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# Memo

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Josh Daniels, General Counsel  
Sonali Murarka, Director – Office of Charter Schools  
Kelly Krag-Arnold, Policy Specialist – Office of Charter Schools

**Board Meeting Date** January 22, 2020

**Subject** Findings that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding

**Action Requested and Recommendation** Approval of Multisite Resolution: Findings that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding

**Background** California regulations require findings and written statement of reasons by the Board of Education in the event a charter school, eligible for Proposition 39 facilities, makes a timely request and the District is not able to accommodate the charter school's request at a single school site.

**Discussion** For the 2020-21 school year, the District received Proposition 39 facility requests from 14 charter schools. The District identified an inventory of project capacity at school sites for 2020-21. In matching the District's space with charter school requests, the District considered many factors, including prioritizing no displacement of existing OUSD or charter school programs, safety, instructional and social implications as well as compatibility of the following features:

- The quantity of classroom space the school is entitled to;
- The grades served by the charter school;
- The grades served by other schools, if co-located; and
- The location requested.

As provided in the Staff Report which is attached to the Resolution for the 2020-21 school year, the District cannot accommodate single site offers for the following charter schools:

- American Indian Public Charter School II
- Aspire College Academy
- East Bay Innovation Academy
- Francophone Charter School



The Staff Report outlines the process used by the District to determine the multi-site offers to the charter schools that could not be accommodated at a single site.

**Fiscal Impact**

No direct funding implications

**Attachments**

Resolution  
Staff Report

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 1920-0075**

**Finding that Charter Schools Could Not Be Accommodated at a Single Site and  
Written Statement of Reasons Explaining the Finding  
(Cal. Code Regs., tit. 5, § 11969.2, subd. (d))**

**WHEREAS**, on November 7, 2000, California voters passed Proposition 39, which mandates that school districts make facility space available to in-district charter school students, if certain eligibility requirements are met, in a manner that ensures that public school facilities share shared fairly among all students attending traditional and charter schools;

**WHEREAS**, Education Code section 47614 and its interpreting regulations (Cal. Code Regs., tit. 5, section 11969.1 *et. seq.*) (collectively "Proposition 39") require a school district to make available, to each eligible charter school operating therein, facilities sufficient for the charter school to accommodate all of the charter schools' in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district;

**WHEREAS**, Education Code section 47614 requires that the facility offered to the Charter School be contiguous, furnished and equipped;

**WHEREAS**, Cal. Code Regs., tit. 5, § 11969.2(d) states that "facilities are 'contiguous' if they are contained on the school site or immediately adjacent to the school site;" and

**WHEREAS**, Cal. Code Regs., tit. 5, section § 11969.2(d) requires that "[i]f the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety"; and

**WHEREAS**, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to make a finding that the charter school could not be accommodated at a single site, and adopt a written statement of reasons explaining the finding, should the District offer the Charter School facilities on a non-contiguous site; and

**WHEREAS**, District staff has evaluated all feasible facilities allocation options, and considered capacity, condition, location and other relevant factors, using as a point of reference a set of "comparison schools" as required by Proposition 39, to offer a facility to the Charter School that meets Proposition 39 standards for "reasonable equivalence" in terms of "capacity" and "condition"; and

**WHEREAS**, Cal. Admin. Code tit. 5, § 11969.3 states that "[t]he district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration"; and

**WHEREAS**, school districts have the discretion, in determining reasonable equivalent facilities allocations to charter schools, and in meeting their Proposition 39 obligations, to consider

the impact upon existing district programs. (*Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226); and

**WHEREAS**, in making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed; and

**WHEREAS**, in making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community; and

**WHEREAS**, for the 2020-21 school year, 14 charter schools requested facilities under Proposition 39:

- Achieve Academy [Education for Change]
- American Indian Public Charter School I
- American Indian Public Charter School II
- American Indian Public High School
- Aspire College Academy
- Aspire ERES Academy
- Cox Academy [Education for Change]
- East Bay Innovation Academy
- Envision Academy
- Francophone Charter School
- Latitude 37.8 High School
- Leadership Public Schools-Oakland R&D
- Unity Middle School
- Urban Montessori;

