

EXHIBIT "H"



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

April 1, 2018

Taima Beyah
Urban Montessori
5328 Brann Street
Oakland, CA 94619

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

Dear Taima Beyah:

Oakland Unified School District ("District") makes this Final Offer of Facilities to **Urban Montessori** ("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 **405.30 (TK-5: 343.68 and 6-8: 61.62)**.

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 **405.30 (TK-5: 343.68 and 6-8: 61.62)**.

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 the TK-5 grade span live within the **Castlemont/CCPA/Madison High School** attendance area and the 6-8 grade span live within the **Oakland Technical High School** attendance area.

Table 1: High School Attendance Area

Grade Span	Attendance Area	# of Students	% of Students in Grade Span
TK-5	Castlemont/CCPA/Madison	80	19.8%
	Outside of Oakland	78	19.3%
	Fremont	73	18.0%
	Oakland Tech	62	15.3%
	Skyline	59	14.6%
	Oakland High	32	7.9%
	McClymonds	21	5.2%
6-8	Outside of Oakland	10	24.4%

	Oakland Tech	8	19.5%
	Skyline	8	19.5%
	Castlemont/CCPA/Madison	7	17.1%
	Fremont	3	7.3%
	McClymonds	3	7.3%
	Oakland High	2	4.9%

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

- **TK-5:** Acorn Woodland Elementary School, Brookfield Elementary School, Burckhalter Elementary School, Community United Elementary School, East Oakland Pride Elementary School, Encompass Academy, Esperanza Elementary School, Fred T. Korematsu Discovery Academy, Futures Elementary School, Howard Elementary School, Madison Park Academy Primary, Markham Elementary School, New Highland Academy, Reach Academy, Rise Community School, Greenleaf Elementary School, and Parker Elementary School
- **6-8:** Hillcrest Elementary School, Claremont Middle School, and Westlake 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:

Markham Elementary School
7220 Krause Avenue, Oakland CA 94605

Sherman Elementary School
5328 Brann Street, Oakland, CA 94619

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
Markham	8	7,874

Sherman	12	10,833
Total	20	18,707

Table 2b: Allocation of Exclusive Use Teaching Station Space to Charter School by Room

School Site	Room # (per MKThink site plan)	Sqft
Markham	R-1-3	1064
Markham	R-1-4	1064
Markham	R-1-5	1100
Markham	R-2-1	962
Markham	R-2-2	962
Markham	R-2-3	962
Markham	R-2-4	946
Markham	R-2-5	814
Sherman	A-1-2	900
Sherman	A-1-3	900
Sherman	A-1-4	900
Sherman	A-1-5	900
Sherman	A-1-6	900
Sherman	A-1-7	900
Sherman	A-1-8	900
Sherman	A-1-9	900
Sherman	A-1-32	1230
Sherman	E-1-1	792
Sherman	F-1-1	792
Sherman	G-1-1	819

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
Markham	R-1-1a, 3a, 4a, 5a, 6a, 8, 9, 10; R-2-1a, 2a, 3a, 4a, 5a, 9, 11, 12	956	building utilities
Markham	R-1-1	644	admin/office (classroom)
Markham	R-1-2, 7; R-2-6, 7	857	restroom

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Markham	R-1-6	925	conference room
Markham	R-1-11, 12; R-2-8, 13, 14	2,935	circulation
Markham	R-2-10	24	storage
Markham Total Exclusive Use NTS	-	6,341	-

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
Markham	322.06	162.12	33.48%	109,053	36,515	6,341	0	1,893	28,281
Sherman	0.00	243.18	100.00%	65,833	65,833	13,440	52,393	0	0
Total	322.06	405.30	-	174,886	102,347	19,781	52,393	1,893	28,281

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 for shared sites is 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		Markham	Sherman	Brookfield	Burckhalter	E. Morris Cox	Highland	Howard	Lockwood	Markham	Parker	Sobranite Park	Stonehurst	Webster	Whittier	Claremont	Hillcrest	Westlake	
Size of Site (acres)		2.7	1.8	9.5	2.3	4.6	3.8	6.6	5.9	2.7	2.6	4.1	8.2	8.6	2.7	3.8	2.1	5.7	
Surfaces*	Physical Condition (Interior)	E	E	E	E	E	E	G	E	E	E	G	E	G	E	G	E	E	
	Circulation & Wayfaring (Interior)	E	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E	G
	Physical Condition (Exterior)	E	E	E	E	E	E	E	G	E	E	E	E	G	E	E	E	E	
	Circulation & Wayfaring (Exterior)	E	E	G	E	E	E	E	E	E	E	E	E	G	G	E	E	E	G
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	Y	Y	Y
Tech Infrastructure		Y	Y	Y	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	Y	Y	Y
Furnishings/Equipment		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Athletic Fields/Play Area Space		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	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)

The District conducted its analysis of the condition of the comparison group schools under the criteria set forth in the Proposition 39 regulations, supported by relevant data. Therefore, the District rejects the Charter School’s boilerplate contention in its March 1, 2018 letter that the District failed to conduct the comparison group school condition analysis in accordance with the Proposition 39 regulations.

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: 23.86 and 6-8: 27.43 per teaching station.**

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

School	ADA Teaching Station Ratio
Acorn Woodland Elementary School	22.38
Brookfield Elementary School	22.27

Burckhalter Elementary School	22.70
Community United Elementary School	23.00
East Oakland Pride Elementary School	25.23
Encompass Academy	25.38
Esperanza Elementary School	25.31
Fred T. Korematsu Discovery Academy	24.38
Futures Elementary School	24.58
Howard Elementary School	22.63
Madison Park Academy Primary	22.77
Markham Elementary School	24.07
New Highland Academy	25.21
Reach Academy	22.82
Rise Community School	24.30
Greenleaf Elementary School	24.74
Parker Elementary School	23.82
AVERAGE	23.86

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

School	ADA Teaching Station Ratio
Hillcrest Elementary School	26.94
Claremont Middle School	29.60
Westlake Middle School	25.76
AVERAGE	27.43

Applying that ratio to the Charter School’s projected ADA of **405.30 (TK-5: 343.68 and 6-8: 61.62)**, the District determined that the Charter School was entitled to an allocation of **17 (rounded up from 16.65)** 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)
TK-5	343.68	23.86	14.40
6-8	61.62	27.43	2.25
TOTAL	405.30	-	17 (16.65)

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 CDE enrolment data from 2016-2017. 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	945	404	945	541
Art Technology Lab	0	0	0	0
Computer Laboratory	828	537	0	-537
CTE Classroom (Related to Lab Instruction)	0	0	0	0
CTE Family/Consumer Science Multipurpose Lab	0	119	0	-119
CTE Industrial Education Laboratory	0	0	0	0
CTE Technology Education Laboratory	0	0	0	0
CTE General Laboratory	0	0	0	0
Drama Classroom	0	0	0	0
Music Room (Elementary School)	0	235	0	-235
Music Room, Band	0	171	0	-171
Music Room, Choir	0	38	0	-38
Science Classroom	851	679	0	-679
Science Laboratory	0	48	0	-48
SpEd Life Skills Lab	0	50	0	-50
Total	2,624	2,281	945	-1,336

* 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, beyond the allocation of 945 sqft of specialized teaching space at the site, the Charter School is entitled to an additional 1,336 sqft of specialized teaching space. That additional specialized teaching space is more than covered in the allocation of 3

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.

additional teaching space classrooms 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.

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 boilerplate contention in its March 1, 2018 letter that the District’s offer is “completely void of any discussion of the different amounts (square footage) and types of specialized classroom space that exist at the comparison schools ...” 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
Brookfield	9.52	414,691	0	414,691	28,735	385,956
Burckhalter	2.34	101,930	30,073	132,003	15,512	116,491
Reach	4.62	201,247	32,185	233,432	49,777	183,655

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New Highland/RISE Community	3.82	166,399	5,640	172,039	41,945	130,094
Howard	6.64	289,238	0	289,238	20,227	269,011
Futures/Community United	5.93	258,311	20,051	278,362	33,425	244,937
Markham	2.74	119,354	17,721	137,075	28,022	109,053
Parker K-8	2.62	114,127	30,887	145,014	18,852	126,162
Madison Lower K-5	4.05	176,418	0	176,418	14,458	161,960
Fred Korematsu Discovery/Esperanza	8.22	358,063	0	358,063	29,651	328,412
East Oakland PRIDE	8.56	372,874	10,324	383,198	28,851	354,347
Greenleaf K-8	2.67	116,305	21,452	137,757	20,125	117,632
ACORN Woodland/EnCompass	8.45	368,082	19,421	387,503	30,112	357,391
Claremont	3.79	165,092	0	165,092	24,252	140,840
Hillcrest K-8	2.14	93,218	3,496	96,714	12,507	84,207
Westlake	5.73	249,599	17,902	267,501	32,693	234,808

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)
Brookfield	385,956	87.50%	337,712	255.49	1321.82
Burckhalter	116,491	100.00%	116,491	220.09	529.29
Reach	183,655	37.04%	68,020	351.47	193.53
New Highland/RISE Community	130,094	100.00%	130,094	551.28	235.99
Howard	269,011	90.91%	244,556	182.69	1338.64
Futures/Community United	244,937	100.00%	244,937	604.41	405.25
Markham	109,053	68.97%	75,209	322.06	233.53
Parker K-8	126,162	100.00%	126,162	353.54	356.85
Madison Lower K-5	161,960	100.00%	161,960	274.12	590.84

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Fred Korematsu Discovery/Esperanza	328,412	100.00%	328,412	616.33	532.85
East Oakland PRIDE	354,347	74.29%	263,229	304.75	863.75
Greenleaf K-8	117,632	100.00%	117,632	609.16	193.11
ACORN Woodland/EnCompass	357,391	100.00%	357,391	606.51	589.26
Claremont	140,840	100.00%	140,840	464.40	303.27
Hillcrest K-8	84,207	100.00%	84,207	378.76	222.32
Westlake	234,808	74.29%	174,429	303.16	575.37
Comparison Group NTS Sqft/ADA				Minimum	193.11
				Median	467.27
				Maximum	1338.64

* 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 Markham

Site Name	Markham		
	Markham	Urban Montessori Charter School	Site Total
18-19 Projected Site ADA	322.06	162.12	484.18
% of 18-19 Projected Site ADA	66.5%	33.5%	100.0%
NTS Type	Sqft	Sqft	Sqft
Admin/Office/Conference	2,197	1,106 (1,569*)	3,303
MPR/Auditorium/Cafeteria/Gym	2,296	1,156	3,452
Library	655	330	985
Other Interior	11,209	5,643 (4,772*)	16,852
Total Interior NTS	16,358	8,234 (6,341*)	24,592

Exterior NTS	56,181	28,281	84,461
Total NTS	72,539	36,515	109,053
Average Sqft/ADA	225.23	225.23	-

*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.

