

EXHIBIT "I"



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

April 1, 2018

Lucia Hwang
Yu Ming Charter School
1086 Alcatraz Avenue
Oakland, CA 94608

Re: Oakland Unified School District
Final Offer of Facilities, 2018-2019

Dear Lucia Hwang:

Oakland Unified School District ("District") makes this Final Offer of Facilities to the **Yu Ming Charter School** ("Charter School") for the 2018-2019 school year.

The District has carefully considered the Charter School's request for facilities under the criteria set forth in Proposition 39 and its implementing regulations. (Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq.*) This Final Offer complies with all of the requirements of Proposition 39 and Cal. Admin. Code, title 5, §11969.9(h).

A. Procedural History

The Charter School submitted a Request for Facilities under Proposition 39 pursuant to Cal. Admin. Code, title 5, § 11969.9(c) on or before November 1, 2017. The Charter School's Request for Facilities was based upon a projected in-District ADA of **168.04 (K-5: 133.69 and 6-8: 34.35)**.

B. 2018-2019 Final Offer to the Charter School

Education Code § 47614 and its implementing regulations only obligate the District to offer space sufficient to accommodate the Charter School's in-District students. The District's allocation of space is therefore based on the Charter School's projected in-District ADA of **168.04 (K-5: 133.69 and 6-8: 34.35)**.

1. Methodology

Cal. Admin. Code, title 5, § 11969.3 governs the identification of the comparison group sites. Subsection (a)(1) states as follows:

Comparison Group:

The standard for determining whether facilities are sufficient to accommodate charter

school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of district-operated schools with similar grade levels. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.

Cal. Admin. Code, title 5, § 11969.3(a)(2) governs the determination of the comparison group schools for districts whose students live in high school attendance areas:

The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

The District must first identify the high school attendance area in which the largest number of in-District Charter School students reside. Education Code §17070.15(b) defines “attendance area” as “the geographical area serving an existing high school and those junior high schools and elementary schools included therein.” Based on the information provided in the Charter School’s facilities request, the District has determined that the greatest number of Charter School students for both the K-5 and 6-8 grade spans live within the **Skyline High School** attendance area.

Table 1: High School Attendance Area

Grade Span	Attendance Area	# of Students	% of Students in Grade Span
TK-5	Outside of Oakland	197	59.9%
	Skyline	43	13.1%
	Oakland Tech	42	12.8%
	Oakland High	25	7.6%
	McClymonds	10	3.0%
	Castlemont/CCPA/Madison	8	2.4%
	Fremont	4	1.2%

6-8	Outside of Oakland	28	48.3%
	Skyline	12	20.7%
	Oakland High	9	15.5%
	Oakland Tech	5	8.6%
	McClymonds	2	3.4%
	Fremont	1	1.7%
	Castlemont/CCPA/Madison	1	1.7%

Therefore, the comparison group schools for the Charter School are as follows:

- **TK-5:** Allendale Elementary School, Carl B. Munck Elementary School, Fruitvale Elementary School, Grass Valley Elementary School, Joaquin Miller Elementary School, Laurel Elementary School, Manzanita SEED, Montclair Elementary, Redwood Heights Elementary School, Sequoia Elementary School, Thornhill Elementary School
- **6-8:** Montera Middle School and Bret Harte Middle School

The Charter School’s March 1, 2018 letter does not dispute the District’s methodology used to identify the comparison group schools.

2. Facilities Offered:

The District offers the Charter School facilities at the following school sites:

Golden Gate CDC
1086 Alcatraz Avenue, Oakland, CA 94608

Washington Campus (Sankofa Academy)
581 61st Street, Oakland, CA 94609

The Charter School’s allocation of space is as follows:

Table 2a: Allocation of Exclusive Use Teaching Station Space to Charter School by School Site

School Site	# of Teaching Stations/ Specialized Classrooms	Total Sqft
Golden Gate CDC	6	5,042
Washington	2	1,950

Total	8	6,992
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Table 2b: Allocation of Exclusive Use Teaching Station Space to Charter School by Room

School Site	Room # (per MKThink site plan)	Sqft
Golden Gate CDC	A-1-11	726
Golden Gate CDC	A-1-14	726
Golden Gate CDC	A-1-23a	635
Golden Gate CDC	A-1-23b	635
Golden Gate CDC	A-1-29a	1,160
Golden Gate CDC	A-1-29b	1,160
Washington	A-2-3	975
Washington	A-2-4	975

Table 2c: Allocation of Exclusive Use Non-Teaching Space to Charter School at Shared Sites by Room

School Site	Room # (per MKThink site plan)	Sqft	Room Type
Washington	A-3-11	249	admin/office

Table 2d: Allocation of Non-Teaching Space (NTS) to Charter School by School Site

Site Name	Projected ADA at Site		Charter Projected ADA as % of Total Site ADA	Total Site NTS	Charter NTS Allocation	Exclusive Use NTS Allocation		Shared NTS Allocation	
	District-Run	Charter				Interior	Exterior	Interior	Exterior
Golden Gate CDC	0.00	126.03	100.00%	26,757	26,757	2,887	23,870	0	0
Washington	156.83	42.01	21.13%	344,327	72,748	249	0	6,005	66,494
Total	156.83	168.04	-	371,083	99,505	3,136	23,870	6,005	66,494

The Charter School’s access to non-teaching space, which includes all non-classroom space (both in and outside of buildings and portables) at the site, is based upon the Charter School’s per-student entitlement to each category of space at the comparison group schools, and calculated upon the proportion of in-district ADA to the total ADA at the Site. The specific allocation of specialized teaching space and non-teaching space to the Charter School is set forth in subsections 3(c) and 3(d) below.

3. Reasonable Equivalence Methodology:

In order to determine whether facilities are “reasonably equivalent,” the District compares the proposed facilities to District-operated schools constituting the comparison group school. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above, to allocate a facility to the Charter School that meets Proposition 39 standards for “reasonable equivalence.”

a. Condition:

With respect to “condition,” the District may allocate facilities to the Charter School that are comparable to the comparison group in the following ways:

No.	Facility Characteristic – Capacity	Regulatory Authority
1.	Ratio of teaching stations to average daily attendance (“ADA”)	C.C.R., tit. 5, § 11969.3(b)(1)
2.	Specialized classroom space if such facilities are available to the district comparison group (e.g., science laboratories)	C.C.R., tit. 5, § 11969.3(b)(2)
3.	Non-teaching space, which the district can share with the charter school (e.g., administrative, kitchen, multi-purpose, and/or play area space)	C.C.R., tit. 5, § 11969.3(b)(3)
4.	School site size	C.C.R., tit. 5, § 11969.3(c)(1)(A)
5.	Condition of interior and exterior surfaces	C.C.R., tit. 5, § 11969.3(c)(1)(B)
6.	Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	C.C.R., tit. 5, § 11969.3(c)(1)(C)
7.	Availability and condition of technology resources	C.C.R., tit. 5, § 11969.3(c)(1)(D)
8.	Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	C.C.R., tit. 5, § 11969.3(c)(1)(E)
9.	Furnishings and equipment	C.C.R., tit. 5, § 11969.3(c)(1)(F)
10.	Condition of athletic fields and/or play area space	C.C.R., tit. 5, § 11969.3(c)(1)(G)

The District has also evaluated data on the condition of the facilities at the comparison school group based on site information available from the District’s Asset Management and Facilities Master Plan. A summary of this analysis, found in the table below, shows that the site offered to the Charter School is reasonably equivalent to the comparison school group in every facility characteristic category. Additional information regarding each facility can be found in [Exhibit A](#). Based on the data available to the District, the District has concluded that the facilities offered to the Charter School meet the reasonable equivalence standards under the category of “condition.”

Table 3: School Site Condition Analysis

School/Site Type		Offer Site		Comparison School Site												
School/Site		Golden Gate CDC	Washington	Allendale	Bret Harte	Carl B. Munck	Fruitvale	Grass Valley	Joaquin Miller	Laurel	Manzanita	Montclair	Montera	Redwood Heights	Sequoia	Thornhill
Size of Site (acres)		0.7	7.8	5.1	6.4	6.9	6.1	5.2	5.7	3.0	5.1	6.7	15.9	3.2	2.6	4.0
Surfaces*	Physical Condition (Interior)	**	E	G	E	E	G	E	G	E	E	E	E	E	E	E
	Circulation & Wayfaring (Interior)	**	E	G	E	E	E	E	G	E	E	E	E	E	E	E
	Physical Condition (Exterior)	**	E	E	E	E	G	E	G	E	E	E	E	E	E	E
	Circulation & Wayfaring (Exterior)	**	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Mechanical, plumbing, electrical, and fire alarm systems conformity with applicable codes		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tech Infrastructure		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Safe Learning Environment		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Furnishings/Equipment		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Athletic Fields/Play Area Space		N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y

* Each site plan included surface condition information for each individual building at the site. For sites with multiple buildings, these ratings were averaged, taking into consideration the relative size of each building to determine the overall site surface condition (E=Excellent, G=Good, F=Fair, P=Poor)

** This information is inapplicable for the Golden Gate CDC as surface condition information applies only to the district’s Child Development Centers, which are non-K-12 programs

b. Teaching Stations:

With respect to teaching stations, Cal. Admin. Code title 5, § 11969.3(b)(1) states that “[f]acilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations (classrooms) to ADA as those provided to students in the school district attending comparison group schools.”

