

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education
August 10, 2011

To: Board of Education

From: Tony Smith, Ed.D., Superintendent
Timothy E. White, Assistant Superintendent of Facilities Planning &
Management, Buildings & Grounds and Custodial Services

Subject: **Approving Grant Application for School Facilities Funding for the
LaEscuelita Education Center Complex Project**

ACTION REQUESTED

Adoption by the Board of Education of Resolution 1112-0009 - Approving and Supporting Grant Application Requesting School Facilities Funding for the LaEscuelita Education Center Complex Project.

BACKGROUND

The Oakland Unified School District (District) proposes requesting School Facility Program (SFP) new construction funding for capacity increase at La Escuelita Educational complex (grades Pre K-12). This project, to be constructed in multiple phases, will include an increase in classroom capacity.

The District is requesting grants not to exceed 415 7-8 and 655 9-12 new construction grants to fund the classrooms included in this project. Under SFP Regulation Section 1859.77.3(b), the District may request new construction grants determined at a different grade level in an amount that does not exceed the capacity of the teaching stations in this project (total number of teaching stations multiplied by the State loading standards; 25:1 for K-6 projects and 27:1 for 9-12 projects).

STRATEGIC ALIGNMENT

Among the key purposes of the District's Facilities Master Plan is to provide an academic environment for the Oakland community that will give every student, educator, and community member using our facilities the best possible opportunity for learning.

Through implementation of the Facilities Master Plan, the District intends to improve the District's facilities in terms of structural integrity, safety, reliability of operating (mechanical)

systems, access to modern resources, number and type of appropriate laboratories and specialized instruction rooms, opportunities for physical education, and attractiveness, such that the Oakland Public Schools are second to none. Operation of the District schools under the planned approach is intended to ensure safety, cleanliness, and orderliness for all individuals participating in the learning process.

The basic facility needs of students such as proper lighting, functional roofs, noise control and well maintained buildings, not only convey the message that we value our students and teachers but may foster a sense of school pride and community ownership which may improve attitudes towards learning. The implementation of the Facilities Master Plan is our first step in that direction.

RECOMMENDATION

Adoption by the Board of Education of Resolution 1112-0009 - Approving and Supporting Grant Application Requesting School Facilities Funding for the LaEscuelita Education Center Complex Project.

ATTACHMENTS

Exhibit A Housing Plan for the La Escuelita Educational Complex New Construction Project

EXHIBIT "A"

OAKLAND UNIFIED SCHOOL DISTRICT HOUSING PLAN FOR THE LA ESCUELITA EDUCATIONAL COMPLEX NEW CONSTRUCTION PROJECT

The Oakland Unified School District (District) proposes requesting School Facility Program (SFP) new construction funding for capacity increase at La Escuelita Educational Complex (grades Pre-K-12). This project, to be constructed in multiple phases, will include an increase in classroom capacity.

The District is requesting grants not to exceed 415 7-8 and 655 9-12 new construction grants to fund the classrooms included in this project. Under SFP Regulation Section 1859.77.3(b), the District may request new construction grants determined at a different grade level in an amount that does not exceed the capacity of the teaching stations in this project (total number of teaching stations multiplied by the State loading standards; 25:1 for K-6 projects and 27:1 for 9-12 projects).

7-8

The District intends to house the 7-8 new construction grants in existing classrooms by utilizing a higher loading standard than the State's loading standards. More specifically, the Oakland Unified School District will house these pupil grants in 83 existing 7-8 classrooms as counted on the District's SAB 50-02 Existing School Building Capacity form filed with the State. The classrooms are shown under Part I, Classroom Inventory, Line 8.

By loading these classrooms at 32:1 the District can house an additional 415 7-8 pupils:

83 classrooms x 27:1 State loading =	2,241
83 classrooms x 32:1 District loading =	<u>2,656</u>
Additional pupils housed =	415

The higher loading standard of 32:1 is within the approved District's teacher contracts.

9-12

The District intends to house the 9-12 new construction grants in existing classrooms by utilizing a higher loading standard than the State's loading standards. More specifically, the Oakland Unified School District will house these pupil grants in 131 existing 9-12 classrooms as counted on the District's SAB 50-02 Existing School Building Capacity form filed with the State. The classrooms are shown under Part I, Classroom Inventory, Line 8.

By loading these classrooms at 32:1 the District can house an additional 655 9-12 pupils:

131 classrooms x 27:1 State loading =	3,537
131 classrooms x 32:1 District loading =	<u>4,192</u>
Additional pupils housed =	655

The higher loading standard of 32:1 is within the approved District's teacher contracts.

Overall, the district can house 415 7-8 pupils and 655 9-12 pupils utilizing higher loading standards than the State.

As a result of this plan, the District is capable of borrowing up to four hundred and fifteen (**415**) 7-8 and six hundred and fifty five (**655**) 9-12 pupil grants.