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

Site Name	Sherman
18-19 Projected Site ADA	243.18
% of 18-19 Projected Site ADA	100.0%
NTS Type	Sqft
Admin/Office/Conference	1,831
MPR/Auditorium/Cafeteria/Gym	2,720
Library	900
Other Interior NTS	7,989
Total Interior NTS	13,440
Exterior NTS	52,393
Total NTS	65,833
Average Sqft/ADA	270.72

Following is a summary of the Sqft/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
Markham	162.12	36,515	225.23
Sherman	243.18	65,833	270.72
Total Allocated		102,347	252.52
Allocation if Based on Comparison School Group		Minimum	78,266
		Median	189,384
		Maximum	542,550
			1338.64

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 **405.30 (TK-5: 343.68 and 6-8: 61.62)** 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 boilerplate argument in its March 1, 2018 letter that "[t]he District's allocation of non-teaching space to Urban Montessori in the Preliminary Proposal does not comply with Prop. 39 or its Implementing Regulations in several respects ..."

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 Charter School has not contested the District's issuance of a multi-site offer, or to the location of its facilities allocation.

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 "leav[ing] the lower elementary (TK-3) at the Sherman campus and move the upper elementary (4-6) and middle school (7-8) to a nearby facility such as Howard, King Estates, Brett Harte, Frick, or Carl Munck."

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. 19-20.) ([Exhibit J](#)) The District did accommodate the Charter School's preference to locate its lower elementary school program (grades TK-3) at the Sherman campus. The District also provided the Charter School a Final Offer at Markham Elementary, located at 7220 Krause Avenue, Oakland CA 94605, which is approximately 1.4 miles away from the Charter School's current location. Urban Montessori is entitled to 8 rooms in addition to its current allocation at Sherman. Markham has sufficient space available and is reasonably close to the Charter School's current site.

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 24, 2018, 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](#), p. 19-20.) It is important to note that the Charter School also identifies in its facilities request a multi-site offer as a potential facilities solution.

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

Urban Montessori

April 1, 2018

Page 19 of 19

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.

In Service,

A handwritten signature in blue ink, appearing to be 'LJ', is written on the page.

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

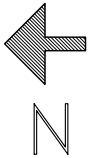
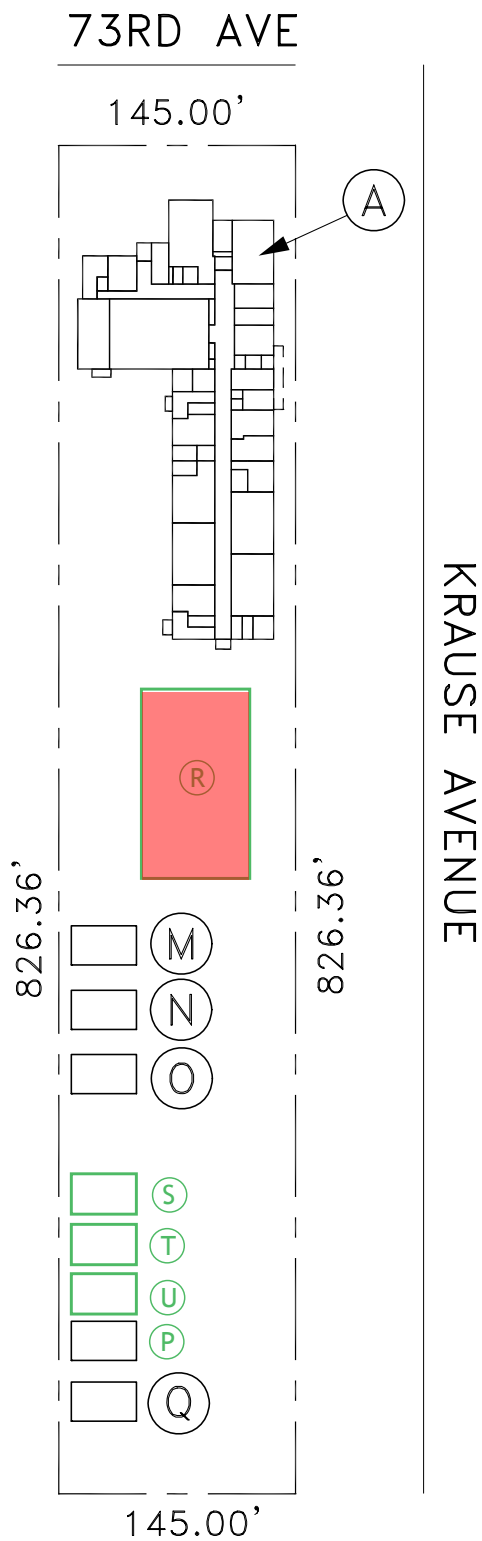
Non-Teaching Space at District Facilities

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



Not drawn to scale

**Exclusive Use by
Charter School**

138 - Markham Elementary School - Site Plan

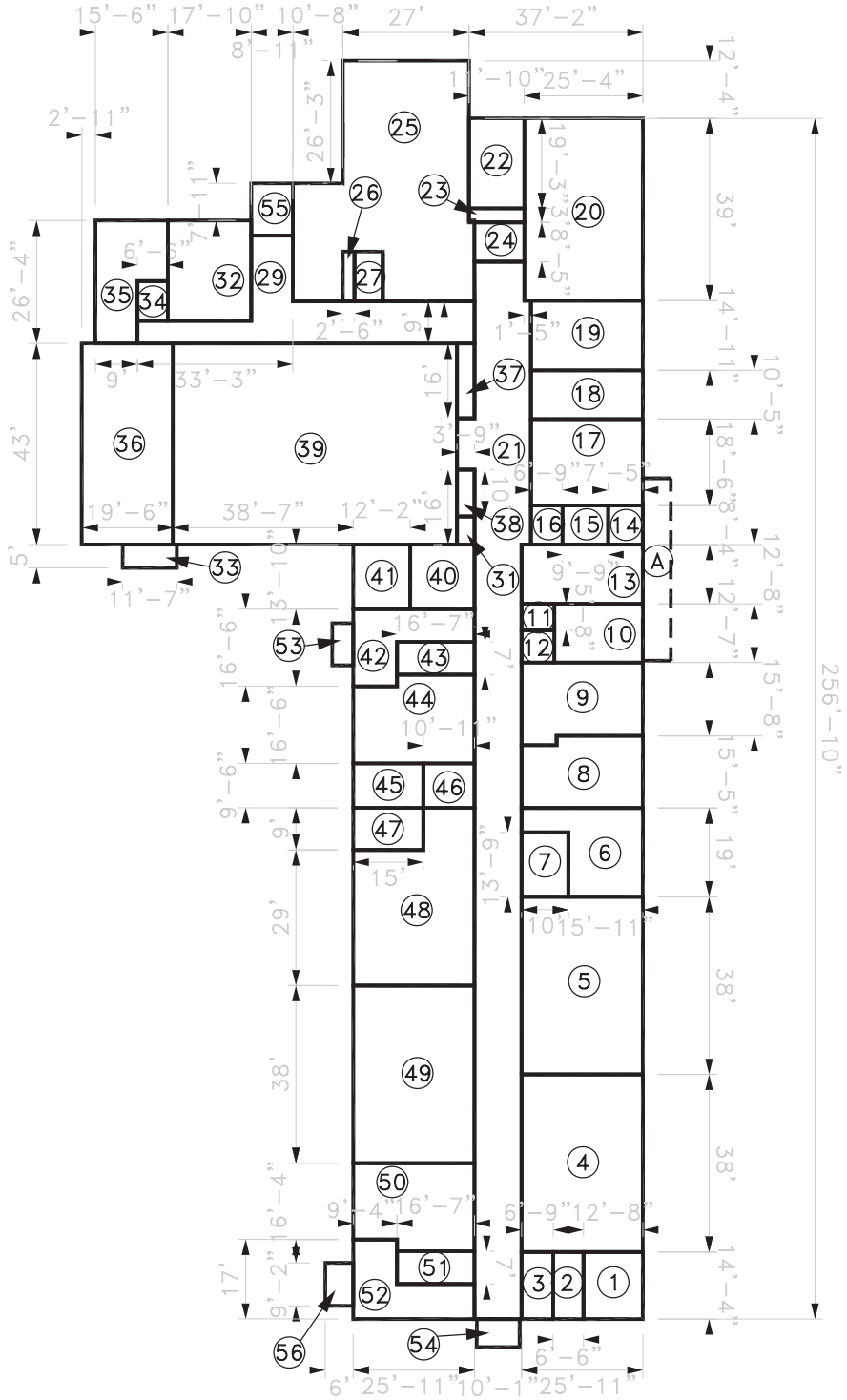
7220 Krause Avenue - Oakland, CA 94605-2380

MKTHINK

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

2011

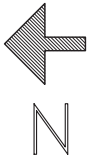
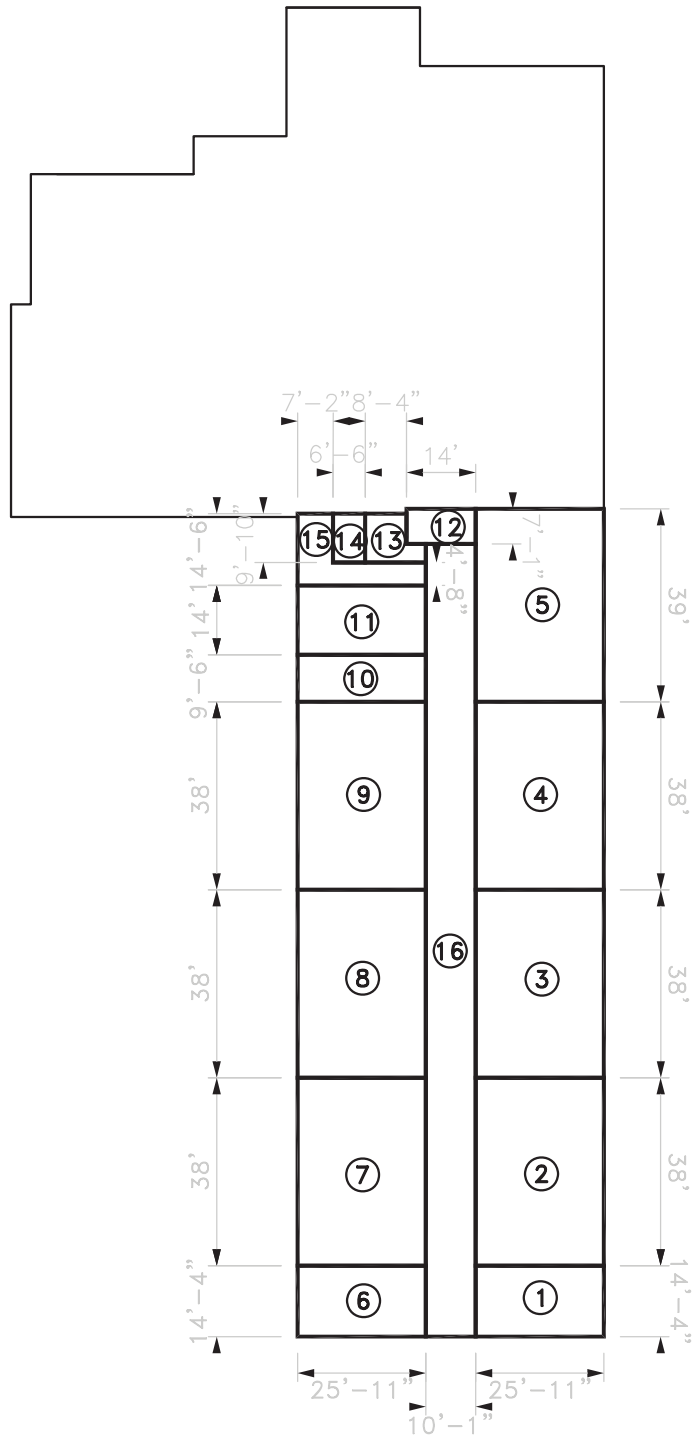




