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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Curtiss Sarikey, Chief of Staff
Kelly Krag-Arnold, Deputy Director, Office of Charter Schools
Joshua R. Daniels, Chief Governance Officer

Meeting Date March 30, 2022

Subject Proposition 39 Offer for Yu Ming Charter School

Ask of the Board Approval by the Board of Education of Resolution No. 2122-0195 - Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39. If the Board does not approve Resolution No. 2122-0195, then approval by the Board of Education of Resolution No. 2122-0195A or Resolution No. 2122-0195B.

Background Under Proposition 39 and its implementing regulations (“Prop. 39”), school districts are generally required to issue final offers of facilities to all eligible charter schools no later than April 1, 2022. Prop. 39 requires findings and written statement of reasons by the Board of Education (“Board”) in the event that a charter school, eligible for Prop. 39 facilities, makes a timely request for facilities and a district is not able to accommodate the charter school's request at a single school site.

For the 2022-23 school year, the only outstanding Proposition 39 facility request is from Yu Ming Charter School (“Yu Ming”), which is a countywide benefit charter school authorized by the Alameda County Board of Education (“ACBOE”) through June 2026. Yu Ming was provided a preliminary offer of 17 rooms for their in-District K-8 ADA of 347 students: 7 rooms at East Oakland Pride and 10 rooms at Markham Elementary. The same offer was recommended by staff as the final offer to Yu Ming at the March 23, 2022 Board meeting. Instead, the Board directed staff to (i) present the Board with alternatives to the EOP-Markham offer, (ii) see if Yu Ming would sign a 30-day extension to postpone the April 1 deadline, and (iii) explore the possibility of an in-lieu lease with Yu Ming that would obviate the need for OUSD to make a Prop. 39 offer.

Discussion As explained in the Staff Report, the District cannot accommodate a single site offer for Yu Ming. The Staff Report outlines the process used by the District to determine the multi-site offer and explains how the multi-site offer minimizes the number of sites offered and considers the factors as outlined in the Staff Report.

Pursuant to Board direction, three Prop.39-compliant final offers are included for consideration by the Board:

- Resolution No. 2122-0195: East Oakland Pride and Markham Elementary
- Resolution No. 2122-0195A: Franklin Elementary and Prescott Elementary
- Resolution No. 2122-0195B: Brookfield Elementary and Garfield Elementary

Resolution No. 2122-0195 is still the staff recommendation but each of these resolutions, based on the Staff Report, makes the required legal findings in support of the applicable multi-site offer.

Pursuant to Board direction, staff reached out to Yu Ming leadership to see if they would sign a 30-day extension to postpone the April 1 deadline and to explore the possibility of an in-lieu lease with Yu Ming that would obviate the need for OUSD to make a Prop. 39 offer. Yu Ming declined to sign a 30-day extension and staff was not able to reach agreement with Yu Ming on the details of an in-lieu agreement.

Fiscal Impact It is estimated that Resolution No. 2122-0195 (East Oakland Pride and Markham Elementary) would generate revenue of approximately \$311,252 (calculated as \$9.54/sq ft x 32,626 sq ft).

Staff was unable to calculate the estimated revenue from Resolution No. 2122-0195A (Franklin Elementary and Prescott Elementary) or Resolution No. 2122-0195B (Brookfield Elementary and Garfield Elementary) as the total square footage from each offer is not yet known. Due to the short turnaround time from the prior Board meeting, staff did not have time to work with leadership at the impacted sites to determine which specific classrooms to include in each of the two alternate offers. Without knowing the specific classrooms, the total square footage could not be calculated. However, given that both alternate offers include the same number of classrooms (17), it is likely that the estimated revenue from both of those offers would be at least somewhat close to the estimated revenue of \$311,252 from Resolution No. 2122-0195 (East Oakland Pride and Markham Elementary).