The District followed the methodology set forth by the Court in *California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 60 Cal.4th 1221 in determining the teaching station allocation to the Charter School. The District consulted, in accordance with Cal. Admin. Code tit. 5, § 11969.3(b)(1), the “classroom inventory pursuant to Sections 1859.31 and 1859.32 ... on the Form SAB 50-02.” (See, Cal. Admin. Code tit. 2, s 1859.30.) A copy of Form SAB 50-02 is linked as [Exhibit B](#). Although the Proposition 39 regulations require the District to reference the classroom inventory referenced on Form SAB 50-02, the District notes that Form SAB 50-02 lists the aggregate classroom inventory by grade range within each high school attendance area, without breaking down inventory by school. Therefore, the District has taken the additional step of creating an updated inventory of actual room utilization at each comparison group school. That inventory is linked as [Exhibit C](#).

The District is permitted to evaluate the utilization of classrooms at the comparison group schools under *California Charter Schools Association*, supra, as the California Supreme Court held in that case that:

According to the District, only classrooms in the inventory that are “provided to” noncharter public school K–12 students in the District must be counted. On this view, unbuilt classrooms, classrooms already used by charter schools, and classrooms dedicated to preschool, adult education, or other uses besides K–12 education are not “provided to” such K–12 students and thus need not be counted in determining the ADA/classroom ratio under section 11969.3(b)(1). [¶] We agree with this reading of section 11969.3(b)(1). (*Id.* at 1239.)

Therefore, the District not only met, but exceeded, the requirements for determining the teaching station-to-ADA ratio under Cal. Admin. Code tit. 5, § 11969.3(b)(1). The District went beyond the classroom inventory contained in Form SAB 50-02, and manually created an inventory of classroom utilization at each of the comparison group schools, to determine the number of classrooms “provided to” District students at the comparison group schools. From that list, the District determined the ADA to teaching station ratio at the comparison group school as **TK-5: 24.70 and 6-8: 23.13 per teaching station.**

Table 4a: Comparison Group Schools Serving Grades TK-5 Located in High School Attendance Area

School	ADA Teaching Station Ratio
Allendale Elementary School	25.29
Carl B. Munck Elementary School	25.56
Fruitvale Elementary School	24.92
Grass Valley Elementary School	22.56
Joaquin Miller Elementary School	24.76
Laurel Elementary School	25.55
Manzanita SEED	23.44
Montclair Elementary	25.12
Redwood Heights Elementary School	24.79
Sequoia Elementary School	25.24
Thornhill Elementary School	24.44
AVERAGE	24.70

Table 4b: Comparison Group Schools Serving Grades 6-8 Located in High School Attendance Area

School	ADA Teaching Station Ratio
Montera Middle School	25.14
Bret Harte Middle School	21.12
AVERAGE	23.13

Applying that ratio to the Charter School’s projected ADA of **168.04 (K-5: 133.69 and 6-8: 34.35)**, the District determined that the Charter School was entitled to an allocation of **7 (rounded up from 6.90)** teaching stations.

Table 5: Calculation of Exclusive Use General Education Classroom Allocation

Grade Span(s)	ADA (In-District)	Average ADA Teaching Station Ratio	General Education Classrooms (ADA / Average ADA Teaching Station Ratio)
K-5	133.69	24.70	5.41
6-8	34.35	23.13	1.48
TOTAL	168.04	-	7 (6.90)

The District created and utilized an updated inventory of actual room utilization at each comparison group school to determine the number of teaching stations “provided to” students in the comparison group schools, in accordance with the Proposition 39 regulations. Therefore, the District rejects the Charter School’s boilerplate contention in its March 1, 2018 letter that the District failed to follow the

methodology set forth in the Proposition 39 regulations for determining the number of teaching stations to allocate to the Charter School. The District also based its ADA projections for request year 2018-2019 upon data provided by its enrollment office. The District rejects the Charter School's contention in its March 1, 2018 letter that the Charter School is better able to project ADA at the District's comparison group schools based on data from the CDE from the 2016-2017 school year. Also, since the District relied upon its updated inventory of teaching spaces "provided to" District students at the comparison group schools, it relied upon more current information than the information cited in the Charter School's March 1, 2018 letter.

c. Specialized Teaching Space:

Cal. Admin. Code title 5, § 11969.3(b)(2) states as follows with respect to the allocation of specialized teaching space to Charter Schools:

If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to paragraph (1) of subdivision (b) shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

- (A) the grade levels of the charter school's in-District students;
- (B) the charter school's total in-District classroom ADA; and
- (C) the per-student amount of specialized classroom space in the comparison group schools.

During the 2017-18 school year, OUSD contracted with a third party vendor to conduct an educational adequacy assessment at its facilities. As part of this assessment, the vendor collected updated specialized teaching space data, which included the approximate square footage of each space. Although this data has not yet been finalized, it was used to help determine the charter school's specialized teaching space allocation based on "the per-student amount of specialized classroom space in the comparison group schools" as shown in the table below. Detailed data related to the specific specialized teaching space present at comparison sites and sites where the charter school has been offered space are provided in [Exhibit D](#).

Table 6: Calculation of Specialized Teaching Space (STS) Allocation¹

STS Type	STS Existing at Offer Site(s) (Sqft)	STS Entitlement (Sqft)	Exclusive Use STS Already Included in Classrooms Offered (Sqft)	Over(+)/ Under(-) Allocation of STS Entitlement (Sqft)*
Art Classroom	0	166	0	-166
Art Technology Lab	0	0	0	0
Computer Laboratory	0	111	0	-111
CTE Classroom (Related to Lab Instruction)	0	0	0	0
CTE Family/Consumer Science Multipurpose Lab	0	0	0	0
CTE Industrial Education Laboratory	0	0	0	0
CTE Technology Education Laboratory	0	0	0	0
CTE General Laboratory	0	47	0	-47
Drama Classroom	0	0	0	0
Music Room (Elementary School)	0	37	0	-37
Music Room, Band	0	58	0	-58
Music Room, Choir	0	55	0	-55
Science Classroom	0	184	0	-184
Science Laboratory	0	128	0	-128
SpEd Life Skills Lab	0	38	0	-38
Total	0	824	0	-824

* Calculated by subtracting STS Entitlement from Exclusive Use STS Already Included in Classrooms Offered

The District provides the Charter School with specialized teaching space in the form of an allocation of building space and, if necessary, shared space. The District’s updated calculation of the Charter School’s entitlement to specialized teaching space shows that the Charter School is entitled to 824 sqft of specialized teaching space. That additional specialized teaching space is covered in the allocation of 1 additional teaching space classroom to the Charter School. The Charter School may also be entitled to a self-contained special education classroom allocation if it can demonstrate its Oakland resident student population includes students with severe disabilities that require this type of classroom.

¹ Square footage figures included in this table are approximate and were taken from the Jacobs data found in [Exhibit E](#). All other square footage figures found in this document were taken from MKThink data ([Exhibit F](#)) and are more precise. Therefore, discrepancies in square footage figures may exist between this and other tables found in this letter.

The District has used the updated information provided by its third-party vendor to obtain an updated inventory of the specialized teaching space at the comparison group schools and, where, necessary, has re-evaluated its calculation of the Charter School’s per-pupil entitlement to specialized teaching space. Therefore, the District rejects the Charter School’s contention in its March 1, 2018 letter that the “the District has failed to count wide swaths of specialized and non-teaching station space at the comparison schools, or has entirely failed to account for those spaces in its offer.” The District’s methodology in inventorying, measuring and allocating specialized teaching space complies in all respects with the Proposition 39 regulations.

d. Non-Teaching Space:

With respect to non-teaching space, Cal. Admin. Code title 5, § 11969.3(b)(3) states as follows:

The school district shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

The District calculated the amount of non-teaching space at the comparison group schools (Table 7a) and determined this space as a function of Sqft/ADA as shown in Table 7b.

Table 7a: Calculation of Non-Teaching Space (NTS) at Comparison Group Schools

Comparison School(s)	Site Acreage (ground level) ¹	Ground Level Space (sqft) ²	Non-Ground Level Space (sqft) ³	Total Site Area (sqft) ⁴	Classroom Space (sqft) ⁵	Site NTS (sqft) ⁶
Allendale	5.14	223,898	4,540	228,438	22,366	206,072
Bret Harte	6.40	278,784	57,430	336,214	36,996	299,218
Carl Munck	6.91	301,000	0	301,000	17,030	283,970
Fruitvale	6.11	266,152	38,067	304,219	30,746	273,473
Grass Valley	5.19	226,076	0	226,076	18,019	208,057
Joaquin Miller	5.74	250,034	0	250,034	16,228	233,806
Laurel	2.96	128,938	0	128,938	21,029	107,909

SEED/Manzanita	5.13	223,463	0	223,463	36,708	186,755
Montclair	6.69	291,416	2,505	293,921	13,093	280,828
Montera	15.89	692,168	0	692,168	37,848	654,320
Redwood Hts	3.21	139,828	11,292	151,120	14,527	136,593
Sequoia	2.63	114,563	23,835	138,398	15,644	122,754
Thornhill	4.03	175,547	808	176,355	16,244	160,111

Sources: ¹ "Site List" [Exhibit F](#); ² Site Acreage x 43,560 (sqft/acre); ³ "Room List" [Exhibit F](#) (Sqft of all non-ground floor level rooms); ⁴ Ground Level + Non-Ground Level Space; ⁵ "Room List" [Exhibit F](#) (Sqft of all classrooms ≥600 sqft + attached classroom storage spaces included in Prop 39 final offers); ⁶ Total Site Area - Classroom Space

Table 7b: Non-Teaching Space (NTS) Sqft/ADA at Comparison Group Schools

Comparison School(s)	Total Site NTS (sqft)	Percent of Site Classrooms Occupied by District*	District Share of Site NTS (sqft)	18-19 Projected ADA	Total District NTS (sqft/ADA)
Allendale	206,072	100.00%	206,072	338.37	609.01
Bret Harte	299,218	100.00%	299,218	570.79	524.22
Carl Munck	283,970	100.00%	283,970	216.69	1310.49
Fruitvale	273,473	100.00%	273,473	325.65	839.77
Grass Valley	208,057	100.00%	208,057	246.39	844.42
Joaquin Miller	233,806	100.00%	233,806	416.40	561.49
Laurel	107,909	100.00%	107,909	476.72	226.36
SEED/Manzanita	186,755	100.00%	186,755	780.23	239.36
Montclair	280,828	100.00%	280,828	603.79	465.11
Montera	654,320	100.00%	654,320	721.44	906.96
Redwood Hts	136,593	100.00%	136,593	351.13	389.01
Sequoia	122,754	100.00%	122,754	414.24	296.33
Thornhill	160,111	100.00%	160,111	377.29	424.37
Comparison Group NTS Sqft/ADA				Minimum	226.36
				Median	524.22
				Maximum	1310.49

* Based on the number of classrooms not offered or occupied by charter schools at the site divided by the total number of classrooms at the site. For sites not shared with or offered to charter schools as part of Prop 39, this number will be 100%.