Not drawn to scale

138 - Markham Elementary School - Unit A1

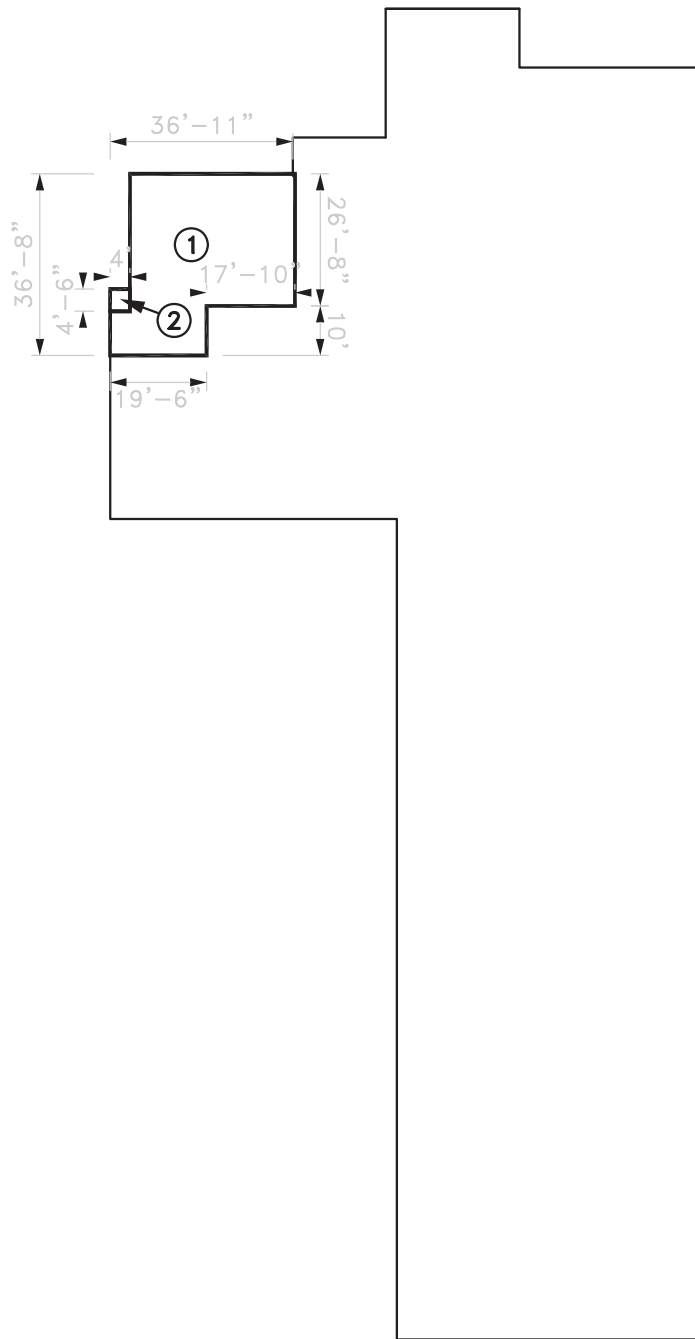
7220 Krause Avenue - Oakland, CA 94605-2380



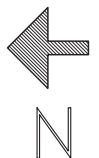
Not drawn to scale

138 - Markham Elementary School - Unit A2

7220 Krause Avenue - Oakland, CA 94605-2380

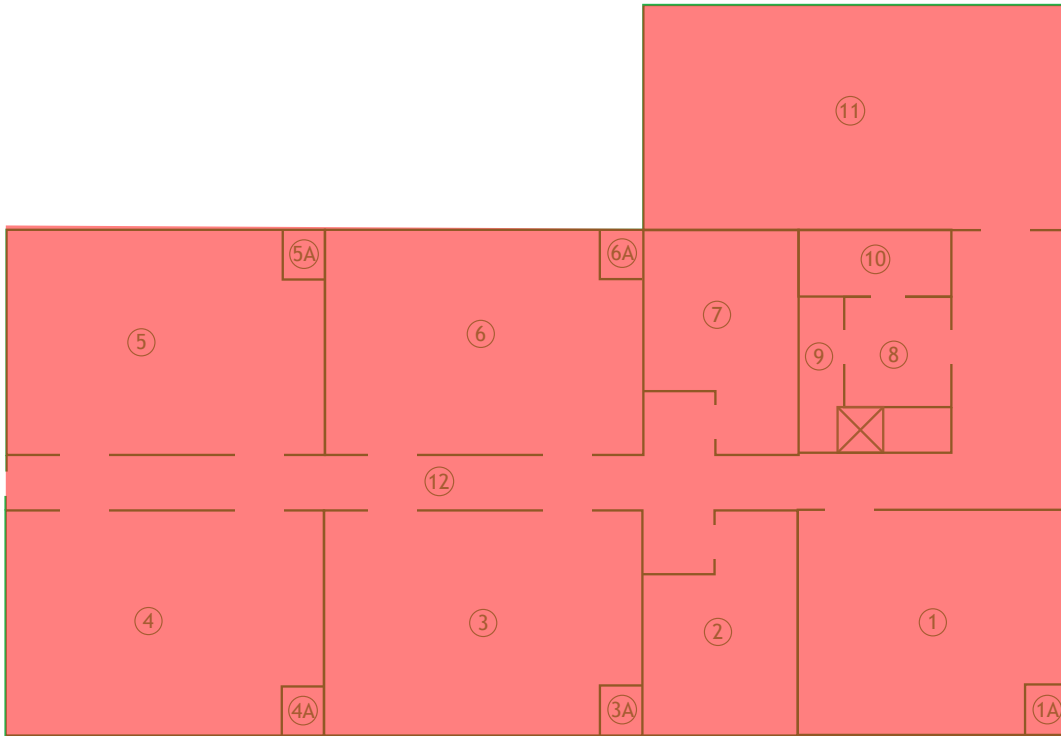


Not drawn to scale



138 - Markham Elementary School - Unit A3

7220 Krause Avenue - Oakland, CA 94605-2380



Not drawn to scale

138 - Markham Elementary School - Unit R1

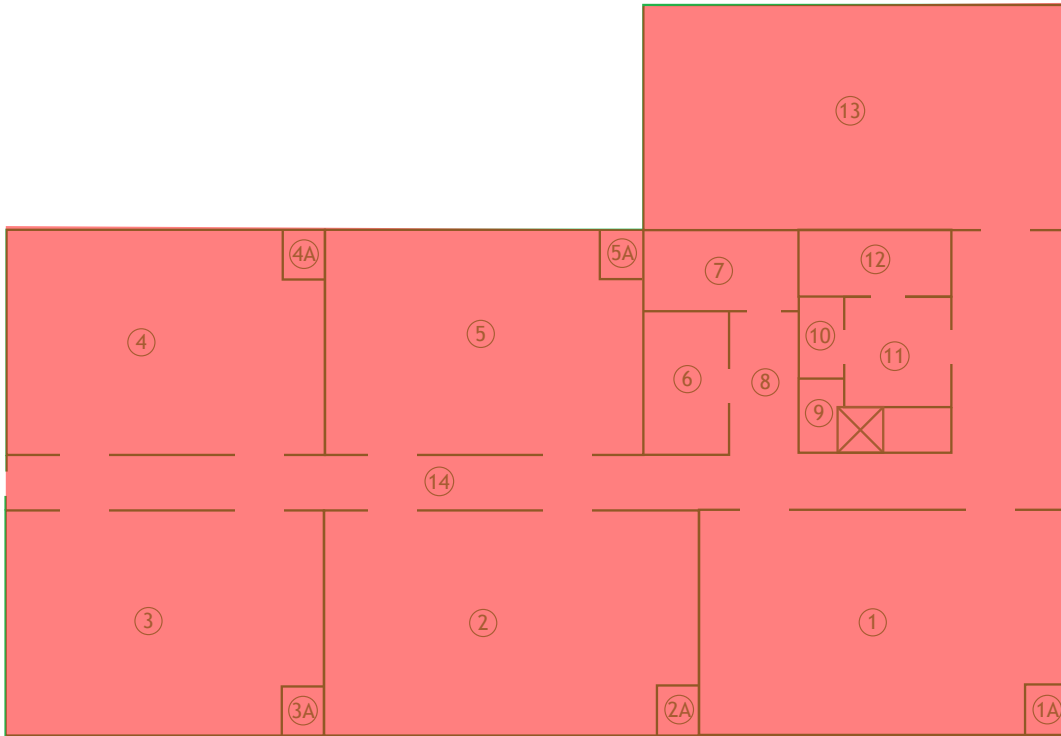
7220 Krause Avenue - Oakland, CA 94605-2380