Attachment

- Resolution No. 2122-0195 - Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at East Oakland Pride and Markham and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39
- Resolution No. 2122-0195A - Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at Franklin and Prescott and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39
- Resolution No. 2122-0195B - Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at Brookfield and Garfield and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39
- Staff Report

FAILED

PRESIDENT GARY YEE MOTION

RESOLUTION OF THE BOARD OF EDUCATION OF THE OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 2122-0195

Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at East Oakland Pride and Markham and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39

WHEREAS, on November 7, 2000, California voters passed Proposition 39, which mandates that school districts make facility space available to in-district charter school students, if certain eligibility requirements are met, in a manner that ensures that public school facilities are shared fairly among all students attending traditional and charter schools;

WHEREAS, Education Code section 47614 and its interpreting regulations (Cal. Code Regs., tit. 5, section 11969.1 *et seq.*) (collectively “Proposition 39”) require a school district to make available, to each eligible charter school operating therein, 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 traditional public schools of the district;

WHEREAS, Education Code section 47614 requires that the facility offered to the charter school be contiguous, furnished, and equipped;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) states that “facilities are ‘contiguous’ if they are contained on the school site or immediately adjacent to the school site”;

WHEREAS, Cal. Code Regs., tit. 5, section § 11969.2(d) requires that “[i]f 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”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to make a finding if a charter school cannot be accommodated at a single site, and adopt a written statement of reasons explaining the finding, should the District offer the charter school facilities on a non-contiguous site;

WHEREAS, District staff has evaluated all feasible facilities allocation options and considered capacity, condition, location, and other relevant factors using a set of “comparison schools” as a

point of reference in order to make preliminary offers to charter schools that meets Proposition 39 standards for “reasonable equivalence”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.3 states that OUSD “is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration”;

WHEREAS, in determining reasonable equivalent facilities allocations to charter schools and in meeting their Proposition 39 obligations, school districts have the discretion to consider the impact upon existing district programs (*see, e.g., Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226);

WHEREAS, in making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

WHEREAS, for the 2022-23 school year, 10 charter schools requested facilities under Proposition 39, including Yu Ming Charter School (“Yu Ming”);

WHEREAS, as provided in the Final Staff Report entitled “Process for Determining that Yu Ming Charter School Cannot Be Accommodated at a Single School Site for 2022-23 School Year” (“Staff Report”) which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate single site offers for Yu Ming;

WHEREAS, the District can provide Yu Ming with a multi-site offer of reasonably equivalent facilities; and

WHEREAS, the Staff Report recommends the District offer Yu Ming a final offer of facilities on or before April 1, 2022 at the following sites:

- East Oakland Pride, 8000 Birch St, Oakland, CA
- Markham Elementary, 7220 Krause Ave, Oakland, CA.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education (“Board”) hereby allocates the following school sites to be the Final Offer of Facilities provided to Yu Ming for the 2022-23 school year under Proposition 39:

- East Oakland Pride, 8000 Birch St, Oakland, CA
- Markham Elementary, 7220 Krause Ave, Oakland, CA;

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent or designee to issue the Final Offer of Facilities to Yu Ming under Proposition 39 as described herein by the required deadline and to add and resolve any additional details (e.g., space provided at each site, site selection rationale, specific room selection) to the Final Offer documents sent to Yu Ming; and

BE IT FURTHER RESOLVED, for the reasons set forth herein and as further expressed in the Staff Report, the Board hereby finds, determines, declares, orders, and resolves, in accordance

with Proposition 39, that the District cannot accommodate the in-district average daily classroom attendance of Yu Ming at a single school site for the 2022-23 school year and that the Final Offer of Facilities to Yu Ming minimizes the number of sites offered and considers the factors as permitted under Proposition 39.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 30th day of March, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION :None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, President Gary Yee

NOES: VanCedric Williams, Mike Hutchinson, Shanthi Gonzales, Clifford Thompson,
Vice President Benjamin “Sam” Davis

ABSTAINED: None

RECUSED: None

ABSENT: Samantha Pal (Student Director), Natalie Gallegos Chavez (Student Director)

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on _____, 2022.

