

Board Office Use: Legislative File Info.	
File ID Number	14-0366
Introduction Date	2-26-14
Enactment Number	14-0339
Enactment Date	2-26-14



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel *JM*  
David Montes de Oca, Associate Superintendent  
Silke Bradford, EDD, Director, Office of Diverse Providers

**Board Meeting Date** February 26, 2014

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

**Action Requested** Approval of Board Resolution 1314-1040 Findings that the 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's request at a single school site Finding

**Discussion** For 2014-15, the District received Proposition 39 facility requests from 14 eligible charter schools. The District identified an inventory of facility spaces that are available to fulfill these requests. In matching the District's available 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 requested
- The grades served by the program
- The grades served by other programs, if co-located
- The school program and any identified special features
- The location requested

For the 2014-2015 school year, the District made single site preliminary offers to East Bay Innovation Academy (EBIA), Aspire ERES Academy (Aspire ERES), Aspire California College Preparatory Academy (Aspire Cal Prep), American Indian Public Charter School II (AIPCS II) and



American Indian Public High School (AIPHS). For the 2014-15 school year the District also renewed prior single site offers to Bay Area Technology School (Bay Tech), Leadership Public Schools (LPS), Community School For Creative Education (CSCE) and Lazear Charter Academy (Lazear).

For the 2014-2015 school year, the District, after thorough review and analysis determined it cannot accommodate single site offers for Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS). The Staff Report outlines the process used by the District to determine the multi-site offers to the charters that could not be accommodated at a single site

**Recommendation**

Approval of Board Resolution 1314-1040 Finding that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding

**Fiscal Impact**

n/a

**Attachments**

- Resolution
- Staff Report
- Appendices A-1 through A-3

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

**RESOLUTION NO. 1314-1040**

**Finding that the 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. (2))**

**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 conditions are met, in a manner that is fair to all public school students;

**WHEREAS**, under Proposition 39, the Oakland Unified School District ("District") is required to fairly share space between public school pupils, charter and non-charter students alike;

**WHEREAS**, the night of January 7, 2013 a substantial water leak occurred on the top floor of the Oakland Unified School District's Administration Building ("Administration Building"), located at 1025 2<sup>nd</sup> Avenue, causing excessive flooding on all four floors and significant damage to the entire structure and resulting in the displacement of all the Central Office staff located in the Administration Building;

**WHEREAS**, the District was required to relocate Central Office Staff into other buildings that were previously used as instructional space;

**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;

**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;

**WHEREAS**, for the 2014-2015 school year, 14 eligible charter schools requested facilities under Proposition 39;

**WHEREAS**, for the 2014-2015 school year, the District made single site offers to East Bay Innovation Academy (EBIA), Aspire ERES Academy (Aspire ERES), Aspire California College Preparatory Academy (Aspire Cal Prep), American Indian Public Charter School II (AIPCS II), and American Indian Public High School (AIPHS), and renewed prior single site offers to Bay Area Technology School (Bay Tech), Leadership Public Schools (LPS), Community School For Creative Education (CSCE) and Lazear Charter Academy (Lazear);

**WHEREAS**, as provided in the Staff Report which is attached hereto as Appendix A and incorporated by reference herein, for the 2014-2015 school year, the District cannot accommodate single site offers for Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology

(Envision) and American Indian Public Charter School (AIPCS) and;

**WHEREAS**, District staff determined that to house all of the students at a District location would not be feasible or in the best interests of all students, in-District and charter alike;

**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;

**WHEREAS**, having then expanded the search to other schools in the geographic area where the charters wish to be located and beyond, the District determined that it cannot accommodate the charters entire student population on a single site for the 2014-2015 school year;

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

**WHEREAS**, the Staff Report recommends an offer of 8 classrooms and supporting administrative office space and outdoor recreational space to COVA at Brookfield and the Lockwood Campus (Appendix A-1);

