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Introduction Date	3/25/2020
Enactment Number	
Enactment Date	



Memo

REVISED

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sonali Murarka, Director, Office of Charter Schools
Kelly Krag-Arnold, Policy Specialist, Office of Charter Schools

Board Meeting Date March 25, 2020

Subject Adopting Issuance of Proposition 39 Final Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39

Action Approval by the Board of Education – Resolution No. 1920-0221
Adopting Issuance of Proposition 39 Final Facilities Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39

Background California Education Code section 47614 requires school districts’ facilities be shared fairly among all public school pupils, including charter school students. California regulations require findings and a written statement of reasons by the Board of Education in the event a charter school, eligible for Proposition 39 facilities, makes a timely request and the District is not able to accommodate the charter school’s request at a single school site.

Discussion The District must issue final offers of facilities to all eligible charter schools no later than April 1, 2020.

Fiscal Impact Positive fiscal impact due to Prop 39 fees collected; amount depends on number of charters that accept their final offers.

Anticipated revenue of **\$140,928.32** ~~\$97,667.98~~ from Francophone Charter School, calculated as (\$4.94/sq ft) x (19,771 sq ft).
Anticipated revenue of \$56,281.42 from Unity Middle School, calculated as (\$4.94/sq ft) x (11,393 sq ft).

The charter school(s) will pay separately for the costs of utilities and custodial services.

Attachments Resolution No. 1920-0221
Prop 39 Presentation

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

**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 Schools 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 into this Resolution the Resolution 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 by the Board on January 22, 2020; 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. 1920-0220, which is incorporated herein by reference; 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; and

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

Name of Charter School	Site(s) to be Offered
Francophone Charter School	Former Toler Heights Campus 9736 Lawlor Street, Oakland, CA 94605 Brookfield Elementary School Campus 401 Jones Avenue, Oakland, CA 94603
Unity Middle School	Former Rudsdale Campus 1180 70th Avenue, Oakland, CA 94621

BE IT FURTHER RESOLVED, the Board of the District hereby directs District staff to issue Final Offers of Facilities to the above-named charter schools 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 this 25th 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 Regular Meeting of the Board of Education of the Oakland Unified School District, held on March 25, 2020.

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OAKLAND UNIFIED SCHOOL DISTRICT

Jody London
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education