Legislative File	
File ID Number:	22-0575
Introduction Date:	3/23/2022
Enactment Number:	
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OAKLAND UNIFIED SCHOOL DISTRICT

Gary Yee
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

RESOLUTION OF THE
BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 2122-0195A

Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at Franklin and Prescott and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39

WHEREAS, on November 7, 2000, California voters passed Proposition 39, which mandates that school districts make facility space available to in-district charter school students, if certain eligibility requirements are met, in a manner that ensures that public school facilities are shared fairly among all students attending traditional and charter schools;

WHEREAS, Education Code section 47614 and its interpreting regulations (Cal. Code Regs., tit. 5, section 11969.1 *et seq.*) (collectively “Proposition 39”) require a school district to make available, to each eligible charter school operating therein, 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 traditional public schools of the district;

WHEREAS, Education Code section 47614 requires that the facility offered to the charter school be contiguous, furnished, and equipped;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) states that “facilities are ‘contiguous’ if they are contained on the school site or immediately adjacent to the school site”;

WHEREAS, Cal. Code Regs., tit. 5, section § 11969.2(d) requires that “[i]f 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”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to make a finding if a charter school cannot be accommodated at a single site, and adopt a written statement of reasons explaining the finding, should the District offer the charter school facilities on a non-contiguous site;

WHEREAS, District staff has evaluated all feasible facilities allocation options and considered capacity, condition, location, and other relevant factors using a set of “comparison schools” as a point of reference in order to make preliminary offers to charter schools that meets Proposition 39 standards for “reasonable equivalence”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.3 states that OUSD “is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration”;

WHEREAS, in determining reasonable equivalent facilities allocations to charter schools and in meeting their Proposition 39 obligations, school districts have the discretion to consider the impact upon existing district programs (*see, e.g., Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226);

WHEREAS, in making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

WHEREAS, for the 2022-23 school year, 10 charter schools requested facilities under Proposition 39, including Yu Ming Charter School (“Yu Ming”);

WHEREAS, as provided in the Final Staff Report entitled “Process for Determining that Yu Ming Charter School Cannot Be Accommodated at a Single School Site for 2022-23 School Year” (“Staff Report”) which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate single site offers for Yu Ming;

WHEREAS, the District can provide Yu Ming with a multi-site offer of reasonably equivalent facilities; and

WHEREAS, the Staff Report describes the basis for the District to offer Yu Ming a final offer of facilities on or before April 1, 2022 at the following sites:

- Franklin Elementary, 915 Foothill, Oakland, CA
- Prescott Elementary, 920 Campbell, Oakland, CA.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education (“Board”) hereby allocates the following school sites to be the Final Offer of Facilities provided to Yu Ming for the 2022-23 school year under Proposition 39:

- Franklin Elementary, 915 Foothill, Oakland, CA
- Prescott Elementary, 920 Campbell, Oakland, CA;

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent or designee to issue the Final Offer of Facilities to Yu Ming under Proposition 39 as described herein by the required deadline and to add and resolve any additional details (e.g., space provided at each site, site selection rationale, specific room selection) to the Final Offer documents sent to Yu Ming; and

BE IT FURTHER RESOLVED, for the reasons set forth herein and as further expressed in the Staff Report, the Board hereby finds, determines, declares, orders, and resolves, in accordance with Proposition 39, that the District cannot accommodate the in-district average daily classroom

attendance of Yu Ming at a single school site for the 2022-23 school year and that the Final Offer of Facilities to Yu Ming minimizes the number of sites offered and considers the factors as permitted under Proposition 39.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2022, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on _____, 2022.

Legislative File	
File ID Number:	22-0575
Introduction Date:	3/23/2022
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OAKLAND UNIFIED SCHOOL DISTRICT

Gary Yee
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

NOT CONSIDERED

**RESOLUTION OF THE
BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2122-0195B

Finding That Yu Ming Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offer at Brookfield and Garfield and Directing Staff to Issue Written Final Offer in Compliance with Proposition 39

WHEREAS, on November 7, 2000, California voters passed Proposition 39, which mandates that school districts make facility space available to in-district charter school students, if certain eligibility requirements are met, in a manner that ensures that public school facilities are shared fairly among all students attending traditional and charter schools;

