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Enactment Number	14-1482
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OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel

**Board Meeting Date** August 13, 2014

**Subject** **TERMINATION OF FACILITIES AND OPERATIONS AGREEMENT BY AND BETWEEN THE OAKLAND UNIFIED SCHOOL DISTRICT AND 100 BLACK MEN OF THE BAY AREA CHARTER SCHOOL**

**Action Requested** **Approval by the Board of Education of the termination of the Facilities and Operations Agreement by and between the Oakland Unified School District and 100 Black Men of the Bay Area Charter School**

**Background**  
*A one paragraph explanation*

The 100 Black Men of the Bay Area Community School suspended its operations and closed effective January 24, 2014, with the intent to reopen at a future date. We further understand the reopening date is not currently known. The term of the charter for the 100 school was set by the District's Board of Education's action authorizing the charter. Therefore, the charter original term remains in effect but continues to run. By way of example only, as the charter term ends June 30, 2017, if the 100 sought to reopen in September 2015, the remaining term of the charter would continue to June 30, 2017.

**Discussion**  
*One paragraph summary*

Effective February 1, 2014, the Facilities and Operations Agreement by and between the District and the 100 Black Men of the Bay Area Charter Schools, approved by the Board of Education on June 13, 2012 (Enactment # 12-1481) and amended on February 13, 2013 (Enactment # 13-0328), will terminate. The reason for the termination is the decision by the 100 Black Men of the Bay Area Charter Schools to cease operations as of January 25, 2014, (with plans to reopen at an unspecified date in the future). The District's future decision to agree to the reopening of the charter school will be conditioned upon repayment of outstanding debts, including approximately \$325,000 owed the District and demonstration of fiscal soundness of the structure of the school. The Marshall campus was vacated by the school effective February 28, 2014. The use of the school between February 1 and February 28 was under the Civic Center Act.



**Recommendation**

**Approval by the Board of Education of the termination of the Facilities and Operations Agreement by and between the Oakland Unified School District and 100 Black Men of the Bay Area Charter School**

**Fiscal Impact**

Approximately \$325,000 owed to the District

**Attachments**

- 100 Black Men Community School letter to Dr. Silke Bradford
- District General Counsel letter of February 7, 2014 to 100 Black Men Community School



Silke Bradford, Director of Quality Diverse Providers  
OUSD Office of Charter Schools  
Oakland Unified School District  
4551 Steele Street, Room 9  
Oakland, CA 94619

Dear Dr. Bradford.

I am sending this letter to officially notify you that the 100 Black Men of the Bay Area Community School will suspend operations beginning on Friday, January 24, 2014. On this day we will stop serving students at the 3400 Malcolm Avenue school site. It is our intent to reopen the 100 Black Men of the Bay Area Community School at a later date. Once a restart date is confirmed, we will immediately advise you in writing.

Per our conversation on January 16<sup>th</sup>, we have been working diligently on completing the school closure checklist that you provided us at the beginning of the new calendar year. We look forward to the meeting with you within the next 1-2 weeks to review the status of the checklist items.

Please do not hesitate to let me know if you have any questions or concerns as we move through this process.

Regards,

Loren Taylor, Vice Chair  
Board of Directors  
100 Black Men of the Bay Area Community School

CC: Jacqueline Minor, Mark Alexander





February 7, 2014

**Sent Via Email**

Loren Taylor  
Mr. El-Melech Stills Bey

**RE: Termination of Facilities and Operations Agreement by and between the  
Oakland Unified School District and 100 Black Men of the Bay Area Charter Schools;  
Civic Center Use of the Marshall Campus Until February 28, 2014**

Dear Mr. Taylor and Mr. Bey:

Effective February 1, 2014, the District is terminating the Facilities and Operations Agreement by and between the Oakland Unified School District and the 100 Black Men of the Bay Area Charter Schools approved by the Board of Education on June 13, 2012 and amended on February 13, 2013. The reason for the termination is the decision by the 100 Black Men of the Bay Area Charter Schools to cease operations as of January 25, 2014 (with plans to reopen at a date in the future).

As the District has previously advised, because the charter school notified the District of its intent to cease operations, the District will not pursue at this time any of the available legal remedies (*e.g.* Notice of Concern, Notice of Violation) with respect to the school's charter. However, the District will condition the reopening of the school on repayment of this outstanding debt and demonstration of fiscal soundness of the structure of the school.

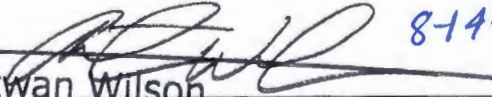
The District has agreed that in order to give the charter school sufficient time to complete closure, move items remaining at the Marshall campus and appropriately redistribute student records, the District will grant the 100 Black Men of the Bay Area Charter Schools authorization to continue to occupy the Marshall campus for the period from February 1, 2014 to February 28, 2014 under the Civic Center Act. Please review the attached application, sign and append a Certificate of Insurance naming the District as an additional insured in the amount of \$1,000,000 combined single limits. The signed application and certificate of insurance should be returned to me no later than Wednesday, February 12, 2014.

Please let us know if you have any questions or if we can be of assistance.

