

EXHIBIT "D"



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

April 1, 2018

David Hardin
Aurum Preparatory Academy
600 William Street, Apt. 133
Oakland, CA 94612

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

Dear David Hardin:

Oakland Unified School District ("District") makes this Final Offer of Facilities to the **Aurum Preparatory Academy** ("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 **119.70**. The District issued written objections to projections under Cal. Admin. Code, title 5, § 11969.9(d) on November 30, 2017.¹ The District's November 30, 2017 letter stated that:

Of the 107 Oakland resident student names provided:

- 50 indicated they were meaningfully interested
- 19 could not be reached
- 15 indicated that were not meaningfully interested
- 9 were invalid (duplicates, in the wrong grade)
- 3 were listed on the spreadsheet, but did not have a corresponding Meaningfully Interested Student Signature Form included in the submission

¹ A copy of the District's letter is accessible at the following link:

https://www.ousdcharters.net/uploads/4/1/6/1/41611/aurum_prop_39_objection_to_projection_letter_11-30-17.pdf

- 11 included insufficient contact information (disconnected or wrong phone number)

Of the 107 Oakland resident students listed on the Meaningfully Interested Student Spreadsheet, only 69 either could be verified or included phone contact information that could be used to verify signatures.

The District has reviewed and considered the December 22, 2017 e-mail from Charter School Board President Vijay Toke, in response to the District’s objections. The District does not believe that the Charter School has satisfactorily addressed the District’s objections, as stated in its November 30, 2017 letter, as the e-mail does not specifically address the results of the District’s survey calls.

The District has also reviewed the Charter School’s January 2, 2018 and February 28, 2018 letters. In its February 28, 2018 letter, the Charter School accuses District staff calling parents of asking “questions that many parents interpreted as threatening or harassing, and made shocking misrepresentations about Aurum (including telling parents that the school would not be opening.)” These allegations are false, and the Charter School has not submitted any evidence to support them.

The rest of the arguments made in the Charter School’s February 28, 2018 letter do not refute the District’s counterprojections. Cal. Admin. Code, title 5, § 11969.9(c) requires the Charter School to submit documentation in support of its enrollment projections no later than November 1. Therefore, the District is not obligated to consider documentation or information submitted after the deadline, including documentation that had “inadvertently” not been provided before the deadline.

Therefore, the District will maintain its counterprojection of **76.00** ADA. Education Code § 47614 and its implementing regulations only obligate the District to offer space sufficient to accommodate the Charter School’s in-District students. Under Education Code section 47614(b)(4), “[f]acilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.” The District notes that while the Charter School has failed to meet the threshold of 80 ADA to be eligible for facilities, the District is nonetheless making an allocation of facilities to the Charter School.

B. 2018-2019 Final Offer to the Charter School

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.” As the Charter School will not begin operating until 2018-19, it does not currently have any students enrolled. Therefore, District staff analyzed the Meaningfully Interested Student Signature Forms provided by the Charter School to determine where the greatest number of these students (excluding those which were determined to be invalid) currently live. Based on this information, the District has determined that the greatest number of students who are meaningfully interested in attending the Charter School in 2018-19 live within the **Castlemont/CCPA/Madison High School** attendance area.

Table 1: High School Attendance Area

Grade Span	Attendance Area	# of Student Signatures	% of Students in Grade Span
6-8	Castlemont/CCPA/Madison	32	40%

	Fremont	23	29%
	McClymonds	11	14%
	Oakland High	7	9%
	Oakland Tech	4	5%
	Skyline	2	3%
	Unknown (full address not provided)	1	1%

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

- Greenleaf Elementary, Parker Elementary School, Alliance Academy, Elmhurst Community Prep School, Frick Impact Academy, Oakland SOL (School of Language), Roots International Academy, Coliseum College Prep Academy, Madison Park Academy Secondary

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 site:

Brookfield Elementary School
401 Jones Avenue, Oakland, CA 94603

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
Brookfield	4	3,611

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

School Site	Room # (per MKThink site plan)	Sqft
Brookfield	D-1-2	911
Brookfield	P7-1-1	900

Brookfield	P8-1-1	900
Brookfield	P9-1-1	900

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
Brookfield	P6-1-15	684	admin/office
Brookfield	P6-1-14	57	restroom
Brookfield	P6-1-16	55	storage

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

Site Name	Projected ADA at Site		Aurum Projected ADA as % of Total Site ADA	Total Site NTS	Aurum NTS Allocation	Exclusive Use Allocation		Shared NTS Allocation	
	District-Run	Charter School				Interior	Exterior	Interior	Exterior
Brookfield	255.49	76.00	22.93%	385,956	88,487	796	0	7,572	80,119

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

3. Reasonable Equivalence Methodology:

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

a. Condition:

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

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

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

Table 3: School Site Condition Analysis

School/Site Type		Offer Site	Comparison School Site						
School/Site		Brookfield	Elmhurst	Frick	Havenscourt	Madison	Parker	Rudsdale (SOL)	Whittier
Size of Site (acres)		9.5	9.3	6.3	6.1	14.4	2.6	0.8	2.7
Surfaces*	E	E	G	E	G	F	E	E	E
	G	E	G	E	E	G	E	E	E
	E	E	G	E	E	F	E	G	E
	G	E	G	E	E	E	E	E	G
Mechanical, plumbing, electrical, and fire alarm systems conformity with applicable codes		Y	Y	Y	Y	Y	Y	Y	Y
Tech Infrastructure		Y	Y	Y	Y	Y	Y	Y	Y
Safe Learning Environment		Y	Y	Y	Y	Y	Y	Y	Y
Furnishings/Equipment		Y	Y	Y	Y	Y	Y	Y	Y
Athletic Fields/Play Area Space		Y	Y	Y	Y	Y	Y	Y	Y

* Each Site Plan included Surface information for each 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 **25.40 per teaching station**.

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

School	ADA Teaching Station Ratio
Greenleaf Elementary School	28.83
Parker Elementary School	21.00
Alliance Academy	25.42
Elmhurst Community Prep School	26.77
Frick Impact Academy	21.29

Oakland SOL (School Of Language)	20.38
Roots International Academy	27.22
Coliseum College Prep Academy	29.47
Madison Park Academy Secondary	28.24
AVERAGE	25.40

Applying that ratio to the Charter School’s projected ADA of **76.00**, the District determined that the Charter School was entitled to an allocation of **3 (rounded up from 2.99)** teaching stations.

Table 5: Calculation of Exclusive General Education Classroom Allocation

Grade Span(s)	ADA (In-District)	Average ADA Teaching Station Ratio	General Education Classrooms (ADA / Average ADA Teaching Station Ratio)
6-8	76.00	25.40	3 (2.99)

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 upon CDE 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) Allocation²

STS Type	STS Existing at Offer Site(s) (Sqft)	STS Entitlement (Sqft)	Exclusive Use STS Already Included in Classrooms Offered (Sqft)	Over(+)/ Under(-) Allocation of STS Entitlement (Sqft)*
Art Classroom	0	81	0	-81
Art Technology Lab	0	0	0	0
Computer Laboratory	693	123	0	-123
CTE Classroom (Related to Lab Instruction)	0	0	0	0
CTE Family/Consumer Science Multipurpose Lab	0	23	0	-23
CTE Industrial Education Laboratory	0	0	0	0
CTE Technology Education Laboratory	0	0	0	0
CTE General Laboratory	0	67	0	-67
Drama Classroom	0	0	0	0

² 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.

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Music Room (Elementary School)	0	0	0	0
Music Room, Band	0	47	0	-47
Music Room, Choir	0	93	0	-93
Science Classroom	1155	171	0	-171
Science Laboratory	0	260	0	-260
SpEd Life Skills Lab	0	0	0	0
Total	1848	865	0	-865

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

The District provides the Charter School with specialized teaching space in the form of an allocation of building space and, if necessary, shared space. The District’s updated calculation of the Charter School’s entitlement to specialized teaching space shows that the Charter School is entitled to an additional 865 sqft of specialized teaching space. That additional specialized teaching space is covered in the allocation of 1 additional teaching space to the Charter School. The Charter School may also be entitled to a self-contained special education 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
Elmhurst Community Prep/Alliance	9.27	403,801	20,029	423,830	32,781	391,049
Frick Impact	6.31	274,864	23,449	298,313	31,837	266,476
Roots/Coliseum College Prep 6-12	6.06	263,974	0	263,974	40,918	223,056
Madison Upper 6-12	14.36	625,522	0	625,522	22,742	602,780
Parker K-8	2.62	114,127	30,887	145,014	18,852	126,162
School of Languages	0.79	34,412	0	34,412	7,176	27,236
Greenleaf K-8	2.67	116,305	21,452	137,757	20,125	117,632

Sources: ¹ "Site List" [Exhibit E](#); 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 NTS (sqft)	18-19 Projected ADA	Total District NTS (sqft/ADA)
Elmhurst Community Prep/Alliance	391,049	100.00%	391,049	637.22	613.68
Frick Impact	266,476	75.86%	202,154	201.50	1003.25
Roots/Coliseum College Prep 6-12	223,056	100.00%	223,056	697.48	319.80
Madison Upper 6-12	602,780	100.00%	602,780	728.95	826.91
Parker K-8	126,162	100.00%	126,162	353.54	356.85

School of Languages	27,236	100.00%	27,236	119.24	228.42
Greenleaf K-8	117,632	100.00%	117,632	609.16	193.11
Comparison School Group NTS Sqft/ADA Median				Minimum	193.11
				Median	356.85
				Maximum	1003.25

* 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 8: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Brookfield

Site Name	Brookfield		
	Brookfield	Aurum Preparatory Academy	Site Total
18-19 Projected Site ADA	255.49	76.00	331.49
% of 18-19 Projected Site ADA	77.1%	22.9%	100.0%
NTS Type	Sqft	Sqft	Sqft
Admin/Office/Conference	4,988	1,484 (684*)	6,472
MPR/Auditorium/Cafeteria/Gym	6,160	1,833	7,993
Library	733	218	951
Other Interior	16,249	4,834 (112*)	21,083
Total Interior NTS	28,131	8,368 (796*)	36,499
Exterior NTS	269,338	80,119	349,457
Total NTS	297,469	88,487	385,956
Average Sqft/ADA	1164.31	1164.31	-

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

Following is a summary of the 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
Brookfield	76.00	88,487	1,164.31
Total Allocated		88,487	1164.31
Allocation if Based on Comparison School Group		Minimum	14,676
		Median	27,121
		Maximum	76,247

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 Charter School’s allocation of non-teaching space is above its entitlement based on the amount of non-teaching space available at the comparison group schools.

The District also will offer the Charter School reasonably equivalent Furnishings and Equipment for **76.00** 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 Aurum 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.

Site Location: The Charter School identified a location preference of East Oakland. The Charter School also expressed interest in the following locations: Toler Heights/Barack Obama, Rudsdale Academy, Markham Elementary School, and East Oakland Pride Elementary School.

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 has provided the Charter School a Final Offer at Brookfield Elementary School, located at 401 Jones Ave, Oakland, CA 94603. This site is located in deep East Oakland, which the Charter School listed as its preferred location. Furthermore, the Charter School specifically indicated that it was targeting students from the 94603 zip code. Brookfield has adequate space to accommodate the Charter School’s entitlement of 4 classrooms, and to provide the Charter School an allocation of facilities in a single, contiguous site.

C. Final Facilities Offer – Other Terms and Conditions

1. Pro-Rata Share

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

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

As used in Education Code section 47614(b)(1), "facilities costs" are those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include

the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. This includes plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases.

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

2. Overallocation Fee

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

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

The penalty for overallocation is calculated as follows:

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

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

3. Miscellaneous

Aurum Preparatory Academy

April 1, 2018

Page 17 of 17

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 Education Code section 47614(b)(5), a charter school is eligible for facilities if it is "either currently providing public education to in-district students, or [has] identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year." The District has projected that the charter school will enroll 76.0 in-District ADA for 2018-2019. While the Charter School has failed to meet the threshold of 80 ADA to be eligible for facilities, the District is nonetheless making an allocation of facilities to the Charter School.

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', written over a light blue horizontal line.

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

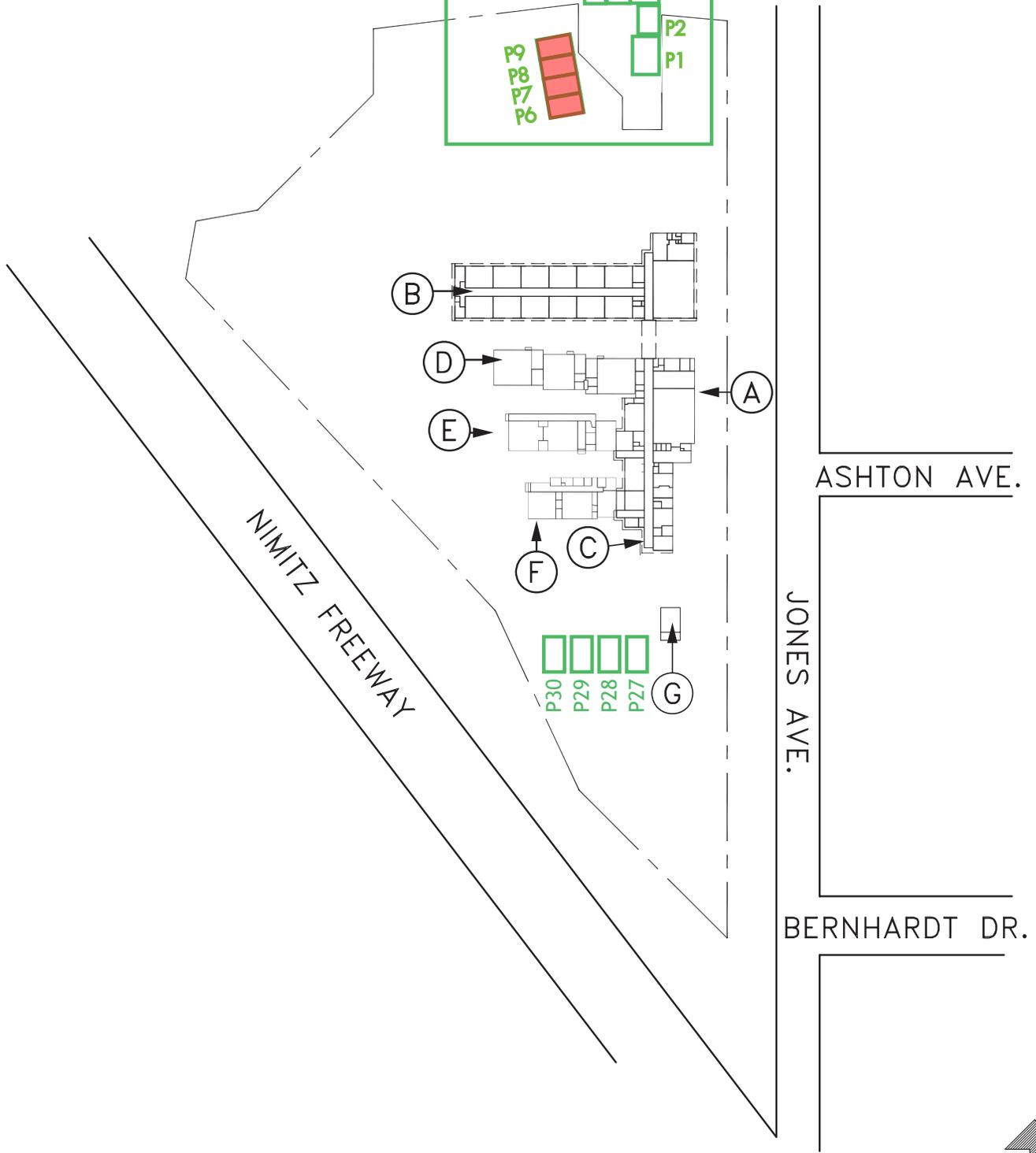
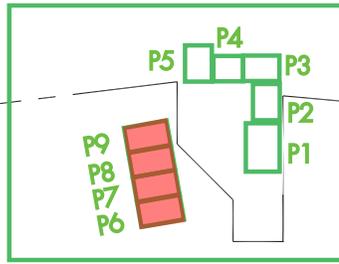
To view the calculation of non-teaching space at District schools, please visit:

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

Exhibit G

Specific Space Offered to Charter School

Brookfield Annex



Not drawn to scale

**Exclusive Use by
Charter School**

103 - Brookfield Elementary School - Site Plan

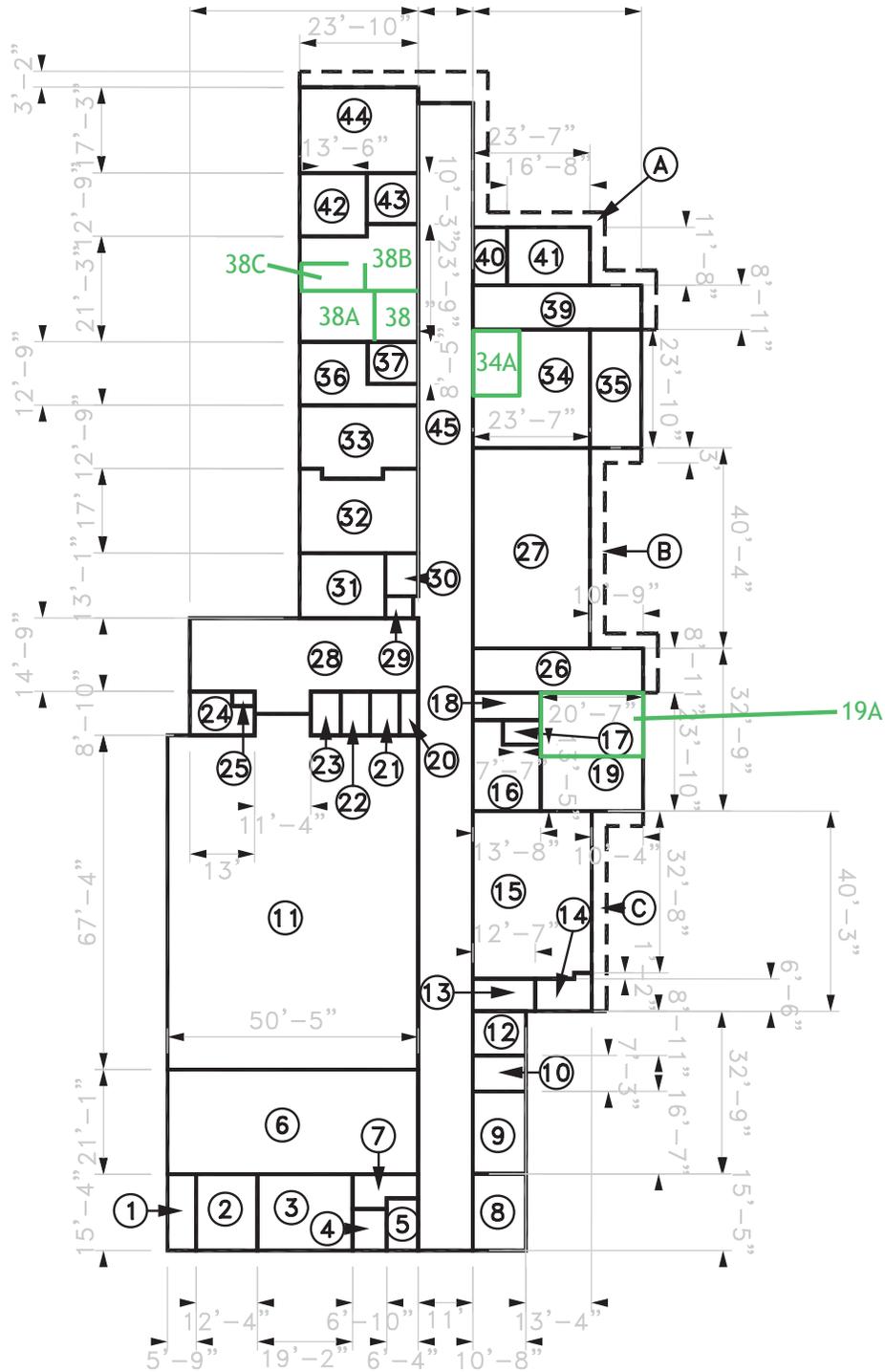
401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012





Not drawn to scale

103 - Brookfield Elementary School - Unit A

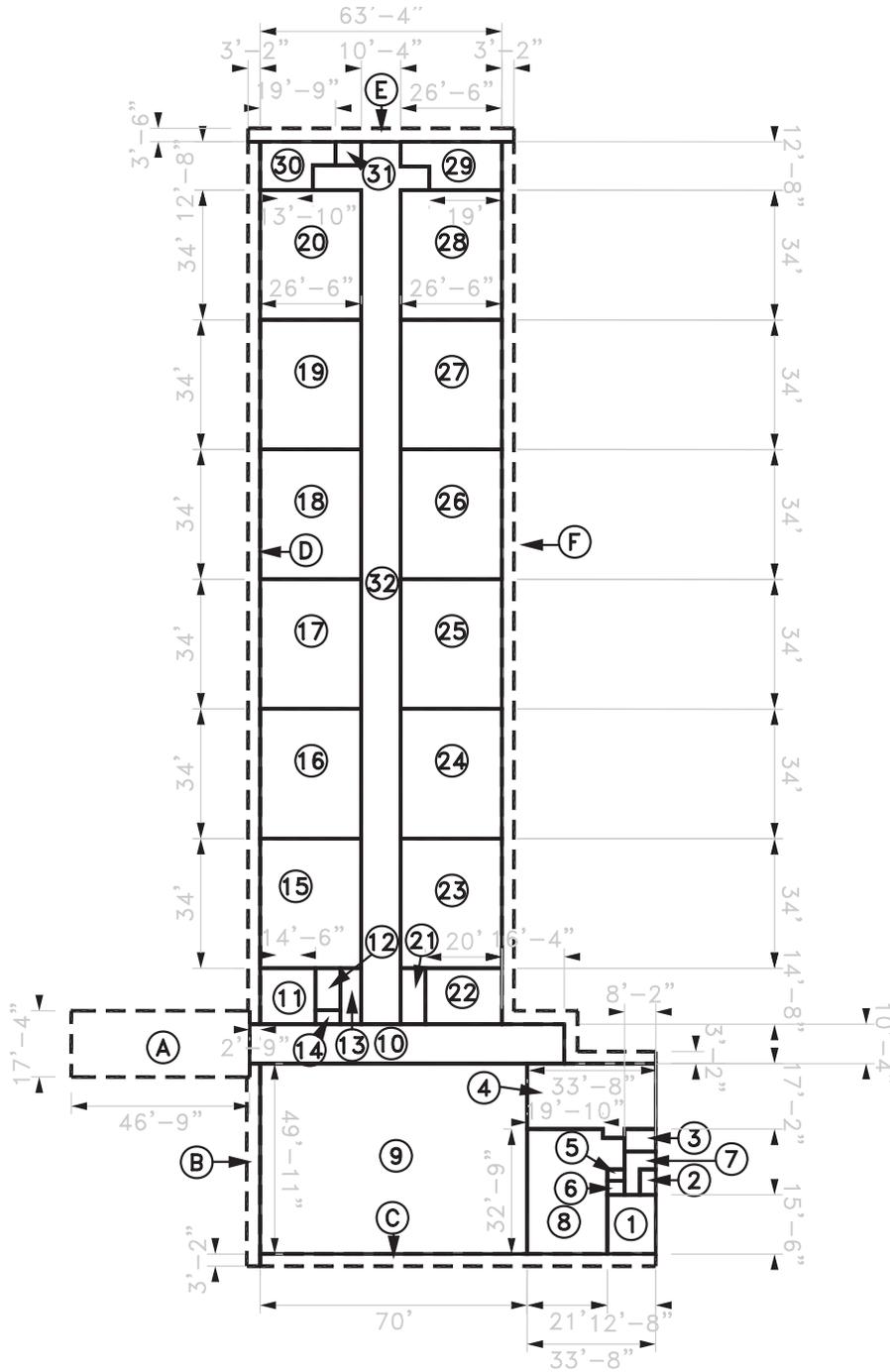
401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012





Not drawn to scale

103 - Brookfield Elementary School - Unit B

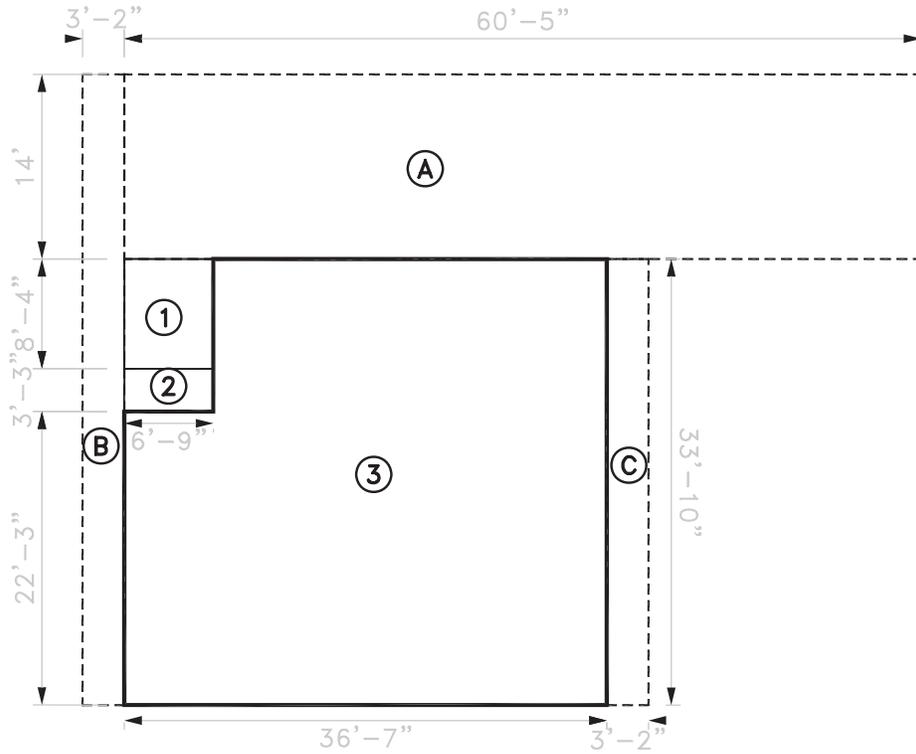
401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012





Not drawn to scale

103 - Brookfield Elementary School - Unit C

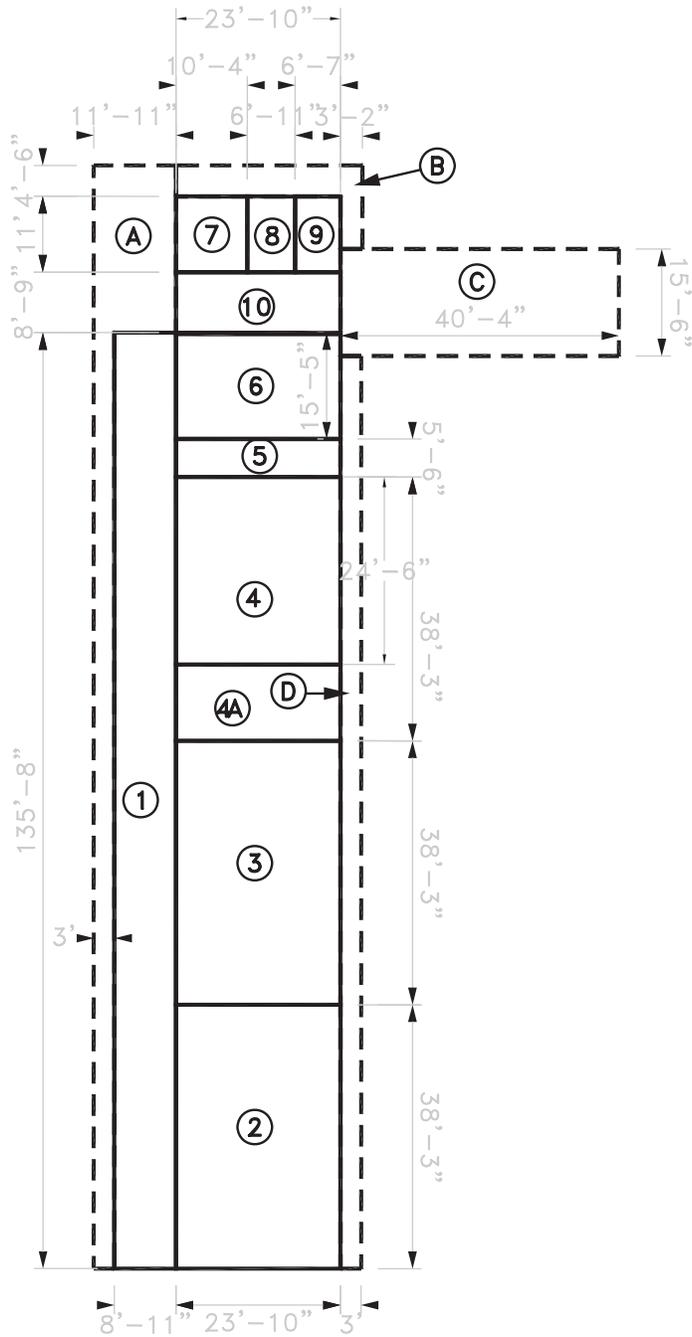
401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012





Not drawn to scale

103 - Brookfield Elementary School - Unit E

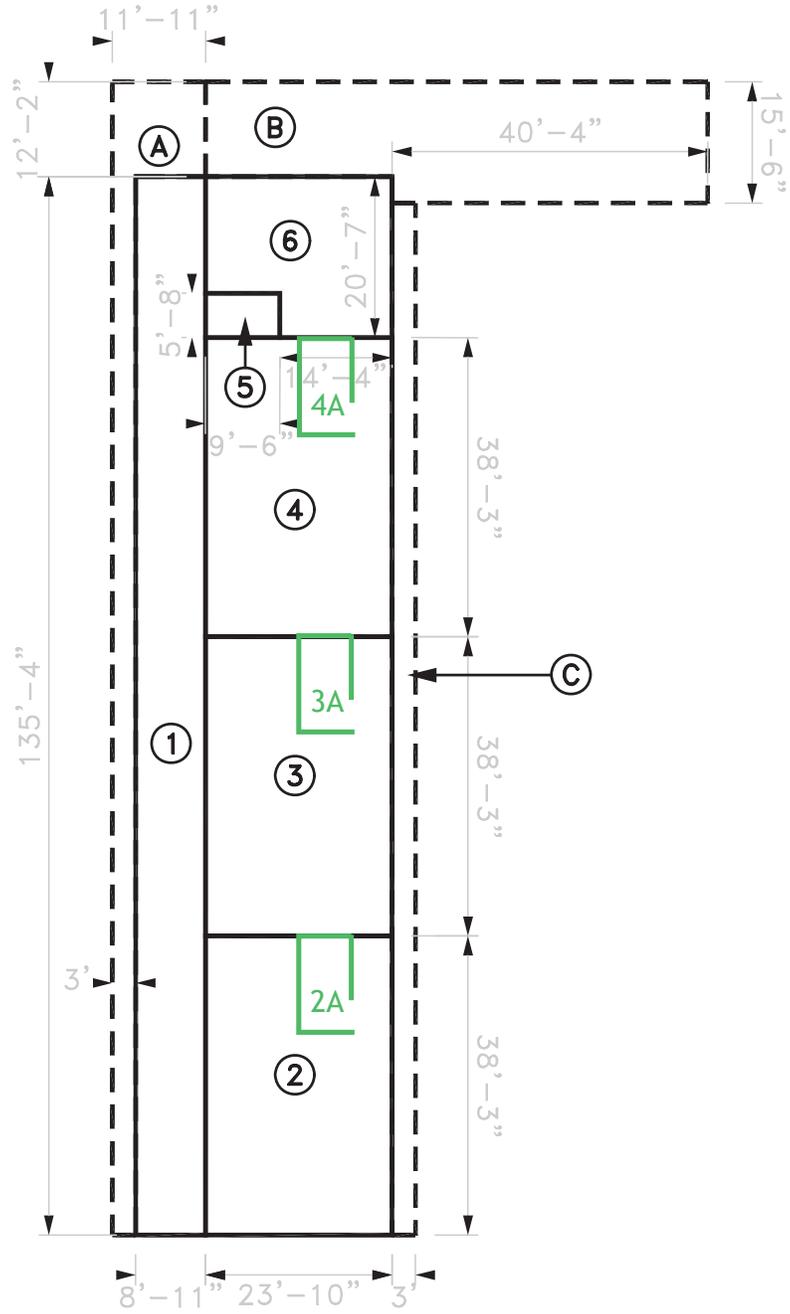
401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012





Not drawn to scale



103 - Brookfield Elementary School - Unit F

401 Jones Avenue - Oakland, CA 94603-1123

MKTHINK

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

February 2012



Brookfield Elementary School

401 Jones Avenue

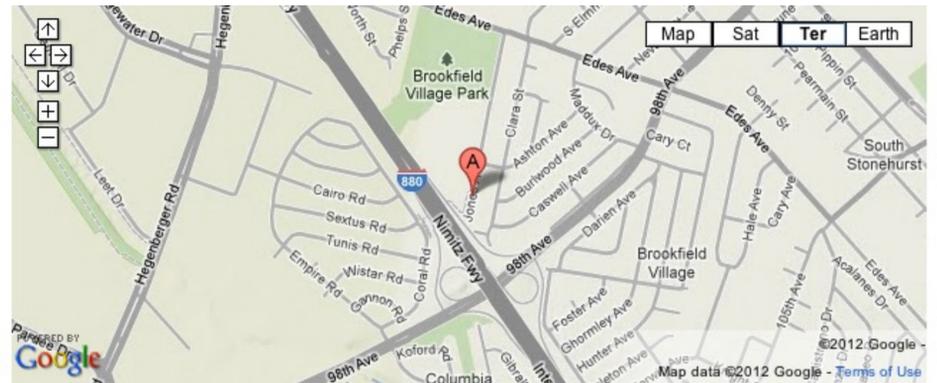
Site 103 Region 3 Grades K-5

Brookfield Elementary is situated near I-880 in the south-east corner of Oakland within sight of several landmarks including the Oakland Airport, Bayfarm Island, and the Coliseum. The area is mostly industrial, but in the immediate vicinity of Brookfield Elementary is the residential community of Brookfield Village, which includes a large public park and a public library.

PROGRAMMING (2012-2013)

Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
Brookfield	41	342	383	762



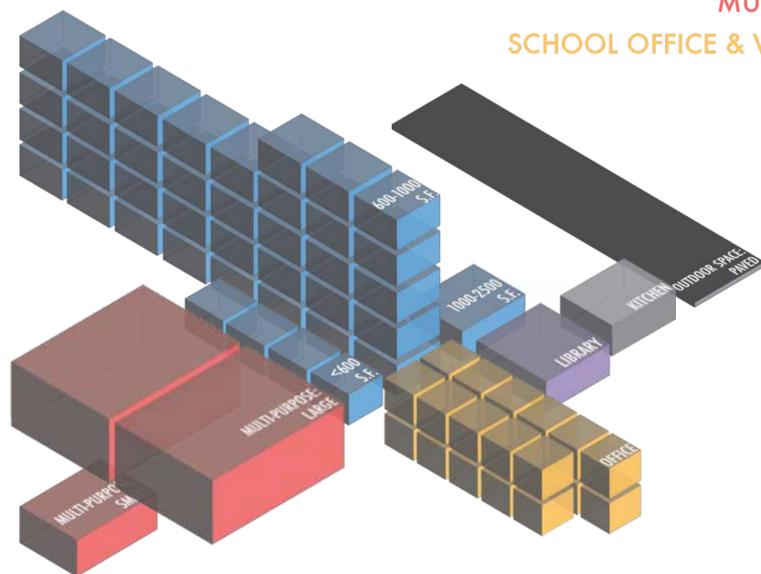
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	9.5		
Building Footprint (sf)	67,493		
Building Area (sf)	65,234	54,112	11,122
Classroom-Sized Rooms	36	24	12
<i>4 rooms < 600 s.f. used as classrooms</i>			
	Number of Rooms		Sq Ft
Library Rooms	1		951
Auditorium/Cafeteria/ Multi-purpose/Gym	3		7,993
Admin/Office/ Conference Room	22		8,488
School Gardens	Number: 2		Sq Ft: 140
Kitchen	Type: Finishing		
On-site Health Clinic	No		

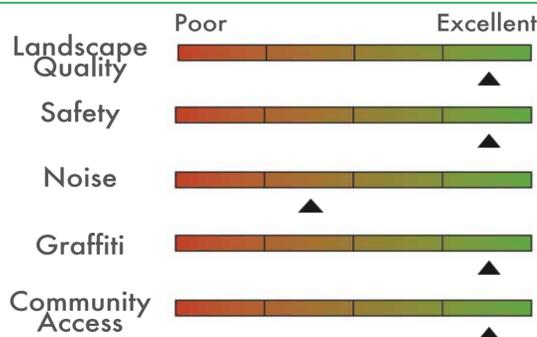
SITE SUMMARY (Summer 2012)

Sports / Recreation

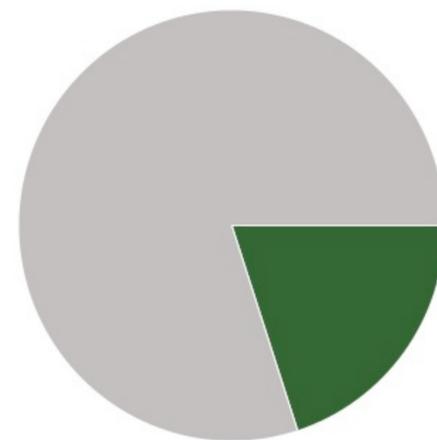
- Play structure ●●●
- Basketball hoops ●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Paved 80% 20% Green

Brookfield Elementary School

Building Records

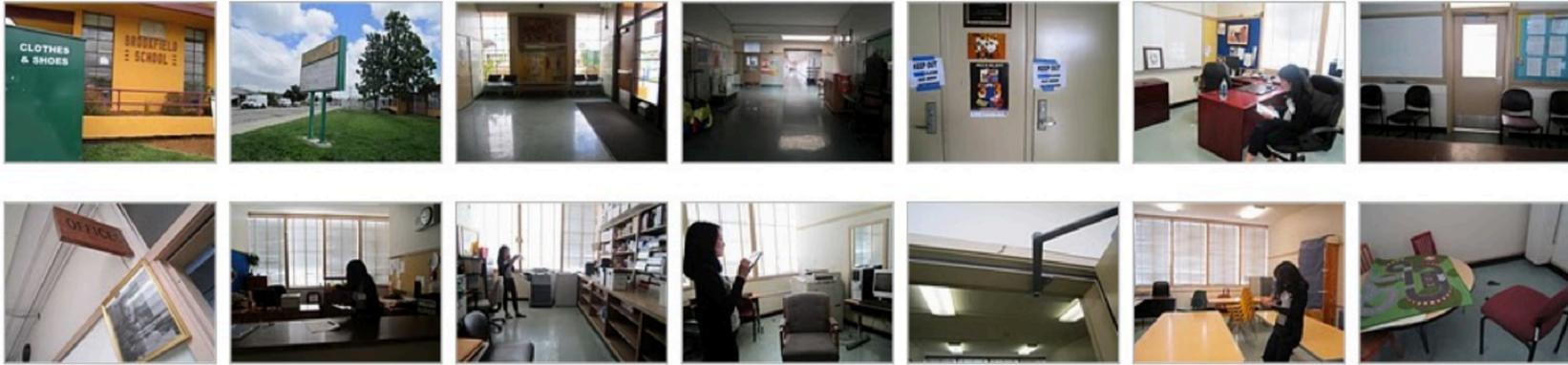
Site ID 103

Region 3

Grades K-5

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/uOYYh8>



BUILDING A BUILDING AREA (SQFT): 16,020 CONSTRUCTED: 1949

QUALITATIVE BUILDING ASSESSMENT	EXTERIOR	Physical Condition		INTERIOR	Physical Condition			
		Circulation & Wayfinding			Circulation & Wayfinding			
ROOM SUMMARY	NO. OF CLASSROOMS	1	NO. OF OFFICES	9	NO. OF ADMIN ROOMS	11	NO. OF RESTROOMS	4
	NO. OF STUDENT COMPUTERS	4	NO. OF ADMIN WORKSTATIONS	13	ADDITIONAL ADMIN SPACES	Conference Room		

BUILDING B BUILDING AREA (SQFT): 20,678 CONSTRUCTED: 1957

STRUCTURAL ELEMENTS	ROOFING	Plywood on wood joists	FOUNDATION	Spread (under columns) & Strip (under struct. walls) footings	VERTICAL RESISTANCE	Shear wall - Wood stud walls		
	QUALITATIVE BUILDING ASSESSMENT	EXTERIOR	Physical Condition		INTERIOR	Physical Condition		
	Circulation & Wayfinding			Circulation & Wayfinding				
ROOM SUMMARY	NO. OF CLASSROOMS	12	NO. OF OFFICES		NO. OF ADMIN ROOMS	1	NO. OF RESTROOMS	4
	NO. OF STUDENT COMPUTERS	69	NO. OF ADMIN WORKSTATIONS		ADDITIONAL ADMIN SPACES	Teachers' Lounge		

BUILDING C BUILDING AREA (SQFT): 1,238 CONSTRUCTED: 1949

STRUCTURAL ELEMENTS	ROOFING	Diagonal sheathing on wood joists	FOUNDATION	Spread (under columns) & Strip (under struct. walls) footings	VERTICAL RESISTANCE	Shear wall - Wood stud walls		
	QUALITATIVE BUILDING ASSESSMENT	EXTERIOR	Physical Condition		INTERIOR	Physical Condition		
	Circulation & Wayfinding			Circulation & Wayfinding				
ROOM SUMMARY	NO. OF CLASSROOMS	1	NO. OF OFFICES		NO. OF ADMIN ROOMS		NO. OF RESTROOMS	1
	NO. OF STUDENT COMPUTERS	1	NO. OF ADMIN WORKSTATIONS		ADDITIONAL ADMIN SPACES			

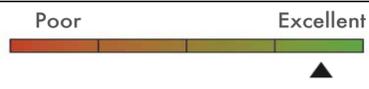
BUILDING**D**

BUILDING AREA (SQFT): 6,261

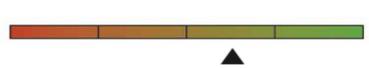
CONSTRUCTED: 1949

QUALITATIVE BUILDING ASSESSMENT**EXTERIOR**

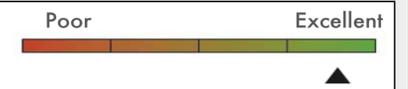
Physical Condition



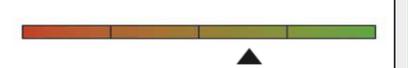
Circulation & Wayfinding

**INTERIOR**

Physical Condition



Circulation & Wayfinding

ROOM SUMMARY

NO. OF CLASSROOMS

5

NO. OF OFFICES

NO. OF ADMIN ROOMS

NO. OF RESTROOMS

NO. OF STUDENT COMPUTERS

12

NO. OF ADMIN WORKSTATIONS

ADDITIONAL ADMIN SPACES

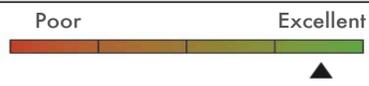
BUILDING**E**

BUILDING AREA (SQFT): 4,912

CONSTRUCTED: 1949

QUALITATIVE BUILDING ASSESSMENT**EXTERIOR**

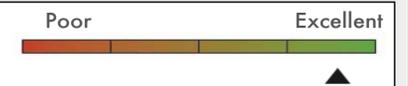
Physical Condition



Circulation & Wayfinding

**INTERIOR**

Physical Condition



Circulation & Wayfinding

ROOM SUMMARY

NO. OF CLASSROOMS

2

NO. OF OFFICES

NO. OF ADMIN ROOMS

NO. OF RESTROOMS

NO. OF STUDENT COMPUTERS

10

NO. OF ADMIN WORKSTATIONS

ADDITIONAL ADMIN SPACES

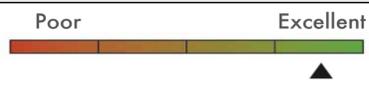
BUILDING**F**

BUILDING AREA (SQFT): 4,503

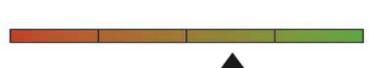
CONSTRUCTED: 1949

QUALITATIVE BUILDING ASSESSMENT**EXTERIOR**

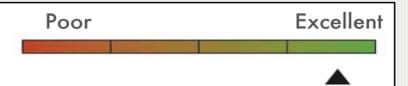
Physical Condition



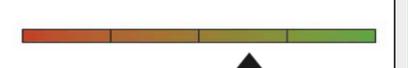
Circulation & Wayfinding

**INTERIOR**

Physical Condition



Circulation & Wayfinding

ROOM SUMMARY

NO. OF CLASSROOMS

3

NO. OF OFFICES

NO. OF ADMIN ROOMS

NO. OF RESTROOMS

NO. OF STUDENT COMPUTERS

12

NO. OF ADMIN WORKSTATIONS

ADDITIONAL ADMIN SPACES

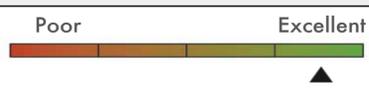
BUILDING**G**

BUILDING AREA (SQFT): 500

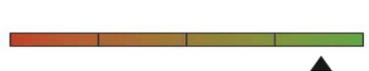
CONSTRUCTED: 1949

QUALITATIVE BUILDING ASSESSMENT**EXTERIOR**

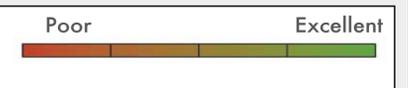
Physical Condition



Circulation & Wayfinding

**INTERIOR**

Physical Condition



Circulation & Wayfinding

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

Brookfield Elementary School

Portable Records

Site ID 103

Region 3

Grades K-5

	Manufactured:	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
P1	2001		1
P2	1998		1
P3	2001		
P4	2001		3
P5	2001		1
P6	2001	1	
P7	2001		1
P8	2001		1
P9	2001		1
P27	1998	1	
P28	1998	1	
P29	1998	1	
P30	1998	1	

Portable Inventory

Total Count
13

Average Age
12 Years

Qualitative Conditions Assessment

Poor Excellent

EXT. ▲

INT. ▲

Brookfield Elementary School

Rooms Summary & List

Site ID 103

Region 3

Grades K-5

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQ. FT.)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A	1	1	Circulation	88				
	1	2	Storage	189				
	1	3	Admin/Office	294		1		
	1	4	Restroom	57				
	1	6	Multipurpose	1,058				
	1	7	Circulation	78				
	1	8	Building Utilities	165				
	1	9	Storage	177				
	1	10	Storage	77				
	1	11	Multipurpose	3,440				
	1	12	Circulation	95				
	1	13	Storage	82				
	1	14	Restroom	78				
	1	15	Classroom	808	4		9	
	1	16	Admin/Office	213		1		
	1	17	Storage	37				
	1	18	Building Utilities	75				
	1	19b	Classroom	273				
	1	19a	Storage					
	1	20	Building Utilities	33				
	1	21	Storage	52				
	1	22	Storage	52				
	1	23	Storage	53				
	1	24	Restroom	102				
	1	25	Storage	13				
	1	26	Circulation	306				
	1	27	Library	951	2			
	1	28	Circulation	728				
	1	29	Storage	24				
	1	30	Storage	57				
	1	31	Admin/Office	240		1		
	1	32	Admin/Office	381		2		
	1	33	Admin/Office	328				
	1	34a	Storage	90				
	1	34	Admin/Office	562		3		
	1	35	Building Utilities	246		1		
	1	36	Admin/Office	218		1		
	1	37	Restroom	86				
	1	38	Admin/Office	77		1		
	1	38a	Conference Room	84				
	1	38b	Classroom	258				
	1	38c	Admin/Office	64		1		
	1	39	Circulation	303				
	1	41	Building Utilities	195				
	1	42	Admin/Office	172		1		
1	43	Admin/Office	106					
1	44	Classroom	411			1		
1	45	Circulation	2,544					
B	1	1	Storage	196				
	1	2	Building Utilities	28				
	1	3	Restroom	48				
	1	4	Lounge/Staff Dining	591				
	1	5	Building Utilities	14				
	1	6	Storage	17				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	1	7	Circulation	65				
	1	8	Building Utilities	722				
	1	9	Cafeteria	3,495				
	1	10	Circulation	851				
	1	11	Admin/Office	213				
	1	12	Restroom	71				
	1	13	Building Utilities	81				
	1	14	Circulation	24				
	1	15	Classroom	901	4		15	
	1	16	Classroom	901	3		16	
	1	17	Classroom	901	4		17	
	1	18	Classroom	901	4		18	
	1	19	Classroom	901	35		19	
	1	20	Classroom	901			20	
	1	21	Storage	95				
	1	22	Building Utilities	293				
	1	23	Classroom	901	3		21	
	1	24	Classroom	901	4		22	
	1	25	Classroom	901	4		23	
	1	26	Classroom	901	4		24	
	1	27	Classroom	901			25	
	1	28	Classroom	901	4		26	
	1	29	Restroom	289				
	1	30	Restroom	212				
	1	31	Building Utilities	42				
	1	32	Circulation	2,519				
BUILDING								
		C						
	1	1	Restroom	56				
	1	2	Storage	22				
	1	3	Classroom	1,160	1			
BUILDING								
		D						
	1	1	Classroom	911	4		10	
	1	2	Classroom	911	4		11	
	1	3	Classroom	911	4		12	
	1	4	Classroom	911			13	
	1	5	Classroom	911			14	
	1	6	Circulation	1,706				
BUILDING								
		E						
	1	1	Circulation	1,210				
	1	2	Classroom	911	5		6	
	1	3	Classroom	911	5		7	
	1	4	Classroom	584				
	1	4a	Storage	327				
	1	5	Building Utilities	131				
	1	6	Restroom	367				
	1	7	Storage	114				
	1	8	Storage	76				
	1	9	Restroom	72				
	1	10	Circulation	209				
BUILDING								
		F						
	1	1	Circulation	1,207				
	1	2	Classroom	911	2		3	
	1	2a	Restroom	24				
	1	3	Classroom	911	5		4	
	1	3a	Restroom	24				
	1	4	Classroom	911	5		5	
	1	4a	Restroom	24				
	1	5	Storage	54				

		BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
		1	6	Restroom	437				
BUILDING	G								
		1	1	Storage	500				
PORTABLE	P1								
			1	Admin/Office	900				
PORTABLE	P2								
			1	Admin/Office	900				
PORTABLE	P27								
			1	Classroom	858				
PORTABLE	P28								
			1	Classroom	858	7			
PORTABLE	P29								
			1	Classroom	858	5			
PORTABLE	P3								
			1	Classroom	713				
			2	Storage	64				
			3	Restroom	42				
			4	Restroom	42				
PORTABLE	P30								
			1	Classroom	858	5			
PORTABLE	P4								
			5	Admin/Office	88		1		
			6	Building Utilities	67				
			7	Restroom	49				
			8	Restroom	100				
			9	Building Utilities	16				
			10	Lounge/Staff Dining	88				
			11	Admin/Office	110		1		
			17	Admin/Office	154		1		
PORTABLE	P5								
			12	Lounge/Staff Dining	120		1		
			13	Restroom	57				
			18	Admin/Office	684		4		
PORTABLE	P6								
			14	Restroom	57				
			15	Classroom	684				
			16	Storage	55				
PORTABLE	P7								
			1	Admin/Office	900				
PORTABLE	P8								
			1	Admin/Office	900				
PORTABLE	P9								
			1	Admin/Office	900				

Exhibit H

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	Aurum Preparatory Academy
Site Name:	Brookfield Campus
Address:	401 Jones Avenue, Oakland, CA 94603
SPACE ALLOCATION	
Exclusive Use Space (sqft)	4,407
+ Proportion of Shared Space (sqft)	7,572
Total Space Allocation at Site (sqft)**	11,979
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	11,979
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$46,119.15
UTILITIES FEE	
Projected Charter School ADA at Site***	83.60
÷ Projected Total Site ADA	339.09
Charter School Percent of Site Use	24.65%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	24.65%
x Number of Custodial FTE at Site	3.0
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$54,120.31
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)	2,454,456
	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 - SOCSEC MEDICAL 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>