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mkthink.com 415.402.0888

2011





Not drawn to scale

138 - Markham Elementary School - Unit R2

7220 Krause Avenue - Oakland, CA 94605-2380

MKTHINK

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

2011



Markham Elementary School

7220 Krause Avenue

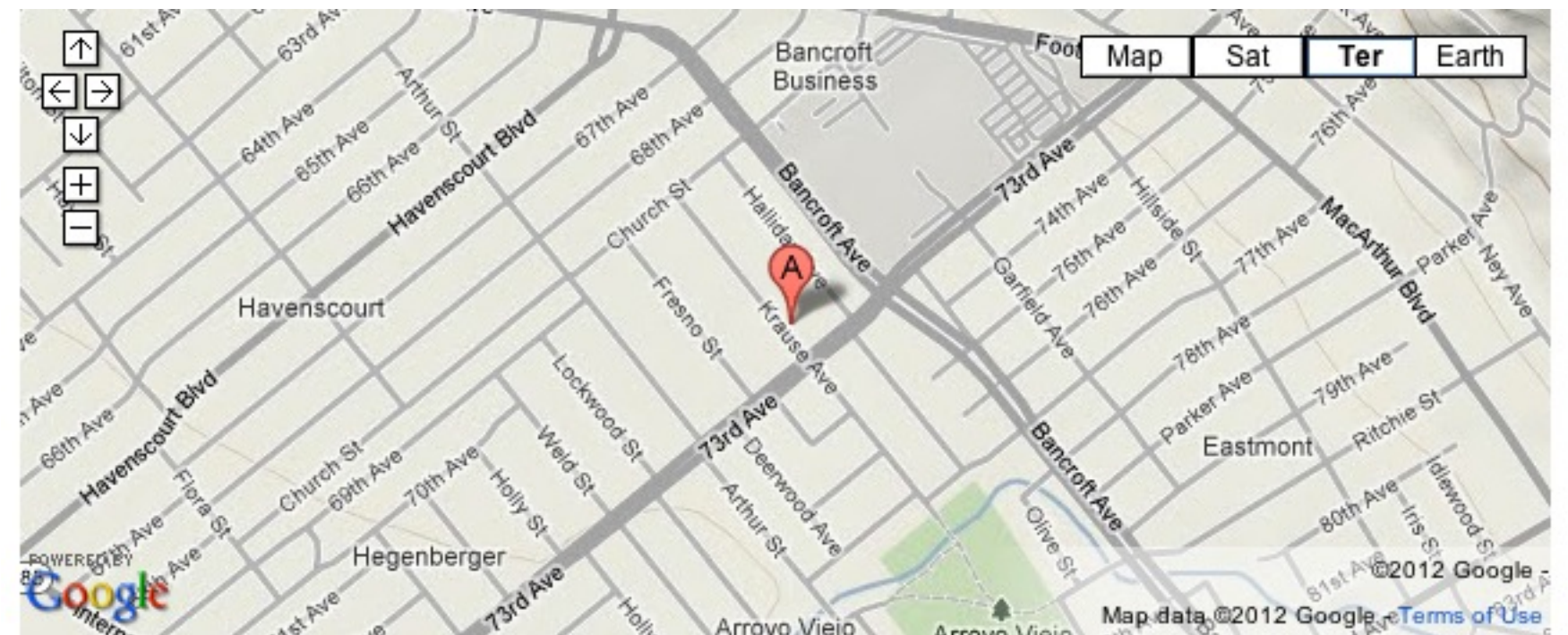
Site 138 Region 3 Grades K-5

Markham is situated near the intersection of Bancroft Avenue and 73rd Avenue in East Oakland. The area south of Bancroft Avenue is mostly residential with a handful of restaurants, convenience stores, and small businesses along 73rd Avenue. To the north however, lies the Eastmont Shopping Center which includes, in addition to the Mall itself, an Oakland Police Station, the Eastmont Wellness Center, and the Eastmont Transit Center. Students also have access to the Arroyo Viejo Recreation Center 7 blocks to the east of Markham Elementary.

PROGRAMMING (2012-2013)

Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
Markham	31	333	364	774



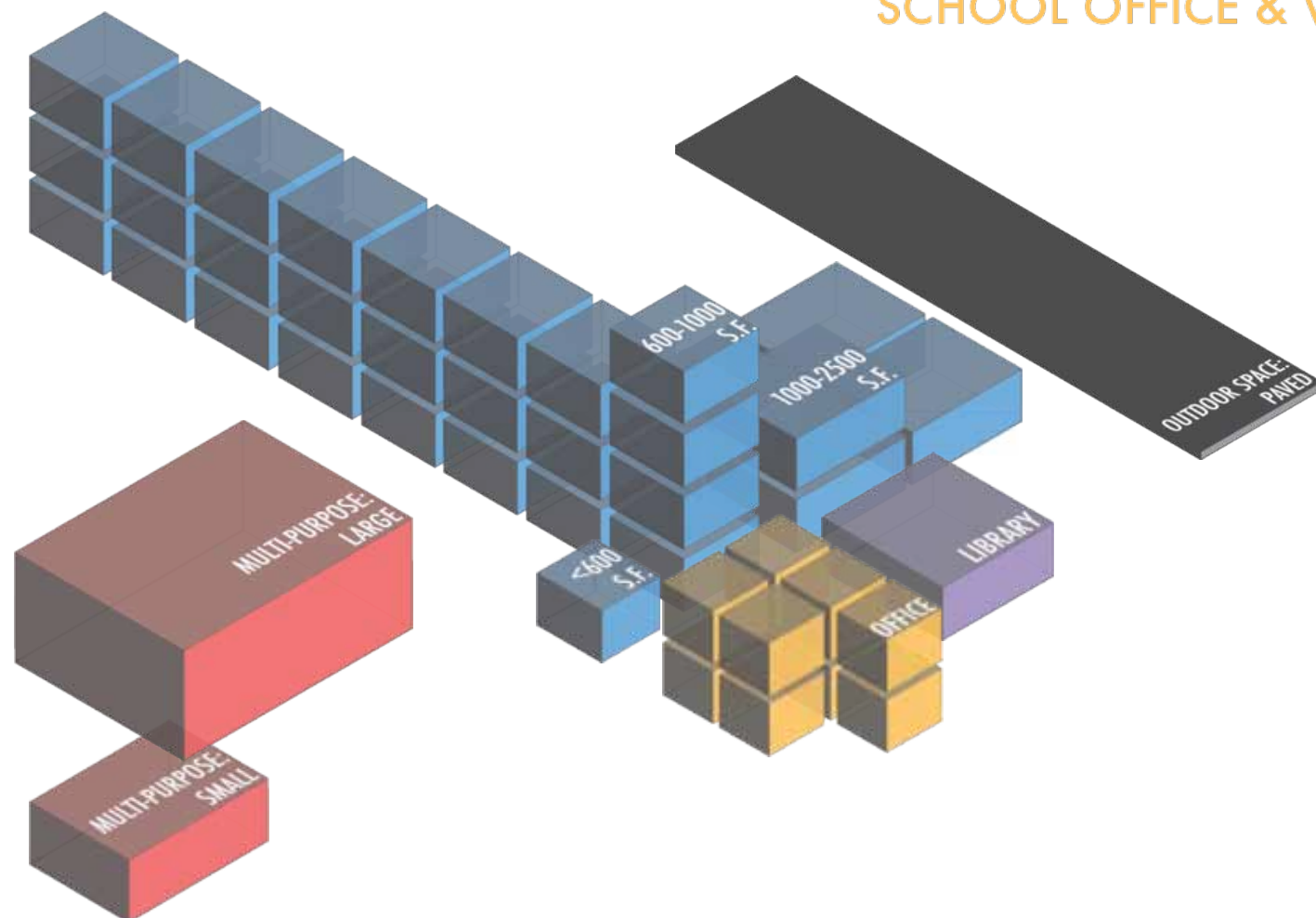
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	2.7		
Building Footprint (sf)	38,461		
Building Area (sf)	52,614	45,060	7,554
Classroom-Sized Rooms	30	22	8
<i>1 room < 600 s.f. used as classroom</i>			
	Number of Rooms		Sq Ft
Library Rooms	1		985
Auditorium/Cafeteria/ Multi-purpose/Gym	2		3,452
Admin/Office/ Conference Room	10		3,303
School Gardens	Number: 1		Sq Ft: 140
Kitchen	Type: Finishing		
On-site Health Clinic	No		

SITE SUMMARY (Summer 2012)

Sports / Recreation

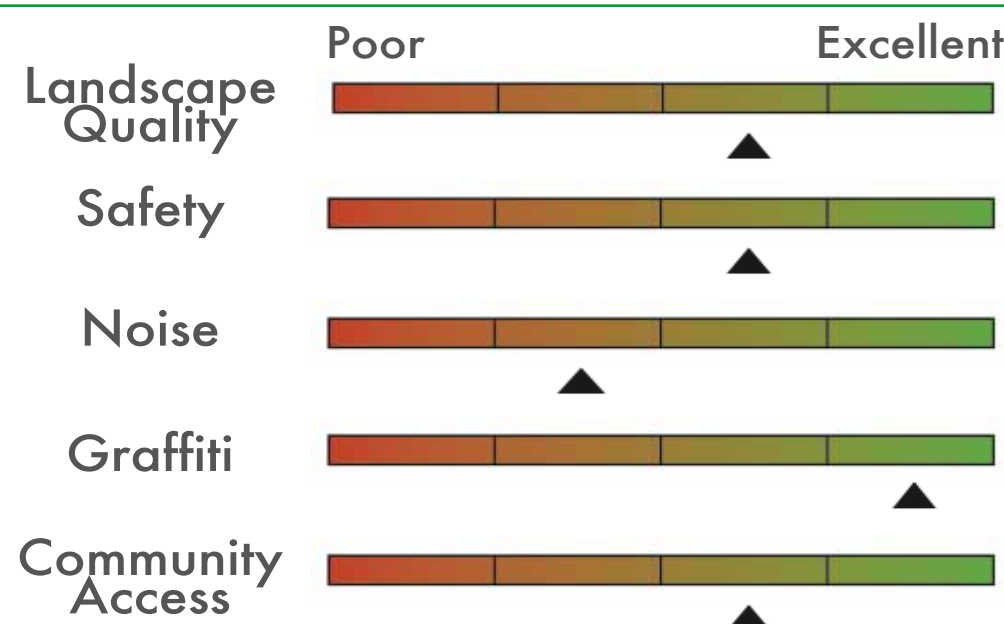
- Play structure
- Basketball hoops ●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

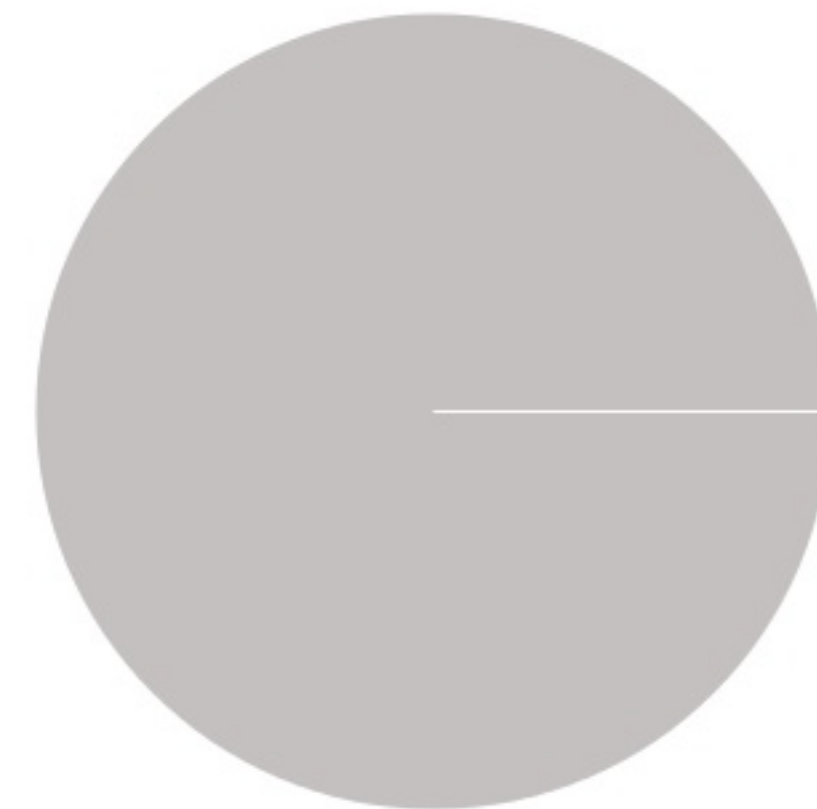
Transit Accommodations



6



Open Space



Paved 100% 0% Green

Markham Elementary School

Building Records

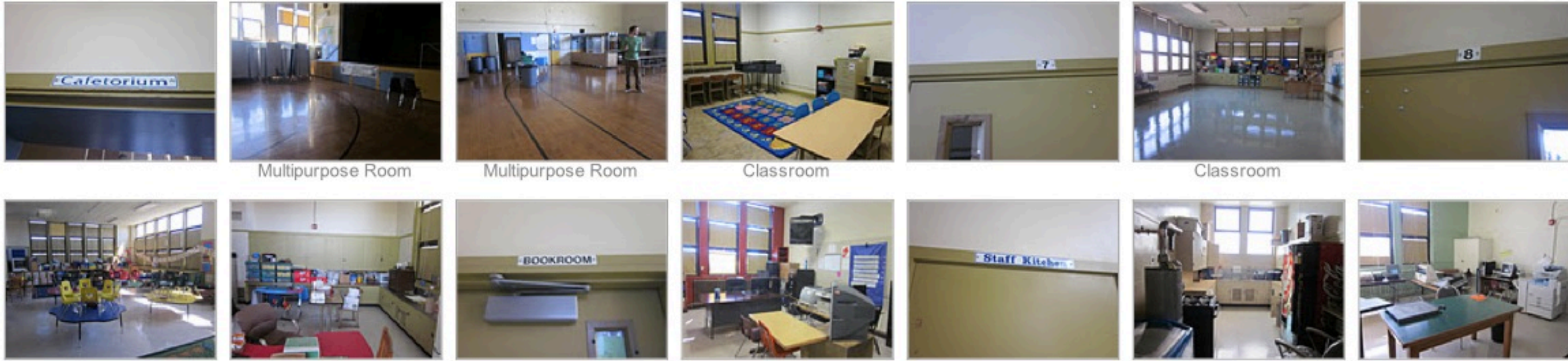
Site ID 138

Region 3

Grades K-5

Site & Facilities Photos - Summer 2011 (Sample)

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



BUILDING A

BUILDING AREA (SQFT): 30,845

CONSTRUCTED: 1948

STRUCTURAL ELEMENTS

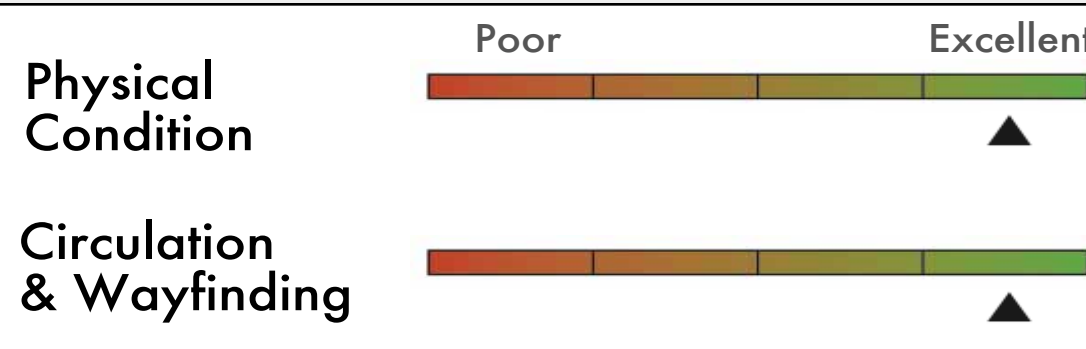
ROOFING
Concrete slab on steel beam

FOUNDATION
Spread (under col.) & Strip (under struct. walls) footings

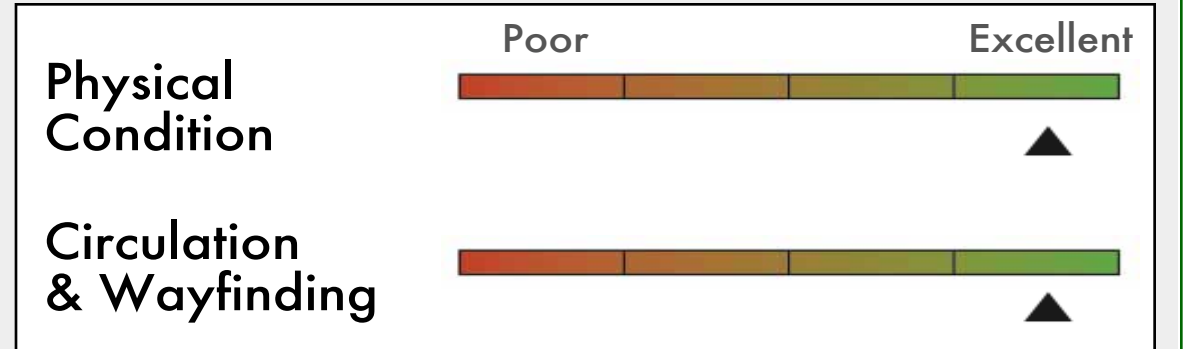
VERTICAL RESISTANCE
Shear wall - Concrete shear walls; Rigid frames - Concrete moment frames

QUALITATIVE BUILDING ASSESSMENT

EXTERIOR



INTERIOR



ROOM SUMMARY

NO. OF CLASSROOMS	NO. OF OFFICES	NO. OF ADMIN ROOMS	NO. OF RESTROOMS
12	8	9	13
NO. OF STUDENT COMPUTERS	NO. OF ADMIN WORKSTATIONS	ADDITIONAL ADMIN SPACES	
25	10		

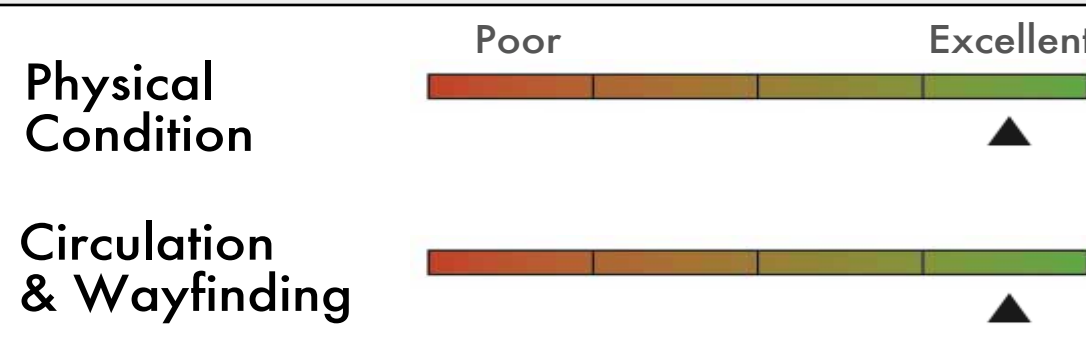
BUILDING R

BUILDING AREA (SQFT): 14,215

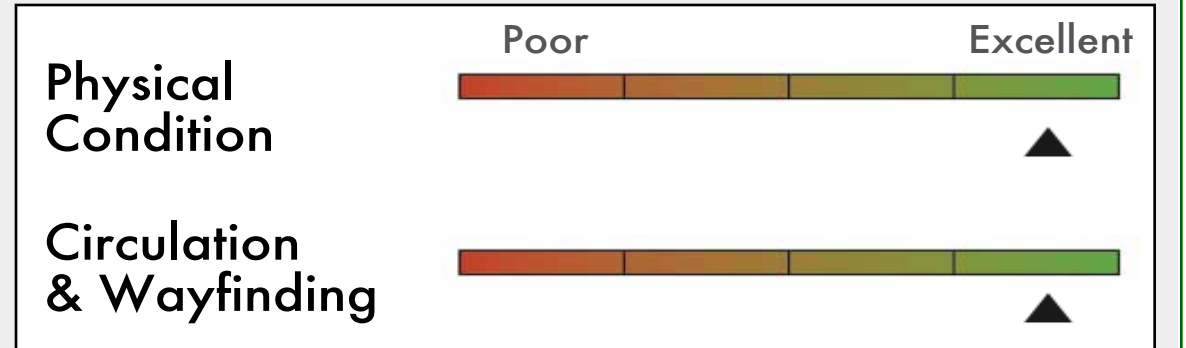
CONSTRUCTED: 2003

QUALITATIVE BUILDING ASSESSMENT

EXTERIOR



INTERIOR



ROOM SUMMARY

NO. OF CLASSROOMS	NO. OF OFFICES	NO. OF ADMIN ROOMS	NO. OF RESTROOMS
9			4
NO. OF STUDENT COMPUTERS	NO. OF ADMIN WORKSTATIONS	ADDITIONAL ADMIN SPACES	
5	28	Conference Room	

Markham Elementary School

Portable Records

Site ID 138

Region 3

Grades K-5

	Manufactured: 1997	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
S	Manufactured: 1997	1	
T	Manufactured: 1997	1	
U	Manufactured: 1997	1	
M	Manufactured: 1997	1	
N	Manufactured: 1997	1	
O	Manufactured: 1997	1	
P	Manufactured: 1997	1	
Q	Manufactured: 1997	1	


Portable Inventory


Total Count
8

Average Age
15 Years

Qualitative Conditions Assessment

Poor Excellent

EXT. 

INT. 

