

Board Office Use: Legislative File Info.	
File ID Number	19-0530
Introduction Date	3/20/2019
Enactment Number	19-0449
Enactment Date	3/20/19 os



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

Memo

To Board of Education

From Sonali Murarka, Director of Office of Charter Schools
Andrea Epps, Office of the General Counsel

Date March 20, 2019

Subject **Resolution 1819-0012A: Amendment, Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding**

Action Requested **Approval of Board Resolution 1819-0012A Amendment, Adopting Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding**

Background and Discussion 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.

This amendment to the Board Resolution 1819-0012, passed in January 2019, makes the following changes: (1) removes 2 charter schools (American Indian Public Charter School I and Cox Academy) from the multi-site resolution, that are now able to be accommodated on a single site; (2) describes the multi-site offer for 2 charter schools (American Indian Public Charter School II and East Bay Innovation Academy) because the locations included in their multi-site final offers differ from the locations included in their multi-site preliminary offers.

Recommendation Approval by the Board of Education of Resolution 1819-0012A - Amending the finding that all Prop 39 charter school applicants for 2019-20 could not be accommodated at a single site for final offers. The District must issue final offers of facilities to all eligible charter schools no later than April 1, 2019.

Fiscal Impact N/A



Attachment

- Resolution 1819-0012A

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION No. 1819-0012A**

**Amendment, Finding that Charter Schools Could Not Be Accommodated at a Single Site and
Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (d))**

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 share 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 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;

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;” and

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”; and

WHEREAS, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to 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, should the District offer the Charter School facilities on a non-contiguous site; 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 the 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, 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; and

WHEREAS, in making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community; and

WHEREAS, for the 2019-20 school year, 11 charter schools requested facilities under Proposition 39:

- Achieve Academy-Education for Change
- American Indian Public Charter School I
- American Indian Public Charter School II
- American Indian Public High School
- Aspire ERES Academy
- Cox Academy-Education for Change
- East Bay Innovation Academy
- Envision Academy
- Francophone Charter School
- Leadership Public Schools Oakland R&D
- Urban Montessori

WHEREAS, for the 2019-20 school year, the following charters, under multi-year in lieu of Proposition 39 lease agreements, will occupy single District sites:

- Community School for Creative Education
- Bay Area Technology School
- Oakland Military Institute College Preparatory Academy
- Learning Without Limits-Education for Change
- ASCEND Charter School-Education for Change
- Lazear Academy-Education for Change
- KIPP Bridge Academy
- Aspire Berkley Maynard Academy

- Roses in Concrete

WHEREAS, for the 2019-20 school year, the District will make Proposition 39 single site offers to the following charter schools:

- Achieve Academy
- American Indian Public Charter School I
- American Indian Public High School
- Aspire ERES Academy
- Cox Academy
- Envision Academy
- LPS Oakland R&D

WHEREAS, the District will make Proposition 39 multi-site offers to the following charter schools:

- American Indian Public Charter School II
- East Bay Innovation Academy
- Francophone Charter School
- Urban Montessori

WHEREAS, on or before February 1, 2019, charter schools received a Preliminary Offer of Facilities under Proposition 39;

WHEREAS, on or before February 1, 2019, as provided in a Staff Report, the District adopted Findings that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Findings;

WHEREAS, District staff determined that to house all of the students at a single District location would neither be feasible nor in the best interests of all students, in-District and charter schools alike;

WHEREAS, having analyzed the available space in the specific area where charter schools wish to locate, the District is unable to extend a single site offer at their desired school site;

WHEREAS, having then expanded the search to other schools in the geographic area where the charter wishes to be located and beyond, the District determined that it cannot accommodate the charter's entire student population on a single site for the 2019-20 school year;

WHEREAS, the District can provide charter schools with multi-site offers of reasonably equivalent facilities;

WHEREAS, the Staff Report recommended the District make multi-site preliminary offers

to the following charter schools, on or before February 1, 2019;

- American Indian Public Charter School II
 - Hoover Elementary School
890 Brockhurst Street, Oakland, CA 94608
 - East Oakland PRIDE
8000 Birch Street, Oakland, CA 94621
 - PLACE at Prescott
920 Campbell Street, Oakland, CA 94607

- American Indian Public High School
 - Former Lakeview Elementary School Site (exclusive use)
746 Grand Avenue, Oakland, CA 94610
 - Ralph J. Bunche High School
1240 18th Street, Oakland, CA 94607

