

EXHIBIT "E"



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

April 1, 2018

Rochelle Benning and Michelle Cho
East Bay Innovation Academy
3400 Malcolm Avenue
Oakland, CA 94605

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

Dear Rochelle Benning and Michelle Cho:

Oakland Unified School District ("District") makes this Final Offer of Facilities to **East Bay Innovation 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 **495.73 (6-8: 301.71 and 9-11: 194.02)**.

B. 2018-2019 Final Offer to the Charter School

Education Code § 47614 and its implementing regulations only obligate the District to offer space sufficient to accommodate the Charter School's in-District students. The District's allocation of space is therefore based on the Charter School's projected in-District ADA of **495.73 (6-8: 301.71 and 9-11: 194.02)**.

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.” Based on the information provided in the Charter School’s facilities request, the District has determined that the greatest number of Charter School students for both the 6-8 and 9-11 grade spans live within the **Skyline High School** attendance area.

Table 1: High School Attendance Area

Grade Span	Attendance Area	# of Students	% of Students in Grade Span
6-8	Skyline	142	39.0%
	Castlemont/CCPA/Madison	85	23.4%
	Outside of Oakland	50	13.7%
	Oakland High	39	10.7%
	Oakland Tech	32	8.8%
	Fremont	15	4.1%
	McClymonds	1	0.3%

9-12	Skyline	38	28.6%
	Castlemont/CCPA/Madison	37	27.8%
	Outside of Oakland	25	18.8%
	Oakland High	13	9.8%
	Oakland Tech	9	6.8%
	Fremont	9	6.8%
	McClymonds	2	1.5%

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

- **6-8:** Montera Middle School and Bret Harte Middle School
- **9-12:** Skyline High School

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 sites:

East Oakland Pride Elementary School (Webster campus)
8000 Birch Street, Oakland, CA 94621

Frick Impact Academy
2845 64th Avenue, Oakland, CA 94605

Thurgood Marshall Elementary School campus
3400 Malcolm Avenue, Oakland, CA 94605

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	Sqft
Frick	7	6,543
Thurgood Marshall	12	11,380
Webster	8	7,176

Total	27	25,099
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Table 2b: Allocation of Exclusive Use Teaching Station Space to Charter School by Room

School Site	Room # (per MKThink site plan)	Sqft
Frick	B-1-11	840
Frick	B-1-12	855
Frick	B-1-14	844
Frick	B-1-17	860
Frick	B-2-12	855
Frick	B-2-13	860
Frick	F-1-6	1429
Thurgood Marshall	A-1-36	840
Thurgood Marshall	A-1-39	840
Thurgood Marshall	A-1-40	960
Thurgood Marshall	A-1-43	960
Thurgood Marshall	A-1-44	1140
Thurgood Marshall	A-1-45	960
Thurgood Marshall	A-1-46	840
Thurgood Marshall	A-1-47	960
Thurgood Marshall	A-1-48	840
Thurgood Marshall	A-1-49	960
Thurgood Marshall	A-1-52	1120
Thurgood Marshall	A-1-53	960
Webster	P30-1-1	897
Webster	P31-1-1	897
Webster	P32-1-1	897
Webster	P33-1-1	897
Webster	P34-1-1	897
Webster	P35-1-1	897
Webster	P36-1-1	897
Webster	P37-1-1	897

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
Frick	F-1-3, 4	288	admin/office
Frick	F-1-1, 2, 5	335	storage
Webster	P40-1-1	897	admin/office

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

Site Name	Projected ADA at Site		Charter Projected ADA as % of Total Site ADA	Total Site NTS	Charter NTS Allocation	Exclusive Use NTS Allocation		Shared NTS Allocation	
	District-Run	Charter				Interior	Exterior	Interior	Exterior
Frick	201.50	128.53	38.94%	266,476	103,776	623	0	20,679	82,474
Thurgood Marshall	0.00	220.33	100.00%	388,065	388,065	16,048	372,017	0	0
Webster	304.75	146.89	32.52%	354,347	115,244	897	0	8,538	105,810
Total	506.25	495.74	-	1,008,887	607,086	17,568	372,017	29,217	188,284

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		
		Frick	Thurgood Marshall	Webster	Bret Harte	Montera	Skyline
School/Site							
Size of Site (acres)		6.3	9.2	8.6	6.4	15.9	35.8
Surfaces *	Physical Condition (Interior)	E	E	G	E	E	G
	Circulation & Wayfaring (Interior)	E	E	E	E	E	G
	Physical Condition (Exterior)	E	G	G	E	E	E
	Circulation & Wayfaring (Exterior)	E	E	G	E	E	E
Mechanical, plumbing, electrical, and fire alarm systems conformity with applicable codes		Y	Y	Y	Y	Y	Y
Tech Infrastructure		Y	Y	Y	Y	Y	Y
Safe Learning Environment		Y	Y	Y	Y	Y	Y
Furnishings/Equipment		Y	Y	Y	Y	Y	Y
Athletic Fields/Play Area Space		Y	Y	Y	Y	Y	Y

*Each site plan included surface condition information for each individual 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:

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 **6-8: 23.13 and 9-12: 26.30 per teaching station**.

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

School	ADA Teaching Station Ratio
Montera Middle School	25.14
Bret Harte Middle School	21.12
AVERAGE	23.13

Table 4b: Comparison Group Schools Serving Grades 9-12 Located in High School Attendance Area

School	ADA Teaching Station Ratio
Skyline High School	26.30

Applying that ratio to the Charter School’s projected ADA of **495.73 (6-8: 301.71 and 9-11: 194.02)**, the District determined that the Charter School was entitled to an allocation of **21 (rounded up from 20.42)** teaching stations.

Table 5: Calculation of Exclusive Use 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	301.71	23.13	13.04
9-11	194.02	26.30	7.38
TOTAL	495.73	-	21 (20.42)

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 on older attendance 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) Allocation¹

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	896	1511	896	-615
Art Technology Lab	0	358	0	-358
Computer Laboratory	1032	985	0	-985
CTE Classroom (Related to Lab Instruction)	0	0	0	0
CTE Family/Consumer Science Multipurpose Lab	1032	0	0	0
CTE Industrial Education Laboratory	0	0	0	0
CTE Technology Education Laboratory	0	0	0	0
CTE General Laboratory	2960	737	1480	743
Drama Classroom	0	174	0	-174
Music Room (Elementary School)	748	0	0	0
Music Room, Band	1148	917	0	-917

¹ 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.

Music Room, Choir	1036	556	0	-556
Science Classroom	6224	2106	2688	582
Science Laboratory	0	1704	0	-1704
SpEd Life Skills Lab	0	336	0	-336
Total	15,076	9,384	5,064	-4,320

* 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, beyond the allocation of 5,064 sqft of specialized teaching space at the site, the Charter School is entitled to an additional 4,320 sqft of specialized teaching space. That additional specialized teaching space is more than covered in the allocation of 6 teaching space classrooms to the Charter School. The Charter School may also be entitled to a self-contained special education classroom 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
Bret Harte	6.40	278,784	57,430	336,214	36,996	299,218
Montera	15.89	692,168	0	692,168	37,848	654,320
Skyline	35.83	1,560,755	6,765	1,567,520	89,104	1,478,416

Sources: ¹ "Site List" [Exhibit F](#); 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 Site NTS (sqft)	18-19 Projected ADA	Total District NTS (sqft/ADA)
Bret Harte	299,218	100.00%	299,218	570.79	524.22
Montera	654,320	100.00%	654,320	721.44	906.96
Skyline	1,478,416	100.00%	1,478,416	1626.19	909.13
Comparison Group NTS Sqft/ADA				Minimum	524.22
				Median	906.96
				Maximum	909.13

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

Site Name	Frick		
	Frick Impact	East Bay Innovation Academy	Site Total
18-19 Projected Site ADA	201.50	128.53	330.03
% of 18-19 Projected Site ADA	61.1%	38.9%	100.0%
NTS Type	Sqft	Sqft	Sqft
Admin/Office/Conference	3,424	2,184 (288*)	5,608
MPR/Auditorium/Cafeteria/Gym	8,186	5,221	13,407
Library	1,311	836	2,147
Other Interior	20,476	13,061 (623*)	33,537
Total Interior NTS	33,397	21,302 (911*)	54,699
Exterior NTS	129,300	82,476	211,777
Total NTS	162,697	103,779	266,476
Average Sqft/ADA	807.43	807.43	-

*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.

Table 8b: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Webster

Site Name	Webster		
	East Oakland PRIDE	East Bay Innovation Academy	Site Total
18-19 Projected Site ADA	304.75	146.89	451.64
% of 18-19 Projected Site ADA	67.5%	32.5%	100.0%
NTS Type	Sqft	Sqft	Sqft
Admin/Office/Conference	2,468	1,189 (897*)	3,657
MPR/Auditorium/Cafeteria/Gym	5,540	2,670	8,210

Library	881	424	1,305
Other Interior	10,686	5,151	15,837
Total Interior NTS	19,574	9,435 (897*)	29,009
Exterior NTS	219,526	105,812	325,338
Total NTS	239,100	115,247	354,347
Average Sqft/ADA	784.58	784.58	-

*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.

Table 8c: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Thurgood Marshall

Site Name	Thurgood Marshall
18-19 Projected Site ADA	220.33
% of 18-19 Projected Site ADA	100.0%
NTS Type	Sqft
Admin/Office/Conference	1,074
MPR/Auditorium/Cafeteria/Gym	3,200
Library	960
Other Interior	10,814
Total Interior NTS	16,048
Exterior NTS	372,017
Total NTS	388,065
Average Sqft/ADA	1761.30

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
Frick	128.53	103,776	807.44
Thurgood Marshall	220.33	388,065	1,761.30
Webster	146.89	115,244	784.58
Total Allocated		607,086	1224.61
Allocation if Based on Comparison School Group	Minimum	259,875	524.22

	Median	449,619	906.96
	Maximum	450,691	909.13

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 **495.73 (6-8: 301.71 and 9-11: 194.02)** 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 EBIA 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.

The Charter School has not contested the District’s issuance of a multi-site offer, or to the location of its facilities allocation.

The District has adjusted its calculation of the pro-rata share in response to the Charter School’s arguments.

Due to capacity limitations at Frick, the District is unable to accommodate the Charter School’s “Alternative Proposal” as set forth in its March 1, 2018 letter.

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections.

Site Location: The Charter School indicated a preference "to have the middle school remain at Marshall." The Charter School also expressed interest in Lakeview Elementary School, King Estates, Frick Middle School, and Howard Elementary.

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's findings with respect to the Charter School's location preference are attached in the January 24, 2018 resolution adopted by the OUSD Board. ([Exhibit J](#), p. 17-18)

The District did not have sufficient capacity at any of the Charter School's identified sites or locations to accommodate the entire Charter School projected in-District ADA. (See, January 24, 2018 Resolution, p. 17-18.) ([Exhibit J](#)) The District did accommodate the Charter School's preference to locate its middle school program at the Thurgood Marshall Elementary School campus, its existing site. The District also provided the Charter School a Final Offer at East Oakland Pride Elementary (Webster campus), located at 8000 Birch Street, Oakland, CA 94621; and at Frick Impact Academy, located at 2845 64th Avenue, Oakland, CA 94605, which the Charter School indicated as a preferred site. The sites are approximately 2.8 and 4.3 miles, respectively, from the Charter School's current location.