**WHEREAS**, the Staff Report recommends an offer of 11 total classrooms and supporting administrative office space and outdoor recreational space to Envision at Hoover, Martin Luther King and Lafayette Schools (Appendix A-2);

**WHEREAS**, the Staff Report recommends an offer of 7 classrooms and supporting administrative office space and outdoor recreational space to AIPCS at Garfield and Fruitvale Schools (Appendix A-3);

**WHEREAS**, the Board incorporates into this Resolution the 2014-15 Staff Report "Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]" which is attached hereto as Appendix A;

**WHEREAS**, the District can make multi-site offers to accommodate the three charters total in-District classroom ADA;

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to 5 C.C.R. section 11969.2(d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Oakland Unified School District finds that the District cannot accommodate Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS) at a single school site for the 2014-15 school year; and

**BE IT FURTHER RESOLVED**, that pursuant to Education Code sections 35160-35160.1, 47614 and title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Oakland Unified School District authorizes a preliminary offer of facilities to Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS) for the 2014-2015 school year to include exclusive use of classrooms, supporting administrative office space and outdoor recreational space as provided in

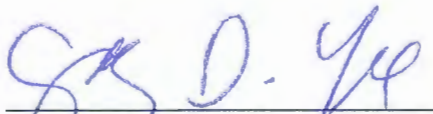
Appendices A-1 through A-3 per the requirements outlined in the District's preliminary offer letter to be issued pursuant to California Code Regulations, title 5, section 11969.9, subdivision (f).

**PASSED AND ADOPTED** by the Board of Education the Oakland Unified School District, this 26th day of February, 2014, by the following vote:

- AYES:** Jody London, Jumoke Hinton Hodge, Anne Washington, Roseann Torres, Christopher Dobbins, Vice President James Harris and President David Kakishiba
- NOES:** None
- ABSTAINED:** None
- ABSENT:** None

### CERTIFICATION

I, Dr. Gary Yee, Secretary to the Board of Education of the Oakland Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 26<sup>th</sup> day of February, 2014 with a copy of such Resolution being on file in the Administrative Office of said district.

  
\_\_\_\_\_  
Dr. Gary Yee

File ID Number: 14-0366  
Introduction Date: 2-26-14  
Enactment Number: 14-0339  
Enactment Date: 2-26-14  
By: \_\_\_\_\_

## **Staff Report**

**Process for Determining Charter Schools  
Which Cannot Be Accommodated at a Single  
Site For 2014-15 School Year**

**Conservatory of Vocal and Instrumental Arts  
(COVA), Envision Academy for Arts &  
Technology (Envision), and American Indian  
Public Charter School (AIPCS)**

## Staff Report

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

The Oakland Unified School District (District or OUSD) received Proposition 39 facility requests from many charter schools operating in Oakland. The District identified an inventory of facility spaces that are available to fulfill these requests. In matching the District's available 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 requested
- The grades served by the program
- The grades served by other programs, if co-located
- The school program and any identified special features
- The location requested

For the 2014-2015 school year, the District made single site offers to East Bay Innovation Academy (EBIA), Aspire ERES Academy (Aspire ERES), Aspire California College Preparatory Academy (Aspire Cal Prep), American Indian Public Charter School II (AIPCS II) and American Indian Public High School (AIPHS). For the 2014-15 school year the District also renewed prior single site offers to Bay Area Technology School (Bay Tech), Leadership Public Schools (LPS), Community School For Creative Education (CSCE) and Lazear Charter Academy (Lazear).

For the 2014-2015 school year, the District, after thorough review and analysis determined it cannot accommodate single site offers for Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS). This Staff Report outlines the process used by the District to determine the multi-site offers to the charters that could not be accommodated at a single site.

### **Matching Guidelines Utilized by the District**

More specifically, the District staff first attempted to accommodate charter schools at a single school site and looked for available facilities sufficient to accommodate the entirety of a charter school's projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be identified based upon school site design and occupancy limitations as well as after taking into account District and charter school student safety and welfare, did the District make offers that contemplate the use of multiple school sites.