**WHEREAS**, for the 2020-21 school year, 30-day extensions for preliminary Proposition 39 offers have been signed by the following charter schools while in-lieu of Proposition 39 facilities agreements are negotiated:

- Achieve Academy [Education for Change]
- American Indian High School
- Cox Academy [Education for Change]
- Envision Academy
- Leadership Public Schools-Oakland R&D;

**WHEREAS**, for the 2020-21 school year, 30-day extensions for preliminary Proposition 39 offers have been signed by the following charter schools to enable facilities negotiations with American Indian High School, that would also involve the withdrawal of their Proposition 39 requests for facilities:

- American Indian Public Charter School I

- American Indian Public Charter School II;

**WHEREAS**, for the 2020-21 school year, OUSD has been notified by the following charter school of its decision to withdraw its Proposition 39 request for facilities:

- Latitude 37.8 High School

**WHEREAS**, for the 2020-21 school year, the District will make Proposition 39 single site offers to the following charter schools:

- Aspire ERES Academy
- Unity Middle School
- Urban Montessori;

**WHEREAS**, the District will make Proposition 39 multi-site offers to the following charter schools:

- Aspire College Academy
- East Bay Innovation Academy
- Francophone Charter School;

**WHEREAS**, on or before February 1, 2020, charter schools shall receive a Preliminary Offer of Facilities under Proposition 39;

**WHEREAS**, as provided in the Staff Report which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate a single site offer for some charter schools;

**WHEREAS**, District staff determined that to house all of the students at a single District location would neither be feasible nor in the best interests of all students, in-District and charter schools alike;

**WHEREAS**, having analyzed the space in the specific area where charter schools wish to locate, the District is unable to extend a single site offer at their desired school site;

**WHEREAS**, having then expanded the search to other schools in the geographic area where the charter wishes to be located and beyond, the District determined that it cannot accommodate the charter's entire student population on a single site for the 2020-21 school year;

**WHEREAS**, the District can provide charter schools with multi-site offers of reasonably equivalent facilities;

**WHEREAS**, the Staff Report recommends the District offer the following charter schools a preliminary offer of facilities on or before February 1, 2020 involving co-location at the following sites:

- Aspire College Academy
  - East Oakland Pride Elementary School  
8000 Birch Street, Oakland, CA 94621
  - Carl B. Munck Elementary School  
11900 Campus Drive, Oakland, CA 94619
  
- East Bay Innovation Academy
  - Former Marshall Elementary School Site (exclusive use)  
3400 Malcolm Avenue, Oakland, CA 94605
  - Skyline High School  
12250 Skyline Blvd., Oakland, CA 94619
  
- Francophone Charter School
  - Former Toler Heights Elementary School Site (exclusive use)  
9736 Lawlor Street, Oakland, CA 94605
  - Brookfield Elementary  
401 Jones Avenue, Oakland, CA 94603

**WHEREAS**, the Board incorporates into this Resolution the 2020-21 Staff Report "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding," which is attached hereto as Appendix A;

**NOW, THEREFORE**, the Board of the District hereby finds, determines, declares, orders and resolves in accordance with Cal. Admin. Code tit. 5, § 11969.2(d), for the reasons set forth herein and as further expressed by District Staff in the Staff Report, the Board of Education finds that the District cannot accommodate the in-district average daily classroom attendance of some charter schools at a single school site for the 2020-21 school year;

**AND BE IT FURTHER RESOLVED**, that the District has considered student safety and has minimized to the extent possible the number of sites at which charter schools would be located.

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, Jumoke Hinton Hodge, Gary Yee, Roseann Torres, James Harris, President Jody London

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: Vice President Shanthi Gonzales, Mica Smith-Dahl (Student Director), Denilson Garibo (Student Director)

### **CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on January 22, 2020.

<b>Legislative File Info.</b>	
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### **OAKLAND UNIFIED SCHOOL DISTRICT**



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Jody London  
President, Board of Education



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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

# Staff Report

Process for Determining that Charter Schools  
Cannot Be Accommodated at a Single School  
Site for 2020-21 School Year



## Staff Report

### Process for Determining Charter Schools That Cannot Be Accommodated at a Single Site for the 2020-21 School Year

#### Proposition 39:

Education Code section 47614 (“Proposition 39”) requires that OUSD provide reasonably equivalent facilities to charter schools that meet the requirements for eligibility. Education Code section 47614(a) states that “public school facilities should be shared fairly among all public school pupils, including those in charter schools.”

Specifically, Education Code section 47614(b) provides that:

Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

Education Code section 47614(b)(4) states that “[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.”

Under the regulations implementing Proposition 39, facilities shall be considered contiguous “if they are contained on the school site or immediately adjacent to the school site.” (Cal. Admin. Code tit. 5, § 11969.2.) Under the regulations, a school district making a non-contiguous facilities offer must make certain findings. Specifically:

If the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety ... [T]he district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding.

#### Impact on Existing District Students and Programs:

California courts have recognized that school districts are not obligated to ignore the potential impact of meeting Proposition 39 obligations on district students and programs. The court in

*Westchester Secondary Charter School v. Los Angeles Unified School District* (2015) 237 Cal.App.4th 1226 interpreted the provision in Proposition 39 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.” (Education Code section 47614(b).) The Court rejected the charter school’s attempts to question the district’s other facilities allocations, including a decision to place a district pilot program, and not the charter school, at the charter school’s second choice campus; the decision not to place both the district pilot program and the charter school at the second choice campus; the decision not to eliminate “set-asides” (classrooms used for purposes other than general education) to free up more classrooms; and not placing the charter school at a closed adult education school site. In reaching its ruling, the Court recognized that school districts must have the discretion to balance the impact on district programs in meeting their obligations to provide reasonably equivalent facilities to charter school students under Proposition 39. “In sum, the law requires the District to treat charter and noncharter students fairly, but not favor one group over the other,” the Court stated.

The Court in *Los Angeles Intern. Charter High School v. Los Angeles Unified School Dist.* (2012) 209 Cal.App.4th 1348 upheld the school district’s determination that placing the charter school in its preferred location would have harmed district students by forcing the district to “redistribute eight classrooms serving 40 classes, displace 240 students, and force eight teachers with five different periods each day to vacate their classrooms, so as to provide the 157 [charter school] students with eight contiguous classrooms in the midst of the school year.” The District was permitted to consider the disruptive impact on district students that would have been caused by supplanting district programs to accommodate the charter school’s location preference.

Proposition 39 allows school districts to balance the needs and rights of district students and charter school students and to allocate facilities in a manner that ensures that public school facilities are shared fairly among all students. The court in *Ridgecrest v. Sierra Sands Unified School District* (2005) 130 Cal.App.4th 986, 1001 (n. 16) established that “[c]harter school students are not entitled to better facilities choices than other district resident pupils.” Proposition 39 does not prohibit the District from considering the potential impact upon District programs and students in meeting its obligations under Proposition 39.

#### Factors Considered by OUSD:

The District received 14 Proposition 39 requests from charter schools for the 2020-21 school year. The District analyzed the factors listed below for each charter school and also analyzed additional safety considerations specific to each charter school’s multi-site offer. In determining its allocation of reasonably equivalent facilities to the charter schools, the District considered the following factors:

- Identification of an inventory of potential space in which charter school requests can be accommodated;
- Whether the offered facilities meet Proposition 39’s “reasonable equivalence”

requirements with respect to capacity and condition;

- The charter school’s preferred location;
- Whether the District can avoid moving a charter school from its existing location;
- The capacity, if any, at each District school site, to accommodate additional students or programs;
- The number of existing programs already at each district site, in recognition of the difficulty in designing schedules for more than 2 programs to share spaces such as cafeterias and playgrounds;
- The feasibility of moving existing District programs, including the potential impact on OUSD students, schools, and programs, in response to a charter school’s Proposition 39 request;
- The right of OUSD students to enjoy reasonably equivalent facilities;
- The quantity of classroom space the charter school is entitled to;
- The grade configuration of the charter school being sited; and
- The grades served by programs at each district site.

Identification of Potential District Sites with Projected Capacity for 2020-21

Site Name	Capacity [Number of underutilized classrooms]
Allendale ES	3
Bridges Academy (Melrose)	4
Bret Harte MS	6
Brookfield ES	12
Bunche HS	14
Castlemont HS	5
Coliseum College Prep (Havenscourt)	11
Community United / Futures (Lockwood)	2
Dewey HS	5
East Oakland Pride (Webster)	9
Elmhurst United	6
Franklin ES	12
Fremont HS	10
Frick MS	6
Fruitvale ES	5
Garfield ES	3
Golden Gate CDC	5
Grass Valley ES	5
Harriet Tubman CDC	2
Howard ES	5

Kaiser ES	11
MLK ES	2
Laurel ES	3
Madison Park Academy 6-12	4
Madison Park Academy TK-5	2
Mann ES	4
Manzanita CDC	2
Markham ES	15
McClymonds HS	21
Melrose Leadership Academy (Maxwell Park)	2
Montera MS	14
Munck ES/Hintil KUU CDC	7
New Highland Academy/RISE Community	4
Parker ES	5
Prescott ES	10
Roses in Concrete (Swett)*	25
Sankofa Academy (Washington)	2
Santa Fe	22
School of Language (SOL)	10
Skyline HS	19
Street Academy	2
West Oakland MS (Lowell)	11
Westlake MS	11

Note: Above capacity numbers are calculated after accounting for existing charter co-locations.  
*\*Pending outcome of all renewal appeals*

Matching Guidelines Utilized by the District

District staff first attempts to accommodate a charter school’s entire in-District ADA of either the charter school’s projected ADA, or the District’s counterprojection under Cal. Admin. Code tit. 5, § 11969.9(d)) at a single school site, or OUSD school sites that are immediately adjacent to each other. (Cal. Admin. Code tit. 5, § 11969.2.)

The list below excludes eight charter schools who submitted Proposition 39 requests but either signed 30-day extension agreements or withdrew their facilities request.

Aspire College Academy is estimated to be eligible for 16 classrooms and specialized space. The charter school’s entire in-District ADA cannot be accommodated at a single site.

Aspire ERES Academy is estimated to be eligible for 11 classrooms and specialized space. The charter school’s entire in-District ADA can be accommodated at a single site.

East Bay Innovation Academy is estimated to be eligible for 24 classrooms and specialized space. The charter school’s entire in-District ADA cannot be accommodated at a single site.

Francophone Charter School is estimated to be eligible for 18 classrooms and specialized space. The charter school's entire in-District ADA cannot be accommodated at a single site.

Oakland Unity Middle School is estimated to be eligible for 10 classrooms and specialized space. The charter school's entire in-District ADA can be accommodated at a single site.

Urban Montessori is estimated to be eligible for 22 classrooms and specialized space. The charter school's entire in-District ADA can be accommodated at a single site.

### **East Bay Innovation Academy**

East Bay Innovation Academy is estimated to be eligible for 24 classrooms plus specialized space. The school requested either a single location that could hold all grades (6th-12th) as well as access to the Marshall Campus for rehabilitation and new construction, or Marshall Campus for grades 6-8 and an OUSD campus nearby for grades 9-12, such as Kings Estates. The school's middle school program is currently located at the former Marshall Elementary School campus. The high school program is currently located at a private facility near the Redwood Heights area.

Unfortunately, a single dedicated site or single site co-location was not an option because the requested sites were already at capacity. Accordingly, the District considered how to allocate the charter school's population over more than one school site. Specifically, the District determined that the charter school's population could be placed across the following two sites:

- Former Marshall Elementary School Site (exclusive use)  
3400 Malcolm Avenue, Oakland, CA 94605
- Skyline High School  
12250 Skyline Blvd., Oakland, CA 94619

The District will offer East Bay Innovation Academy the preferred placement and will offer that the middle school continue to have exclusive use of the Marshall campus. East Bay Innovation Academy has been housed at the Marshall campus, located within the hills of District 7, for multiple school years. The District considered the safety implications associated with a relocation of the program for a one year agreement at another site. Such a relocation would require that charter school staff, students, and families commute to a new part of the City and manage the likely disruption that would result from relocation. Retaining students, families, and staff within the community to which they are accustomed and already a part of is a safety consideration that was taken into account. Maintaining the placement at Marshall, to the extent permitted by its current capacity, will enable students to continue to be a part of the community with which they are familiar.

East Bay Innovation Academy is being offered additional space to house their high school at Skyline High School. Thus, the District is offering placement at a requested site and one other site that is located near the current private facility that houses the East Bay Innovation Academy High

School program. Skyline High School is approximately two miles away from their current facility that houses the high school program. Accordingly, the students, parents, and staff of East Bay Innovation Academy can continue to develop their program in a familiar location.

In addition to exclusive use of the Marshall campus, Staff believe that specialized classroom space at Skyline High School is appropriate. Skyline High School is a comprehensive high school campus that has specialized classroom space appropriate for specialized high school courses (e.g. chemistry lab). Thus, specialized classroom space at Skyline High School ensures that the physical facility has the amenities required for high school courses and are reasonably equivalent to the facilities that house similar District-run programs.

The District was mindful of keeping campus occupancy at a level that would not subject students or personnel to increased physical safety risks. This placement was also designed to address safety concerns regarding teachers or administrators having to travel to multiple sites during the school day.

East Bay Innovation Academy identified King Estates as a preferred site. King Estates Complex currently houses two District programs and a charter school program (Bay Area Technology Charter School). Accordingly, another charter school and/or multiple District programs would have to be displaced to accommodate the preference. Further, the charter school program has a long-term lease at King Estates that continues past the 2020-21 school year.

Based upon a comprehensive analysis of the factors set forth above, Staff determined that an offer of two school sites that included East Bay Innovation Academy's current site and a high school site within District 6 would be appropriate. Continuity at the Marshall campus helps provide stability and foster community for the charter school's students and their families; additionally, expansion of the charter school's footprint in District 6 (in close proximity to the charter school's current private site) will provide the students, families, and staff with continuity.

### **Francophone**

Francophone Charter School is growing to a TK-8 grade program for 2020-21 that is eligible for an estimated 18 classrooms. They requested space in East Oakland and currently are placed at the former Toler Heights Elementary School campus and nearby Howard Elementary School.

Unfortunately, a single dedicated site or single site co-location was not an option because the sites at which the program is currently located are already at capacity and nearby sites do not have sufficient capacity for the entire in-district ADA of the charter school. Accordingly, the District considered how to allocate the charter school's population over more than one school site. Specifically, the District determined that the charter school's population could be placed across the following sites:

- Former Toler Heights Elementary School Site

- 9736 Lawlor Street, Oakland, CA 94605
- Brookfield Elementary School  
401 Jones Avenue, Oakland, CA 94603

The District gave Francophone Charter School space at one of its current school sites. Retaining students, families, and staff within the community to which they are accustomed and already a part of is a safety consideration that is taken into account. The District's offer of the Toler Heights site will enable students to continue to be a part of a community with which they are familiar, promoting continuity and safety for the charter school students and their families.

Francophone Charter School is being offered additional space at nearby Brookfield Elementary School. Brookfield is also located in East Oakland, near the Toler Heights site. The District was mindful in offering sites that did not require students, families, or staff to traverse the City. The two school sites are less than three miles away from each other.

