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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent of Schools
Leslie Jimenez - Director, Office of Charter Schools
Andrea Epps - Staff Attorney, Office of the General Counsel

Date March 28, 2018

Subject **Adopting Proposition 39 Facilities Final Offers and Directing Staff to Issue Said Board Adopted Facilities Final Offers In Writing To Charter Schools**

Action Requested **Adopting Proposition 39 Facilities Final Offers and Directing Staff to Issue Said Board Adopted Facilities Final Offers In Writing To Charter Schools**

Background and Discussion California Education Code section 47614 requires school districts' facilities be shared fairly among all public school pupils, including charter school students. California regulations require findings and a 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.

Recommendation **Adopting Proposition 39 Facilities Final Offers and Directing Staff to Issue Said Board Adopted Facilities Final Offers In Writing To Charter Schools.** The District must issue final offers of facilities to all eligible charter schools no later than April 1, 2018.

Fiscal Impact n/a

Attachment **Resolution 1718-0040**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION No. 1718-0040**

**Adopting Proposition 39 Facilities Final Offers and Directing Staff to Issue Said Board Adopted
Facilities Final Offers In Writing To Charter Schools**

(Cal. Code Regs., tit. 5, § 11969.1 *et seq.*)

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 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;

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

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, for the 2018-2019 school year, 17 eligible charter schools requested facilities under Proposition 39;

WHEREAS, the Board incorporates into this Resolution the Resolution No. 1718-0035 (“Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written

Statement of Reasons Explaining the Finding”) and the Staff Report "Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2018-19 School Year,” approved by the Board on January 24, 2018;

WHEREAS, the Board incorporates into this Resolution the Amendment - Resolution 1718-0035 (“Amendment to Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding”) and the Amendment to the Staff Report "Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2018-19 School Year,” brought before the Board on March 28, 2018;

WHEREAS, having analyzed the available space in the specific area where each charter wishes to locate, the District is unable to extend a single site offer in their desired geographic location for the reasons stated in the Final Offer and Resolution 1718-0040;

WHEREAS, of the 17 eligible charter schools making requests for facilities, only 9 will receive final offers because some voluntarily withdrew because they are housed on non-District and/or private sites outside of Proposition 39 for 2018-2019, one voluntarily withdrew because it chose not to seek renewal of its charter, and some voluntarily provided extensions while they pursue/negotiate agreements in lieu of Proposition 39;

WHEREAS, a number of charter schools with private or non-District sites have historically made facilities requests to the District under Proposition 39, and either do not complete the process, withdraw their request, or decline the facilities offered to them;

WHEREAS, the District has attempted to limit multi-site offers to those charter schools with private or non-District sites and that do not rely exclusively upon the Proposition 39 process to obtain their facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby approves the following school site final offers to the charter schools named below for the 2018-2019 school year under Proposition 39, as specified in each named school Exhibit (Exhibits A through I), attached hereto, and incorporated herein by reference as though fully set forth:

Name of Charter School	Site to be Offered
Achieve Academy	Former Hawthorne Campus 1700 28 th Avenue, Oakland, CA 94607
American Indian Public High School	Former Lakeview Campus 746 Grand Avenue, Oakland, CA 94610 Westlake Middle School 2629 Harrison Street, Oakland, CA 94612
American Indian Public Charter School II	Roosevelt Middle School 1926 East 19 th Avenue, Oakland, CA 94606

	<p>Franklin Elementary School 915 Foothill Blvd., Oakland, CA 94606</p> <p>West Oakland Middle School 991 14th Street, Oakland, CA 94607</p> <p>PLACE at Prescott 920 Campbell Street, Oakland, CA 94607</p>
Aurum Preparatory Academy	<p>Brookfield Elementary School 401 Jones Avenue, Oakland, CA 94603</p>
East Bay Innovation Academy	<p>Former Marshall Campus 3400 Malcolm Avenue, Oakland, CA 94605</p> <p>Frick Impact Academy 2845 64th Avenue, Oakland, CA 94605</p> <p>East Oakland Pride Elementary School 8000 Birch Street, Oakland, CA 94612</p>
Envision Academy	<p>McClymonds High School 2608 Myrtle Street, Oakland, CA 94607</p> <p>Westlake Middle School 2629 Harrison Street, Oakland, CA 94612</p> <p>Ralph J. Bunche High School 1240 18th Street, Oakland, CA 94607</p>
Francophone Charter School	<p>Former Toler Heights Campus 9736 Lawlor Street, Oakland, CA 94605</p> <p>Howard Elementary School 8755 Fontaine Street, Oakland, CA 94605</p>
Urban Montessori	<p>Former Sherman Campus 5328 Brann Street, Oakland, CA 94619</p> <p>Markham Elementary School 7220 Krause Avenue, Oakland, CA 94605</p>
Yu Ming	<p>Former Golden Gate CDC Campus 6232 Herzog Street, Oakland, CA 94608</p> <p>Sankofa Academy 581 61st Street, Oakland, CA 94609</p>

BE IT FURTHER RESOLVED, the Board directs the Superintendent of Schools or her designee to issue the Board adopted Final Offers of Facilities in writing to the above-named charter schools under Proposition 39 and its implementing regulations by the required statutory deadline.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 28th day of March, 2018, by the following vote, to wit:

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: Student Director Gema Quetzal

PREFERENTIAL RECUSE: None

AYES: Jody London, Nina Senn, James Harris, Vice President Jumoke Hinton Hodge, President Aimee Eng

NOES: Roseann Torres, Shanthi Gonzales

ABSTAINED: None

RECUSE: None

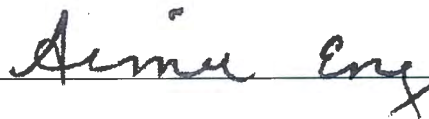
ABSENT: Student Director Enasia Mc-Elvaine

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 March 28, 2018.

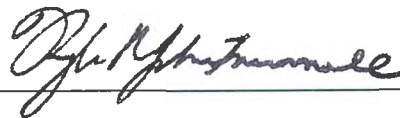
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OAKLAND UNIFIED SCHOOL DISTRICT



Aimee Eng

President, Board of Education



Kyla Johnson-Trammell

Superintendent and Secretary, Board of Education

Attachments:

- Exhibit A - Achieve Academy Prop 39 2018-19 Final Offer Letter
- Exhibit B - American Indian Public High School Prop 39 2018-19 Final Offer Letter
- Exhibit C - American Indian Public Charter School II Prop 39 2018-19 Final Offer Letter
- Exhibit D - Aurum Preparatory Academy Prop 39 2018-19 Final Offer Letter
- Exhibit E - East Bay Innovation Academy Prop 39 2018-19 Final Offer Letter
- Exhibit F - Envision Academy Prop 39 2018-19 Final Offer Letter
- Exhibit G - Francophone Charter School of Oakland Prop 39 2018-19 Final Offer Letter
- Exhibit H - Urban Montessori Prop 39 2018-19 Final Offer Letter
- Exhibit I - Yu Ming Charter School Prop 39 2018-19 Final Offer Letter