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June 27, 2012

Anthony Smith, Ph.D., Superintendent
Oakland Unified School District
1025 Second Avenue
Oakland, CA 95606-2212

Dear Superintendent Smith,

I am writing to express my deep concern over the exclusion of charter school facilities needs within the Oakland Unified School District (OUSD) sponsored local construction bond measure, which is proposed for the November 2012 ballot.

As you know, Oakland Unified has one of the highest percentages of charter school students of any district in California, currently standing at 22%, or about 1 out of 5 of your students attends one of the 32 charters currently operating in the school district.

Yet, the many of your charter students are struggling with temporary facilities. In fact, the vast majority of charter students are relegated to one-year Proposition 39 (Prop. 39) arrangements, or short term, commercial leases. Currently more than 3,000 charter students are in temporary facilities, with a projected need of 3,000 additional new seats over the next several years.

Unlike a school district, if a charter school needs a facility, it must utilize precious general funds to acquire a site. In order to save what few funds are available, an increasing number of charters are utilizing the Prop. 39 process. As you know, in this last cycle, OUSD experienced a record number of Prop. 39 requests. If the district does not address permanent charter seat needs in the proposed bond, and dedicate a proportionate share of bond funds to create long term facility solutions for charters, then it will inevitably see the number of Prop. 39 needs increase on an annual basis.

Prop. 39 is admittedly a difficult process for all parties involved. It requires the charter and district alike to expend significant administrative resources in order to meet the state requirements within the mandated timeframe.

If the Prop. 39 process is not followed in accordance with state guidelines, or a district refuses to cooperate in providing a reasonably equivalent facility for charters, then conflicts, and expensive lawsuits typically arise. This is another, unnecessary drain on district resources. This is, unfortunately an action of last resort after all attempts to collaborate with the districts, have failed.

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A better solution is for districts and charters to seize the chance to work together on developing long term facilities in order to relieve Prop. 39 needs. The 2012 Facilities Master Plan, and proposed local school bond measures are just the opportunities we must capture, in order to provide quality facilities for public school students.

CCSA has partnered with several of the largest urban school districts throughout the state in meaningful master planning projects, and school bond efforts. Parties that once stood as opponents in the courtroom now work strategically together to get bond measures and parcel taxes passed.

Currently we are active members of several major urban bond campaign teams throughout the state. Districts throughout the state are providing charters with a proportionate share of bond/parcel tax funds, and addressing public student facilities needs through collaborative planning.

By working together, and planning for the future, we have been able get bond funds passed, and utilize these funds to develop win-win solutions, rather than squander time, and assets by working against one another.

In a similar spirit, over the last year, CCSA and the charter community have attempted to engage with your facilities staff on the 2012 Facilities Master Plan efforts, and seek to identify, together, bond funded solutions in order to address current and future charter needs. But we were left out of all conversations pertaining to the Facilities Master Plan, and as a result an opportunity to develop smart, cost effective charter facilities solution, has to date, been missed.

The District, at this moment in time, possesses the choice to work side by side with charters, and dedicate a proportionate share of these much needed dollars to develop meaningful long term facilities solutions for charter students, thereby reducing or eliminating the need for Prop. 39 sites.

Today, the OUSD Board will be voting for inclusion of a tax measure on the November ballot which will raise some \$475 million destined to be spent on public school facilities upgrades and improvements. We would like to request charters to be included in this bond effort, and specifically have the long term needs of your public charter students met by committing to::

1. Provide charters with a proportionate share of the bond funds,
2. Support flexible use of funds to meet long term facilities needs,
3. Memorialize these charter policy points within the bond resolution, and
4. Include the charter community in any additional master planning efforts.

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By working together, we can create meaningful facility solutions for the public charter school students within the OUSD family. We look forward to working in partnership with you in the future.

Sincerely,

Gary Borden
Senior Vice President, Statewide Advocacy
California Charter Schools Association

Suggested language

To improve the quality of Oakland school facilities to better prepare students for college and jobs, upgrade labs, improve classrooms, technology, student safety, security, electrical systems, plumbing, sewer lines, energy efficiency, earthquake safety, create long term seats for charter students, repair bathrooms, shall the Oakland Unified School District be authorized to issue \$475 million in bonds, with an independent citizens oversight committee and annual audits to guarantee funds are spent properly to benefit Oakland children.

Specific Charter School Projects. Unless otherwise noted, the following projects are authorized to be completed at each or any of charter school sites located within the District:

Charter School Facilities

- Consistent with the District's obligation under Proposition 39 (approved by California voters in November 2000) and Section 47614 of the Education Code, provide classroom capacity, including furnishings and equipment, for in-district charter school students at a level comparable to students attending district-run schools.
- Construction, reconstruction, rehabilitation, or replacement of charter school facilities, including the furnishing and equipping of charter school facilities, or acquisition or lease of real property by charter schools for school facilities.

The District shall initially set aside from the proceeds of bonds authorized hereunder \$100 million [or a proportionate share] for completion of the charter projects; however, the Board of Trustees may increase such amount to reflect the proportion of students residing in the District who attend charter schools. In approving the expenditures for projects listed in this Part, the Board of Trustees shall take into consideration the recommendations of a special committee established by the District for such purpose, which is majority-comprised of representatives from the charter school community.