86		0.93	0.93			13.02
San Juan Elementary School				0.93		0.93				1.86
Shorecliffs Middle School								3.72	5.58	9.30
Truman Benedict Elementary School							0.93			0.93
Viejo Elementary School	0.93	1.86	0.93		1.86					5.58
Vista Del Mar Elementary School					1.86		0.93			2.79
Vista Del Mar Middle School								0.93	0.35	1.28
Wood Canyon Elementary School	6.14	3.9	2.79		1.86	0.93	1.86			17.48
Totals	45.20	41.10	17.67	19.53	17.67	17.67	16.74	15.81	19.16	210.55

Journey School draws students from throughout the Capistrano Unified School District boundaries, and cannot entirely predict exactly how many students will attend Journey from each of the CUSD schools. However, we believe Table 4 represents an accurate and reasonable estimate of this information. Please let me know if additional data or background information is needed.

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

Once again, please feel free to contact me regarding the next step in ensuring facilities for Journey School next year. My contact information is as follows:

Shaheer Faltas, Administrator
27102 Foxborough
Aliso Viejo, CA 92656
949.448.7232 office
949.616.8962 cell
949.448.7256 fax
administrator@journeyschool.net

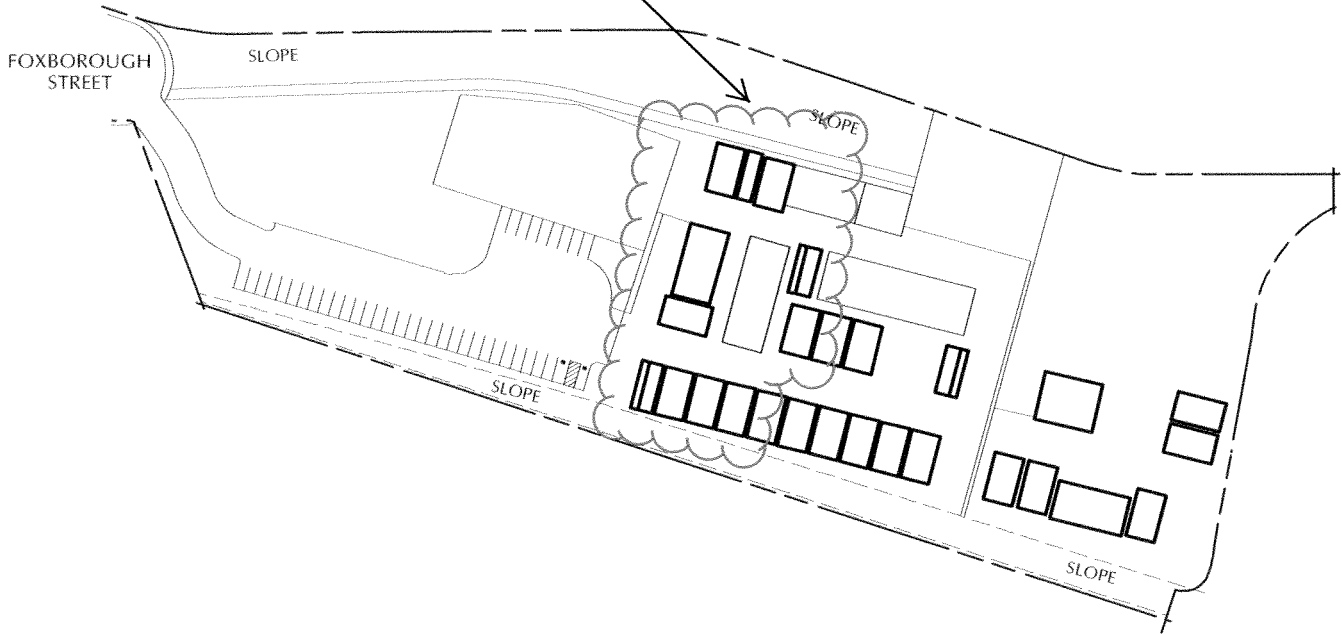
I appreciate your time and your consideration of this additional information, and I look forward to continuing our discussion regarding a mutually agreeable plan to meet the facilities needs of the Charter School's students.

Sincerely,

Shaheer Faltas
School Administrator
Journey School

cc: Julie Hatchel
CUSD – Assistant Superintendent

7 Classrooms
1 Administration Building



JOURNEY SCHOOL
K - 8 Campus
Prop. 39 Preliminary Facilities Offer for 2011 - 2012
Capistrano Unified School District



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SHEET:

1 OF 1