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Memo

To Board of Education

From Marion McWilliams, General Counsel
Andrea Epps, Staff Attorney
Sonali Murarka, Director-Office of Charter Schools

Board Meeting Date January 23, 2019

Subject Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding

Action Requested and Recommendation Approval of Resolution 1819-0012 Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding.

Background California regulations require findings and 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 For the 2019-2020 school year, the District received Proposition 39 facility requests from 11 charter schools. The District identified an inventory of facility spaces that are available to fulfill these requests. In matching the District’s available space with charter school requests, the District considered many factors, including prioritizing no displacement of existing OUSD or charter school programs, safety, instructional and social implications as well as compatibility of the following features:

- The quantity of classroom space requested;
- The grades served by the program;
- The grades served by other programs, if co-located; and
- The location requested by the charter school.

For the 2019-2020 school year, the following charters, under multi-year in lieu of Proposition 39 lease agreements, will continue to occupy single District sites:

- Community School for Creative Education
- Bay Area Technology School
- Roses in Concrete
- Oakland Military Institute College Preparatory Academy
- Lazear Academy-Education for Change



- Learning without Limits-Education for Change
- ASCEND Charter School-Education for Change
- KIPP Bridge Academy
- Aspire Berkley Maynard Academy

As provided in the Staff Report which is attached to the Resolution for the 2019-2020 school year, the District cannot accommodate single site offers for the following charter schools:

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

The Staff Report outlines the process used by the District to determine the multi-site offers to the charter schools that could not be accommodated at a single site. The Staff Report also contains findings with respect to the Charter Schools' stated location preference in their requests for facilities.

Fiscal Impact

No direct funding implications.

Attachments

Resolution
Staff Report

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

**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
- Aspire ERES
- 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
- American Indian Public High School
- Cox Academy
- East Bay Innovation Academy
- Francophone Charter School
- Urban Montessori

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

WHEREAS, as provided in the Staff Report which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate a single site offer for some charter schools;

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 recommends the District offer the following charter schools a preliminary offer of facilities on or before February 1, 2019 involving co-location at 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

- 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 (exclusive use)
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," which is attached hereto as Appendix A;

WHEREAS, 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. During the Proposition 39 cycle, a number of charter schools typically withdraw their requests or enter into long-term agreements in lieu of Proposition 39, and thereby the decreased number of requests result in an increase in the number of potential sites that are available for the remaining requesting charter schools.

NOW, THEREFORE, 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 by the following vote:

PREFERENTIAL AYE: None
 PREFERENTIAL NOE: None
 PREFERENTIAL ABSTENTION: None
 PREFERENTIAL RECUSE: None
 AYES: Shanthi Gonzales, James Harris, Gary Yee, Jumoke Hinton Hodge, Roseann Torres, Vice President Jody London, President Aimee Eng
 NOES: None
 ABSTAINED: None
 RECUSE: None
 ABSENT: Student Director Chavaz and Omosowho

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 January 23, 2019.

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OAKLAND UNIFIED SCHOOL DISTRICT



Aimee Eng
 President, Board of Education



Kyla Johnson-Trammell
 Superintendent and Secretary, Board of Education

Staff Report

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

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	15
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
Roots	1
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.)

Achieve Academy is eligible for thirty-three (33) classrooms. The charter school’s entire in-District ADA can be accommodated at its current single site, Hawthorne.

American Indian Public Charter School I is eligible for seven (7) classrooms. The charter school’s entire in-District ADA can be accommodated at a single site.

American Indian Public Charter School II is eligible for twenty-five (25) classrooms. The charter school’s entire in-District ADA cannot be accommodated at a single site.

American Indian Public High School is eligible for sixteen (16) classrooms plus two additional specialized classrooms. The charter school’s entire in-District ADA cannot be accommodated at a single site.

Aspire ERES Academy is eligible for twelve (12) classrooms. The charter school’s entire in-District ADA can be accommodated at a single site.