Markham Elementary School

Rooms Summary & List

Site ID 138

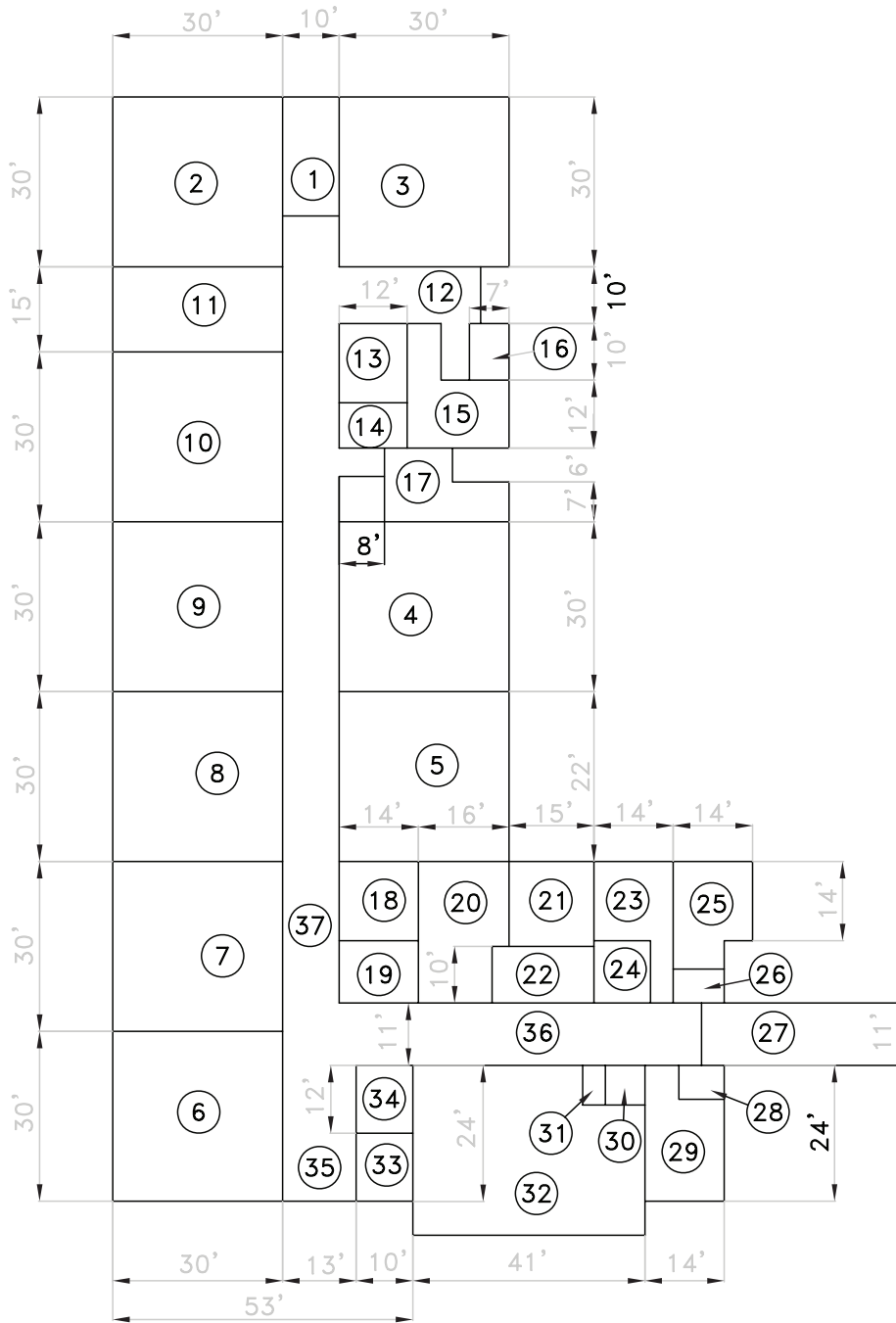
Region 3

Grades K-5

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A								
	1	1	Admin/Office	182				
	1	2	Restroom	93				
	1	3	Restroom	97			12	
	1	4	Classroom	985	1		11	
	1	5	Classroom	985	2		10	
	1	6	Admin/Office	355		1		
	1	7	Restroom	138			14	
	1	8	Building Utilities	385			15	
	1	9	Admin/Office	421		3	16	
	1	10	Admin/Office	238				
	1	11	Storage	40				
	1	12	Storage	48				
	1	13	Circulation	328				
	1	14	Restroom	62				
	1	15	Storage	81				
	1	16	Restroom	56				
	1	17	Admin/Office	443		1		
	1	18	Building Utilities	249				
	1	19	Admin/Office	357		2		
	1	20	Classroom	988			8	
	1	21	Circulation	2,430				
	1	22	Storage	228				
	1	23	Storage	36				
	1	24	Restroom	90				
	1	25	Classroom	1,221	1		7	
	1	26	Storage	27				
	1	27	Restroom	65				
	1	29	Circulation	676				
	1	31	Building Utilities	23				
	1	32	Classroom	383	1			
	1	34	Restroom	55				
	1	35	Storage	321				
	1	36	Multipurpose	839				
	1	37	Storage	60				
	1	38	Building Utilities	37				
	1	39	Multipurpose	2,613				
	1	40	Building Utilities	190				
	1	41	Building Utilities	168		1		
	1	42	Circulation	270				
	1	44	Restroom	469				
	1	45	Admin/Office	143		1		
	1	46	Admin/Office	104				
	1	47	Admin/Office	135		1		
	1	48	Classroom	850				
	1	49	Classroom	985	1		3	
	1	50	Restroom	465				
	1	52	Circulation	283				
	1	53	Circulation	41				
	1	54	Circulation	55				
	1	55	Circulation	100				
	1	56	Circulation	55				
	2	1	Storage	371				
	2	2	Library	985				
	2	3	Classroom	985	1		12	
	2	4	Classroom	985			11	
	2	5	Classroom	1,011	2		10	
	2	6	Circulation	371				

		BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
		2	7	Classroom	985			14	
		2	8	Classroom	985	2		15	
		2	9	Classroom	985	15		16	
		2	10	Storage	246				
		2	11	Circulation	363				
		2	12	Restroom	99				
		2	13	Building Utilities	97				
		2	14	Restroom	64				
		2	15	Restroom	191				
		2	16	Circulation	1,077				
		3	1	Building Utilities	1,079				
		3	2	Building Utilities	18				
PORTABLE	M								
			1	Classroom	960	1			
PORTABLE	N								
			1	Classroom	960	2			
PORTABLE	O								
			1	Classroom	960				
PORTABLE	P								
			1	Classroom	960	1			
PORTABLE	Q								
			1	Classroom	960	1			
BUILDING	R								
		1	1	Classroom	644	1		201	
		1	1a	Building Utilities	56				
		1	2	Restroom	344			202	
		1	3	Classroom	1,064			204	
		1	3a	Building Utilities	56				
		1	4	Classroom	1,064	1		205	
		1	4a	Building Utilities	56				
		1	5	Classroom	1,100	1			
		1	5a	Building Utilities	56				
		1	6	Conference Room	925		28		
		1	6a	Building Utilities	56				
		1	7	Restroom	344				
		1	8	Building Utilities	104				
		1	9	Building Utilities	42				
		1	10	Building Utilities	42				
		1	11	Circulation	260				
		1	12	Circulation	1,178				
		2	1	Classroom	962	1		201	
		2	1a	Building Utilities	56				
		2	2	Classroom	962			202	
		2	2a	Building Utilities	56				
		2	3	Classroom	962	1		204	
		2	3a	Building Utilities	56				
		2	4	Classroom	946			205	
		2	4a	Building Utilities	56				
		2	5	Classroom	814				
		2	5a	Building Utilities	56				
		2	6	Restroom	81				
		2	7	Restroom	88				
		2	8	Circulation	74				
		2	9	Building Utilities	28				
		2	10	Storage	24				

		BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
		2	11	Building Utilities	52				
		2	12	Building Utilities	128				
		2	13	Circulation	240				
		2	14	Circulation	1,183				
PORTABLE	S								
			1	Classroom	897				
PORTABLE	T								
			1	Classroom	897	1			
PORTABLE	U								
			1	Classroom	960				



Not drawn to scale

**Entire Site Exclusive
Use by Charter
School**

153 - Sherman Elementary School - Unit A

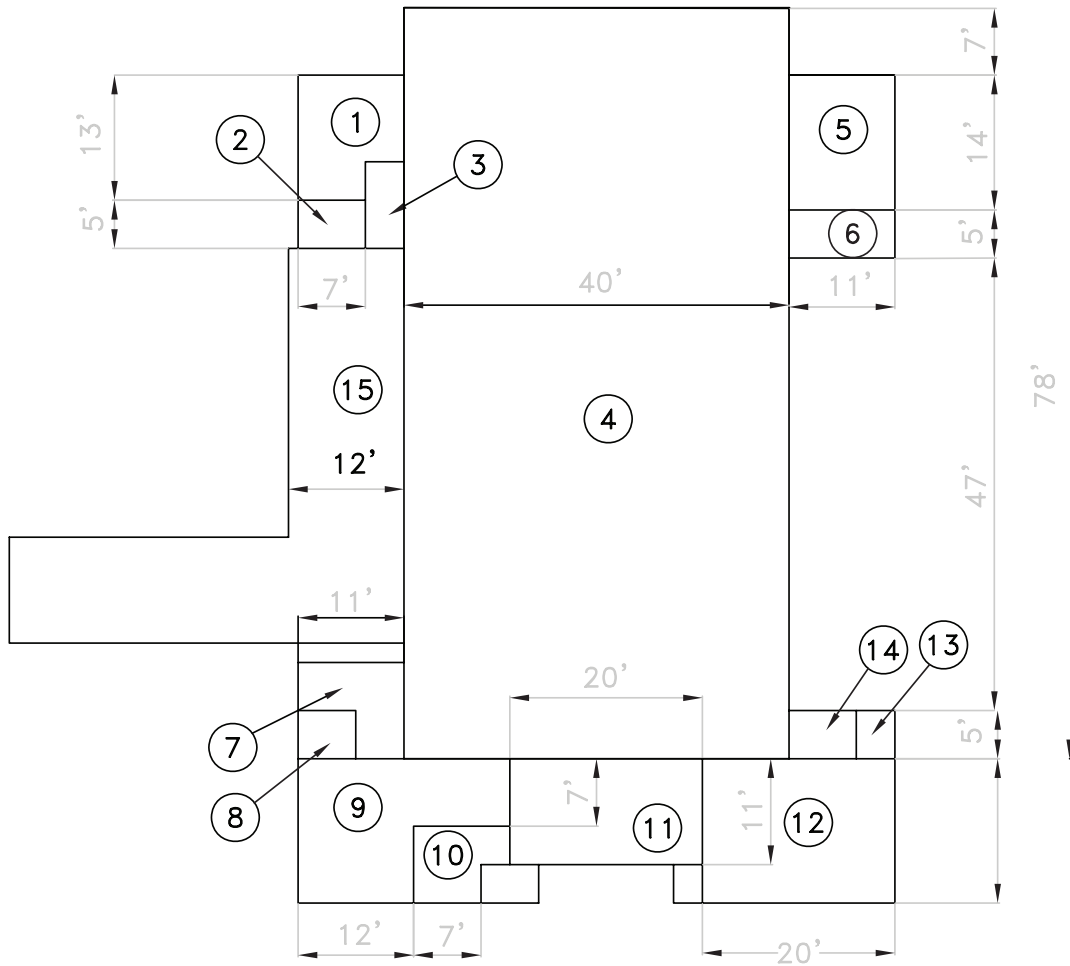
5328 Brann Street - Oakland, CA 94619-3312

MKTHINK

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

2011





Not drawn to scale



153 - Sherman Elementary School - Unit B

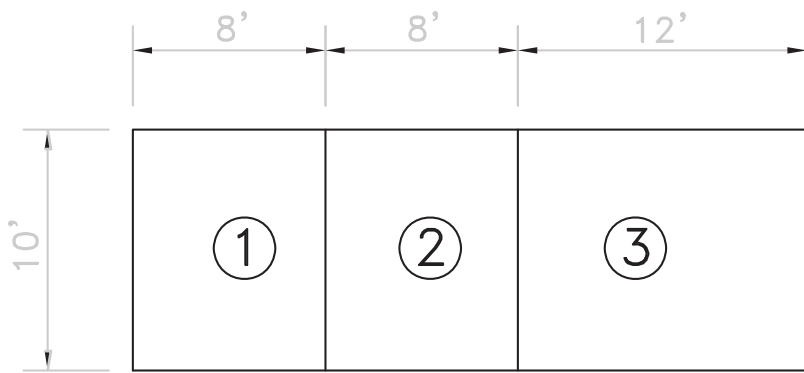
5328 Brann Street - Oakland, CA 94619-3312

