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OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel
David Montes de Oca, Deputy Chief
Silke Bradford, EdD, Director, Office of Diverse Providers

Board Meeting Date March 23, 2016

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

Action Requested **Approval of Board Resolution 1516-0110 Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39**

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's request at a single school site Finding

Discussion The Board is asked to approve the allocation of the following school sites to be offered to the charter schools below for the 2016-2017 school year under Proposition 39, and to direct the Staff to issue Final Offers of Facilities to the following charter schools under Proposition 39 and its implementing regulations by the required deadline:

Name of Charter School	Site to be Offered
ARISE High School	<ul style="list-style-type: none"> Fremont High School 4610 Foothill Boulevard, Oakland, CA Skyline High School 12250 Skyline Boulevard, Oakland, CA
Francophone Charter School of Oakland	<ul style="list-style-type: none"> Toler Heights Elementary 9736 Lawlor Street, Oakland, CA

Recommendation **Approval of Board Resolution 1516-0110 Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39**

Fiscal Impact n/a

Attachments

- Resolution

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION No. 1516-0110**

**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 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 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;

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

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, for the 2016-2017 school year, 14 eligible charter schools requested facilities under Proposition 39;

WHEREAS, the Board incorporates into this Resolution the Resolution 1516-0106 ("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 2016-17 School Year," attached hereto as Appendix A thereto, approved by the Board on March 23, 2016;

WHEREAS, having analyzed the available space in the specific area where each charter wishes to locate, the District is unable to extend a single site offer in their desired geographic location for the reasons stated in the Final Offer and Resolution 1516-0106;

NOW, THEREFORE, the Board of the District hereby allocates the following school sites to be offered to the charter schools named below for the 2016-2017 school year under Proposition 39:

Name of Charter School	Site to be Offered
ARISE High School	<ul style="list-style-type: none"> • Fremont High School 4610 Foothill Boulevard, Oakland, CA • Skyline High School 12250 Skyline Boulevard, Oakland, CA
Francophone Charter School of Oakland	<ul style="list-style-type: none"> • Toler Heights Elementary 9736 Lawlor Street, Oakland, CA

NOW, THEREFORE, 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 23rd day of March, 2016, by the following vote, to wit:

AYES: Shanthi Gonzales, Aimee Eng, Jody London, Jumoke Hinton Hodge, Vice President
Nina Senn, President James Harris

NOES: Roseann Torres

ABSTAINED: None

ABSENT: None

CERTIFICATION

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 23rd day of March, 2016 with a copy of such Resolution being on file in the Office of the Board of Education of said district.



Antwan Wilson, Superintendent and Board Secretary