District staff next identified which charter applicants were already located in District facilities and, when feasible, matched those charter schools to their existing site. District staff then examined and identified the geographic areas of interest of the charter school applicants. Often many charter schools request the exact same space so District staff must assess conflicting

## Staff Report

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

geographic as well as particular site interests. In doing so, District staff examined whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

Based on an examination of these criteria, District staff made a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school requesting a Proposition 39 facility.

For the 2014-2015 school year, District staff had to grapple with the conflicting needs of all 14 eligible charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District's obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.

### **No Displacement of Existing Programs, Safety, Maintaining Parental Involvement, Instructional and Social Implications of a Single Site Offer**

Community-centered schools and school districts, such as OUSD, provide a wealth of benefits for student learning, health and safety and for the community at large. A Community School is a strategy for organizing the resources of the community around student success. It is both a place and a set of partnerships between the school and other community resources. Its integrated focus on academics, services, supports and opportunities leads to improved student learning, stronger families and healthier communities. Schools become centers of the community and are open to everyone. These Community Schools are based on a "developmental triangle," which calls for a strong instructional program, expanded learning opportunities through enrichment, and services designed to remove barriers to students' learning and healthy development, so that they can thrive academically and socially. (Community School, Thriving Students, A five year strategic plan, Summary Report, Oakland Unified School District, p. 4. This report is available at [www.thrivingstudents.org/sites/default/files/Community-Schools-Thriving-Students-Strategic-Plan.pdf](http://www.thrivingstudents.org/sites/default/files/Community-Schools-Thriving-Students-Strategic-Plan.pdf) ("Strategic Plan").

The District is in the third year of its five-year Community Schools, Thriving Students Strategic Plan. The focus of the Strategic Plan is to serve all of Oakland's children in every neighborhood by providing high quality Community Schools where children, adults, and the community thrive. The District is in the process of building Community Schools to ensure all children have access to high quality public schools in the neighborhoods where they live. (Strategic Plan, p. 3) Comprehensive data compiled over the last 20 years demonstrates that students in full service Community Schools show significantly improved academic performance; improved attendance, stay-in-school rates, and graduation rates; and improved student behavior, family health, parental



## Staff Report

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

involvement, and youth community involvement. (Strategic Plan, p. 6.) Displacing children attending neighborhood schools would thwart their very purpose of a Community School and prevent these displaced students from receiving the benefits a Community School is intended to provide. Therefore, the District prioritized its strategic policy of Community Schools and avoided displacement of existing District or charter students and programs.

A full service Community School provides comprehensive health and social services which address barriers to learning. (Strategic Plan, p. 6.) To that end, as of August 7, 2013, the District had opened 15 school-based health clinics. These school based health centers offer mental health counseling, physical examinations, STD screening and treatment and myriad other health services. Moreover, these health clinics serve charter school students as well as students attending District schools. For instance, the West Oakland Middle School Clinic serves not only West Oakland Middle School, but also KIPP Bridge Middle School, a charter school. School site space is critical to the continued operation and viability of these health clinics. Displacing these programs to provide a single site offer of space to a charter school would be detrimental to the health and well-being of both District students and charter students.

Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications. Studies establish that disrupting a child's school placement increases drop-out rates. (See, Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).) In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were *twice* as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998). The detrimental impacts of non-promotion school changes would be even more pronounced in the Oakland community which serves a large proportion of at risk youth. African American and Latino students graduate from District high schools at a rate of 54% and 56%, respectively, compared with 79% for Asian Americans and 75% for white students. According to CST data, only 30% of Oakland's African American 3<sup>rd</sup> graders score proficient in English Language Arts. By the 8<sup>th</sup> grade, that rate is only 15%. These inequities prevail outside the school experience as well. An African American child born in West Oakland is one and a half times more likely to be born premature, seven times more likely to be born into poverty, two and half times more likely to be behind in vaccinations, and more than five and a half times more likely to drop out (or be pushed out) of school. (Strategic Plan, p. 4.) Displacing children out of their neighborhood schools would only serve to compound these disadvantages and thus disproportionately impact the neediest of students.