  
8-14-14  
David Kakishiba  
President, Board of Education

Very truly yours,

  
Jacqueline P. Minor  
General Counsel

  
8-14-14  
Antwan Wilson  
Secretary, Board of Education

February 7, 2014  
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Attachments:

Civic Center Handbook  
Civic Center Permit Application

Cc: Dr. Gary Yee, Superintendent  
Vernon Hal, Deputy Superintendent  
David Montes de Oca, Associate Superintendent  
Silke Bradford, Director, Diverse Providers

## OAKLAND UNIFIED SCHOOL DISTRICT

Print Form

**APPLICATION FOR USE OF SCHOOL FACILITIES FOR PUBLIC PURPOSES UNDER THE CIVIC CENTER ACT**  
 900 High Street Oakland Ca. 94601 PH: 510-434-3352 Fax: 510-434-2209

**1 FACILITY NAME:** Marshall Campus 3800 Malcolm **DATE** 2-6-2014

**2 USER IDENTIFICATION:**  
 NAME OF GROUP/ORGANIZATION 100 Black Men of the Bay Area Charter School  
 NAME OF GROUP MEMBER MAKING REQUEST Loren Taylor  
 ADDRESS (MAILING) Lo\_Taylor@yahoo.com CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE NO. HOME \_\_\_\_\_ WORK \_\_\_\_\_ EXT \_\_\_\_\_ FAX NO. \_\_\_\_\_  
 CELL PH. NO. 510-541-7617 EMAIL \_\_\_\_\_  
 OPTIONAL CONTACT El-Mech Bey PHONE NO. 100Bm@gmail NO. OF PARTICIPANTS \_\_\_\_\_  
 NATURE OF ACTIVITY TO BE CONDUCTED Charter School Closure

**3 FACILITY/EQUIPMENT REQUESTED:**

<p style="text-align: center;"><b>INDOORS</b></p> <p><input type="checkbox"/> CLASSROOM QTY _____                  ROOM No(s). <u>Entire School</u></p> <p><input type="checkbox"/> MUSIC ROOM <span style="margin-left: 150px;"><input type="checkbox"/> THEATER</span>  <input type="checkbox"/> BAND ROOM <span style="margin-left: 150px;"><input type="checkbox"/> EXERCISE ROOM</span>  <input type="checkbox"/> COMPUTER ROOM <span style="margin-left: 150px;"><input type="checkbox"/> GYM</span>  <input type="checkbox"/> MULTIMEDIA LAB <span style="margin-left: 150px;"><input type="checkbox"/> FOOD SERVICE</span>  <input type="checkbox"/> LIBRARY <span style="margin-left: 150px;"><input type="checkbox"/> KITCHEN</span>  <input type="checkbox"/> AUDITORIUM <span style="margin-left: 150px;"><input type="checkbox"/> CAFETERIA</span>  <input type="checkbox"/> CONFERENCE ROOM <span style="margin-left: 150px;"><input type="checkbox"/> LUNCH ROOM</span>  <input type="checkbox"/> OTHER _____</p>	<p style="text-align: center;"><b>OUTDOORS</b></p> <p><input type="checkbox"/> FOOTBALL FIELD  <input type="checkbox"/> TRACK  <input type="checkbox"/> BASEBALL FIELD  <input type="checkbox"/> PRACTICE FIELD  <input type="checkbox"/> FIELD A  <input type="checkbox"/> FIELD B  <input type="checkbox"/> TENNIS COURT  <input type="checkbox"/> POOL  <input type="checkbox"/> PLAYGROUND  <input type="checkbox"/> PARKING                  OTHER: _____                  name= _____</p>	<p style="text-align: center;"><b>TYPE OF EQUIPMENT</b></p> <p><input type="checkbox"/> P.A. SYSTEM IN GYM  <input type="checkbox"/> P.A. SYSTEM AUDITORIUM  <input type="checkbox"/> SCORE BOARD/TIME CLOCK  <input type="checkbox"/> PIANO  <input type="checkbox"/> CHAIRS QTY _____  <input type="checkbox"/> TABLES QTY _____  <input type="checkbox"/> NEED SETUP <input type="checkbox"/> YES <input type="checkbox"/> NO  <input type="checkbox"/> RESTROOM <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p style="text-align: center;"><b>FOR OFFICE USE ONLY</b></p> <p>Custodial Start Time: _____                  Custodial End Time: _____                  Custodial Total Hrs. _____</p>
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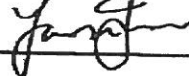
4 USAGE INFORMATION:		DATES OF USE	HOURS OF USE (Please specify AM or PM)	TOTAL HR(s)
SINGLE <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/>	DAYS OF USE <input checked="" type="checkbox"/> M <input checked="" type="checkbox"/> TU <input checked="" type="checkbox"/> WE <input checked="" type="checkbox"/> TH <input checked="" type="checkbox"/> FR <input type="checkbox"/> SA <input type="checkbox"/> SU	<u>2/1/2014</u> / <u>2/28/2014</u> _____ / _____ _____ / _____	_____ / _____ <p style="text-align: center;"><b>Actual Event Hours</b></p> _____ / _____	_____ _____ _____

**DECLARATION**

We agree to conform to all the rules and regulations and the Board Policy And Admittance Regulations of the Oakland Unified School District.

The undersigned states that, to the best of his or her knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence or other unlawful means.

That The 100 Black Men of the Bay Area Comm. Schools, the organization on whose behalf he or she is making application for use of school property, does not, to the best of his or her knowledge, advocate the overthrow of the government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his or her knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalty of perjury.

SIGNATURE OF GROUP MEMBER ASSUMING RESPONSIBILITY  DATE February 18, 2014  
 PRINT NAME Loren M Taylor

**5. SCHOOL USE ONLY:**

<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	COMMENTS _____	DATE _____
<b>ASST. SUPT.</b>	PRINCIPAL SIGNATURE _____	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	COMMENTS _____	
	SUPT. SIGNATURE _____	DATE _____