

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT RESOLUTION  
No. 1920-0221E**

**Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue Written Final  
Offers in Compliance with Proposition 39  
(Cal. Code Regs., tit. 5, § 11969.1 *et seq.* )**

**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; and

**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 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 district; and

**WHEREAS**, Education Code section 47614 requires that the facility offered to each Charter School be contiguous, furnished and equipped; and

**WHEREAS**, District staff has evaluated all feasible facilities allocation options, and considered capacity, condition, location and other relevant factors, using as a point of reference a set of “comparison schools” as required by Proposition 39, to offer a facility to each Charter School that meets Proposition 39 standards for “reasonable equivalence” in terms of “capacity” and “condition”; and

**WHEREAS**, Cal. Admin. Code tit. 5, § 11969.3 states that “[t]he district is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration”; and

**WHEREAS**, school districts have the discretion, in determining reasonable equivalent facilities allocations to charter schools, and in meeting their Proposition 39 obligations, to consider the impact upon existing district programs. (*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); and

**WHEREAS**, for the 2020-21 school year, 14 eligible charter schools requested facilities under Proposition 39; and

**WHEREAS**, the Board incorporates the Resolution No. 1920-0075 (“Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding”) and the Staff Report “Process for Determining Charter Schools Which

Cannot Be Accommodated at a Single Site For 2020-21 School Year,” approved together by the Board on January 22, 2020, into this Resolution; and

**WHEREAS**, having analyzed the space in the specific area where each Charter School wishes to locate, the District is unable to extend a single site offer to all requesting charter schools in their desired geographic location for the reasons stated herein and in Resolution No. 1920-0220C, which is incorporated; and

**WHEREAS**, a number of charter schools with private or non-District sites have historically made facilities requests to the District under Proposition 39, and either do not complete the process, withdraw their request, or decline the facilities offered to them.

**NOW, THEREFORE**, the Board of the District hereby allocates the following school sites to be offered to the charter school named below for the 2020-21 school year under Proposition 39:

Name of Charter School	Site(s) to be Offered
Francophone Charter School	Former Toler Heights Campus 9736 Lawlor Street, Oakland, CA 94605  Markham Elementary School Campus 7220 Krause Avenue, Oakland, CA 94605

**NOW, THEREFORE**, the Board of the District hereby directs District staff to issue Final Offers of Facilities to the above-named charter school under Proposition 39 and its implementing regulations by the required deadline.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District at a Special Meeting this 31<sup>st</sup> day of March, 2020, by the following vote, to wit:

Passed by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSE:

ABSENT:

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Special Meeting of the Board of Education of the Oakland Unified School District, held on March 31, 2020.

<b>Legislative File Info.</b>	
File ID Number:	20-0658
Introduction Date:	3/31/2020
Enactment Number:	
Enactment Date:	

**OAKLAND UNIFIED SCHOOL DISTRICT**

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Jody London  
President, Board of Education

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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education