The District considered how the grades could be separated among the offered sites to minimize teacher and student commutes between sites. The District has proposed sites that can be utilized in such a way that grade levels can be strategically placed separately and minimize travel between school sites among teachers and school staff. The District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks.

Many of the school sites in East Oakland (Francophone's preferred geographical area) house the District's Newcomer Programs. Because Oakland is a sanctuary city, Oakland Unified School District serves an increasing number of students who have been in the United States for less than 3 years and who speak a language other than English at home. Serving students that are new to the United States is an urgent and compelling issue that requires a system-level response. Most of our newest arrivals fall into the status of refugee, asylee, and/or unaccompanied minor, many of whom are fleeing violence, human trafficking or persecution in their home country. The District is working across multiple departments and in many schools to build systems to support these students as they transition into our schools and communities. It is imperative that this disadvantaged student population have the benefit of attending schools within their local communities as it assists our students develop meaningful relationships with friends, family, their larger community, and local community resources. Forcing classroom redistribution, displacement of students, and forcing teachers to vacate classrooms at these community schools, that disproportionately serve vulnerable youth, would only serve to compound the disadvantages confronting these students and disproportionately impact some of our most vulnerable students.

Based upon an analysis of the factors set forth above, Staff determined that an offer of two school sites in East Oakland that included Francophone's current site within District 7 would be appropriate.

## **Aspire College Academy**

Aspire College Academy is a Kindergarten-fifth grade education program eligible for an estimated 16 classrooms. Aspire College Academy is currently located at a private site. The Charter School requests a facility that is near their current private site at 8030 Atherton Street. They also stated that locations near the Oakland SOL campus could be viable.

Unfortunately, a single dedicated site or single site co-location was not an option because sites in the area are already at capacity or are not large enough to accommodate the in-district ADA. Accordingly, the District considered how to allocate the charter school's population over more than one school site. Specifically, the District determined that the charter school's population could be placed across the following sites:

- East Oakland Pride Elementary School  
8000 Birch Street, Oakland, CA 94621
- Carl B. Munck Elementary School  
11900 Campus Drive, Oakland, CA 94619

East Oakland Pride Elementary School is within walking distance (0.3 miles) of their current private site. This site will enable the school to retain students, families, and staff within the community to which they are accustomed and already a part of, which is a safety consideration that is taken into account.

Carl B. Munck Elementary School is about 4 miles away from East Oakland Pride (and from their current private site). In offering this site, the District was mindful that families, students, and staff will not have to traverse the length of the City to travel to and among the sites.

The District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks. The safety concern of managing student safety would be disproportionately exacerbated if total in-District classroom ADA was located at any one site.

The District considered the grade levels of the charter school in its proposal. Since Aspire College Academy is a K-5 program, it is appropriate for the school to be offered two elementary school sites. Further, the safety of the children at the charter school was a consideration in offering elementary school sites rather than co-locations with middle school and/or high school students.

As described above, many of the school sites in East Oakland (Aspire College Academy's preferred geographical area) house the District's Newcomer Programs. Forcing classroom redistribution, displacement of students, and forcing teachers to vacate classrooms at these community schools, that disproportionately serve vulnerable youth, would only serve to compound the disadvantages confronting these students and disproportionately impact some of our most vulnerable students.



Based upon an analysis of the factors set forth above, Staff determined that an offer of these two elementary school sites would be appropriate.

**Summary and Conclusion**

Considering historical precedent, as shown in the table below, the number of preliminary multi-site offers being issued for 2020-21 is far fewer than in recent years, particularly when considering the number of preliminary offers including 3 or more sites. The multi-site preliminary offers for 2020-21 are further contextualized by the fact that the District currently has and next year will continue to have two District schools that operate across multiple sites (two sites each).

Offer School Year	Requests Received	Multi-Site Preliminary Offers	Preliminary Offers Including 3 or More Sites
2017-18	16	6	3
2018-19	17	9	3
2019-20	11	5	3
2020-21	14	3	0