MKTHINK

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

2011





Not drawn to scale

153 - Sherman Elementary School - Unit D

5328 Brann Street - Oakland, CA 94619-3312

MKTHINK

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

2011



Sherman Elementary School

5328 Brann Street

Site 153 Region 2 Grades

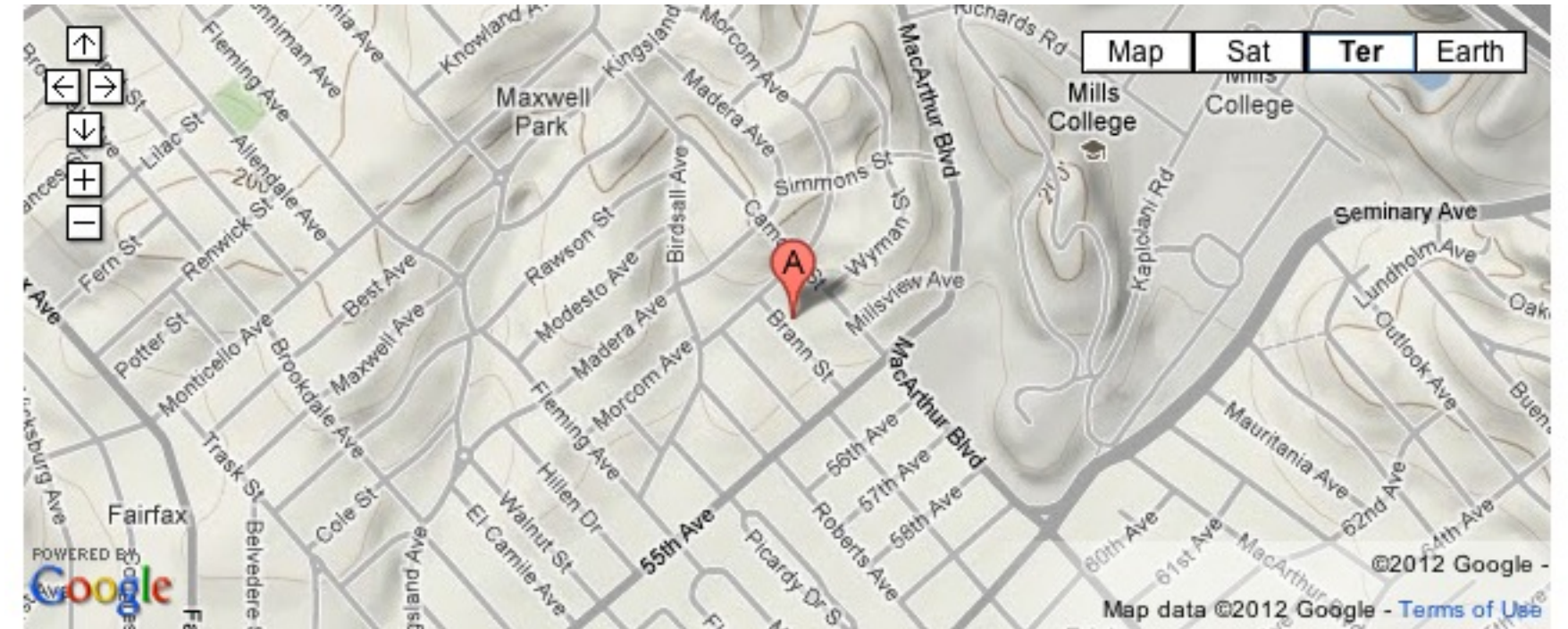
Sherman Elementary School is situated in the residential Maxwell Park neighborhood in the Central Oakland foothills, and is currently the host site for the Melrose Leadership Academy program. The site is a block away from Mills College, and MacArthur Boulevard running along that side of the campus offers public transportation routes that can carry students/parents to and from school.

PROGRAMMING (2012-2013)

Schools / Enrollment

SDC Non-SDC Total API
(2010-2011)

Urban Montessori (Charter)



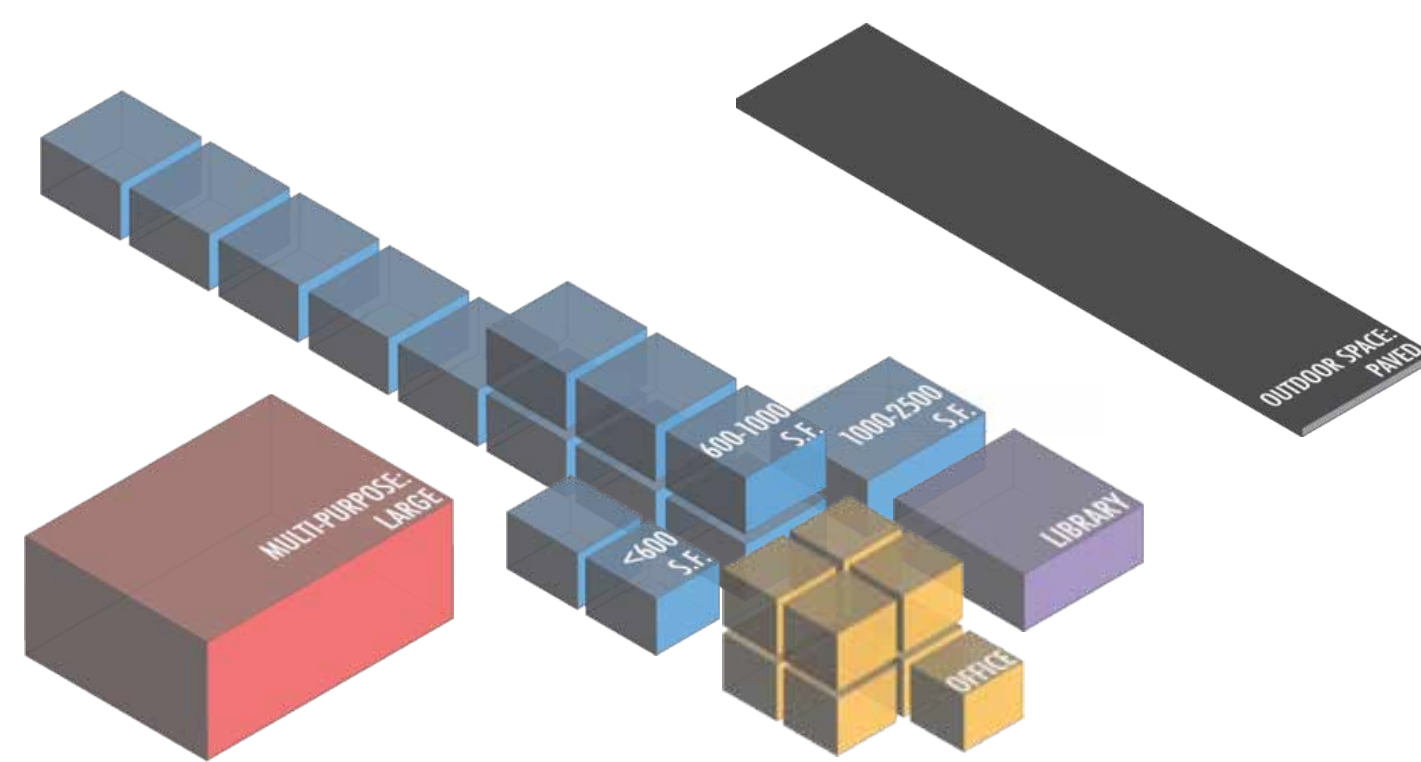
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	1.8		
Building Footprint (sf)	26,212		
Building Area (sf)	24,273	21,870	2,403
Classroom-Sized Rooms	12	9	3
2 rooms < 600 s.f. used as classrooms			
	Number of Rooms		Sq Ft
Library Rooms	1		900
Auditorium/Cafeteria/ Multi-purpose/Gym	1		2,720
Admin/Office/ Conference Room	9		1,831
School Gardens (None)			
Kitchen	Type: Finishing		
On-site Health Clinic	No		

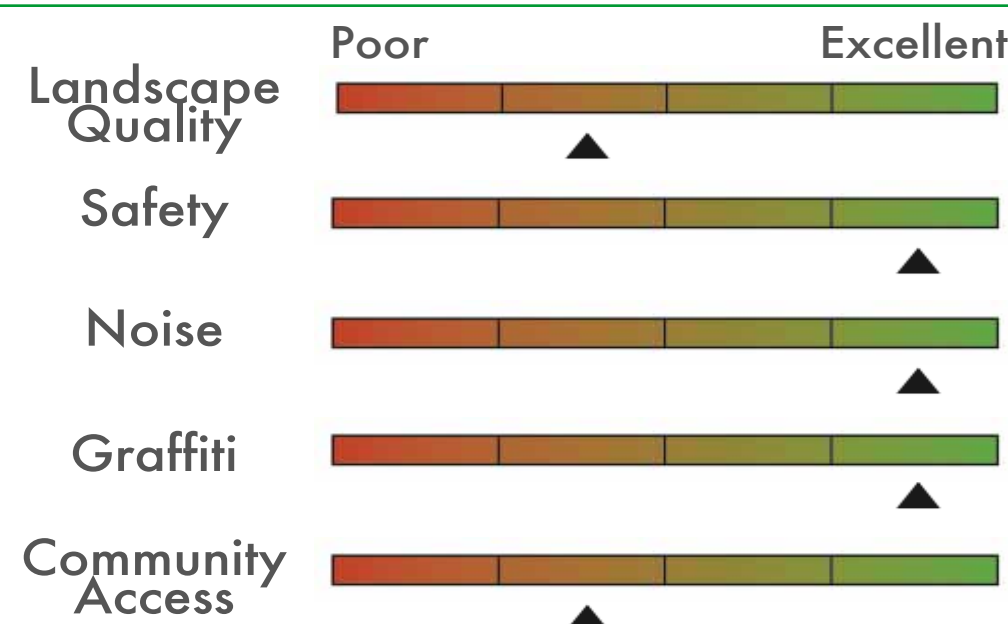
SITE SUMMARY (Summer 2012)

Sports / Recreation

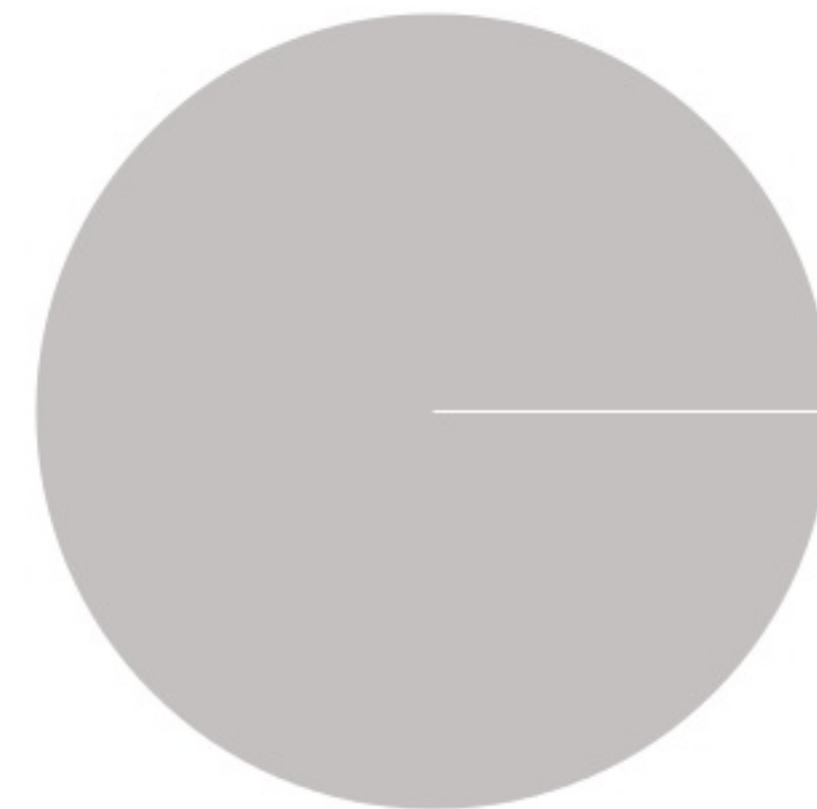
- Play structure ●
- Basketball hoops ●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Paved 100% 0% Green