Cox Academy is eligible for thirty-three (33) classrooms. The charter school's entire in-District ADA cannot be accommodated at a single site.

East Bay Innovation Academy is eligible for thirty-three (29) classrooms. The charter school's entire in-District ADA cannot be accommodated at a single site.

Envision Academy is eligible for ten (10) classrooms. The charter school's entire in-District ADA can be accommodated at a single site.

Francophone Charter School of Oakland is eligible for twelve (12) classrooms. The charter school's entire in-District ADA cannot be accommodated at a single site.

Leadership Public Schools (LPS) is eligible for twenty (20) classrooms. The charter school's entire in-District ADA can be accommodated at its current single site, Castlemont High School campus.

Urban Montessori is eligible for twenty-five (25) classrooms. 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 twenty-five (25) classrooms. 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
- PLACE at Prescott
920 Campbell Street, Oakland, CA 94607
- 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 two elementary school sites within District 3 to ensure that students would be at sites serving a similar grade span.

The District offered one preferred site, one site that is approximately just over a mile from a preferred site but still within the same District, and one site that is further away but has sufficient available classrooms to minimize the number of sites included in this multisite offer.

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. African American and Latino students graduate from District high schools at a rate of 54% and 56%, respectively, compared with 79% for Asian Americans and 75% for white students. 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.

American Indian Public High School

American Indian Public High School is eligible for eighteen (18) classrooms. The charter school requested space at Lakeview, Life Academy, Bella Vista, or Skyline. The charter school identified Lake Merritt and 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, most of 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. Specifically, the District determined that the charter school's population could be placed across the following sites:

- Former Lakeview Elementary School Site
746 Grand Avenue, Oakland, CA 94610
- Ralph J. Bunche Academy
1240 18th Street, Oakland, CA 94607

American Indian Public High School has been housed at Lakeview Elementary School 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 as Staff evaluated the placement of American Indian Public High School at the former Lakeview site. Maintaining the placement at Lakeview, 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.

American Indian Public High School has exclusive use of the Lakeview site for operation of an educational program. Given the increase of the American Indian Public High School educational program and the lack of additional classroom space at Lakeview, the District was unable to offer a single site that would enable American Indian Public High School to maintain its established footprint at the Lakeview site.

In addition to exclusive use of the former Lakeview campus for educational programming, Staff believe that placement of part of the program at Ralph Bunche is appropriate. Ralph Bunche is a high school campus that has specialized classroom space appropriate for specialized high school courses (e.g. chemistry lab). Thus, placement at Ralph Bunche ensures that the physical facility has the amenities required for high school courses and are reasonably equivalent to the facilities that house similar District-run programs. Additionally, the Bunche campus is located in close proximity to the preferred area for American Indian Public Charter School, a K-8, which is likely to serve as a feeder for the high school program.

The former Lakeview campus and Ralph Bunche campus are approximately 2.6 miles away from each other. Thus, students, staff, and parents would not be required to traverse the city to travel in between the two school sites.

Based on a critical analysis of the factors set forth above, Staff determined that an offer of two schools that included the Charter School's current site and one additional site within a close geographical proximity to its current site and specialized teaching space designed for implementation of a high school curriculum would be appropriate. Continuity at the former Lakeview campus helps provide stability and foster community for the charter school's students and their families.

Cox Academy

Cox Academy (pre-Kindergarten-5) is eligible for thirty-three (33) classrooms. The charter school is currently housed at the Morris E. Cox campus located within District 7. Cox requested their current site as well as any sites in the Elmhurst neighborhood, which is located in District 7. 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.

Cox Academy is eligible for more classrooms than those available with exclusive use of the Morris Cox site. Therefore, 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:

- Morris Cox
9860 Sunnyside Street, Oakland, CA 94603
- RISE Community School
8521 A Street, Oakland, CA 94621

The Morris Cox campus and RISE Community School campus are approximately 1.4 miles away from each other. Thus, students, staff, and parents would not be required to traverse the city to travel in between the two school sites.