- Cox Academy
 - Morris E. Cox Campus (exclusive use)
9860 Sunnyside Street, Oakland, CA 94603
 - RISE Elementary School
8521 A Street, Oakland, CA 94621

- East Bay Innovation Academy
 - Former Marshall Elementary School Site (exclusive use)
3400 Malcolm Avenue, Oakland, CA 94605
 - Markham Elementary School
7220 Krause Avenue, Oakland, CA 94605
 - Skyline High School
12250 Skyline Blvd., Oakland, CA 94619

- Francophone Charter School
 - Former Toler Heights Elementary School Site (exclusive use)
9736 Lawlor Street, Oakland, CA 94605
 - Howard Elementary School
8755 Fontaine Street, Oakland, CA 94605

- Urban Montessori
 - Former Sherman Elementary School Site
5328 Brann Street, Oakland, CA 94619
 - Frick Impact Academy
2845 64th Avenue, Oakland, CA 94605
 - Parker Elementary School
7929 Ney Avenue, Oakland, CA 94605

WHEREAS, the Board incorporates into this Resolution the 2019-20 Staff Report "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding" adopted on January 23, 2019;

WHEREAS, since the adoption of Board Resolution 1819-0012 and issuance of Preliminary Prop 39 Offers, the District must amend the Resolution and the 2019-20 Staff Report "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding" to include different sites for the Final Prop 39 Offers to American Indian Public Charter School II and East Bay Innovation Academy;

WHEREAS, the Amendment to the Resolution and the Staff Report recommend the District offer American Indian Public Charter School II and East Bay Innovation Academy a multi-site final offer of facilities on or before April 1, 2019 involving the following sites;

- American Indian Public Charter School II
 - Hoover Elementary School
890 Brockhurst Street, Oakland, CA 94608
 - East Oakland PRIDE
8000 Birch Street, Oakland, CA 94621
 - Brookfield Elementary School
401 Jones Avenue, Oakland, CA 94603

- East Bay Innovation Academy
 - Former Marshall Elementary School Site (exclusive use)
3400 Malcolm Avenue, Oakland, CA 94605
 - Additional site(s) if necessary, per mutually-agreed extension, to be determined by May 13, 2019

NOW, THEREFORE, BE IT RESOLVED, the Board of the District hereby finds, determines, declares, orders and resolves in accordance with Cal. Admin. Code tit. 5, § 11969.2(d), for the reasons set forth herein and as further expressed by District Staff in the Staff Report, the Board of Education finds that the District cannot accommodate the in-district average daily classroom attendance of some charter schools at a single school site for the 2019-20 school year; and

BE IT FURTHER RESOLVED, that The District has considered student safety and has minimized to the extent possible the number of sites at which charter schools would be located.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District at a Special Meeting this 20th day of March, 2019, by the following vote, to wit:

AYES: Jumoke Hinton Hodge, James Harris, Gary Yee, Shanthi Gonzales, Roseann Torres, Vice President Jody London, President Aimee Eng

NOES: None

ABSTAINED: None

ABSENT: Student Director Chavez, Student Director Omosowho

CERTIFICATION

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a Special Meeting thereof held on the 20th day of March, 2019, with a copy of such Resolution being on file in the Office of the Board of Education of said district.



Kyla Johnson-Trammell, Superintendent and Board Secretary

Attachment: Amended Staff Report - Process for Determining that Charter Schools Cannot Be Accommodated at a Single School Site for 2019-20 School Year

Amended Staff Report

Process for Determining that Charter Schools
Cannot Be Accommodated at a Single School
Site for 2019-20 School Year

Amended Staff Report

Process for Determining Charter Schools That Cannot Be Accommodated at a Single Site for the 2019-20 School Year

Proposition 39:

Education Code section 47614 (“Proposition 39”) requires that OUSD provide reasonably equivalent facilities to charter schools that meet the requirements for eligibility. Education Code section 47614(a) states that “public school facilities should be shared fairly among all public school pupils, including those in charter schools.”

Specifically, Education Code section 47614(b) 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.

Education Code section 47614(b)(4) 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 the regulations implementing Proposition 39, facilities shall be considered contiguous “if they are contained on the school site or immediately adjacent to the school site.” (Cal. Admin. Code tit. 5, § 11969.2.) Under the regulations, 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 District Students and Programs:

California courts have recognized that school districts are not obligated to ignore the potential impact of meeting Proposition 39 obligations on district students and programs. The court in

Westchester Secondary Charter School v. Los Angeles Unified School District (2015) 237 Cal.App.4th 1226 interpreted the provision in Proposition 39 that “[t]he school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate.” (Education Code section 47614(b).) The Court rejected the charter school’s attempts to question the district’s other facilities allocations, including a decision to place a district pilot program, and not the charter school, at the charter school’s second choice campus; the decision not to place both the district pilot program and the charter school at the second choice campus; the decision not to eliminate “set-asides” (classrooms used for purposes other than general education) to free up more classrooms; and not placing the charter school at a closed adult education school site. In reaching its ruling, the Court recognized that school districts must have the discretion to balance the impact on district programs in meeting their obligations to provide reasonably equivalent facilities to charter school students under Proposition 39. “In sum, the law requires the District to treat charter and noncharter students fairly, but not favor one group over the other,” the Court stated.

The Court in *Los Angeles Intern. Charter High School v. Los Angeles Unified School Dist.* (2012) 209 Cal.App.4th 1348 upheld the school district’s determination that placing the charter school in its preferred location would have harmed district students by forcing the district to “redistribute eight classrooms serving 40 classes, displace 240 students, and force eight teachers with five different periods each day to vacate their classrooms, so as to provide the 157 [charter school] students with eight contiguous classrooms in the midst of the school year.” The District was permitted to consider the disruptive impact on district students that would have been caused by supplanting district programs to accommodate the charter school’s location preference.

Proposition 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. The court in *Ridgecrest v. Sierra Sands Unified School District* (2005) 130 Cal.App.4th 986, 1001 (n. 16) established that “[c]harter school students are not entitled to better facilities choices than other district resident pupils.” Proposition 39 does not prohibit the District from considering the potential impact upon District programs and students in meeting its obligations under Proposition 39.

Factors Considered by OUSD:

The District received 11 Proposition 39 requests from charter schools for the 2019-20 school year. The District analyzed the factors listed below for each charter school and also analyzed additional safety considerations specific to each charter school’s multi-offer. In determining its allocation of reasonably equivalent facilities to the charter schools, the District considered the following factors:

- Identification of an inventory of potential available space in which charter school requests can be accommodated;
- Whether the offered facilities meet Proposition 39’s “reasonable equivalence”

requirements with respect to capacity and condition;

- The charter school’s preferred location;
- Whether the District can avoid moving a charter school from its existing location;
- The capacity, if any, at each District school site, to accommodate additional students or programs;
- The feasibility of moving existing District programs, including the potential impact on OUSD students, schools, and programs, in response to a charter school’s Proposition 39 request;
- The right of OUSD students to enjoy reasonably equivalent facilities;
- The quantity of classroom space requested;
- The grade configuration of the charter school being sited; and
- The grades served by programs at each district site.

Identification of Potential District School Sites with Projected Capacity:

School Name	Capacity [Number of classrooms]
Allendale	2
Bret Harte	9
Brookfield	12
Bunche	5
Carl Munck	3
Castlemont	36
Coliseum College Prep 6-12	2
Cox	32
East Oakland PRIDE	11
Elmhurst Community Prep	2
Emerson	3
Franklin	6
Fred Korematsu Discovery	1
Frick Impact	15
Fruitvale	6
Garfield	2
Grass Valley	2
Hawthorne	33
Hoover	7
Horace Mann	4
Howard	6
Lakeview	16
Laurel	3

Madison Lower K-5	4
Markham	12
Marshall Elementary	12
Martin Luther King	3
McClymonds	13
Montera	2
New Highland	3
Oakland Int'l	2
Parker K-8	6
Piedmont	2
Prescott	12
RISE Community	6
Roosevelt	1
Roots	11
Sankofa	4
Sherman Elementary	6
Skyline	10
Toler Heights/Barack Obama	7
United for Success	2
West Oakland Middle	8

Matching Guidelines Utilized by the District:

District staff first attempts to accommodate a 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. (Cal. Admin. Code tit. 5, § 11969.2.)

American Indian Public Charter School II is eligible for space for an in-District ADA of 551.95. The charter school’s entire in-District ADA cannot be accommodated at a single site.

East Bay Innovation Academy is eligible for space for an in-District ADA of 520.46. The charter school’s entire in-District ADA cannot be accommodated at a single site.

American Indian Public Charter School II

American Indian Public Charter School II (K-8) is eligible for space for an in-District ADA of 551.95. The charter school is currently housed in a private facility near the Downtown Oakland Area. The charter school owns its own site, which it has occupied for several years. American Indian Public Charter School II requested space near the Downtown Oakland Area, specifically requesting space at Lincoln Elementary School, La Escuelita Elementary School, West Oakland Middle School, Hoover Elementary, Piedmont Elementary, or Westlake Middle School. The charter school identified Downtown Oakland as its preferred geographical location. The District identified

an inventory of potential available space in which charter school requests can be accommodated. The identified inventory for the 2019-20 school is memorialized on the chart above.

Unfortunately, some of the requested sites were already at capacity. And if all American Indian Public Charter School students were located on one site within District 3, the result would be severe overcrowding. This option is neither feasible nor practicable. Overcrowding would cause severe safety and operational impacts. Overcrowding on a shared campus would raise both schools' loading ratios, thereby disadvantaging both of these schools' children. Likewise, allowing a site to exceed its capacity would pose a great risk to student safety and well-being.

Accordingly, the District considered how to allocate the charter school's population over more than one school site but still honor the charter school's request for specific sites. Specifically, the District determined that the charter school's population could be placed across the following sites:

- East Oakland PRIDE
8000 Birch Street, Oakland, CA 94621
- Brookfield Elementary School
401 Jones Avenue, Oakland, CA 94603
- Hoover Elementary School
890 Brockhurst Street, Oakland, CA 94608

Thus, the District honored the charter school's requests for preferred locations by offering space at Hoover Elementary, which is located within District 3.

The District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks. The concern of managing student safety would be disproportionately exacerbated if the charter school's total in-District classroom ADA was located at any one site.

It is important to note that all three sites will house specialized special education programming (special day classes or "SDCs") in 2019-20. Relocating this specialized educational programming to provide additional space to American Indian Public Charter School II would disproportionately impact one of the community's most disadvantaged populations. Oakland Unified School District serves approximately 6401 students identified as eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") and approximately 300 students awaiting eligibility determinations while undergoing an initial assessment. Under the IDEA, the District is required to provide a continuum of services designed to ensure that "to the maximum extent appropriate" students with disabilities are educated with their typically developing peers. (20 U.S.C. §1412(a)(5)(A).) Consistent with this mandate and given the high number of students with disabilities that are served within the District, the District must utilize site space to provide specialized academic instruction and related services to students with disabilities. Failing to allot school site space for the provision of small group specialized academic instruction, resource support, and related services to students with disabilities at their

neighborhood schools would disproportionately impact students with disabilities and result in impermissible segregation and exclusion from the least restrictive environment.

The District evaluated grade-alike space and determined that students in elementary grades should be housed on an elementary campus that is physically responsive to safety concerns surrounding bathroom design and accessibility. Thus, the District offered three elementary school sites to ensure that students would be at sites serving a similar grade span.

The District offered one preferred site and two other sites that are further away but have sufficient available classrooms to minimize the number of sites included in this multisite offer. Although the PLACE at Prescott campus was previously included in the Preliminary Offer, the charter school did not express interest in the site in either its March 1, 2019 response letter or in phone conversations with District staff. Furthermore, the number of classrooms to which the charter school is entitled increased slightly due to updated district comparison school projections and none of the sites previously offered had any additional available classrooms. Therefore, in order to avoid adding a fourth site, District staff opted to offer Brookfield, which has the necessary space to accommodate the additional classrooms to which the charter school is entitled, instead of PLACE at Prescott.

District staff evaluated safety considerations unique to District and charter school students attending educational programs within District 3. Like other Districts that comprise Oakland Unified School District, District 3 manages issues associated with gang violence. Given this additional safety and social concern, staff determined that displacing District students whose parents or family members are tied to a particular gang and placing them in a school located in the territory of another gang would potentially place students, parents, and staff at heightened safety risks. Additionally, if students are placed in the position of risking their own safety just to travel to school, the likelihood of non-attendance, truancy, and drop-out increase exponentially.

The safety and welfare of all students is one of the District's paramount concerns and a material consideration when weighing whether to displace children from their existing school to accommodate a charter school.