A supplement to Table 7a, showing the calculation of non-teaching space at the comparison groups schools, is linked as [Exhibit F](#).

The District then considered the Sqft/ADA ratio for each category of space at the comparison group school as part of its reasonable equivalence analysis.

Table 8a: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Golden Gate CDC

Site Name	Golden Gate CDC
18-19 Projected Site ADA	126.03
% of 18-19 Projected Site ADA	100.0%
NTS Type	Sqft
Admin/Office/Conference	162
MPR/Auditorium/Cafeteria/Gym	840
Library	0
Other Interior	1,885
Total Interior NTS	2,887
Exterior NTS	23,870
Total NTS	26,757
Average Sqft/ADA	212.31

Table 8b: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Washington

Site Name	Washington		
	Sankofa	Yu Ming	Site Total
18-19 Projected Site ADA	156.83	42.01	198.84
% of 18-19 Projected Site ADA	78.9%	21.1%	100.0%
NTS Type	Sqft	Sqft	Sqft
Admin/Office/Conference	3,132	839 (249*)	3,971
MPR/Auditorium/Cafeteria/Gym	5,008	1,341	6,349
Library	769	206	975
Other Interior	14,438	3,867	18,305
Total Interior NTS	23,346	6,254 (249*)	29,600
Exterior NTS	248,233	66,494	314,727

Total NTS	271,579	72,748	344,327
Average Sqft/ADA	1731.68	1731.68	-

*Square footage already included in exclusive-use space allocation to Charter School (see Table 2c). Remaining allocation to be negotiated by site leaders and will likely be in the form of shared space.

Following is a summary of the SF/ADA ratios of non-teaching space at the comparison group schools, compared to that of the Charter School’s allocation:

Table 9: Non-Teaching Space (NTS) Actual Sqft/ADA vs. Comparison School Group

Offer Site	Charter Projected In-District ADA	NTS Sqft	NTS Sqft/ADA
Golden Gate CDC	126.03	26,757	212.31
Washington	42.01	72,748	1,731.68
Total Allocated		99,505	592.15
Allocation if Based on Comparison School Group		Minimum	38,037
		Median	88,089
		Maximum	220,214

The District calculates the Sqft/ADA for non-teaching space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school’s allocation is considered to fall within reasonable equivalence standards if it falls within the minimum/maximum Sqft/ADA ratios at the comparison group schools.

The District also will offer the Charter School reasonably equivalent Furnishings and Equipment for **168.04 (K-5: 133.69 and 6-8: 34.35) ADA**.

The specific space offered to the Charter School in this Final Offer is depicted in the diagrams attached as **Exhibit G**.

The District complied with the methodology set forth in the Proposition 39 regulations governing the identification, measurement and allocation of non-teaching space, and therefore rejects the Charter School’s argument in its March 1, 2018 letter that “the District has failed to count wide swaths of specialized and non-teaching station space at the comparison schools, or has entirely failed to account for those spaces in its offer.” ”

4. Response to Charter School’s March 1, 2018 Letter

In compliance with Cal. Admin. Code, title 5, §11969.9(h), the District addresses the Charter School's response to the District's preliminary offer of facilities.

The District has responded to the Charter School's arguments regarding teaching stations, specialized teaching space, and non-teaching space under the discussion of each respective category above.

The District has adjusted its calculation of the pro-rata share in response to the Charter School's arguments.

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections.

Site Location: The Charter School identified a location preference of "a transit-rich location located to the North of the Fruitvale District between I-880 and I-580, South of Berkeley/Emeryville border and West of I-980."

Education Code 47614(b) states 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 ..." Here, the District exercised its discretion in determining that none of the schools in the Charter School's preferred locations had capacity to accommodate the Charter School's projected ADA. The District's determination is subject to deference. (See, e.g., *Westchester Secondary Charter School v. Los Angeles Unified School District* (2015) 237 Cal.App.4th 1226; *Sequoia Union High Sch. Dist. v. Aurora Charter High School* (2003) 112 Cal.App.4th 185, 194-5.) The District did not abuse its discretion by considering the cost to the District, or the impact upon District pupils, of granting the Charter School's location preference. The District's findings with respect to the Charter School's location preference are attached in the January 24, 2018 resolution adopted by the OUSD Board. ([Exhibit J](#))

The District did not have sufficient capacity at any of the Charter School's identified sites or locations to accommodate the entire Charter School projected in-District ADA. (See, January 24, 2018 Resolution, p. 11-12.) ([Exhibit J](#)) The District did accommodate the Charter School and provided a Final Offer at its previous location at Golden Gate CDC, located at 1086 Alcatraz Avenue, Oakland, CA 94608 and at Sankofa Academy, located at 581 61st Street, Oakland, CA 94609, which is approximately 1.4 miles away, and the closest available site to the Charter School's preferred location.

5. The District Followed the Legal Requirements for a Multi-Site Offer, and Has Properly Considered the Charter School's Location Preference

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.” On January 25, 2017, the District’s Governing Board passed a Resolution “Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding” (“Resolution”). The Resolution contains findings supporting the conclusion that the Charter School cannot be accommodated on one site, minimizing the number of sites offered, and considering student safety. ([Exhibit J](#), pp. 20-21.)

The Charter School’s March 1, 2018 letter does nothing to refute any of the substantial evidence cited by the District in its January 25, 2017 Resolution. Rather, the Charter School merely disputes the District’s right under Proposition 39 and its implementing regulations to allocate a charter school facilities over more than one site. The Charter School also makes the false statement that “the District’s Findings focus primarily on the impact to District students of allocating to YMCS a single District school site – with no analysis of the safety issues facing YMCS’s students.” (March 1, 2018 letter, p. 4.)

First, the District does not violate Proposition 39 by considering the rights of District students. Second, the Charter School’s allegation that the District conducted “no analysis of the safety issues facing YMCS’s students” is patently false. In fact, the District’s January 25, 2017 Resolution contains the following findings specific to Yu Ming:

Yu Ming was historically housed at the Former Golden Gate Child Development Center. 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 previously housed Yu Ming; thus, this site would allow Yu Ming an opportunity to maintain their footprint within this community.

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 separated by mere a four minute drive and are less than a mile and half away of one another. Thus, minimizing safety concerns surrounding lengthy commutes by and between multiple sites.

The District considered how the grades could be separated among the offered sites to minimize teacher and student commutes between sites. The District proposes that the sites be utilized in such a way grade levels and programs can be strategically separated across the two sites and thereby minimize travel between school sites.

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.

The District therefore rejects the Charter School's arguments that the District did not meet Proposition 39 requirements in allocating the Charter School space at more than one site.

C. Final Facilities Offer – Other Terms and Conditions

1. Pro-Rata Share

The calculation of the Charter School's pro-rata share of facilities costs is attached as **Exhibit H**. The District notes that the Charter School's share of custodial costs may be subject to reconciliation in the event that the District is required to increase staffing as a result of the Charter School's use and occupation of the District's site.

Although the District will address the Charter School's other stated concerns regarding the facilities costs used to compute the pro-rata share during the course of FUA negotiations, it does maintain that it is entitled to include the cost of property insurance. Cal. Admin. Code tit. 5, § 11969.2 provides the definition of "facilities costs" for the purposes of determining the permissible general fund costs to include in the calculation of the pro-rata share:

As used in Education Code section 47614(b)(1), "facilities costs" are those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. This includes plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases.

The District believes that it is allowed to include insurance (which only includes property insurance covering the District's structures, and does not include contents or liability insurance) because these costs constitute expenses incurred in "keeping the ... buildings ... in working condition and a satisfactory state of repair," in the event that they are damaged and an insurable claim is made. Therefore, the Charter Schools occupying the District's facilities under Proposition 39 directly benefit from the property insurance that the District takes out on the structures that they occupy.

2. Overallocation Fee

Cal. Admin. Code tit. 5, § 11969.8 provides for a penalty in the event that a school district overallocates facilities to a charter school based on the charter school's overprojection of Average Daily Attendance ("ADA") for a school year. Subsection (a) of that regulation provides as follows:

Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater.

The penalty for overallocation is calculated as follows:

The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA.

Please be advised that, in the event that the District overallocates facilities based upon the charter School's overprojection of ADA, the District will exercise its rights under the Proposition 39 regulations to collect the overallocation fee from the Charter School.

3. Miscellaneous

Should the Charter School accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement containing the terms and conditions of the District's facilities allocation. ([Exhibit I](#)) The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Under tit. 5, § 11969.9(i) of the Cal. Code of Regs., the Charter School "must notify the school district in writing whether or not it intends to occupy the offered space," no later than May 1, or 30 days after receipt of this Final Offer, whichever is later.