Additionally, the District spans the territory of more than 20 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. (See, OUSD Gang Prevention and Intervention Handbook.) Displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the

## Staff Report

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

The safety and welfare of all students is one of the District's paramount concerns and a material consideration when weighing whether to displace children from their existing school to accommodate a charter school.

An additional consideration is the difficulty of sustaining the same level of parental involvement in schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy #89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child's educational career. Displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools. Moreover, parental involvement is of paramount importance to the success of the District's Community Schools model. Impediments to parental involvement, such as dislocating students to school sites miles from their neighborhoods, would prevent the District from successfully implementing a full service Community Schools District.

An alternative to displacing students which District Staff considered was adding all the charter school students to one site even if the result was overcrowding. However, upon further review, this was not feasible or practicable. Overcrowding would cause severe safety and operational. Overcrowding on a shared campus would raise both schools' loading ratios, thereby disadvantaging both of these schools' children. Likewise, having hundreds of children over a school's capacity, sharing space would pose a great risk to student safety and well-being.

### **Process and Matching Guidelines District Staff Followed To Locate Space for Charter Schools, Pursuant To Proposition 39**

The general process District staff applied for the 2014-2015 school year is as follows:

- Assess with precision the capacity of each school site in several respects, including the number of classrooms, the manner in which those classrooms are used, and the school's operating capacity;
- Analyze the data to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District; and
- Utilizing this data, Staff estimated the number of classrooms at each campus given specific operating capacities per programmatic and mandated qualifiers.

## Staff Report

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

It should also be noted that as a public institution, the District is required to provide an education to every student who chooses to enroll. The District plans its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District is still legally obligated to provide an education to students who were not originally anticipated. As a result, the District identifies and reserves seats as an "unanticipated growth cushion."

Appendix A contains the application of the matching criteria to the four charters that for the 2014-15 school, District Staff is recommending multi-site offers Proposition 39 offers.

## **Staff Report**

### **Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2014-15 School Year [Conservatory of Vocal and Instrumental Arts (COVA), Envision Academy for Arts & Technology (Envision), and American Indian Public Charter School (AIPCS)]**

Please see Appendix A-1 through Appendix A-3 for the application of the Staff Report criteria to:

- 1) COVA – See Appendix A-1
- 2) Envision – See Appendix A-2
- 3) AIPCS – See Appendix A-3

## **Appendix A-1**



**PROPOSITION 39 PRELIMINARY FACILITIES OFFER**

This document is part of the Oakland Unified School District’s preliminary offer of a **one year** facility use to Conservatory of Vocal/Instrumental Arts (COVA) of **8** teaching stations, administrative space and shared access to special classrooms and non-classroom space at the Brookfield, Community United and Futures campuses, to serve the charter school’s projected in-district student Average Daily Attendance of **186** students in grades K-8 in school year 2014-2015.