In analyzing the potential placement options within the West Oakland community, staff considered the detrimental impacts of non-promotion school site changes for at-risk youth. According to state testing data, only 30% of Oakland's African American 3rd graders score proficient in English Language Arts. By the 3rd grade, that rate is only 15%. Vacating or removing District-run programs from these preferred sites in this community to accommodate American Indian Public Charter School II's Proposition 39 request seemingly would further disparately impact students in West Oakland. Staff determined that forced classroom redistribution, displacement of students, and forcing teachers to vacate classrooms at these community schools, which disproportionately serve at-risk youth, would only serve to compound these disadvantages and thus disproportionately impact our neediest students.

The District also considered the fact that because the charter school owns its own site, it has an alternative to a non-contiguous placement. If the charter school stays in its longstanding site, it will continue to have access to a contiguous, stable site, which promotes student safety and community for the charter school's students.

Based on a critical analysis of the factors set forth above, Staff determined that this offer of three schools that included one identified preferred site would be appropriate.

East Bay Innovation Academy

East Bay Innovation Academy is eligible for space for an in-District ADA of 520.46, including 312.52 ADA in grades 6-8 and 207.94 ADA in grades 9-12. They requested space at Lakeview Elementary School, King Estates, Frick Middle School, or Howard Elementary School. The charter school indicated that it would prefer to have the middle school program remain at the former Marshall Elementary School campus. The high school program is currently located at a private facility near the Redwood Heights areas.

Unfortunately, a single dedicated site or single site co-location was not an option because the requested sites were already at capacity. Accordingly, the District considered how to allocate the charter school's population over more than one school site. The charter school is working towards extending its lease at the private facility that currently houses its high school; however, this agreement is unlikely to be finalized prior to April 1st. Since it is unclear whether the charter school will require a final offer of facilities for its high school ADA, the charter school and District staff agreed to separate the charter school's final offer of facilities into two separate offers, one for its in-District middle school ADA and another for its in-District high school ADA, and extend the deadline for the final offer of facilities for its high school ADA until no later than May 13, 2019. Therefore, the District determined that the charter school's middle school population could be placed at the following site, while its high school population will be offered space, if necessary, according to the abovementioned deadline at another yet to be determined site or site(s):

- Former Marshall Elementary School Site (exclusive use)
3400 Malcolm Avenue, Oakland, CA 94605

The District will offer East Bay Innovation Academy its preferred middle school placement: continued exclusive use of the Marshall campus. East Bay Innovation Academy has been housed at the Marshall campus, located within the hills of District 7, for multiple school years. The District considered the safety implications associated with a relocation of the program for a one year agreement at another site. Such a relocation would require that charter school staff, students, and families commute to a new part of the City and manage the likely disruption that would result from relocation. Retaining students, families, and staff within the community to which they are accustomed and already a part of is a safety consideration that was taken into account. Maintaining the placement at Marshall, to the extent permitted by its current capacity, will enable students to continue to be a part of the community with which they are familiar.

If the charter school is able to renew its lease at its current high school facility, the students, parents, and staff of East Bay Innovation Academy can continue to develop their program in a familiar location. If the charter school does not withdraw its request for facilities for its high school ADA prior to May 13th, District staff will identify location(s) for a final offer of facilities for these students.

The District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks. The safety concern of managing student safety would be disproportionately exacerbated if total in-District classroom ADA was located at any one site. This placement was also designed to address safety concerns regarding teachers or administrators having to travel to multiple sites during the school day.

Summary and Conclusion

Based on historical precedent, the District anticipates that the number of multi-site offers will decrease between the issuance of the preliminary and final offers. For the 2016-17 school year, the District initially received 14 requests for facilities, resulting in a number of multi-site preliminary offers. Because a number of charter schools withdrew their requests, or entered into agreements in lieu of Proposition 39, the District ultimately issued 4 Final Offers for 2016-17, and only two of the four Final Offers included multi-site offers because the decreased number of requests resulted in the number of potential sites for the remaining requesting charter schools to increase. For the 2017-18 school year, the District initially received 16 requests for facilities, resulting in a number of multi-site preliminary offers. Consistent with the historical pattern, a number of charter schools withdrew their requests or entered into agreements in lieu of Proposition 39, and therefore the District only issued two Final Offers for 2017-18, and only one Final Offer included a multi-site offer because the decreased number of requests resulted in an increase in the number of potential sites that were available for the remaining requesting charter schools. For the 2018-19 school year, the District received 17 requests for facilities. The District ultimately issued only ten Final Offers, seven of which were multi-site offers. Of the seven final offers, six offers were accepted.