5. The District Followed the Legal Requirements for a Multi-Site Offer, and Has Properly Considered the Charter School's Location Preference

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." On January 24, 2018, the District's Governing Board passed a Resolution "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding" ("Resolution"). The Resolution contains findings supporting the conclusion that the Charter School cannot be accommodated on one site, minimizing the number of sites offered, and considering student safety. ([Exhibit J](#), p. 17-18.)

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

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 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,



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

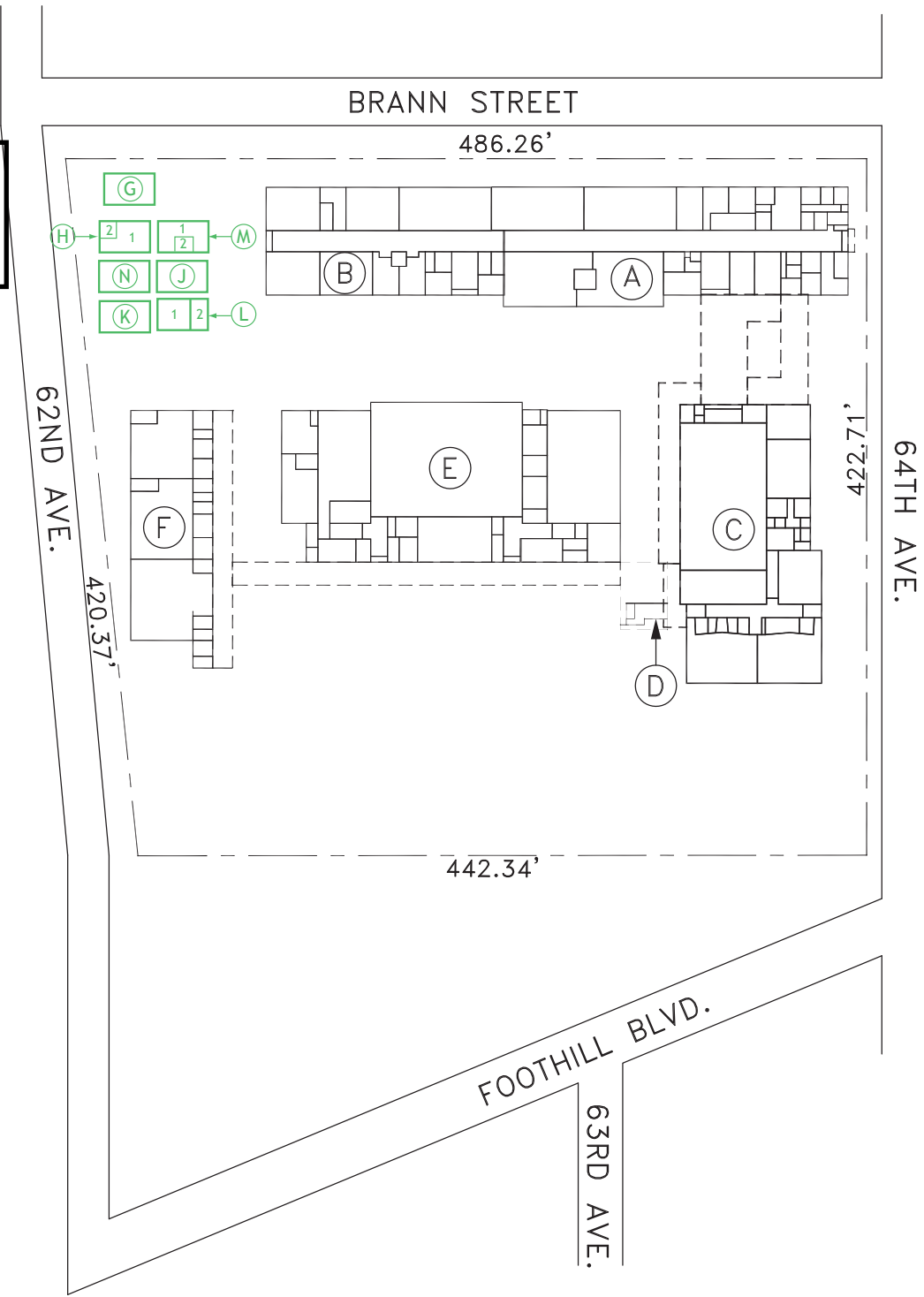
To view the calculation of non-teaching space at District schools, please visit:

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

Exhibit G

Specific Space Offered to Charter School

Portables G, H, J, K, L, M, N are no longer at the site.



Not drawn to scale

**Exclusive Use by
Charter School**

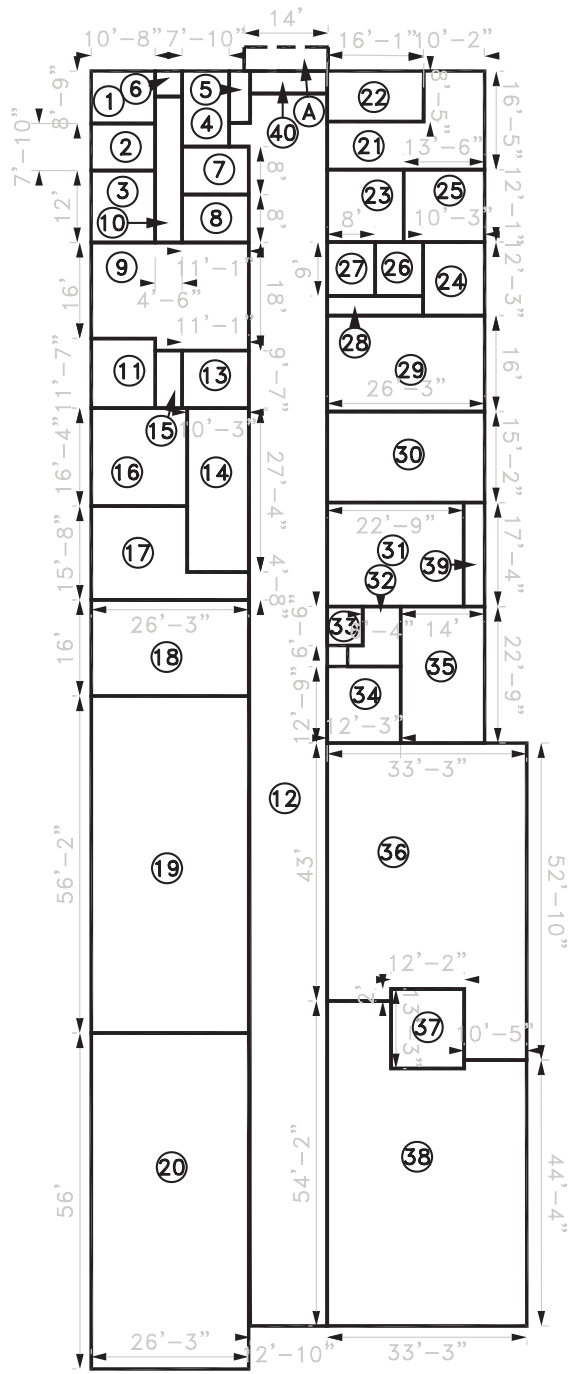
203 - Frick Middle School - Site Plan

2845 64th Avenue - Oakland, CA 94605-2027



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





Not drawn to scale

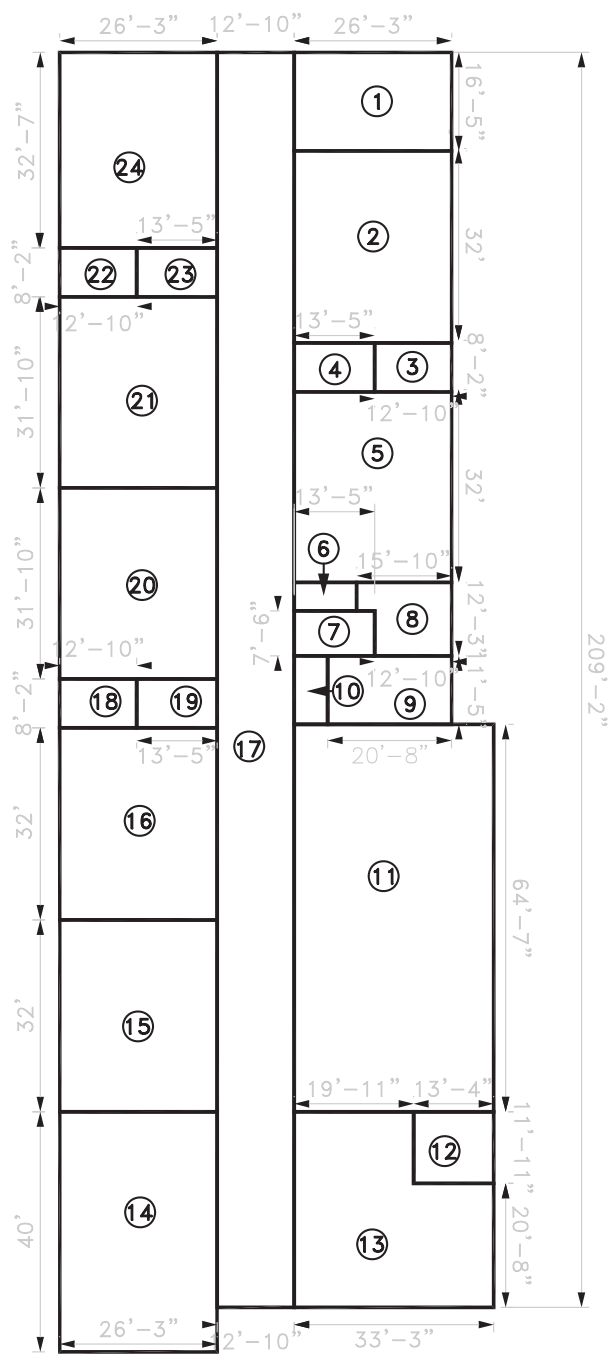
203 - Frick Middle School - Unit A1
 2845 64th Avenue - Oakland, CA 94605-2027



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

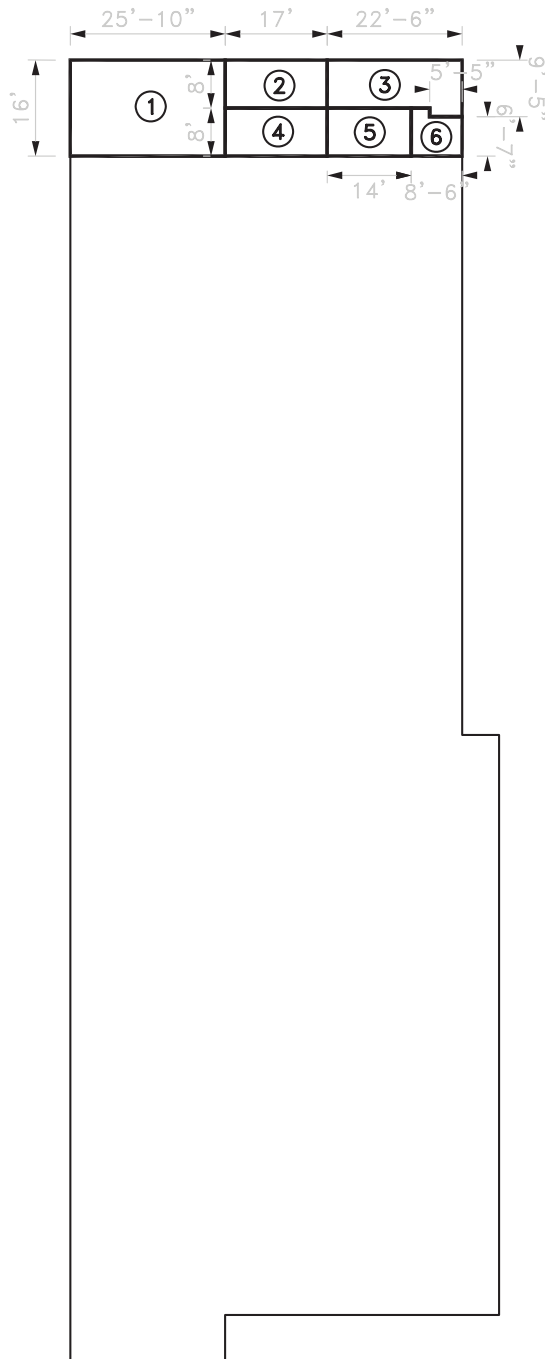
2011





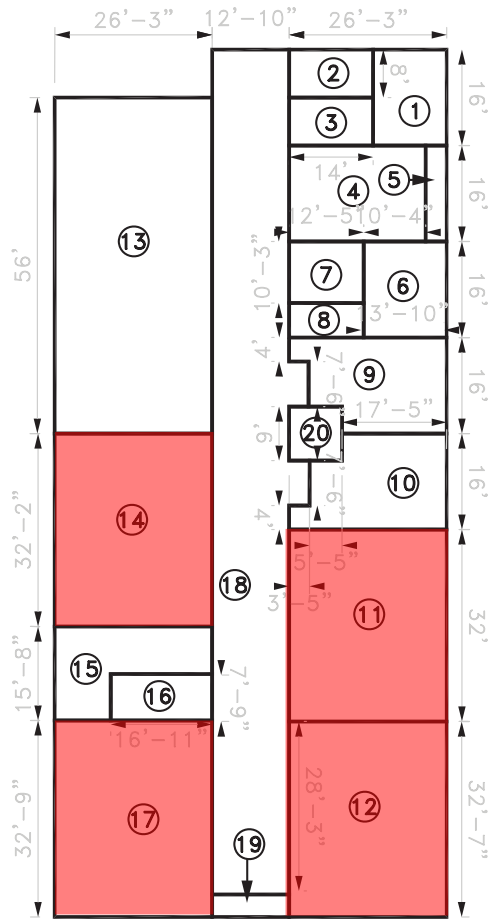
Not drawn to scale

203 - Frick Middle School - Unit A2
 2845 64th Avenue - Oakland, CA 94605-2027



Not drawn to scale

203 - Frick Middle School - Unit A3
 2845 64th Avenue - Oakland, CA 94605-2027



Not drawn to scale

203 - Frick Middle School - Unit B1

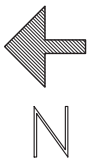
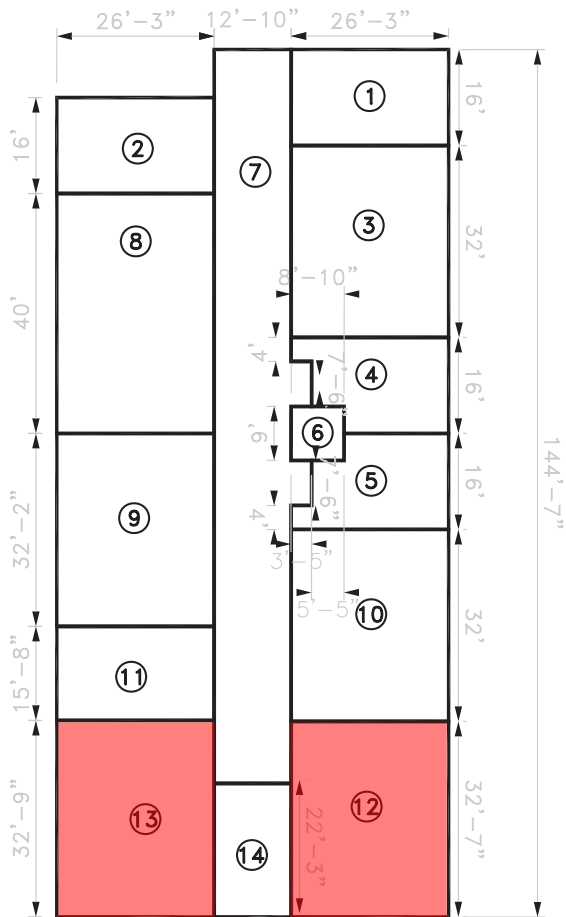
2845 64th Avenue - Oakland, CA 94605-2027



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

2011





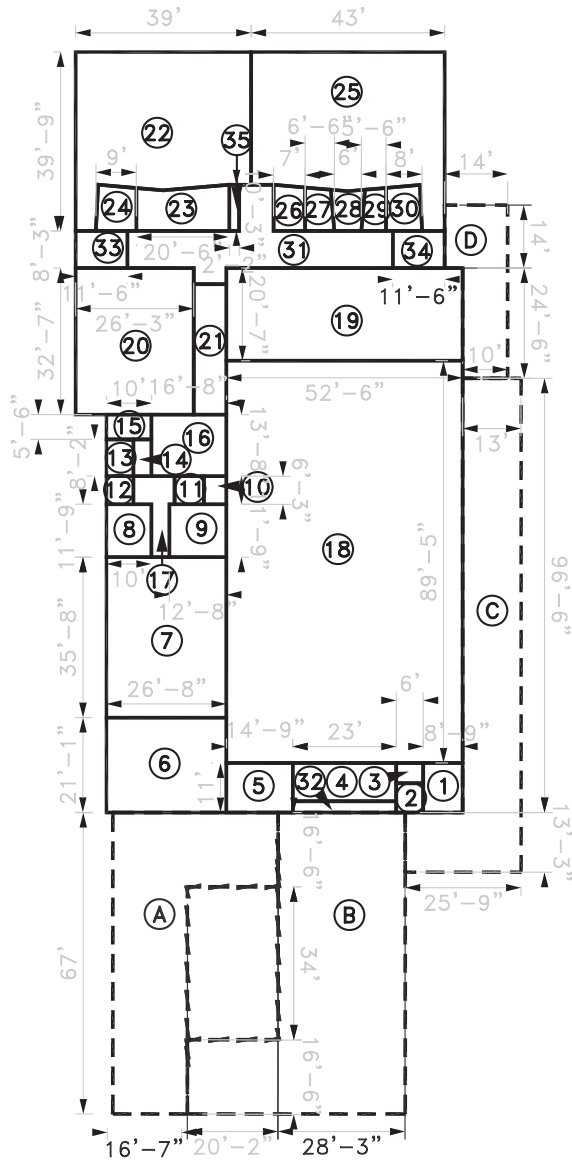
Not drawn to scale

203 - Frick Middle School - Unit B2
 2845 64th Avenue - Oakland, CA 94605-2027



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





Not drawn to scale

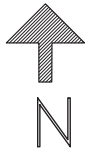
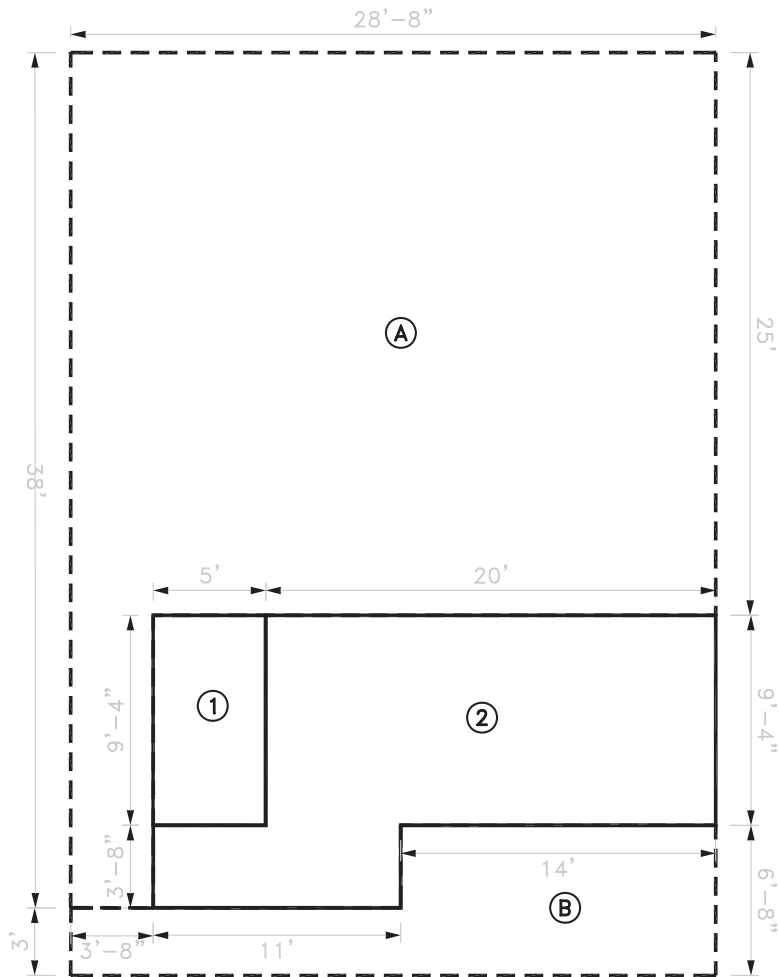
203 - Frick Middle School - Unit C
 2845 64th Avenue - Oakland, CA 94605-2027



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

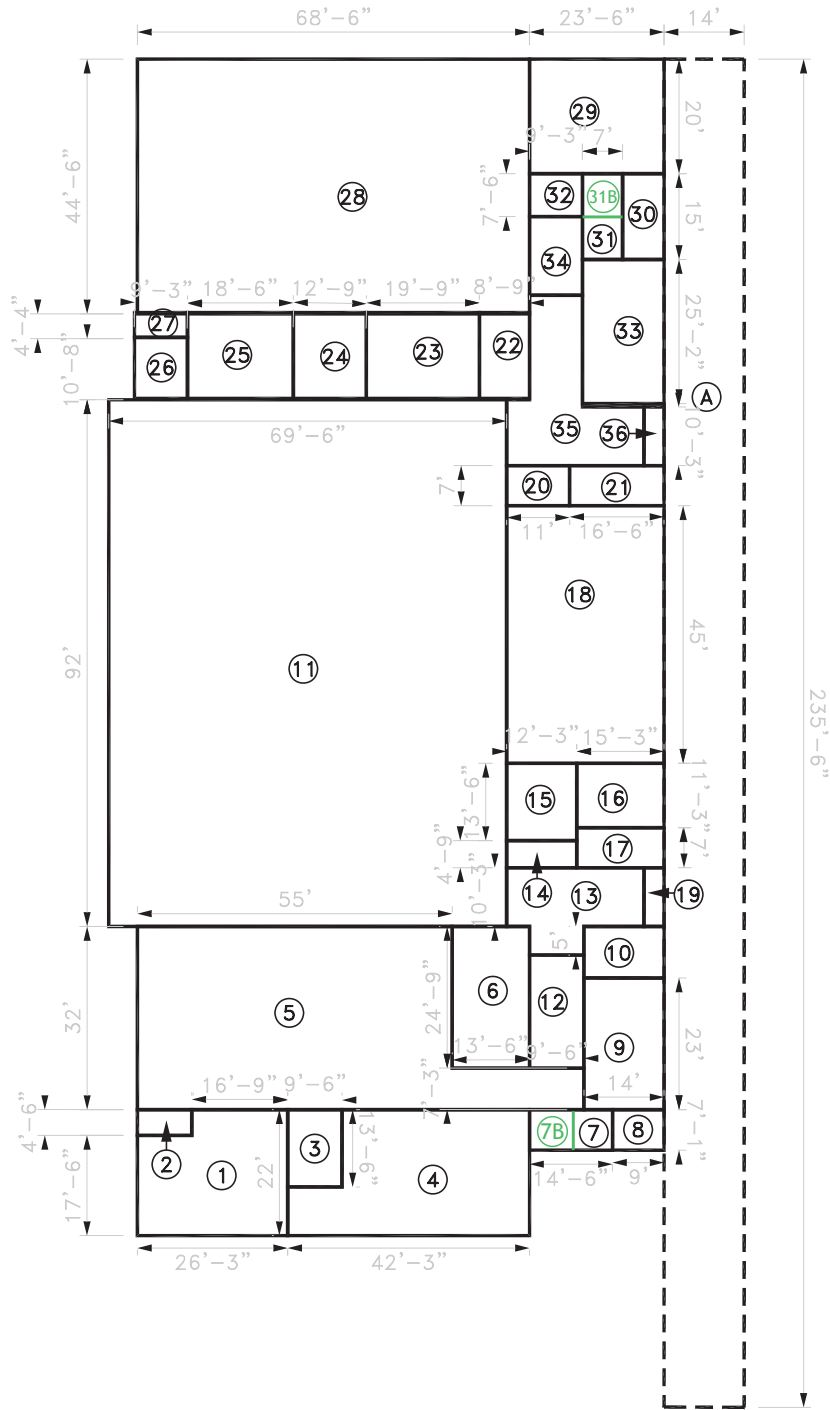
2011





Not drawn to scale

203 - Frick Middle School - Unit D
 2845 64th Avenue - Oakland, CA 94605-2027



Not drawn to scale

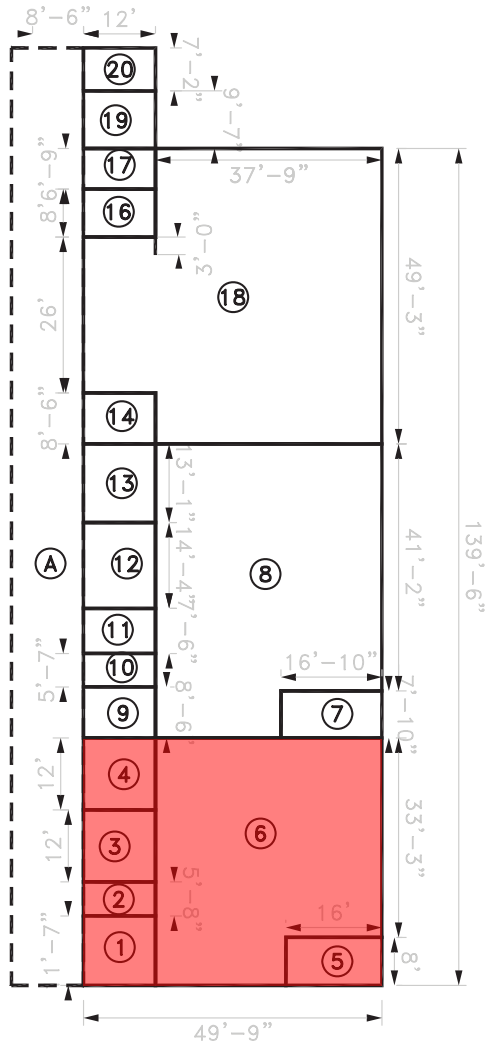
203 - Frick Middle School - Unit E
 2845 64th Avenue - Oakland, CA 94605-2027



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

2011





Not drawn to scale

203 - Frick Middle School - Unit F
 2845 64th Avenue - Oakland, CA 94605-2027



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



Frick Middle School

2845 64th Avenue

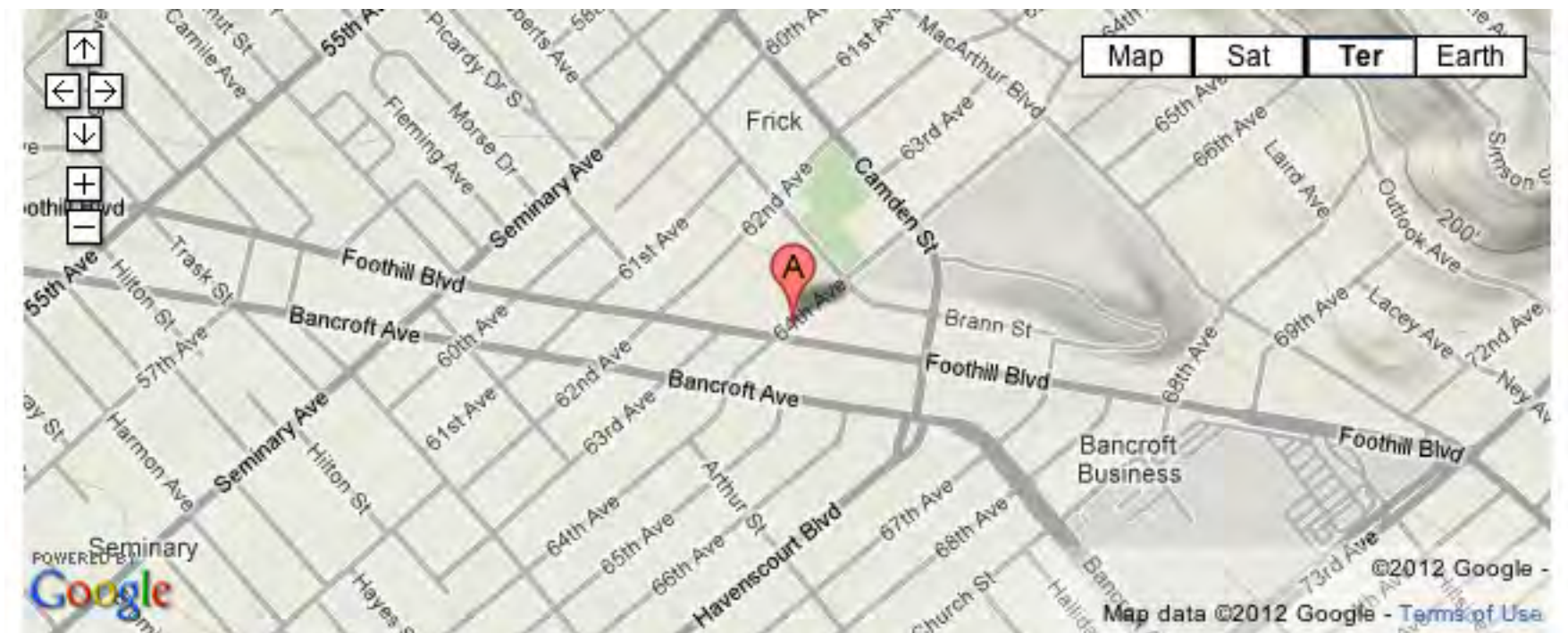
Site 203 Region 3 Grades 6-8

Frick Middle School is located in East Oakland at the intersection of Foothill Boulevard and 64th Avenue. The site is adjacent to Concordia Park, and the Eastmont Shopping Center is close by to the east. The Shopping Center includes, in addition to the Mall itself, an Oakland Police Station, the Eastmont Wellness Center, and the Eastmont Transit Center.

PROGRAMMING (2012-2013)

Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
Frick	33	397	430	656



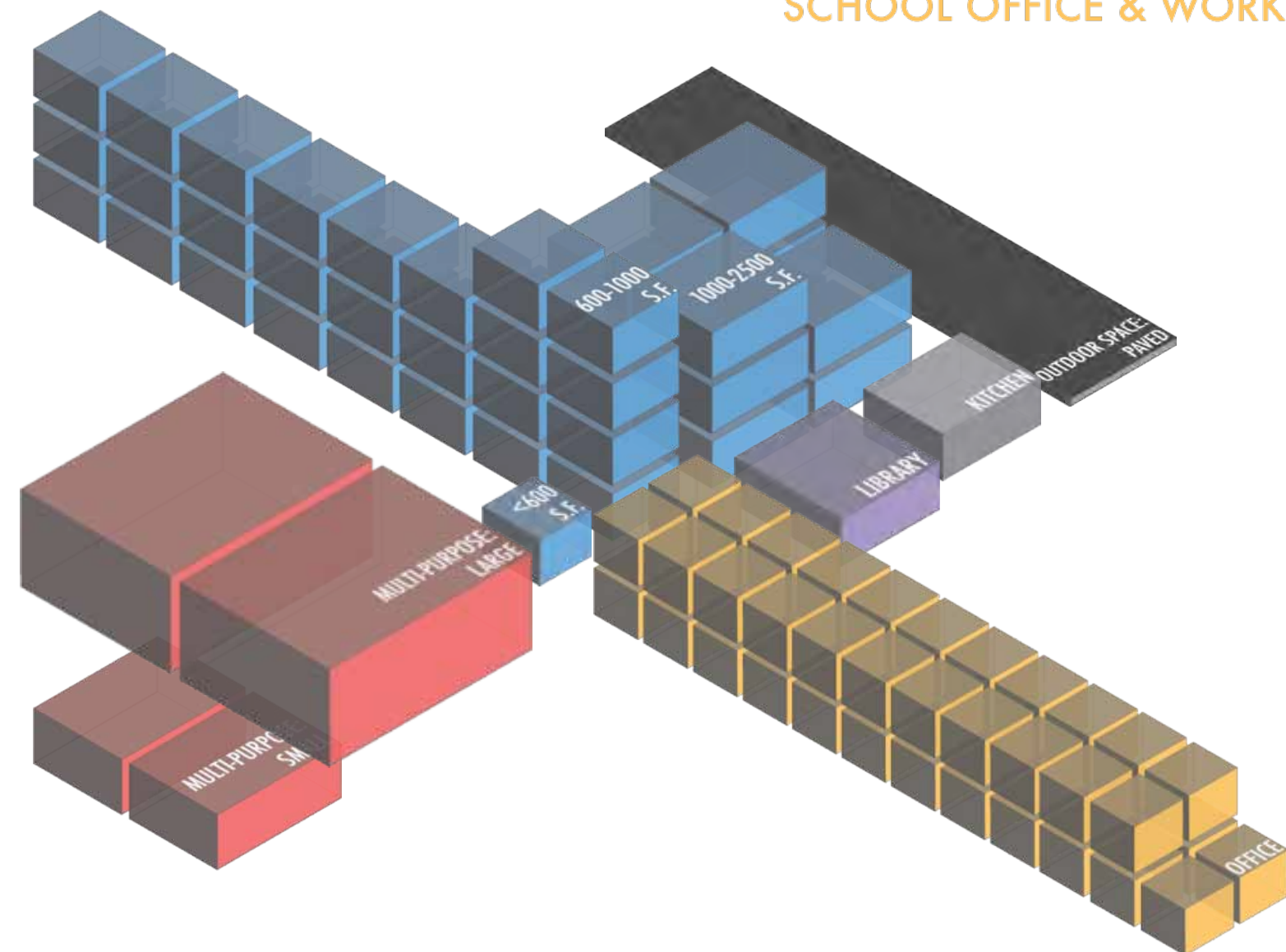
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	6.3		
Building Footprint (sf)	78,735		
Building Area (sf)	91,292	85,323	5,969
Classroom-Sized Rooms	37 30	30	7
<i>1 room < 600 s.f. used as classroom</i>			
	Number of Rooms		Sq Ft
Library Rooms	1		2,147
Auditorium/Cafeteria/ Multi-purpose/Gym	4		13,407
Admin/Office/ Conference Room	46		7,110
School Gardens	Number: 1	Sq Ft: 140	
Kitchen	Type: Full-scale		
On-site Health Clinic	Yes		

SITE SUMMARY (Summer 2012)

Sports / Recreation

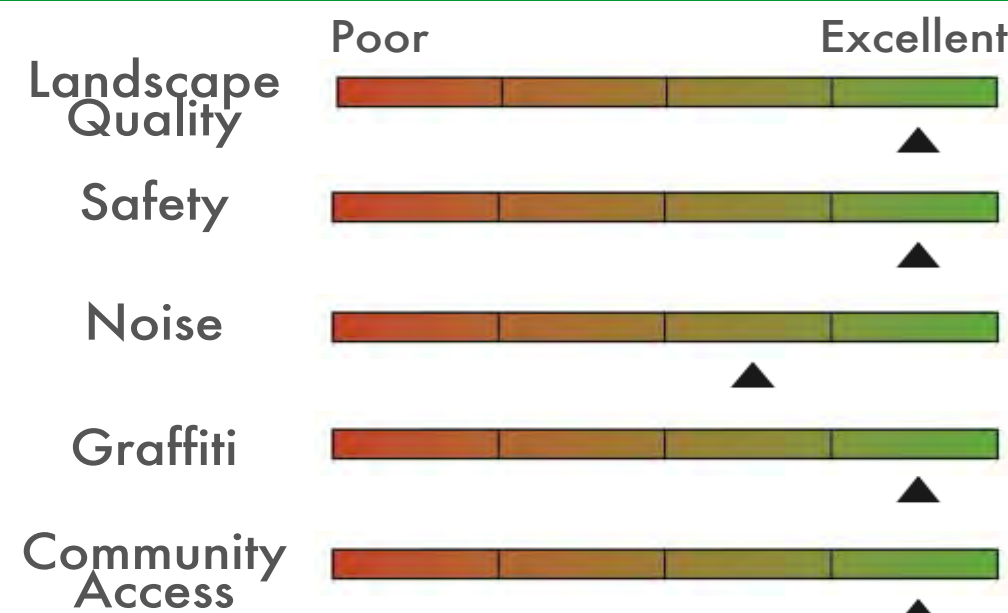
- Play structure
- Basketball hoops **22**
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

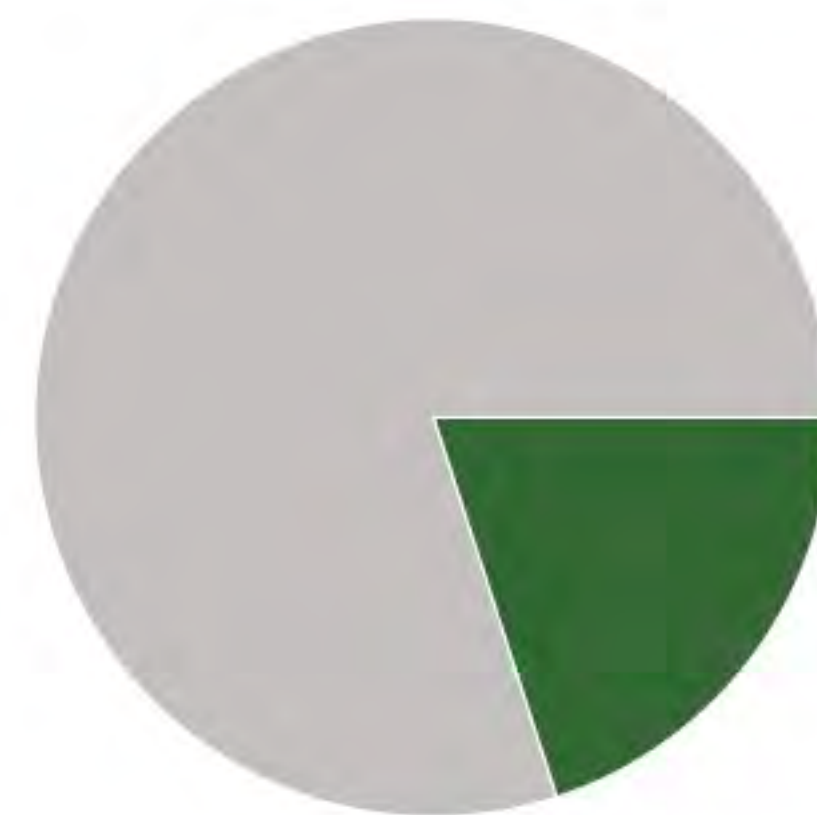
Transit Accommodations



12



Open Space



Paved **80%** **20%** Green

Frick Middle School

Building Records

Site ID 203

Region 3

Grades 6-8

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/s5ykPy>



BUILDING A

BUILDING AREA (SQFT): 29,161

CONSTRUCTED: 1958

STRUCTURAL ELEMENTS

ROOFING

Concrete slab on concrete beams, joists

FOUNDATION

Spread (under int. col.) & Strip (under struct. walls) footings

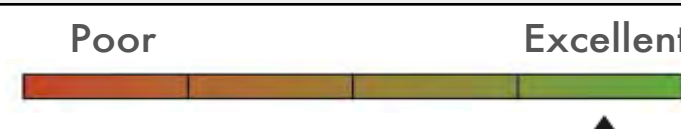
VERTICAL RESISTANCE

Rigid frames - Concrete moment frames

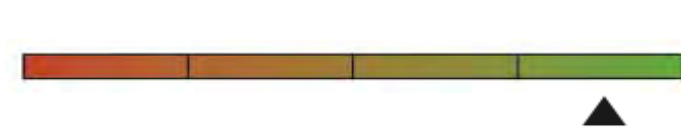
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

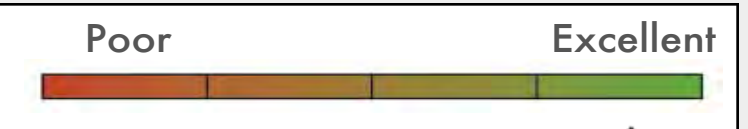


Circulation & Wayfinding

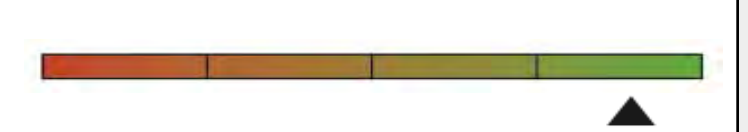


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

12

NO. OF OFFICES

23

NO. OF ADMIN ROOMS

25

NO. OF RESTROOMS

2

NO. OF STUDENT COMPUTERS

56

NO. OF ADMIN WORKSTATIONS

27

ADDITIONAL ADMIN SPACES

Teachers' Lounge

BUILDING B

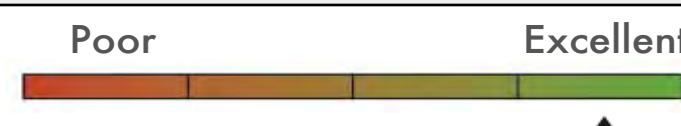
BUILDING AREA (SQFT): 17,246

CONSTRUCTED: 1958

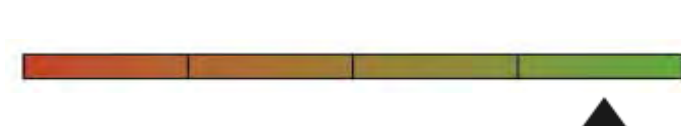
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

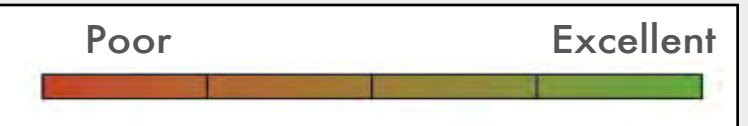


Circulation & Wayfinding

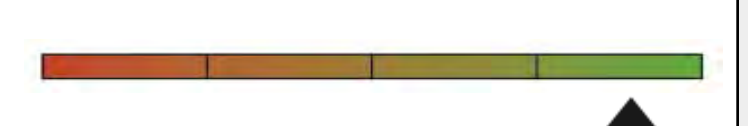


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

11

NO. OF OFFICES

1

NO. OF ADMIN ROOMS

2

NO. OF RESTROOMS

6

NO. OF STUDENT COMPUTERS

15

NO. OF ADMIN WORKSTATIONS

1

ADDITIONAL ADMIN SPACES

BUILDING C

BUILDING AREA (SQFT): 13,709

CONSTRUCTED: 1958

STRUCTURAL ELEMENTS

ROOFING

Plywood on wood and steel joists

FOUNDATION

Strip footings (under structural walls) & Piles

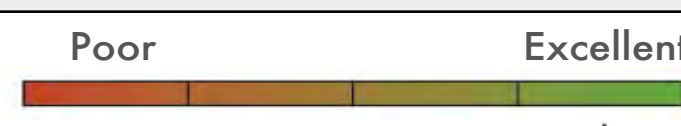
VERTICAL RESISTANCE

Shear wall - Wood stud walls

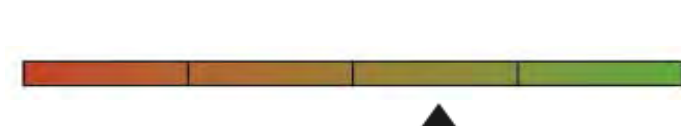
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

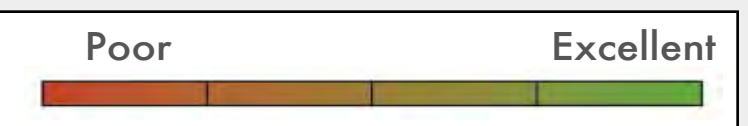


Circulation & Wayfinding

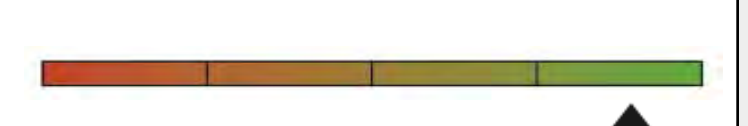


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

3

NO. OF OFFICES

2

NO. OF ADMIN ROOMS

2

NO. OF RESTROOMS

3

NO. OF STUDENT COMPUTERS

9

NO. OF ADMIN WORKSTATIONS

3

ADDITIONAL ADMIN SPACES

Teachers' Lounge

BUILDING

D

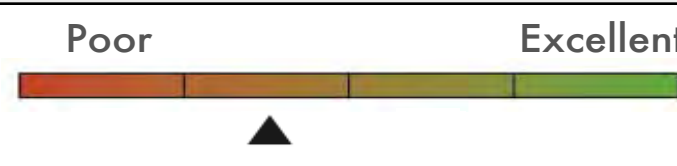
BUILDING AREA (SQFT): 274

CONSTRUCTED: 1958

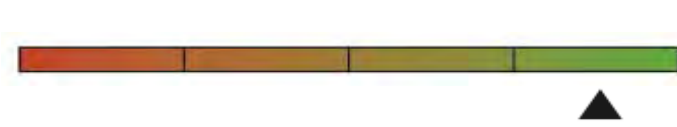
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

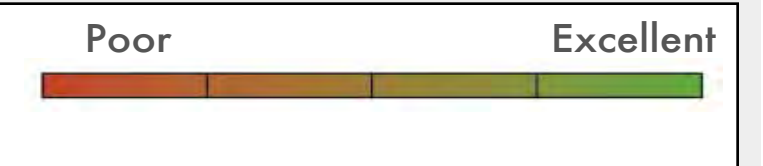


Circulation & Wayfinding

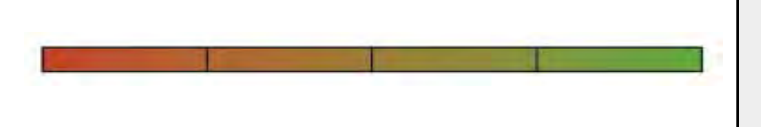


INTERIOR

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

BUILDING

E

BUILDING AREA (SQFT): 19,005

CONSTRUCTED: 1958

STRUCTURAL ELEMENTS

ROOFING
Plywood on wood, steel beams

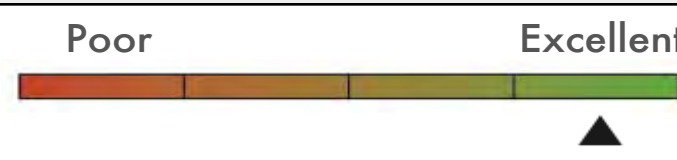
FOUNDATION
Strip footings (under structural walls)

VERTICAL RESISTANCE
Shear wall - Wood stud walls; Rigid frames - Steel moment frames

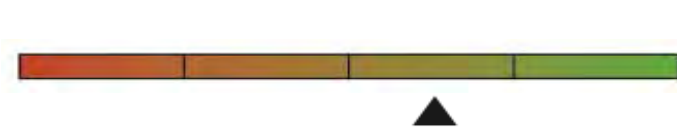
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

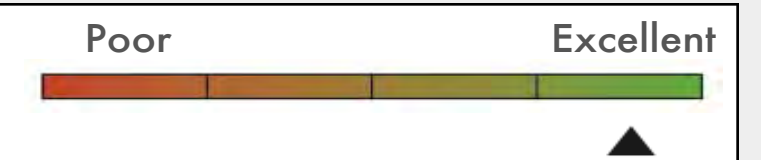


Circulation & Wayfinding

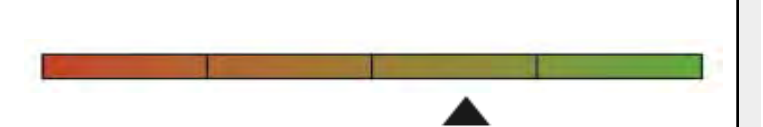


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

NO. OF OFFICES

NO. OF ADMIN ROOMS

NO. OF RESTROOMS

2

2

6

NO. OF STUDENT COMPUTERS

NO. OF ADMIN WORKSTATIONS

ADDITIONAL ADMIN SPACES

4

BUILDING

F

BUILDING AREA (SQFT): 5,928

CONSTRUCTED: 1958

STRUCTURAL ELEMENTS

ROOFING
Plywood on wood

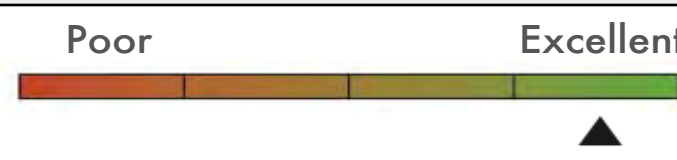
FOUNDATION
Strip footings (under structural walls)

VERTICAL RESISTANCE
Shear wall - Wood stud walls

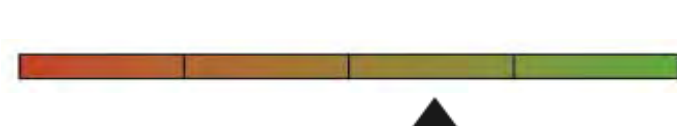
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

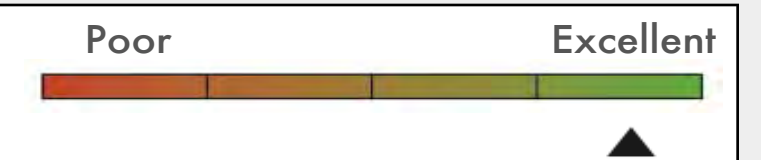


Circulation & Wayfinding

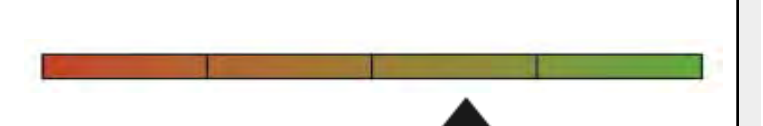


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

NO. OF OFFICES

NO. OF ADMIN ROOMS

NO. OF RESTROOMS

2

2

12

NO. OF STUDENT COMPUTERS

NO. OF ADMIN WORKSTATIONS

ADDITIONAL ADMIN SPACES

13

2

Conference Room

Frick Middle School

Portable Records

Site ID 203

Region 3

Grades 6-8

	Manufactured:	NO. OF CLASSROOMS	NO. OF ADMIN ROOMS
G	1957	1	
H	1957	1	
J	Unknown	1	
L	1968	1	
M	1969	1	1
N	1968	1	
K	1967	1	

These portables have all been removed.

Portable Inventory

Total Count
7

Average Age
48 Years

Qualitative Conditions Assessment

Poor
Excellent

EXT.

INT.

Frick Middle School

Rooms Summary & List

Site ID 203

Region 3

Grades 6-8

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A	1	1	Admin/Office	93		1		
	1	2	Admin/Office	84		1		
	1	3	Admin/Office	128		1		
	1	4	Admin/Office	99		1		
	1	5	Admin/Office	30		2	204	
	1	6	Storage	19				
	1	7	Admin/Office	89		1		
	1	8	Admin/Office	89		1		
	1	9	Admin/Office	451		2		
	1	10	Circulation	110				
	1	11	Admin/Office	124		1		
	1	12	Circulation	2,674				
	1	13	Admin/Office	106				
	1	14	Admin/Office	280			211	
	1	15	Circulation	43			209	
	1	16	Admin/Office	261		2	207	
	1	17	Admin/Office	298		1		
	1	18	Lounge/Staff Dining	420				
	1	19	Classroom	1,474	5			
	1	20	Classroom	1,470	1		205	
	1	22	Storage	135				
	1	23	Lounge/Staff Dining	154			1	
	1	24	Admin/Office	126			1	201
	1	25	Admin/Office	163			1	
	1	26	Admin/Office	82			1	
	1	27	Admin/Office	82			1	
	1	28	Circulation	52				
	1	29	Storage	420				
	1	30	Admin/Office	398			1	
	1	31	Circulation	394				
	1	32	Building Utilities	72				
	1	33	Building Utilities	38				
	1	35	Lounge/Staff Dining	318				
	1	36	Classroom	1,508	36		102	
	1	37	Storage	161				
	1	38	Classroom	1,562	9		104	
	1	39	Circulation	61				
	1	40	Circulation	48				
	2	2	Classroom	840	1			
	2	3	Admin/Office	105			1	
2	4	Admin/Office	110			1		
2	5	Classroom	833			204		
2	6	Circulation	49					
2	7	Restroom	101					
2	8	Restroom	171					
2	9	Admin/Office	236			1		
2	10	Building Utilities	64					
2	11	Library	2,147	5				
2	12	Admin/Office	159			1		
2	13	Storage	925					
2	14	Classroom	1,050			211		
2	15	Classroom	840	2		209		
2	16	Classroom	840			207		
2	17	Circulation	2,685					
2	18	Admin/Office	105					
2	19	Classroom	110					
2	20	Classroom	836			205		

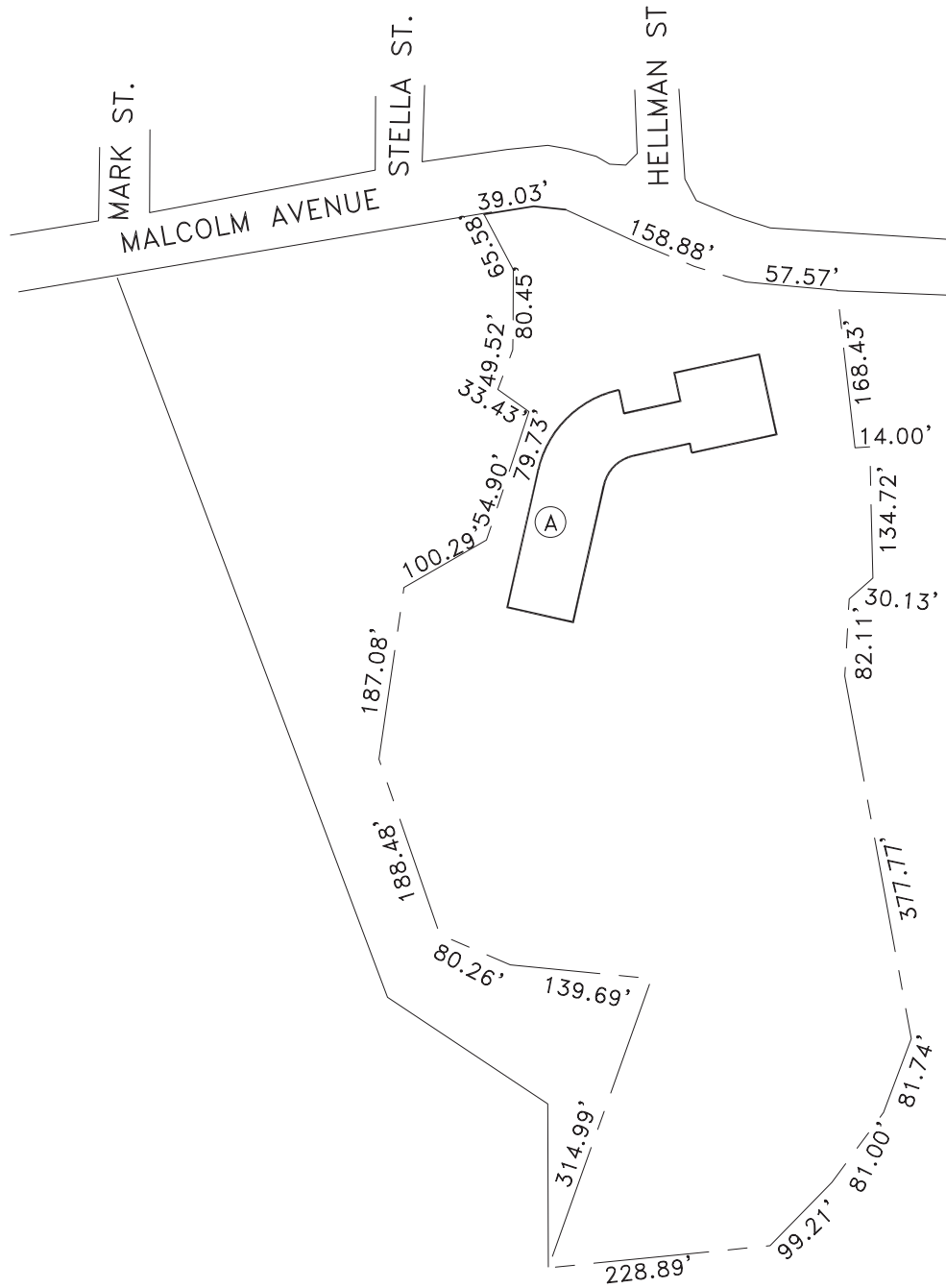
	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	2	21	Classroom	836	1		203	
	2	22	Admin/Office	105		1		
	2	23	Storage	110				
	2	24	Classroom	855	1		201	
	3	1	Building Utilities	413				
	3	2	Storage	136				
	3	3	Admin/Office	188		2		
	3	4	Circulation	136				
	3	6	Circulation	60				
BUILDING								
B								
	1	1	Storage	196				
	1	2	Building Utilities	112				
	1	4	Circulation	364				
	1	5	Circulation	56				
	1	6	Admin/Office	221				
	1	7	Restroom	127				
	1	8	Restroom	71			213	
	1	9	Restroom	356			215	
	1	10	Restroom	355			216	
	1	11	Classroom	840			108	
	1	12	Classroom	855			Room 110	
	1	13	Classroom	1,470	1		217	
	1	14	Classroom	844	7		Room 107	
	1	16	Storage	131				
	1	17	Classroom	860	1		109	
	1	18	Circulation	1,856				
	1	19	Circulation	48				
	1	20	Building Utilities	80				
	2	2	Storage	420				
	2	3	Classroom	840			214	
	2	4	Restroom	355				
	2	5	Restroom	355				
	2	6	Building Utilities	80				
	2	7	Circulation	1,620				
	2	8	Classroom	1,050			213	
	2	9	Classroom	844	4		215	
	2	10	Classroom	840	1		216	
	2	12	Classroom	855			218	
	2	13	Classroom	860	1		217	
	2	14	Admin/Office	285		1		
BUILDING								
C								
	1	1	Restroom	96				
	1	2	Building Utilities	39				
	1	4	Circulation	196				
	1	5	Restroom	162				
	1	6	Lounge/Staff Dining	562				
	1	7	Building Utilities	951				
	1	8	Storage	118				
	1	9	Building Utilities	149				
	1	10	Restroom	31				
	1	11	Locker Rooms	41				
	1	12	Circulation	37				
	1	13	Storage	49				
	1	14	Building Utilities	33				
	1	15	Building Utilities	55				
	1	16	Storage	228				
	1	17	Circulation	104		1		
	1	18	Multipurpose	4,695				299
	1	19	Multipurpose	1,080				
	1	20	Classroom	855	9		3	
	1	21	Circulation	210				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	1	22	Classroom	1,217			2	
	1	23	Building Utilities	197				
	1	24	Admin/Office	86		1		
	1	25	Classroom	1,346			1	
	1	26	Admin/Office	70		1		
	1	27	Storage	57				
	1	28	Storage	61				
	1	29	Storage	47				
	1	30	Storage	77				
	1	31	Circulation	591				
	1	32	Circulation	57				
	1	33	Circulation	95				
	1	34	Circulation	95				
	1	35	Building Utilities	22				
BUILDING								
		D						
	1	1	Storage	47				
	1	2	Building Utilities	227				
BUILDING								
		E						
	1	1	Storage	535				
	1	2	Circulation	43				
	1	3	Storage	128				
	1	4	Storage	801				
	1	5	Locker Rooms	1,927				
	1	6	Restroom	334				
	1	7	Locker Rooms	49				
	1	7b	Restroom	49				
	1	8	Storage	64				
	1	9	Admin/Office	322		2		
	1	10	Storage	126				
	1	11	Multipurpose	6,394				417
	1	12	Circulation	188				
	1	13	Circulation	294				
	1	14	Building Utilities	58				
	1	15	Storage	165				
	1	16	Storage	172				
	1	17	Restroom	107				
	1	18	Multipurpose	1,238				
	1	19	Circulation	36				
	1	20	Building Utilities	77				
	1	21	Restroom	116				
	1	22	Circulation	131				
	1	23	Restroom	296				
	1	24	Storage	191				
	1	25	Locker Rooms	278				
	1	26	Building Utilities	99				
	1	27	Circulation	40				
	1	28	Locker Rooms	3,048				
	1	29	Building Utilities	470				
	1	30	Storage	109				
	1	31	Locker Rooms	49				
	1	31b	Restroom	49				
	1	32	Storage	69				
	1	33	Admin/Office	359		2		
	1	34	Storage	127				
	1	35	Circulation	431				
	1	36	Circulation	36				
BUILDING								
		F						
	1	1	Admin/Office	217				
	1	1	Storage	139				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	1	2	Admin/Office	83				
	1	2	Storage	68				
	1	3	Storage	144				
	1	4	Admin/Office	105				
	1	4	Storage	144				
	1	5	Admin/Office	97				
	1	5	Storage	128				
	1	6	Admin/Office	118				
	1	6	Classroom	1,429	5			
	1	7	Admin/Office	146				
	1	7	Storage	96				
	1	7b	Mechanical	36				
	1	8	Admin/Office	98			12	
	1	8	Classroom	1,717	8		12	
	1	9	Admin/Office	103				
	1	9	Admin/Office	102		1		
	1	10	Circulation	67				
	1	10	Admin/Office	68				
	1	11	Conference Room	158				
	1	11	Storage	90				
	1	12	Conference Room	130				
	1	12	Admin/Office	172		1		
	1	13	Admin/Office	116				
	1	13	Storage	157				
PORTABLE								
		1	Classroom	720	4			
PORTABLE								
		1	Classroom	925				
		2	Storage	57				
PORTABLE								
		1	Classroom	748	3			
PORTABLE								
		1	Classroom	874				
PORTABLE								
		1	Classroom	713	6			
		2	Storage	161				
PORTABLE								
		1	Classroom	811	2			
		2	Admin/Office	63		1		
PORTABLE								
		1	Classroom	897				

Note: The duplicate rooms listed for Building F are an error. The highlighted rooms are the actual room sizes for the space offered in Building F.

These portables have all been removed.



Not drawn to scale

**Entire Site Exclusive
Use by Charter
School**

174 - Thurgood Marshall Elementary School - Site Plan

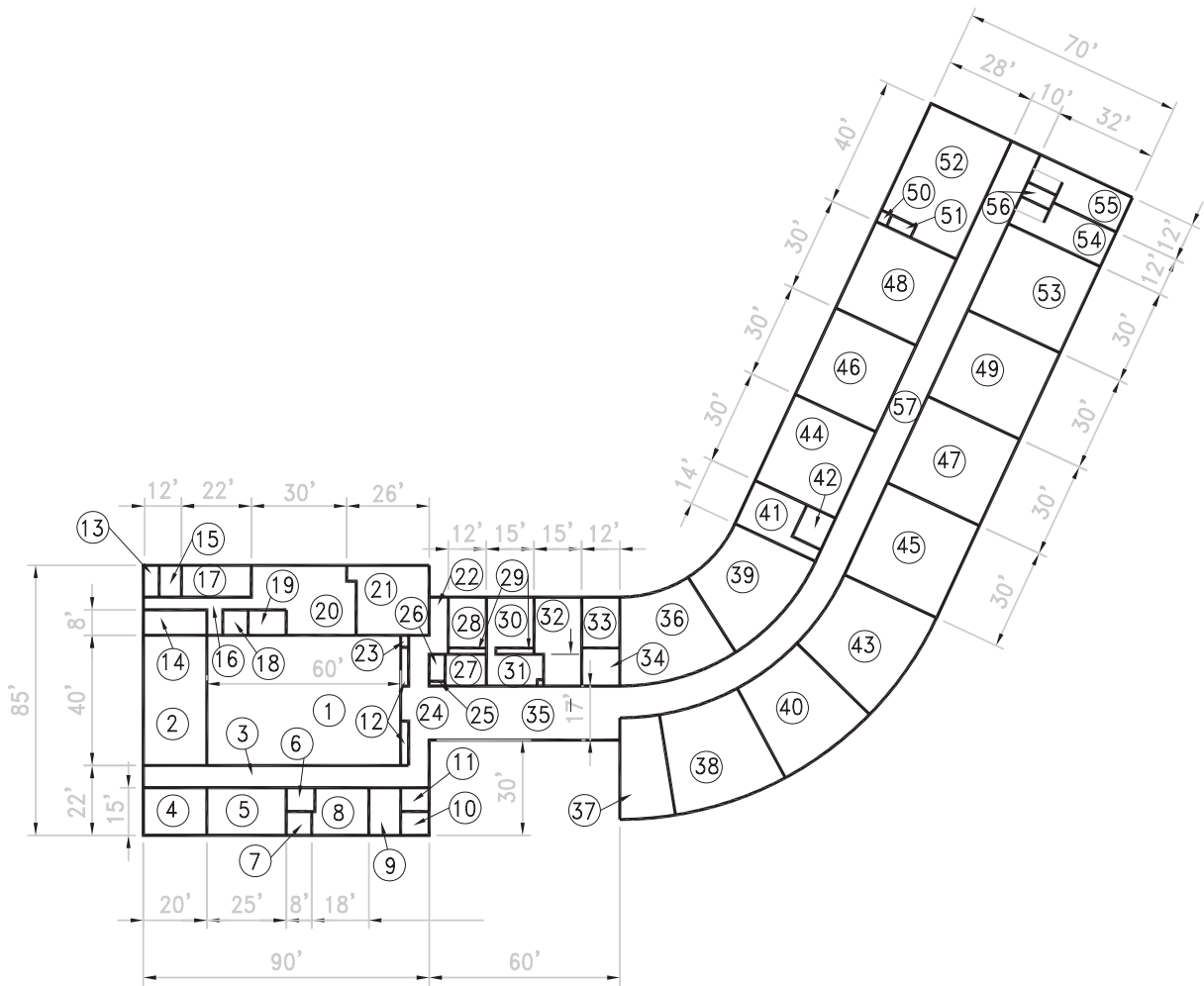
3400 Malcolm Avenue - Oakland, CA 94605-5353