<b>§11969.9 Preliminary Offer Elements</b>																									
Projections of in-district classroom ADA on which the proposal is based	<b>186</b>																								
The specific location or locations of the space	SEE ATTACHED MAP. NOTE THAT THE SPECIFIC IDENTIFIED SPACE IS PRELIMINARY AND IS SUBJECT TO CHANGE. <b>Classroom Allocation</b> 8 teaching stations plus administrative office space, multi-purpose room and outdoor areas																								
All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school’s use of the space	SEE ATTACHED <i>DRAFT</i> Facilities Use Agreement																								
The projected pro rata share amount and a description of the methodology used to determine that amount	Annual Pro Rata Share Amount per square foot: <b>\$4.36</b> Facility use allocation: 14,899 square feet (estimated) Total Annual Pro Rata Share Amount: <b>\$64,959.00</b>  The methodology for calculating pro rata share amount is set forth in the CA Code of Regulations, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 <u>Charges for Facilities Costs</u> (attached). Please refer to the attached Excel spreadsheet prepared by OUSD which calculates the pro-rata share of facilities costs for the 2014-2015 term.																								
List and description of comparison group schools used in developing preliminary proposal	Comparison Schools—[name of school] High School Attendance Area: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th>[comparable grade] Schools in Castlemont HS Attendance Area</th> <th>Grade</th> <th>Enrolled</th> </tr> </thead> <tbody> <tr> <td>Brookfield</td> <td>K-5</td> <td>22</td> </tr> <tr> <td>Howard</td> <td>K-5</td> <td>25</td> </tr> <tr> <td>Redwood Heights</td> <td>K-5</td> <td>25</td> </tr> <tr> <td>Bret Harte</td> <td>6-8</td> <td>22</td> </tr> <tr> <td>Frick</td> <td>6-8</td> <td>21</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	[comparable grade] Schools in Castlemont HS Attendance Area	Grade	Enrolled	Brookfield	K-5	22	Howard	K-5	25	Redwood Heights	K-5	25	Bret Harte	6-8	22	Frick	6-8	21						
[comparable grade] Schools in Castlemont HS Attendance Area	Grade	Enrolled																							
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Frick	6-8	21																							
Description of the differences between the preliminary proposal and the charter school’s facilities request as submitted pursuant to subdivision (b).	<u>The charter school’s facilities request includes:</u>  <u>OUSD’s preliminary offer includes:</u> 1. Adequate allocation of teaching stations and administrative																								



	<p>office space, including space for staff</p> <ol style="list-style-type: none"><li>2. Access to [specialized and non-classroom space, including outdoor areas]</li><li>3. Preliminary offer identified the following classrooms: <b>Brookfield (Unit F, Classes 2,3,4) Lockwood Campus (Portables A-E)</b></li></ol>
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**Attachments:**

- Site map indicating offered space (Subject to change)
- Draft Facilities Use Agreement
- CCR, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 Charges for Facilities Costs
- Spreadsheet with calculation of pro rata facilities fee
- Response to Preliminary Offer Form

## **Appendix A-2**





**PROPOSITION 39 PRELIMINARY FACILITIES OFFER**

This document is part of the Oakland Unified School District’s preliminary offer of a **one year** facility use to Envision Academy of **11** teaching stations, administrative space and shared access to special classrooms and non-classroom space at the Hoover, MLK and Lafayette Campuses, to serve the charter school’s projected in-district student Average Daily Attendance of **293** students in grades 9-12 in school year 2014-2015.

<b>§11969.9 Preliminary Offer Elements</b>																									
Projections of in-district classroom ADA on which the proposal is based	<b>293</b>																								
The specific location or locations of the space	SEE ATTACHED MAP. NOTE THAT THE SPECIFIC IDENTIFIED SPACE IS PRELIMINARY AND IS SUBJECT TO CHANGE. <b>Classroom Allocation</b> <b>11</b> teaching stations plus administrative office space, multi-purpose room and outdoor areas																								
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The projected pro rata share amount and a description of the methodology used to determine that amount	Annual Pro Rata Share Amount per square foot: <b>\$ 4.36</b>  Facility use allocation: 22,319 square feet (estimated) Total Annual Pro Rata Share Amount: <b>\$97,311.00</b>  The methodology for calculating pro rata share amount is set forth in the CA Code of Regulations, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 <u>Charges for Facilities Costs</u> (attached). Please refer to the attached Excel spreadsheet prepared by OUSD which calculates the pro-rata share of facilities costs for the 2014-2015 term.																								
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Fremont	9-12	23																							
Description of the differences between the preliminary proposal and the charter school’s facilities request as submitted pursuant to	<u>The charter school’s facilities request includes:</u> 11 total rooms and administrative space  <u>OUSD’s preliminary offer includes:</u>																								



subdivision (b).	<ol style="list-style-type: none"><li>1. Adequate allocation of teaching stations and administrative office space, including space for staff</li><li>2. Access to specialized and non-classroom space, including outdoor areas</li><li>3. Preliminary offer identified the following classrooms: Hoover (Rooms 92,93,94), MLK (Portable P1-P4), Lafayette (23a,24,25,26)</li></ol>
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**Attachments:**

- Site map indicating offered space (Subject to change)
- Draft Facilities Use Agreement
- CCR, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 Charges for Facilities Costs
- Spreadsheet with calculation of pro rata facilities fee
- Response to Preliminary Offer Form

## **Appendix A-3**



**PROPOSITION 39 PRELIMINARY FACILITIES OFFER**

This document is part of the Oakland Unified School District’s preliminary offer of a **one year** facility use to American Indian Public Charter School of 7 teaching stations, administrative space and shared access to special classrooms and non-classroom space at the Garfield and Fruitvale Campuses, to serve the charter school’s projected in-district student Average Daily Attendance of **184** students in grades 6-8 in school year 2014-2015.

<b>§11969.9 Preliminary Offer Elements</b>																						
Projections of in-district classroom ADA on which the proposal is based	<b>184</b>																					
The specific location or locations of the space	SEE ATTACHED MAP. NOTE THAT THE SPECIFIC IDENTIFIED SPACE IS PRELIMINARY AND IS SUBJECT TO CHANGE. <b>Classroom Allocation</b> 7 teaching stations plus administrative office space, multi-purpose room and outdoor areas																					
All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school’s use of the space	SEE ATTACHED <i>DRAFT</i> Facilities Use Agreement																					
The projected pro rata share amount and a description of the methodology used to determine that amount	Annual Pro Rata Share Amount per square foot: <b>\$4.36</b> Facility use allocation: 9,864 square feet (estimated) Total Annual Pro Rata Share Amount: <b>\$43,007.00</b>  The methodology for calculating pro rata share amount is set forth in the CA Code of Regulations, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 <u>Charges for Facilities Costs</u> (attached). Please refer to the attached Excel spreadsheet prepared by OUSD which calculates the pro-rata share of facilities costs for the 2014-2015 term.																					
List and description of comparison group schools used in developing preliminary proposal	Comparison Schools—Skyline High School Attendance Area: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">[comparable grade] Schools in Oakland High School Attendance Area</th> <th style="text-align: center;">Grade</th> <th style="text-align: center;">Enrolled</th> </tr> </thead> <tbody> <tr> <td>Roosevelt</td> <td style="text-align: center;">6-8</td> <td style="text-align: center;">25.0</td> </tr> <tr> <td>Urban Promise Academy</td> <td style="text-align: center;">6-8</td> <td style="text-align: center;">26.0</td> </tr> <tr> <td>Westlake</td> <td style="text-align: center;">6-8</td> <td style="text-align: center;">25.0</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	[comparable grade] Schools in Oakland High School Attendance Area	Grade	Enrolled	Roosevelt	6-8	25.0	Urban Promise Academy	6-8	26.0	Westlake	6-8	25.0									
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Description of the differences between the preliminary proposal and the charter school’s facilities request as submitted pursuant to subdivision (b).	<u>The charter school’s facilities request includes:</u> 7 classrooms and shared facilities use of auditorium/cafeteria outside space																					



	<p><u>OUSD's preliminary offer includes:</u></p> <ol style="list-style-type: none"><li>1. Adequate allocation of teaching stations and administrative office space, including space for staff</li><li>2. Access to [specialized and non-classroom space, including outdoor areas TBD]</li><li>3. Garfield (4 classrooms), Fruitvale (3 classrooms)</li><li>4. Preliminary offer identifies classrooms at: <b>Garfield</b> Unit B (850, no.42 and 42) (844, no. 42 and 43) <b>Fruitvale</b> (Portables H,I, J)</li></ol>
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**Attachments:**

- Site map indicating offered space (Subject to change)
- Draft Facilities Use Agreement
- CCR, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3, § 11969.7 Charges for Facilities Costs
- Spreadsheet with calculation of pro rata facilities fee
- Response to Preliminary Offer Form