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

RESOLUTION #11-1849

**APPROVING AND SUPPORTING THE GRANT APPLICATION REQUESTING
SCHOOL FACILITIES FUNDING FOR THE LAESCUELITA EDUCATIONAL
COMPLEX PROJECT**

WHEREAS, the Oakland Unified School District intends to file one or more new construction applications for funding for the La Escuelita Educational Complex ("Project,") under the School Facility Program (commencing with section 17070.10 et. Seq., of the education code) as provided in Senate Bill 50; and

WHEREAS, the construction of the Project will increase the capacity of the District under the School Facility Program (commencing with section 17070.10 et. Seq., of the Education Code); and

WHEREAS, the Oakland Unified School District must adopt a school board resolution pursuant to School Facility Program Regulation Section 1859.77.3(b) that has been discussed at a public hearing at a regularly scheduled meeting of the District's governing board on a date preceding the new construction funding application(s) that includes the acknowledgements and the housing plan contained herein and as attached in Exhibit "A"; and

WHEREAS, the new construction grants requested for the Project are at a different grade level than the pupils to be housed in the Project; and

WHEREAS, the Board is aware and acknowledges that requesting new construction grants at a different grade level than the proposed project will divert funds to alternative uses; and

WHEREAS, the Board is aware and acknowledges that upon approval and funding of the District's plan and application, the State will satisfy its obligation to house the pupils for which grants are received pursuant to the School Facility Program Regulation Section 1859.50; and

WHEREAS, the District must adopt a housing plan that identifies how the District has housed or will house the pupils receiving grants in the Project in school buildings defined in Education Code Section 17368. The plan must certify one of the following methods:

- 1) The District will construct or acquire facilities for housing the pupils with funding not otherwise available to the School Facility Program as a District match within five years of the project approval by the State Allocation Board, and the District must identify the source of funds; or
- 2) The District will utilize higher District loading standards providing the loading standards are within the approved District's teacher contract(s) and do not exceed 33:1 per classroom; or
- 3) The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the School Facility Program project.

WHEREAS, the District certifies it will utilize higher loading standards as its adopted methodology as outlined in the housing plan attached and noted as Exhibit "A"

NOW THEREFORE, the governing board of the Oakland Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct;
2. That the Board of Education hereby approves and supports the Grant Application Requesting School Facilities Funding for the LaEscuelita Educational Complex Project;
3. That the Board of Education passes this resolution to enable staff to apply for the desired funding.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 24th day of August, 2011; by the following vote, to wit:

AYES:

NOES:

ABSTAINED:

CERTIFICATION

I, Edgar Rakestraw, Secretary of the Board of Education of the Oakland Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 24th day of August, 2011 with a copy of such Resolution being on file in the Office of the Board of Education of said district.

Edgar Rakestraw, Jr.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

- e. 50 percent hazardous waste removal: \$ _____
 Response Action (RA)
- f. Site Development
 50 percent Service-Site: \$ _____
 50 percent Off-Site: \$ _____
 50 percent Utilities: \$ _____
 General Site
- g. Facility Hardship Section 1859.82(a) or (b)
 Toilet (sq. ft.): _____
 Other (sq. ft.): _____
- h. Seismic Rehabilitation [Section 1859.82(a)] \$ _____
- i. Replacement area
 Toilet (sq. ft.): _____
 Other (sq. ft.): _____
- j. Energy Efficiency: _____ %
- k. Automatic Fire Detection/Alarm System
 Automatic Sprinkler System
- l. High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request—Modernization Only

- a. Project Assistance
- b. Energy Efficiency: _____ %
- c. Site Development—60 percent utilities: \$ _____
- d. Separate Apportionment for Reconfiguration (for Small High School Program only): \$ _____
- e. Automatic Fire Detection/Alarm System
- f. High Performance Incentive (Indicate Points): _____

7. Excessive Cost Hardship Request

- New Construction Only**
- Geographic Percent Factor: _____ %
 - New School Project [Section 1859.83(c)(1)]
 - New School Project [Section 1859.83(c)(2)]
 - New School Project [Section 1859.83(c)(3)]
 - Small Size Project
 - Urban/Security/Impacted Site;
If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization or Charter School Facility Program Rehabilitation Only

- Rehabilitation/Mitigation [Section 1859.83(e)]: \$ _____
- Geographic Percent Factor: _____ %
- Accessibility/Fire Code
 3 percent of base grant; or,
 60 percent of minimum work \$ _____
- Number of 2-Stop Elevators: _____
- Number of Additional Stops: _____
- Small Size Project
- Urban/Security/Impacted site

8. Project Priority Funding Order—New Construction Only

- Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____
- Project meets:
- Density requirement pursuant to Section 1859.92(c)(3).
 - Stock plans requirement pursuant to Section 1859.92(c)(4).
 - Energy efficiency requirement pursuant to Section 1859.92(c)(6).

9. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ _____

13. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

Additional	Replacement
K–6: _____	K–6 _____
7–8: _____	7–8 _____
9–12: _____	9–12 _____
Non-Severe: _____	Non-Severe _____
Severe: _____	Severe _____

Construction Contract(s) for the project signed on: _____

14. Pending Reorganization Election—New Construction Only Yes No

15. Joint-Use Facility/Leased Property

- a. Joint-Use Facility
- b. Leased Property

16. Project Progress Dates

a. Construction Contract signed on: _____
b. Notice to Proceed issued on: _____

17. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? Yes No

18. Construction Delivery Method

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- This project includes or will include piggyback contract(s) as defined in Section 1859.2
- Other: _____

19. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? Yes No
Number of CTE classroom(s): _____

20. Overcrowding Relief Grant Narrative

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM****21. Architect of Record or Licensed Architect Certification**

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

22. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

23. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 21 and 22, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10,

et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,

- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- Facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facility Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing

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SCHOOL FACILITY PROGRAM**

the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,

- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c), and
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE