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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

Community Schools, Thriving Students

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**BOARD OF EDUCATION 2022**

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March 25, 2022

Alameda County Board of Education  
Honorable Aisha Knowles, President  
313 West Winton Avenue  
Hayward, CA 94544

Re: Yu Ming Charter School Request for  
Charter (Facilities) Material Revision

Dear President Knowles and Honorable Members:

Transmitted herewith is Oakland Unified School District Board of Education Resolution No. 2122-0079 - Advocating for the Alameda County Board of Education To Reconsider Its Decision Regarding Yu Ming's [Charter School] Material Revision, adopted on March 23, 2022 (Legislative File No. 22-0592; Enactment No. 22-0470).

The Oakland Board asks that you, as the County Board, reconsider this matter for the reasons stated in our Resolution, given the detrimental impacts, including financial, that non-approval of Yu Ming's Material Revision will have on Oakland Unified.

If I may further articulate the Oakland Board's request, please contact me.

Respectfully,

Gary Yee  
President

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Attachment: Oakland Board of Education Memorandum  
and Resolution No. 2122-0079

cc: Honorable L K Monroe, County Superintendent  
Members, Oakland Board of Education  
Kyla Johnson Trammell, Superintendent, OUSD

Board Office Use: Legislative File Info.	
File ID Number	22-0592
Introduction Date	3/9/2022
Enactment Number	22-0470
Enactment Date	3/23/2023 er



**OAKLAND UNIFIED  
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# Board Cover Memorandum

**To** Board of Education

**From** Aimee Eng, Board Member

**Meeting Date** March 23, 2022

**Subject** Facilities for Yu Ming Charter School

**Ask of the Board** Approval by the Board of Education of Resolution No. 2122-0079 - Advocating for Yu Ming Charter School to Locate Outside of Oakland

**Background** The Yu Ming Charter School (“Yu Ming”) is a countywide benefit charter school authorized by the Alameda County Board of Education (“ACBOE”) through June 2026. In May 2020, ACBOE approved Yu Ming’s material revision to increase their enrollment from 528 to a maximum of 905 students by the 2024-25 school year. Yu Ming is currently located across three private sites in Oakland, which can accommodate only their current enrollment of 672.

Yu Ming applied to OUSD for Prop. 39 facilities for the 2022-23 school year and was provided a preliminary offer of 17 rooms for their in-District K-8 ADA of 347 students: 7 rooms at East Oakland Pride and 10 rooms at Markham Elementary. However, Yu Ming recently found a private site in San Leandro that would likely obviate the need for OUSD to make a final Prop. 39 offer of facilities to Yu Ming by April 1 (and possibly future offers as well).

Yu Ming submitted a material revision to locate at the San Leandro site to ACBOE. The staff report by the Alameda County Office of Education (“ACOE”) analyzed the fiscal impact of the change of location on San Lorenzo Unified School District and Hayward Unified School District but made no mention of any fiscal impact of the change on OUSD. On February 22, 2022, the vote to approve the material revision failed before ACBOE on a 3-4 vote.

The decision to reject Yu Ming’s request to partially locate in San Leandro will have a number of detrimental impacts on OUSD, including (but not limited to) financial impacts by incentivizing more Oakland students to enroll in Yu Ming rather than OUSD and facilities impacts by possibly having Yu Ming utilize space owned by OUSD that would otherwise be used for OUSD purposes. This failure of ACOE staff to include any analysis of the impacts—fiscal or otherwise—of the material revision on OUSD meant that ACBOE was not able to take such impacts into consideration when denying the material revision.

This item was introduced as a new legislative matter on March 9, 2022.

**Discussion** The proposed Resolution would request that ACBOE reconsider its decision regarding Yu Ming’s material revision in order to take into account the impacts of the material revision on OUSD. If ACBOE is unwilling to reconsider its decision, the proposed Resolution would request that ACBOE and staff from ACOE support Yu Ming in finding another location outside of Oakland. And if ACBOE or staff from ACOE is unwilling to support Yu Ming in finding another location outside of Oakland, the proposed Resolution would request that ACBOE not approve any future materials revisions from Yu Ming for changes of locations to OUSD-owned properties based on similar reasons for ACBOE’s decision on the most recent material revision—i.e., the impact of such changes on OUSD.