If you have any questions, please do not hesitate to contact me.

Yu Ming Charter School

April 1, 2018

Page 19 of 19

In Service,

A handwritten signature in blue ink, appearing to be the name 'Leslie Jimenez', written in a cursive style.

Leslie Jimenez
Office of Charter Schools

Exhibit A

District Facilities' Site Plans and Profiles

To view the District facilities' site plans and profiles, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit B

Form SAB 50-02

To view the Form SAB 50-02 for each high school attendance area, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit C

Teaching Station Data

To view the data used to calculate the teaching station ratio, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit D

Specialized Teaching Space at Comparison and Offer Sites

To view the calculation of specialized teaching space at comparison and offer sites,
please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit E

Preliminary Educational Adequacy Assessment Data Extract (from Jacobs as of 3.5.18)

To view the preliminary educational adequacy assessment data extract from Jacobs, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit F

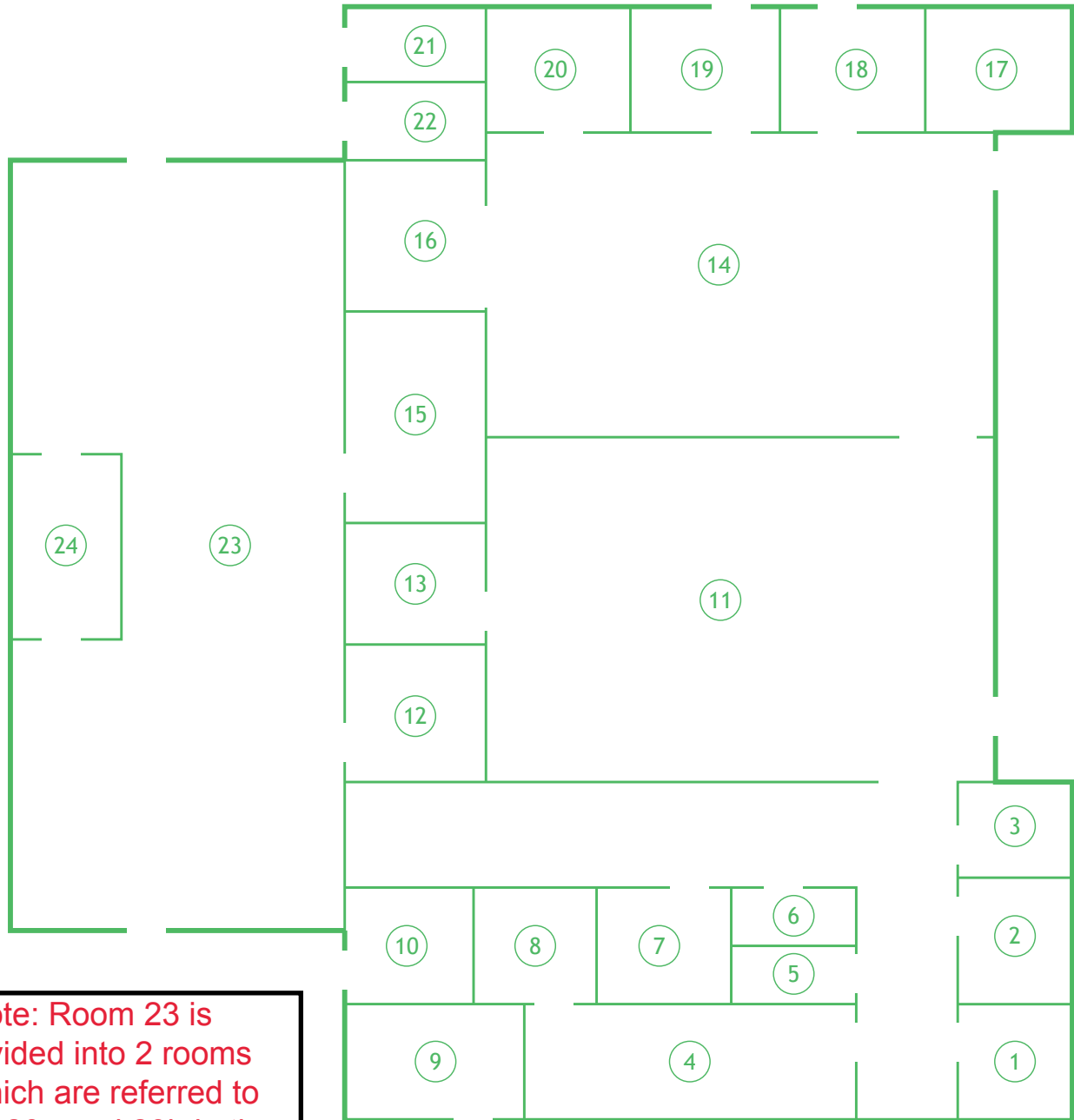
Non-Teaching Space at District Facilities

To view the calculation of non-teaching space at District schools, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit G

Specific Space Offered to Charter School



Note: Room 23 is divided into 2 rooms which are referred to as 23a and 23b in the offer letter.

Not drawn to scale

**Entire Site Exclusive
Use by Charter School**

814 - Golden Gate CDC - Unit A
6232 Herzog Street, Oakland CA 94608

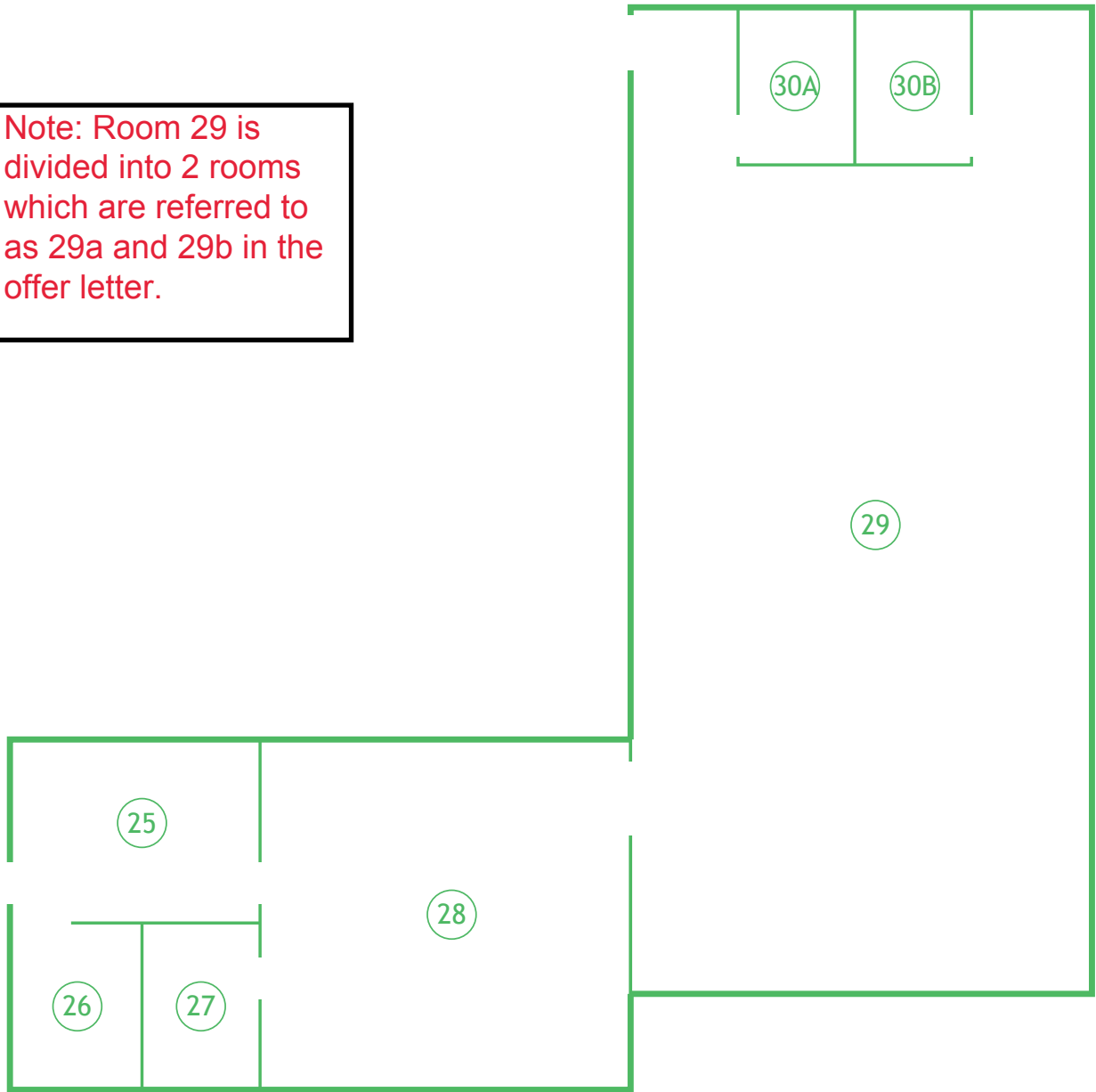
MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
mkthink.com 415.402.0888

2011



Note: Room 29 is divided into 2 rooms which are referred to as 29a and 29b in the offer letter.



Not drawn to scale

814 - Golden Gate CDC - Unit B

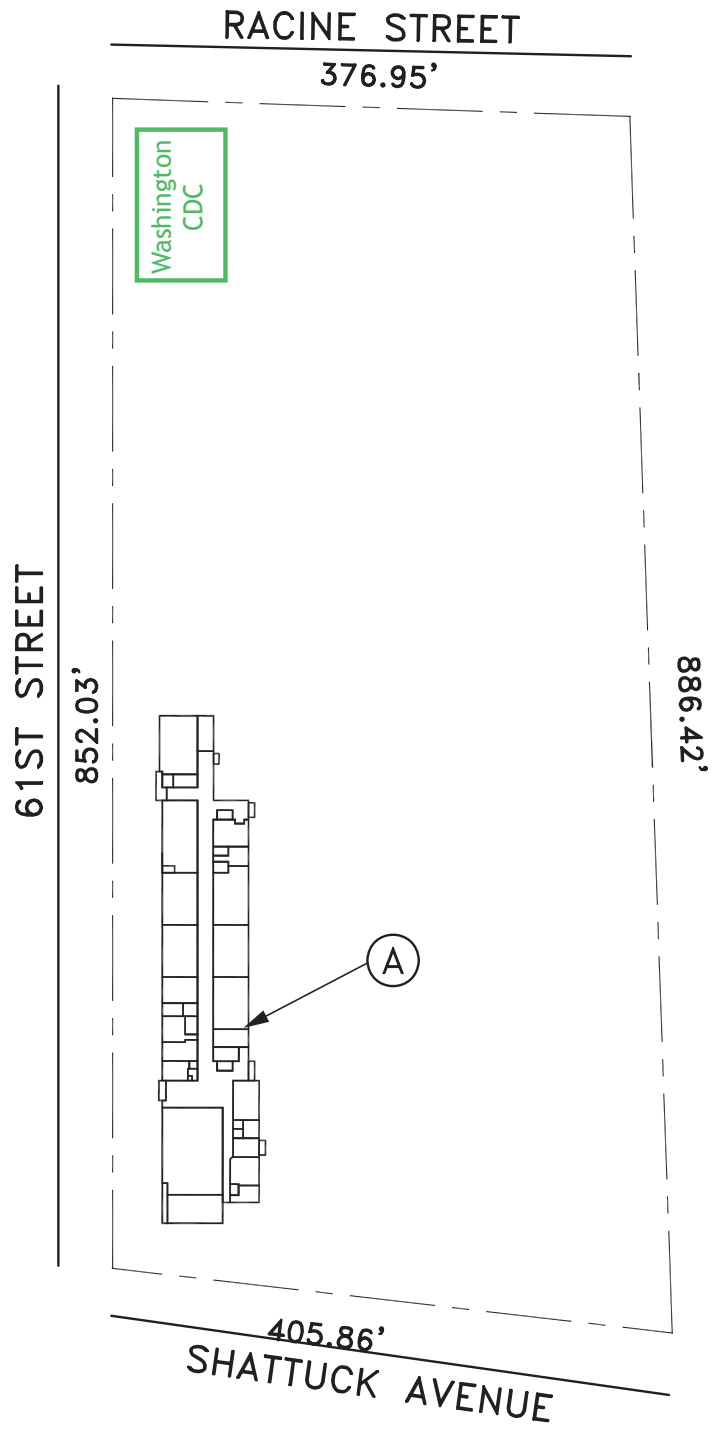
6232 Herzog Street, Oakland CA 94608

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
mkthink.com 415 402 0888

2011





Not drawn to scale

**Exclusive Use by
Charter School**

161 - Washington Elementary School - Site Plan

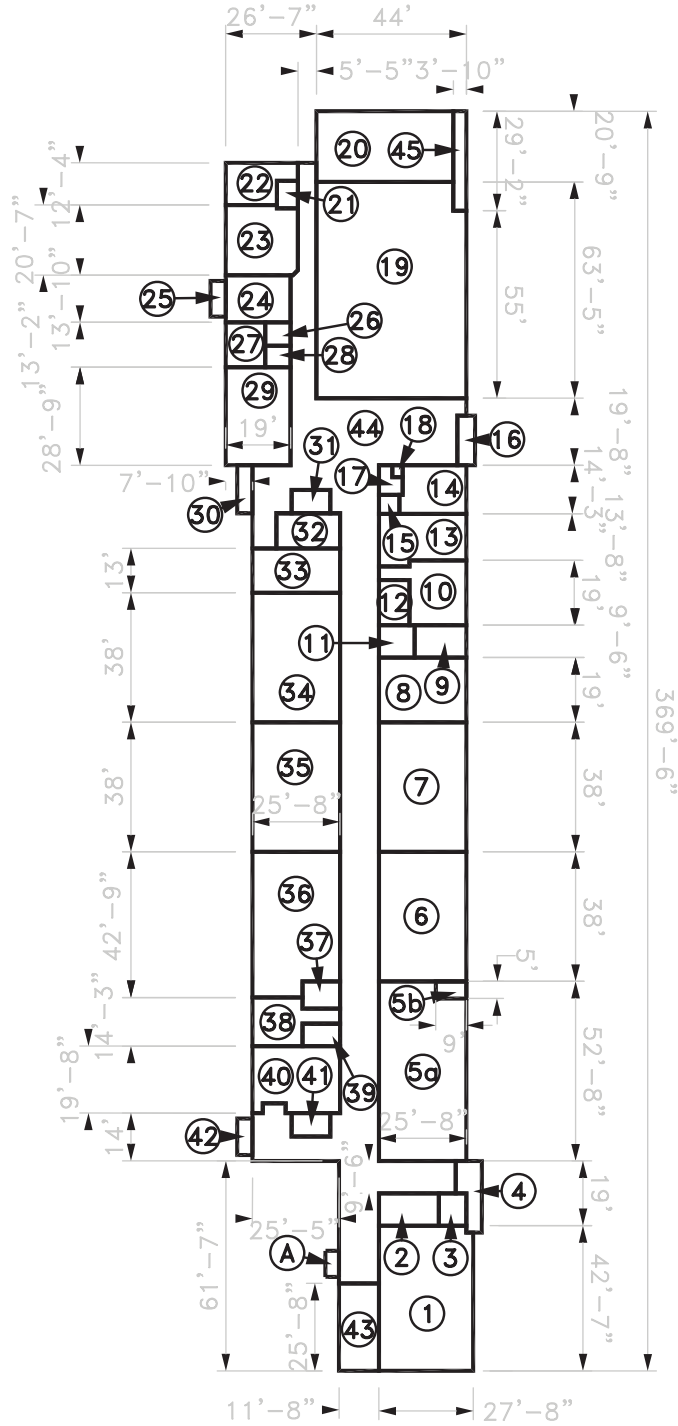
581 61st Street - Oakland, CA 94609-1248

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
mkthink.com 415 402 0888

2011

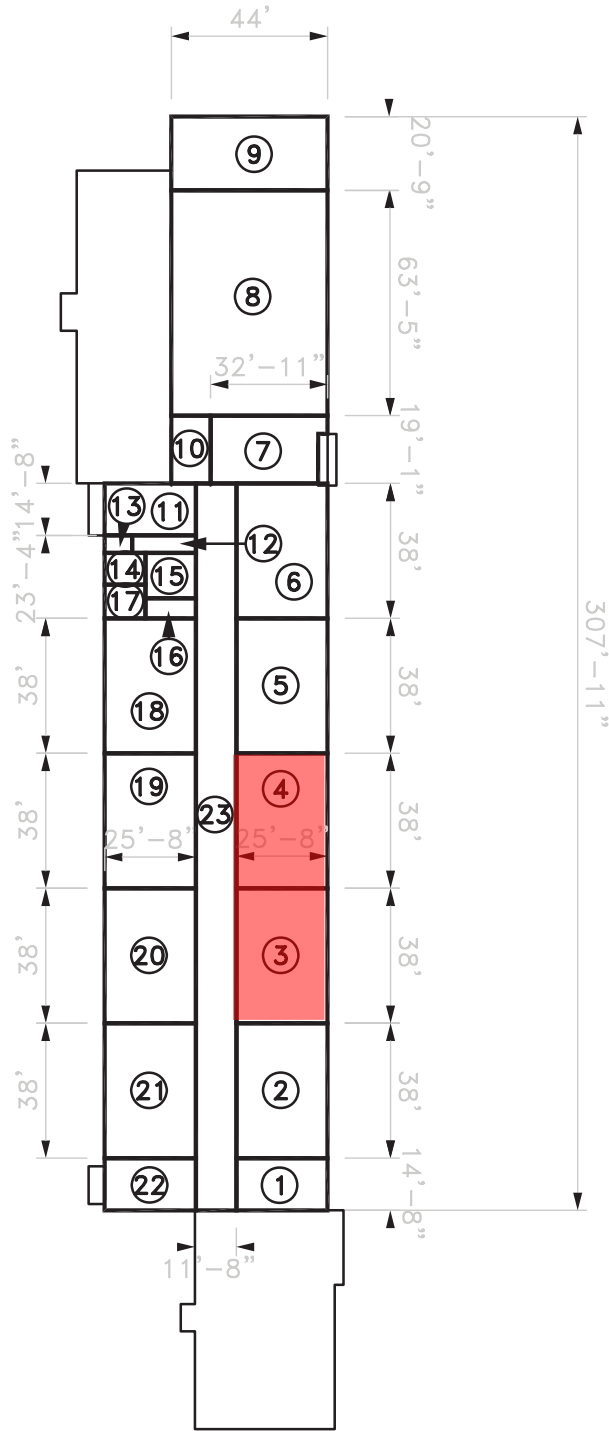




Not drawn to scale

161 - Washington Elementary School - Unit A1

581 61st Street - Oakland, CA 94609-1248



Not drawn to scale

161 - Washington Elementary School - Unit A2

581 61st Street - Oakland, CA 94609-1248

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
 mkthink.com 415.402.0888

2011



Washington Elementary School

581 61st Street

Site 161 Region 1 Grades K-6

The Washington Elementary School site, which currently hosts the Sankofa Elementary School program, is located in the heart of the Bushrod Park neighborhood in East Oakland, directly adjacent to Bushrod Park, itself. The surroundings are mixed-use, commercial and residential, and bleed into the city of Berkeley to the north. The other neighborhood borders are very distinct, with CA-24 to the south, MLK Boulevard to the west, and Claremont Avenue to the east.

PROGRAMMING (2012-2013)

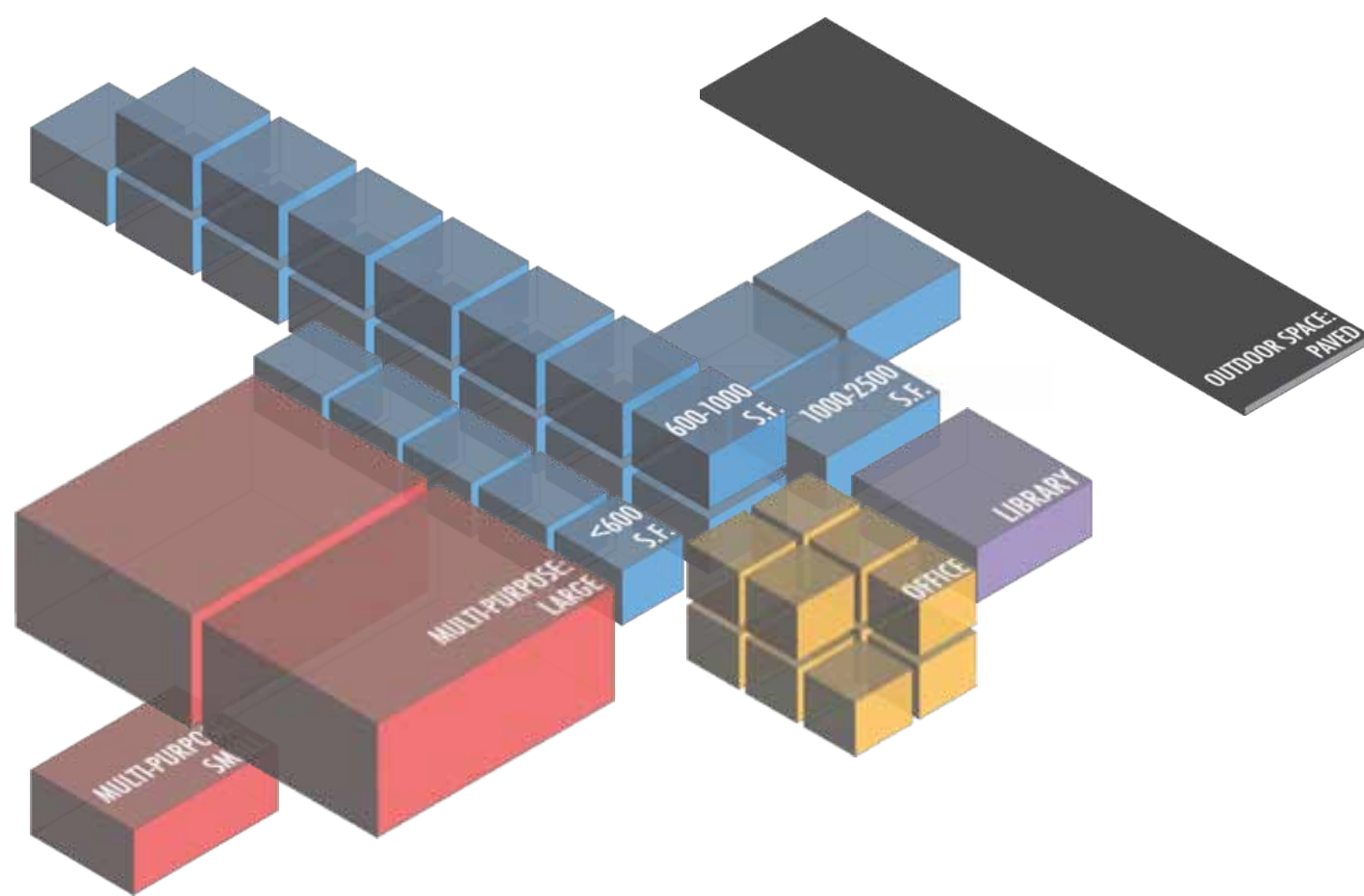
Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
Sankofa Academy	13	332	345	750



FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS
LIBRARY
MULTI-PURPOSE
SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	7.8		
Building Footprint (sf)	22,862		
Building Area (sf)	44,217	40,613	3,604
Classroom-Sized Rooms	18	15	3
<i>5 rooms < 600 s.f. used as classrooms</i>			
	Number of Rooms		Sq Ft
Library Rooms	1		975
Auditorium/Cafeteria/ Multi-purpose/Gym	3		6,349
Admin/Office/ Conference Room	11		3,971
School Gardens (None)			
Kitchen	Type: Finishing		
On-site Health Clinic	No		

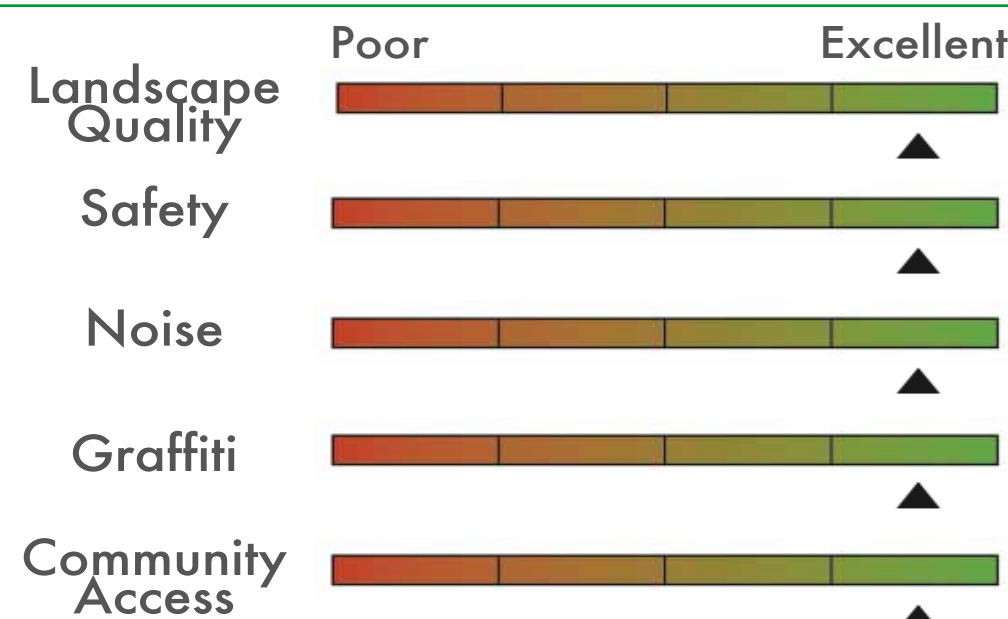
SITE SUMMARY (Summer 2012)

Sports / Recreation

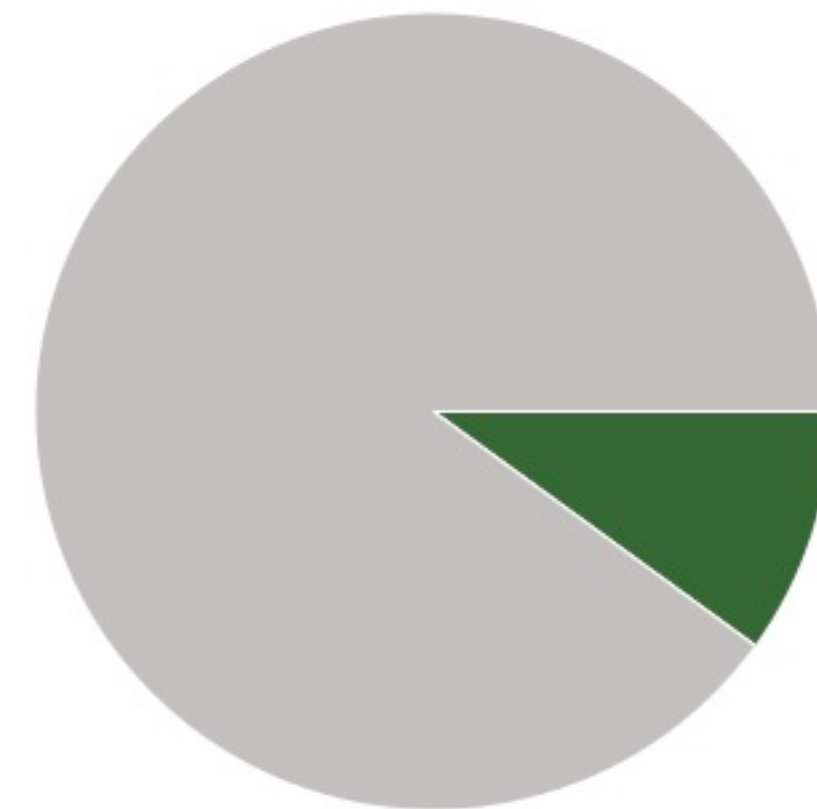
- Play structure ●●●
- Basketball hoops ●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Paved 90% 10% Green

Washington Elementary School

Building Records

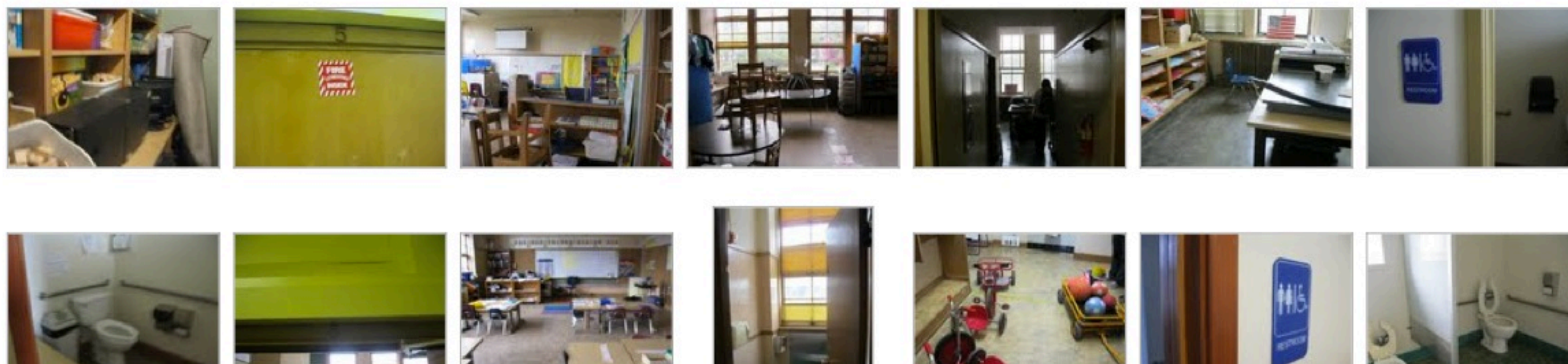
Site ID 161

Region 1

Grades K-6

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/tbfmjf>



BUILDING

A

BUILDING AREA (SQFT): 40,613

CONSTRUCTED: 1948

STRUCTURAL ELEMENTS

ROOFING

Concrete slab on concrete beams and steel trusses

FOUNDATION

Spread footings (under columns) & strip footings (under structural walls)

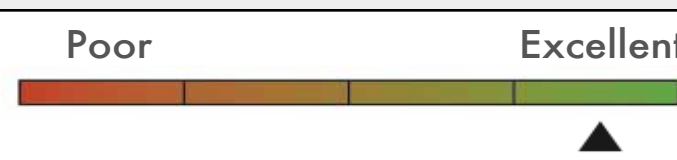
VERTICAL RESISTANCE

Concrete shear walls; Concrete moment frames

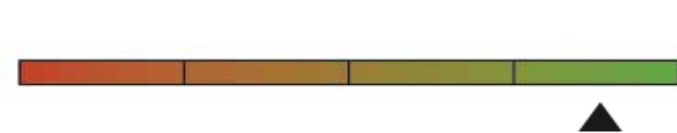
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

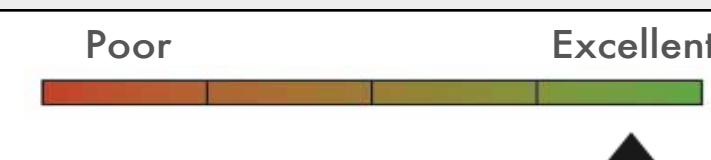


Circulation & Wayfinding

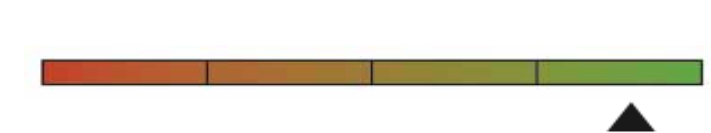


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

13

NO. OF OFFICES

8

NO. OF ADMIN ROOMS

8

NO. OF RESTROOMS

10

NO. OF STUDENT COMPUTERS

25

NO. OF ADMIN WORKSTATIONS

20

ADDITIONAL ADMIN SPACES

Conference Room
Teachers' Lounge

Washington Elementary School

Portable Records

Site ID 161

Region 1

Grades K-6

	Manufactured: 1958	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
P1	Manufactured: 1958	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
P2	Manufactured: 1958	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
P3	Manufactured: 1958	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u> 2
P4	Manufactured: 1958	<u>NO. OF CLASSROOMS</u> 1	<u>NO. OF ADMIN ROOMS</u>
P5	Manufactured: 1958	<u>NO. OF CLASSROOMS</u> 1	<u>NO. OF ADMIN ROOMS</u>

Portable Inventory

Total Count
5

Average Age
54 Years

Qualitative Conditions Assessment

The chart displays two horizontal bars representing 'EXT.' and 'INT.' scores. The scale ranges from 'Poor' (red) to 'Excellent' (green). Both bars are filled to the 'Excellent' level, indicated by a black triangle pointing to the right end of each bar.

Washington Elementary School

Rooms Summary & List

Site ID 161

Region 1

Grades K-6

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQ. FT.)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A								
	1	1	Classroom	1,174				
	1	2	Storage	167				
	1	3	Restroom	77				
	1	4	Circulation	125			13	
	1	5a	Classroom	1,307			3	
	1	5b	Restroom	45				
	1	6	Classroom	975	3		5	
	1	7	Classroom	975			7	
	1	8	Conference Room	488		1	9	
	1	9	Admin/Office	144				
	1	10	Storage	353				
	1	11	Admin/Office	100		1		
	1	12	Building Utilities	119				
	1	13	Admin/Office	367		2		
	1	14	Admin/Office	272				
	1	15	Storage	34				
	1	16	Circulation	75				
	1	17	Restroom	50				
	1	18	Storage	11			16	
	1	19	Multipurpose	2,758				354
	1	20	Multipurpose	833			12	
	1	21	Restroom	50				
	1	22	Storage	217				
	1	23	Classroom	428	1			
	1	25	Circulation	47				
	1	26	Circulation	51				
	1	27	Building Utilities	153				
	1	28	Mechanical	47				
	1	29	Lounge/Staff Dining	546		1		
	1	30	Circulation	63				
	1	32	Building Utilities	193				
	1	33	Restroom	334				
	1	34	Classroom	975	5		6	
	1	35	Classroom	975			4	
	1	36	Classroom	1,045			2	
	1	37	Storage	88				
	1	38	Admin/Office	257		1		
	1	39	Restroom	72				
	1	40	Restroom	485				
	1	42	Circulation	48				
	1	43	Storage	300				
	1	44	Circulation	5,050				
	2	1	Classroom	377				
	2	2	Library	975				
	2	3	Classroom	975				
	2	4	Classroom	975			13	
	2	5	Classroom	975	1			
	2	6	Classroom	975			5	
	2	7	Classroom	591			7	
	2	10	Storage	212				
	2	12	Circulation	87				
	2	13	Storage	38				
	2	14	Restroom	103				
	2	15	Building Utilities	182				
	2	16	Circulation	80				
	2	17	Restroom	109				
	2	18	Classroom	975			16	

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	2	19	Classroom	975	16			
	2	20	Admin/Office	975		8	12	
	2	21	Admin/Office	975		5		
	2	23	Circulation	2,337				
	3	1	Cafeteria	2,758				173
	3	2	Building Utilities	653				
	3	3	Storage	102				
	3	5	Restroom	68				
	3	6	Circulation	95			5	
	3	7	Circulation	47			7	
	3	10a	Classroom	308			8	
	3	10b	Storage	202				
	3	11	Admin/Office	249		1		
	3	12	Circulation	242				
	3	14	Building Utilities	1,125				
PORTABLE								
		1		864				
PORTABLE								
		2	Classroom	506				
		3	Storage	86				
		4	Restroom	95				
PORTABLE								
		5	Admin/Office	72				
		6	Admin/Office	72				
		7	Building Utilities	180				
		8	Storage					
		9	Locker Rooms	72				
		10	Restroom	36				
		11	Restroom	81				
		12	Restroom	81				
PORTABLE								
		13	Storage	24				
		14	Classroom	720				
		18	Storage	24				
PORTABLE								
		15	Storage	28				
		16	Storage	42				
		17	Classroom	621	17			

Exhibit H

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	Yu Ming
Site Name:	Golden Gate CDC Campus
Address:	6232 Herzog Street, Oakland, CA 94608
SPACE ALLOCATION	
Exclusive Use Space (sqft)	7,929
+ Proportion of Shared Space (sqft)	0
Total Space Allocation at Site (sqft)**	7,929
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	7,929
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$30,526.65
UTILITIES FEE	
Projected Charter School ADA at Site***	168.00
÷ Projected Total Site ADA	168.00
Charter School Percent of Site Use	100.00%
PAYMENT SCHEDULE	
25% by October 1, 2018	
25% by December 1, 2018	
25% by April 1, 2019	
25% by July 1, 2019	

*All calculations subject to change.

**Includes only interior space. The District is entitled under Cal. Admin. Code tit. 5, § 11969.7(c) to charge the charter school on a square footage basis for use of common areas such as the parking lot, exterior corridors, field space, playground, and blacktop, but is not doing so at this time. The District reserves the right to amend its calculation of the pro-rata share to include all "space allocated by the school district to the charter school," and will provide the charter school notice and an opportunity to respond before implementing any changes. The full allocation of both interior and exterior space is outlined in the preliminary offer letter.

***Generally, this line item includes total (in-district + out-of-district) projected ADA as reported in the Charter Schools' facilities request form; however, since Yu Ming currently has such a high percentage of out-of-district students and is expected to also occupy additional private facilities, this number is based on an estimated 28.00 ADA per allocated classroom at the site.