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 Cox its current school site and an elementary school site within District 7 to ensure that students would be at sites serving a similar grade span.

Based on a critical analysis of the factors set forth above, Staff determined that an offer of two school sites that included Cox's current site and one additional elementary school site within District 7 would be appropriate. Continuity at the Morris Cox campus and expansion of the program's footprint within District 7 helps provide stability and foster community for the charter school's students and their families.

East Bay Innovation Academy

East Bay Innovation Academy is eligible for twenty-nine (29) classrooms. 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. Specifically, the District determined that the charter school's population could be placed across the following sites:

- 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

The District will offer East Bay Innovation Academy the preferred placement and will offer that the middle school continue to have 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.

East Bay Innovation Academy's high school program is being offered additional space to house their high school at Markham Elementary School and Skyline High School. Thus, the District is offering placement at a requested site and two other sites that are located near the current private facility that houses the East Bay Innovation Academy High School program. Skyline High School is approximately two miles away from their current facility that houses the high school program. Markham Elementary School is located in between Skyline High School and the Marshall Campus. Accordingly, the students, parents, and staff of East Bay Innovation Academy can continue to develop their program in a familiar location.

In addition to exclusive use of the Marshall campus, Staff believe that specialized classroom space at Skyline High School is appropriate. Unlike the middle school and elementary school sites that were requested, Skyline High School is a comprehensive high school campus that has specialized classroom space appropriate for specialized high school courses (e.g. chemistry lab). Thus, specialized classroom space at Skyline High School ensures that the physical facility has the amenities required for high school courses and are reasonably equivalent to the facilities that house similar District-run programs.

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.

East Bay Innovation Academy identified Lakeview, Howard, King Estates, and Frick Impact Academy as preferred sites. Lakeview has housed American Indian Public Charter School II for multiple schools; therefore, another established charter program would have to be displaced to accommodate this request. Similarly, Francophone Charter School is co-located at Howard with a District program. Accordingly, another charter school would have to be displaced from Howard to honor East Bay Innovation Academy's preference. King Estates Complex currently houses two District programs and a charter school program (Bay Area Technology Charter School). Accordingly, another charter school and multiple District programs would have to be displaced to accommodate the preference. Frick Impact Academy is a middle school in East Oakland. It does not offer specialized teaching space for high school courses such as a classroom equipped with the fixtures necessary to teach a chemistry curriculum inclusive of class labs. Further, the street on which the entryway to Frick Impact Academy is located is narrow and surrounded by homes; rather than being set back from active street traffic, so the resulting traffic impact of high school students potentially driving to Frick Impact Academy causes additional safety concerns for charter school students, District students, families, staff, and community residents.

Based upon a comprehensive analysis of the factors set forth above, Staff determined that an offer of three school sites that included East Bay Innovation Academy's current site, one additional elementary school site within District 6, and a high school site within District 6 would be appropriate. Continuity at the Marshall campus helps provide stability and foster community for the charter school's students and their families; additionally, expansion of the charter school's footprint in District 6 (in close proximity to the charter school's current private site) will provide the students, families, and staff with continuity.

Francophone

Francophone Charter School is a Kindergarten-7 grade program that is eligible for twelve (12) classrooms. They requested space in East Oakland and currently are placed at the former Toler Heights Elementary School campus and nearby Howard Elementary School.

Unfortunately, a single dedicated site or single site co-location was not an option because the sites at which the program is currently located are already at capacity. Accordingly, the District considered how to allocate the charter school's population over more than one school site. Specifically, the District determined that the charter school's population could be placed across the following sites:

- Former Toler Heights Elementary School Site
9736 Lawlor Street, Oakland, CA 94605
- Howard Elementary School
8755 Fontaine Street, Oakland, CA 94605

The District gave Francophone Charter School space at its current school sites. Retaining

students, families, and staff within the communities to which they are accustomed and already a part of is a safety consideration that is taken into account. The District's offer of two sites at the requested sites will enable students to continue to be a part of a community with which they are familiar, promoting continuity and safety for the charter school students and their families.