Sherman Elementary School

Building Records

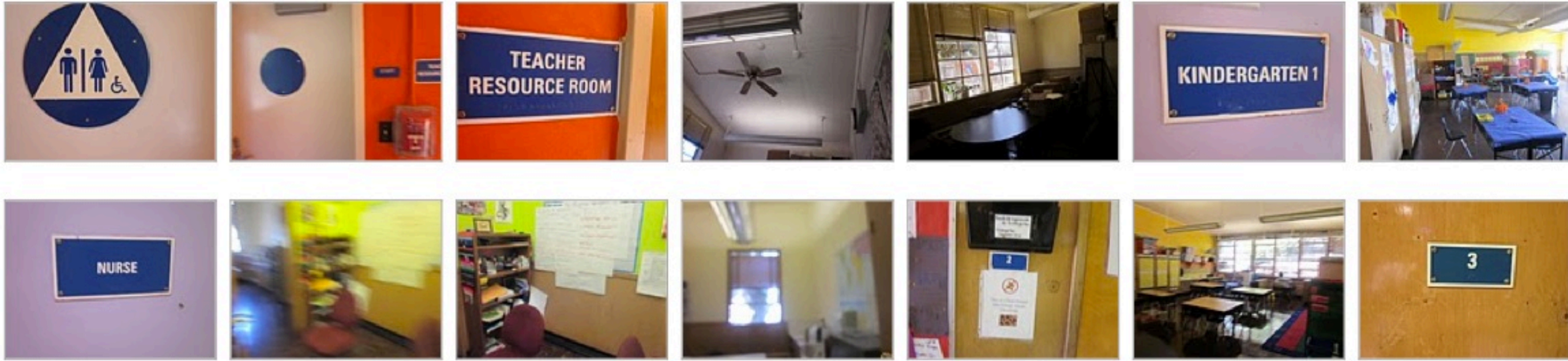
Site ID 153

Region 2

Grades

Site & Facilities Photos - Summer 2011 (Sample)

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



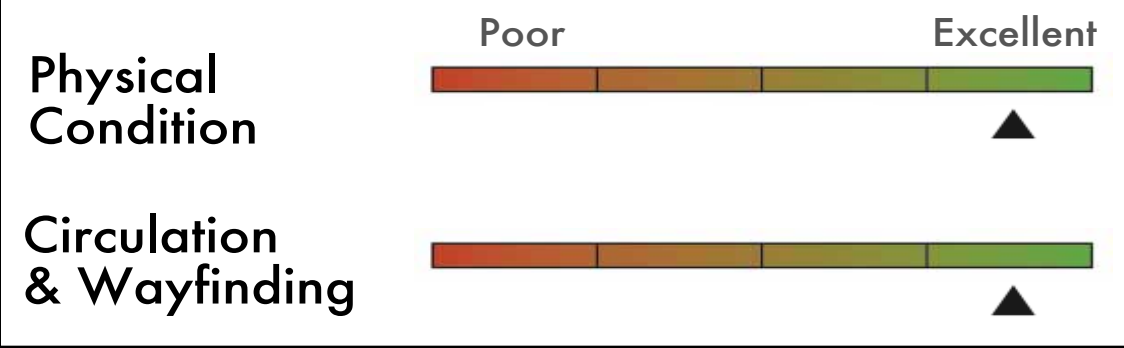
BUILDING A		BUILDING AREA (SQFT): 16,603		CONSTRUCTED: 1958	
STRUCTURAL ELEMENTS		ROOFING Plywood on wood joists	FOUNDATION Strip footings (under structural walls); caissons	VERTICAL RESISTANCE Wood stud walls	
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent		INTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent	
ROOM SUMMARY		NO. OF CLASSROOMS 9	NO. OF OFFICES 5	NO. OF ADMIN ROOMS 8	NO. OF RESTROOMS 6
		NO. OF STUDENT COMPUTERS 66	NO. OF ADMIN WORKSTATIONS 6	ADDITIONAL ADMIN SPACES Teachers' Lounge	

BUILDING B		BUILDING AREA (SQFT): 4,607		CONSTRUCTED: 1936	
STRUCTURAL ELEMENTS		ROOFING Plywood on wood joists and trusses	FOUNDATION Strip footings (under structural walls)	VERTICAL RESISTANCE Wood stud walls	
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent		INTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent	
ROOM SUMMARY		NO. OF CLASSROOMS 1	NO. OF OFFICES 1	NO. OF ADMIN ROOMS 1	NO. OF RESTROOMS 4
		NO. OF STUDENT COMPUTERS 1	NO. OF ADMIN WORKSTATIONS 1	ADDITIONAL ADMIN SPACES	

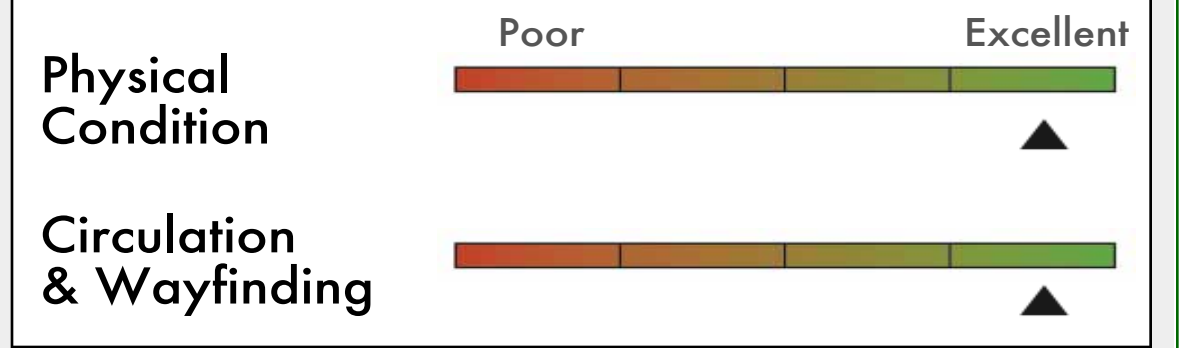
BUILDING C		BUILDING AREA (SQFT): 380			
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent		INTERIOR Physical Condition: Excellent Circulation & Wayfinding: Excellent	
ROOM SUMMARY		NO. OF CLASSROOMS	NO. OF OFFICES	NO. OF ADMIN ROOMS	NO. OF RESTROOMS
		NO. OF STUDENT COMPUTERS	NO. OF ADMIN WORKSTATIONS	ADDITIONAL ADMIN SPACES	

QUALITATIVE BUILDING ASSESSMENT

EXTERIOR



INTERIOR



ROOM SUMMARY

<u>NO. OF CLASSROOMS</u>	<u>NO. OF OFFICES</u>	<u>NO. OF ADMIN ROOMS</u>	<u>NO. OF RESTROOMS</u>
			2
<u>NO. OF STUDENT COMPUTERS</u>	<u>NO. OF ADMIN WORKSTATIONS</u>	<u>ADDITIONAL ADMIN SPACES</u>	

Sherman Elementary School

Portable Records

Site ID 153

Region 2

Grades

	Manufactured:	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
E	1970	1	
F	1988	1	
G	1995	1	

Portable Inventory

Total Count
3

Average Age
28 Years

Qualitative Conditions Assessment

	Poor	Excellent
EXT.		
INT.		

Sherman Elementary School

Rooms Summary & List

Site ID 153

Region 2

Grades

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
BUILDING	A							
	1	2	Classroom	900	6		11	
	1	3	Classroom	900	8		10	
	1	4	Classroom	900	5		8	
	1	5	Classroom	900	6		6	
	1	6	Classroom	900			2	
	1	7	Classroom	900	4		3	
	1	8	Classroom	900	8		5	
	1	9	Classroom	900	29		7	
	1	10	Library	900	17		9	
	1	11	Admin/Office	450			7	
	1	12	Circulation	300				
	1	13	Admin/Office	168			30	
	1	14	Building Utilities	96				
	1	15	Restroom	866				
	1	16	Building Utilities	70			32	
	1	17	Restroom	282				
	1	18	Admin/Office	196		1	4	
	1	19	Building Utilities	168				
	1	20	Storage	400			19	
	1	21	Admin/Office	225		2		
	1	22	Admin/Office	200				
	1	23	Admin/Office	196		1		
	1	24	Building Utilities	110				
	1	25	Building Utilities	266				
	1	26	Restroom	54				
	1	27	Circulation	308				
	1	28	Restroom	48				
	1	29	Lounge/Staff Dining	325				
	1	30	Restroom	49				
	1	31	Restroom	28				
	1	32	Classroom	1,230			1	
	1	33	Admin/Office	120		1		
	1	34	Admin/Office	120		1		
	1	35	Circulation	123				
	1	36	Circulation	715				
	1	37	Circulation	1,390				
BUILDING	B							
	1	1	Admin/Office	156		1		
	1	2	Restroom	35				
	1	3	Circulation	32				
	1	4	Multipurpose	2,720				
	1	5	Storage	154				
	1	6	Restroom	55				
	1	7	Circulation	80				
	1	8	Building Utilities	20			111	
	1	9	Building Utilities	250				
	1	10	Restroom	70				
	1	11	Circulation	220				
	1	12	Classroom	400				
	1	13	Restroom	20				
	1	14	Storage	35				
	1	15	Circulation	360				
BUILDING	C							
	1	1	Classroom	380				

		BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
BUILDING	D								
		1	1	Restroom	80				
		1	2	Restroom	80				
		1	3	Storage	120			102	
PORTABLE	E								
			1	Classroom	792				
PORTABLE	F								
			1	Classroom	792				
PORTABLE	G								
			1	Classroom	819				

Exhibit H

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	Urban Montessori Charter School
Site Name:	Markham Campus
Address:	7220 Krause Avenue, Oakland, CA 94605
SPACE ALLOCATION	
Exclusive Use Space (sqft)	14,215
+ Proportion of Shared Space (sqft)	1,893
Total Space Allocation at Site (sqft)**	16,108
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	16,108
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$62,015.80
UTILITIES FEE	
Projected Charter School ADA at Site***	181.61
÷ Projected Total Site ADA	503.67
Charter School Percent of Site Use	36.06%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	36.06%
x Number of Custodial FTE at Site	2.5
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$65,976.28
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.

***Includes total (in-district + out-of-district) projected ADA as reported in the schools' facilities request form.

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	Urban Montessori Charter School
Site Name:	Sherman Campus
Address:	5328 Brann Street, Oakland, CA 94619
SPACE ALLOCATION	
Exclusive Use Space (sqft)	24,273
+ Proportion of Shared Space (sqft)	0
Total Space Allocation at Site (sqft)**	24,273
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	24,273
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$93,451.05
UTILITIES FEE	
Projected Charter School ADA at Site***	272.41
÷ Projected Total Site ADA	272.41
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.

***Includes total (in-district + out-of-district) projected ADA as reported in the schools' facilities request form.

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	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	70,324

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

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>