Contract Term (Fiscal Year):	2018-19
Charter School Name:	Yu Ming
Site Name:	Washington Campus
Address:	581 61st Street, Oakland, CA 94609
SPACE ALLOCATION	
Exclusive Use Space (sqft)	2,199
+ Proportion of Shared Space (sqft)	6,005
Total Space Allocation at Site (sqft)**	8,204
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	8,204
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$31,585.40
UTILITIES FEE	
Projected Charter School ADA at Site***	56.00
÷ Projected Total Site ADA	212.83
Charter School Percent of Site Use	26.31%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	26.31%
x Number of Custodial FTE at Site	2.5
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$48,137.43
PAYMENT SCHEDULE	
25% by October 1, 2018 25% by December 1, 2018 25% by April 1, 2019 25% by July 1, 2019	

*All calculations subject to change.

**Includes only interior space. The District is entitled under Cal. Admin. Code tit. 5, § 11969.7(c) to charge the charter school on a square footage basis for use of common areas such as the parking lot, exterior corridors, field space, playground, and blacktop, but is not doing so at this time. The District reserves the right to amend its calculation of the pro-rata share to include all "space allocated by the school district to the charter school," and will provide the charter school notice and an opportunity to respond before implementing any changes. The full allocation of both interior and exterior space is outlined in the preliminary offer letter.

***Generally, this line item includes total (in-district + out-of-district) projected ADA as reported in the Charter Schools' facilities request form; however, since Yu Ming currently has such a high percentage of out-of-district students and is expected to also occupy additional private facilities, this number is based on an estimated 28.00 ADA per allocated classroom at the site.

WORKSHEET -- OUSD's Prop 39 Facility Use Rate Per Sq Ft Calculation

Calculation is based on 2017/18 Budget as of 11/28/17

RRMA Transfer from UR to resource 8150

Facility Acquisition and Construction (Function 8500)

	Prop 39 Base
Custodial Services Department Expenses*	
Supplies and Materials	
Services and Operation Cost	
Buildings & Grounds Department Expenses	
RRMA transfer from UR to resource 8150	13,048,405
Facility Acquisition and Construction (Func 8500)	70,324
Utilities Expenses*	13,118,729
Gas, Water & Electric	
Sewer Charges	
Basic Phone Service	
Debt Servicing - Principal & Interest payments (E.C. 47614)	
Emerg. Apportionment (State) Loan - \$65 million	3,890,534
Emergency Apportionment (State) Loan - \$35 million	2,094,903
Police Services (CCR 11969.2 (h) Safe & Comfortable)	5,985,437
Insurance (Function 6000)	908,582
TOTAL COST BASIS	22,467,204
TOTAL DISTRICT SQUARE FOOTAGE	5,836,129
COST PER SQUARE FOOT	\$ 3.85

* Item may be added to Use Agreement if applicable
3/16/18 Revised

Object Codes	As of 11/28/17 BUDGET
2. Classified Salaries	7,014,206
2205 - CLASSSUPT SALARIES	5,774,629
2220 - CLASSSUPT SALARIES STIPENDS	-
2225 - CLASSSUPT SALARIES OVERTIME	211,519
2305 - SUPV/ADM SALARIES	932,907
2405 - CLERICAL SALARIES	95,152
2450 - CLERICAL SUBSTITUTES	-
3. Employee Benefits	3,281,634
3102 - STRS CLASSIFIED	30,522
3202 - PERS CLASSIFIED	1,031,388
3302 - SOCSECMEDIAL TSS CLASSIFIED	417,171
3322 - MEDICARE CLASSIFIED	100,631
3342 - PARS CLASSIFIED	5,627
3402 - HEALTH & WELFARE CLASSIFIED	1,175,297
3502 - ST UNEMPLOY INS CLASSIFIED	7,426
3602 - WORKERS COMP CLASSIFIED	433,755
3802 - PERS REDUCTION CLASSIFIED	-
3902 - OTHER BENEFITS CLASSIFIED	59,817
4. Books and Supplies	1,164,244
4310 - SUPPLIES	1,005,994
4330 - GASOLINE	140,000
4399 - SUPPLUS	-
4410 - Equipment \$500-4,999	14,306
4420 - Computer \$500-4,999	3,944
4432 - Furniture \$500-4,999	-
5. Services and Operating	1,573,321
5515 - DISPOSAL SERVICES	94,784
5210 - MILEAGE/PERSONAL EXP REIMB	-
5610 - EQUIP MAINTENANCE AGREEMT	1,800
5622 - RENTALS - EQUIPMENT	12,000
5670 - REPAIRS CONT - VEHICLE	1,122,351
5679 - REPAIRS CONT - VEHICLE	90,000
5716 - INTERPGM - DUPLICATION SERVICE	1,175
5720 - INTERPGM - MAINT WORK ORDERS	(9,000)
5724 - INTERPGM - POSTAGE	-
5760 - INTERFUND - MAINT WORK ORDERS	(16,000)
5810 - ADVERTISING - LEGAL	10,211
5826 - EXTERNAL WORK ORDER SERVICES	250,000
5910 - POSTAGE	1,000
5930 - TELEPHONE	15,000
5934 - PAGERS	-
6. Capital Outlay	35,000
6410 - EQUIPMENT	35,000
6460 - VEHICLE PURCHASE	-
7. Other Outgo	-
7615 - IFT GEN SRF BLDG TO DEF MAINT	-
7990 - UNAPPROPRIATED FUND BALANCE	-
Grand Total	13,048,405

Source: Rpt 12 - Fd 01, Res. 8150, Obj. 1000-7990

Object Codes	As of 11/28/17 BUDGET
4. Books and Supplies	37,724
4310 - SUPPLIES	35,000
4311 - MEETING REFRESHMENTS	-
4315 - COMPUTER SUPPLIES	-
4399 - SUPPLUS	-
4410 - Equipment \$500-4,999	-
4420 - Computer \$500-4,999	2,724
4432 - Furniture	-
5. Services and Operating	32,600
5210 - MILEAGE/PERSONAL EXP REIMB	23,500
5220 - CONFERENCE EXPENSE	5,000
5300 - DUES & MEMBERSHIPS	1,000
5610 - EQUIP MAINTENANCE AGREEMT	-
5620 - RENTALS (NON-CAPITAL LEASES)	-
5622 - RENTALS - EQUIPMENT	-
5675 - REPAIRS CONT - EQUIP OTHER	-
5716 - INTERPGM - DUPLICATION SERVICE	600
5714 - INTERPGM - POSTAGE	-
5800 - OTHER SERVICES & OPERATING EXPS	-
5825 - CONSULTANTS	-
5890 - CONTRACTED SERVICES	-
5870 - PRINTING	-
5872 - Property Loss	-
5910 - Postage	2,500
5930 - Telephone	-
6. Capital Outlay	-
6100 - Sites & Improvement of Sites	-
6200 - Buildings & Improvement of Buildings	-
6215 - Architects/Engineers	-
6220 - Assessments and Fees	-
6252 - Preliminary Fees	-
6252 - Other Planning Costs	-
6271 - Main Construction	-
6274 - Other Construction	-
6276 - Moving Expense	-
6410 - Equipment	-
Grand Total	70,324

Source: Rpt 12 - Fd 01, Function 8500

[Home Table of Contents](#)**§ 11969.7. Charges for Facilities Costs.**

5 CA ADC § 11969.7

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 5. Education

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 3. Facilities for Charter Schools.

5 CCR § 11969.7

§ 11969.7. Charges for Facilities Costs.

If the school district charges the charter school a pro rata share of its facilities costs for the use of the facilities, the pro rata share shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted revenues from the district's general fund, as defined in sections 11969.2(f) and (g) and hereinafter referred to as "unrestricted general fund revenues," divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school. The following provisions shall apply to the calculation of the pro rata share of facilities costs:

(a) For purposes of this section, facilities costs that the school district pays with unrestricted general fund revenues includes those costs associated with plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases, as defined in section 11969.2(h). For purposes of this section, facilities costs also includes:

(1) contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance Account (Education Code section 17070.75), Routine Restricted Maintenance Account (Education Code section 17014), and/or deferred maintenance fund,

(2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and

(3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in paragraphs (1) and (2), according to school district schedules and practices.

For purposes of this subdivision, facilities costs do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance and the costs of any tangible items adjusted in keeping with a customary depreciation schedule for each item.

(b) For purposes of this section, the cost of facilities shall include debt service costs.

(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space includes, but is not limited to, those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.

(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.

(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article, and a charter school using school district facilities pursuant to Education Code section 47614 shall report the per-square-foot charge it is paying in the current fiscal year to the California Department of Education (CDE) in any notification the charter school makes to the CDE pursuant to Education Code section 47630.5(b). The CDE shall post the per-square-foot amounts reported by charter schools on its publicly accessible Web site. The CDE shall offer the opportunity to each school district to provide explanatory information regarding its per-square-foot charge and shall post any information received.

(f) If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of Education Code section 47613, and the district may only charge for the actual costs of supervisory oversight of the charter school not to exceed one percent of the school's revenue.

Note: Authority cited: Sections 33031 and 47614(b), Education Code. Reference: Sections 17014, 17070.75, 47613, 47614 and 47630.5, Education Code.

HISTORY

1. New section filed 7-30-2002; operative 8-29-2002 (Register 2002, No. 31).
2. Amendment of section and Note filed 2-28-2008; operative 3-29-2008 (Register 2008, No. 9).

This database is current through 11/24/17 Register 2017, No. 47

5 CCR § 11969.7, 5 CA ADC § 11969.7

END OF DOCUMENT

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Exhibit I

Draft Facilities Use Agreement

To view a draft Facilities Use Agreement, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit J

Multi-Site Resolution

To view Resolution No. 1617-0009: Finding that Charter Schools Could not be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding in Compliance with Proposition 39, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit K

Amendment to Multi-Site Resolution

To view the Amendment to the Resolution 1718-0035 and Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Findings, please visit:

<http://www.ousdcharters.net/prop-39-data.html>