WHEREAS, Education Code section 47614 and its interpreting regulations (Cal. Code Regs., tit. 5, section 11969.1 *et seq.*) (collectively “Proposition 39”) require a school district to make available, to each eligible charter school operating therein, 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 traditional public schools of the district;

WHEREAS, Education Code section 47614 requires that the facility offered to the charter school be contiguous, furnished, and equipped;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) states that “facilities are ‘contiguous’ if they are contained on the school site or immediately adjacent to the school site”;

WHEREAS, Cal. Code Regs., tit. 5, section § 11969.2(d) requires that “[i]f 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”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to make a finding if a charter school cannot be accommodated at a single site, and adopt a written statement of reasons explaining the finding, should the District offer the charter school facilities on a non-contiguous site;

WHEREAS, District staff has evaluated all feasible facilities allocation options and considered capacity, condition, location, and other relevant factors using a set of “comparison schools” as a point of reference in order to make preliminary offers to charter schools that meets Proposition 39 standards for “reasonable equivalence”;

WHEREAS, Cal. Code Regs., tit. 5, § 11969.3 states that OUSD “is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration”;

WHEREAS, in determining reasonable equivalent facilities allocations to charter schools and in meeting their Proposition 39 obligations, school districts have the discretion to consider the impact upon existing district programs (*see, e.g., Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226);

WHEREAS, in making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

WHEREAS, for the 2022-23 school year, 10 charter schools requested facilities under Proposition 39, including Yu Ming Charter School (“Yu Ming”);

WHEREAS, as provided in the Final Staff Report entitled “Process for Determining that Yu Ming Charter School Cannot Be Accommodated at a Single School Site for 2022-23 School Year” (“Staff Report”) which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate single site offers for Yu Ming;

WHEREAS, the District can provide Yu Ming with a multi-site offer of reasonably equivalent facilities; and

WHEREAS, the Staff Report describes the basis for the District to offer Yu Ming a final offer of facilities on or before April 1, 2022 at the following sites:

- Brookfield Elementary, 401 Jones Ave., Oakland, CA
- Garfield Elementary, 1640 22nd Ave., Oakland, CA.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education (“Board”) hereby allocates the following school sites to be the Final Offer of Facilities provided to Yu Ming for the 2022-23 school year under Proposition 39:

- Brookfield Elementary, 401 Jones Ave., Oakland, CA
- Garfield Elementary, 1640 22nd Ave., Oakland, CA;

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent or designee to issue the Final Offer of Facilities to Yu Ming under Proposition 39 as described herein by the required deadline and to add and resolve any additional details (e.g., space provided at each site, site selection rationale, specific room selection) to the Final Offer documents sent to Yu Ming; and

BE IT FURTHER RESOLVED, for the reasons set forth herein and as further expressed in the Staff Report, the Board hereby finds, determines, declares, orders, and resolves, in accordance with

Proposition 39, that the District cannot accommodate the in-district average daily classroom attendance of Yu Ming at a single school site for the 2022-23 school year and that the Final Offer of Facilities to Yu Ming minimizes the number of sites offered and considers the factors as permitted under Proposition 39.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2022, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on _____, 2022.

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OAKLAND UNIFIED SCHOOL DISTRICT

Gary Yee
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

Staff Report

Process for Determining that Yu Ming Charter School Cannot Be Accommodated at a Single School Site for 2022-23 School Year

Proposition 39

Proposition 39 as its associated statutes and regulations (“Prop. 39”) requires that OUSD provide reasonably equivalent facilities to charter schools that meet the requirements for eligibility. The intent is for “public school facilities [to] be shared fairly among all public school pupils, including those in charter schools.”

Specifically, Prop. 39 provides that:

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.

Prop. 39 states that “[f]acilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.”

Under Prop. 39, facilities shall be considered contiguous “if they are contained on the school site or immediately adjacent to the school site.” A school district making a non-contiguous facilities offer must make certain findings. Specifically:

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 ... [T]he district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding.

Impact on Existing Students and Programs

Prop. 39 allows school districts to balance the needs and rights of district students and charter school students and to allocate facilities in a manner that ensures that public school facilities are shared fairly among all students.