Additionally, the District was mindful in offering sites that did not require students, families, or staff to traverse the City. The two school sites are less than two miles away from each other.

The District considered how the grades could be separated among the offered sites to minimize teacher and student commutes between sites. The District has proposed sites that can be utilized in such a way grade levels can be strategically placed separately and minimize travel between school sites among teachers and school staff.

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.

Many of the school sites in East Oakland (Francophone's preferred geographical area) house the District's Newcomer Program. As discussed in detail above, Oakland is a "sanctuary" city and as such, Oakland Unified School District serves an increasing number of students who have been in the United States for less than 3 years and who speak a language other than English at home. Serving students that are new to the United States is an urgent and compelling issue that requires a system-level response. Most of our newest arrivals fall into the status of refugee, asylee, and/or unaccompanied minor, many of whom are fleeing violence, human trafficking or persecution in their home country. The District is working across multiple departments and in many schools to build systems to support these students as they transition into our schools and communities. It is imperative that this disadvantaged student population have the benefit of attending schools within their local communities as it assists our students develop meaningful relationships with friends, family, their larger community, and local community resources. Forcing classroom redistribution, displacement of students, and forcing teachers to vacate classrooms at these community schools, that disproportionately serve vulnerable youth, would only serve to compound the disadvantages confronting these students and disproportionately impact some of our most vulnerable students.

Based upon an analysis of the factors set forth above, Staff determined that an offer of two school sites that included Francophone's current sites within District 7 would be appropriate. Further, continuity at the Howard campus and continued exclusive use of the Toler campus helps provide stability and foster community for the charter school's students and their families.

Urban Montessori

Urban Montessori is a Kindergarten-eighth grade education program eligible for twenty-five (25) classrooms. Urban Montessori is currently located at the Sherman Campus and private site. Urban Montessori requested space at the Former Sherman Elementary School campus (exclusive use) and another OUSD school site that is accessible to the 580 freeway.

Unfortunately, a single dedicated site or single site co-location was not an option because the requested site only has a total of 12 classrooms. Accordingly, the District considered how to allocate the charter school's population over more than one school site. Specifically, the District determined that the charter school's population could be placed across the following sites:

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

Staff determined that Urban Montessori should continue to have placement at the Sherman site, which is located in District 6. Retaining students, families, and staff within the community to which they are accustomed and already a part of is a safety consideration that is taken into account. The District offered one site that was requested by Urban Montessori, allowing them to maintain their footprint in the community of which they are already an established part.

Additionally, the District was mindful in offering sites that did not require students, families, or staff to traverse the City. The two other school sites are separated by a mere four-minute drive and are less than a mile and half away from one another. Frick Impact Academy and Sherman campus are less than a mile away from each other. Frick Impact Academy and Parker Elementary School are approximately 1.3 miles away from each other. Thus, families, students, and staff will not have to traverse the City to travel to and among the sites.

The District considered how the grades could be separated among the offered sites to minimize teacher and student commutes between sites. The District has proposed sites that can be utilized in such a way that grade levels can be strategically placed separately and minimize travel between school sites among teachers and school staff. Since Urban Montessori is a K-8 program, it is appropriate for Urban Montessori to have some space at a middle school site (Frick Impact Academy).

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.

Based upon an analysis of the factors set forth above, Staff determined that an offer of three school sites, within District 6 that included Urban Montessori's current site within District 6

(former Sherman Campus) would be appropriate. Further, continuity at the former Sherman campus expansion of the charter school's footprint within District 6 helps provide stability and foster community for the charter school's students and their families.

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.