**Fiscal Impact** There is not direct fiscal impact from the proposed Resolution.

**Attachment**

- Resolution No. 2122-0079 - Advocating for Yu Ming Charter School to Locate Outside of Oakland

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2122-0079**

**Advocating for Yu Ming Charter School to Locate Outside of Oakland**

**WHEREAS**, the Yu Ming Charter School (“Yu Ming”) is a countywide benefit charter school authorized by the Alameda County Board of Education (“ACBOE”) through June 2026;

**WHEREAS**, in May 2020, ACBOE approved Yu Ming’s material revision to increase their enrollment from 528 to a maximum of 905 students by the 2024-25 school year;

**WHEREAS**, Yu Ming is currently located across three private sites in Oakland, which can accommodate only their current enrollment of 672;

**WHEREAS**, Yu Ming applied to OUSD for Prop. 39 facilities for the 2022-23 school year and was provided a preliminary offer of 17 rooms for their in-District K-8 ADA of 347 students: 7 rooms at East Oakland Pride and 10 rooms at Markham Elementary;

**WHEREAS**, Yu Ming recently found a private site in San Leandro that would likely obviate the need for OUSD to make a final Prop. 39 offer of facilities to Yu Ming by April 1 (and possibly future offers as well);

**WHEREAS**, changing or adding locations for a charter school is typically a routine process that requires a material revision and that, in most cases, is routinely approved by the charter school’s authorizer;

**WHEREAS**, Yu Ming submitted a material revision to locate at the San Leandro site to ACBOE and ACBOE decided the matter on February 22, 2022;

**WHEREAS**, the staff report by the Alameda County Office of Education (“ACOE”) analyzed the fiscal impact of the change of location on San Lorenzo Unified School District and Hayward Unified School District but made no mention of any fiscal impact of the change on OUSD;

**WHEREAS**, the vote to approve the material revision ultimately failed on a 3-4 vote by ACBOE;

**WHEREAS**, the decision to reject Yu Ming’s request to partially locate in San Leandro will have a number of detrimental impacts on OUSD, including (but not limited to) financial impacts by incentivizing more Oakland students to enroll in Yu Ming rather than OUSD and facilities impacts by possibly having Yu Ming utilize space owned by OUSD that would otherwise be used for OUSD purposes; and

**WHEREAS**, the failure of the staff report to include any analysis of the impacts—fiscal or otherwise—of the material revision on OUSD meant that ACBOE was not able to take such impacts into consideration when denying the material revision.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education hereby requests that ACBOE reconsider its decision regarding Yu Ming’s material revision in order to take into account the impacts of the material revision on OUSD;

**BE IT FURTHER RESOLVED**, if ACBOE is unwilling to reconsider its decision, then the Board hereby requests that ACBOE and staff from ACOE support Yu Ming in finding another location outside of Oakland; and

**BE IT FURTHER RESOLVED**, if ACBOE or staff from ACOE is unwilling to support Yu Ming in finding another location outside of Oakland, then the Board hereby requests that ACBOE not approve any future materials revisions from Yu Ming for changes of locations to OUSD-owned properties based on similar reasons for ACBOE’s decision on the most recent material revision—i.e., the impact of such changes on OUSD.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 23rd day of March, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, Mike Hutchinson, Shanthi Gonzales, Clifford Thompson, Vice President Benjamin “Sam” Davis, President Gary Yee

NOES: VanCedric Williams

ABSTAINED: None

RECUSED: None

ABSENT: Samantha Pal (Student Director), Natalie Gallegos Chavez (Student Director)

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on March 23, 2022.

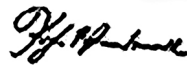
<b>Legislative File</b>	
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By:	er

**OAKLAND UNIFIED SCHOOL DISTRICT**



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Gary Yee  
President, Board of Education



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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education