Factors Considered by OUSD

The District received 10 Prop. 39 facilities requests from charter schools for the 2022-23 school year. In determining its allocation of reasonably equivalent facilities to the charter school, the District considered certain factors including (but not limited to) the following:

- Identification of an inventory of potential available space in which charter school requests can be accommodated;
- The charter school’s preferred location;
- The quantity of classroom space the charter school is entitled to;

- Whether the offered facilities meet Proposition 39’s “reasonable equivalence” requirements with respect to capacity and condition;
- The availability of specialized classroom space;
- Whether the District can avoid moving programs, whether charter or district, from their existing location, especially if that program serves a vulnerable population;
- The number of existing programs already at each district site, in recognition of the difficulty in designing schedules for more than 2 programs to share spaces such as cafeterias and playgrounds;
- Student safety, including the grade configuration of any co-located District school and charter school as well as travel time for multi-sited schools; and
- The grades served by programs at each district site.

Identification of Potential District Sites with Projected Capacity for 2022-23

The below table shows a list of District school sites that are calculated to have 3 or more underutilized classrooms.

Site Name	Capacity # of underutilized classrooms
Brookfield	16
Franklin	15
Markham	14
Prescott	14
Bret Harte	12
East Oakland Pride (Webster)	11
New Highland / RISE	10
McClymonds	9
Castlemont	8
Garfield	8
Hillside - Castlemont	8
Parker	8

Site Name	Capacity # of underutilized classrooms
WOMS/Bunche (Lowell)	5
Carl Munck	4
Laurel	4
Lockwood	4
Montera	4
Allendale	3
Bella Vista	3
Burckhalter	3
Grass Valley	3
Greenleaf (Whittier)	3
Horace Mann	3

Note: Capacity numbers are calculated after accounting for existing District and charter school programs.

Multisite Offer

District staff first attempts to accommodate charter school’s entire in-District ADA of either the charter school’s projected ADA, or the District’s counterprojection under Cal. Admin. Code tit. 5, § 11969.9(d)) at a single school site, or OUSD school sites that are immediately adjacent to each other.

Yu Ming is estimated to be eligible for **17 classrooms** plus specialized space. The charter school’s entire in-District ADA cannot be accommodated at a single site.

Possible Final Offers

Yu Ming requested a location that is “proximate to either a BART station or a major AC Transit line. The preference would be for a transit-rich location located to the West of Highway 13/I-580.” Yu Ming further expressed a preference for “co-locating with an Elementary School” as opposed to a middle or high school.

Consistent with these requests, the factors considered by OUSD, and the requirements of Prop. 39, the following three offers could be made to Yu Ming.

Original Option [Recommended] (Resolution No. 2122-0195)

- Markham Elementary School
7220 Krause Avenue, Oakland, CA 94605
- East Oakland Pride Elementary School
8000 Birch Street, Oakland, CA 94621

Alternate Option A (Resolution No. 2122-0195A)

- Prescott Elementary School
920 Campbell St, Oakland, CA 94607
- Franklin Elementary School
915 Foothill Blvd, Oakland, CA 94606

Alternate Option B (Resolution No. 2122-0195B)

- Brookfield Elementary School
401 Jones Ave, Oakland, CA 94603
- Garfield Elementary School
1640 22nd Ave, Oakland, CA 94606

If one of this options is approved by the Board, staff would add additional details, explanation, and rationale (if needed) to the final offer documents sent to Yu Ming.

Historical Context

Considering historical precedent, as shown in the table below, the number of final multi-site offers being issued for 2022-23 continues to reflect the District’s efforts to minimize such offers in recent years. The multi-site final offers for 2022-23 are further contextualized by the fact that the District currently has three District schools that operate across multiple sites.

Offer School Year	Requests Received	Multi-Site Final Offers	Final Offers Including 3+ Sites
2017-18	16	1	0
2018-19	17	10	3
2019-20	11	2	1
2020-21	14	1	0
2021-22	14	0	0
2022-23	10	2	0