MKTHINK

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

2011





Not drawn to scale

174 - Thurgood Marshall Elementary School - Unit A

3400 Malcolm Avenue - Oakland, CA 94605-5353

Thurgood Marshall Elementary School

3400 Malcolm Avenue

Site 174 Region 3 Grades

Thurgood Marshall Elementary lies on a large site parcel in the East Oakland hills, west of Lake Chabot Park and east of the Oakland Zoo. The small residential neighborhood surrounding the site is very low density, but the SDC programs offered at Marshall draws students from all over Oakland.

PROGRAMMING (2012-2013)

Schools / Enrollment

SDC Non-SDC Total API
(2010-2011)

100 Black Men of the Bay Area



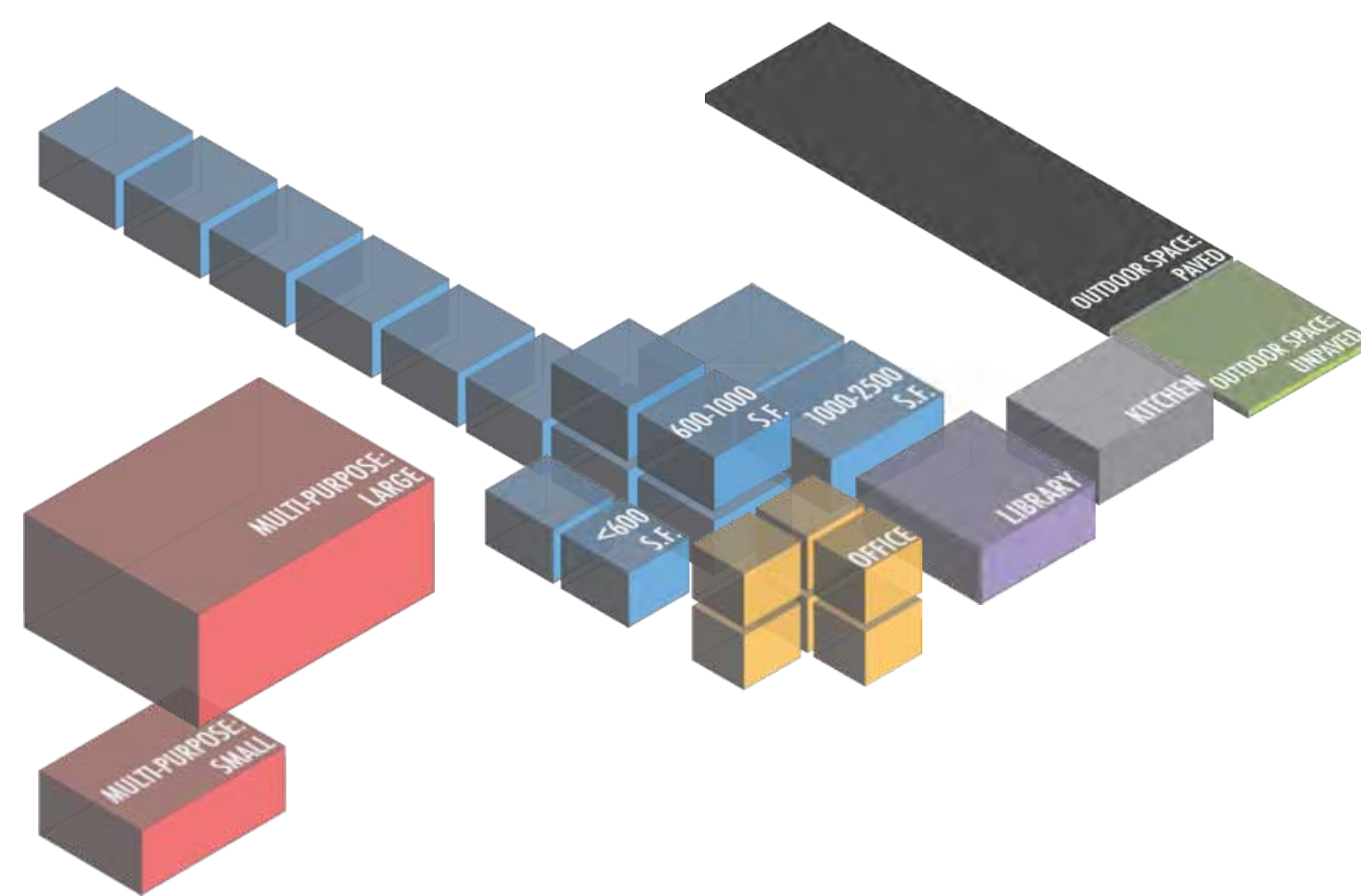
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	9.2		
Building Footprint (sf)	26,492		
Building Area (sf)	27,427	27,427	
Classroom-Sized Rooms	12	12	
2 rooms < 600 s.f. used as classrooms			
	Number of Rooms		Sq Ft
Library Rooms	1		960
Auditorium/Cafeteria/ Multi-purpose/Gym	2		3,200
Admin/Office/ Conference Room	6		1,074
School Gardens (None)			
Kitchen		Type: Finishing	
On-site Health Clinic		No	

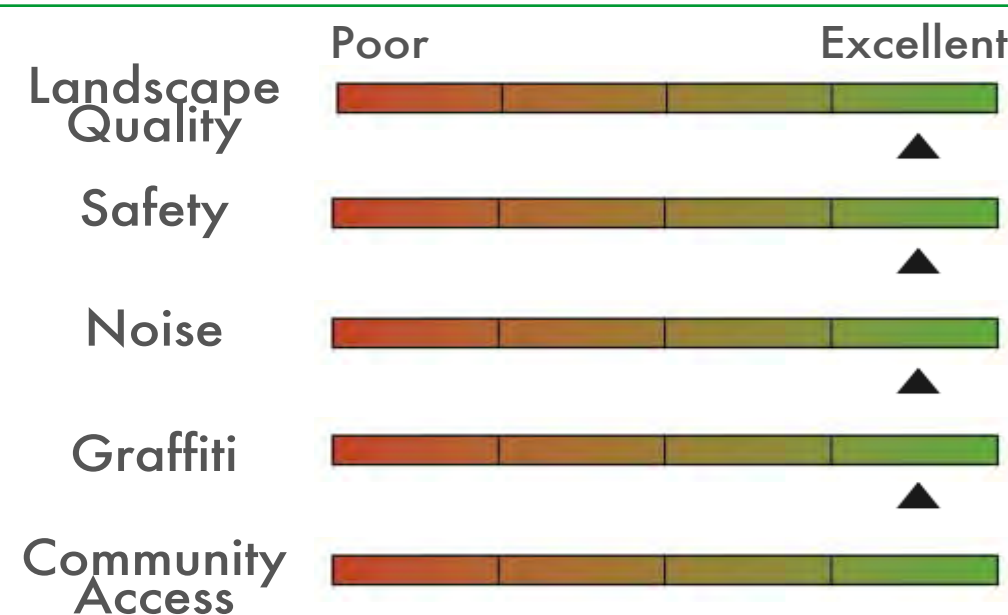
SITE SUMMARY (Summer 2012)

Sports / Recreation

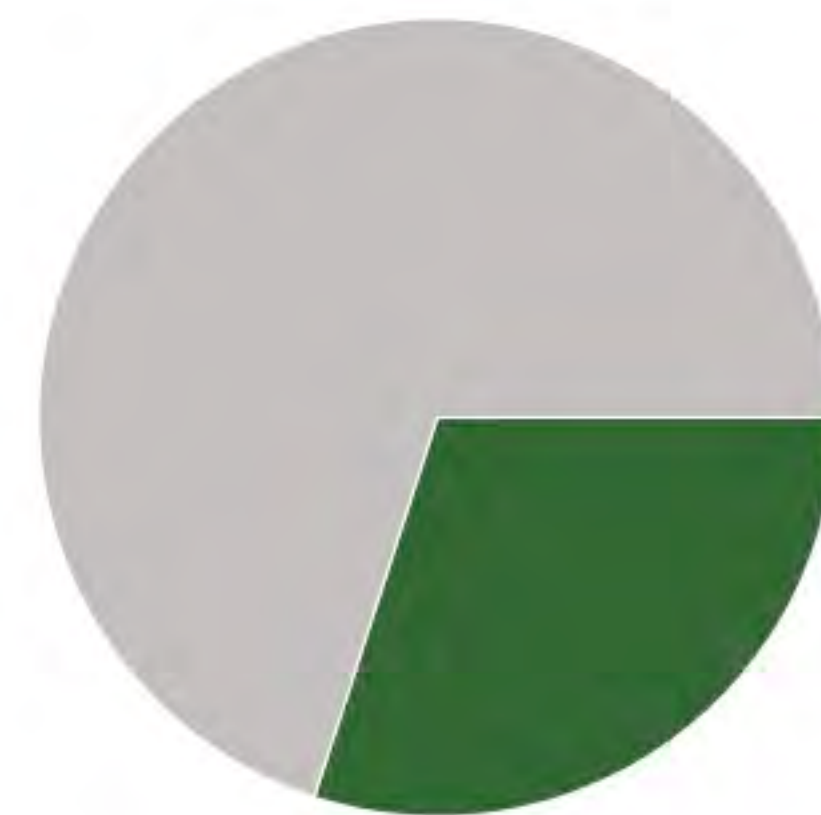
- Play structure ●●●
- Basketball hoops ●●●●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Paved 70% 30% Green

Thurgood Marshall Elementary

Building Records

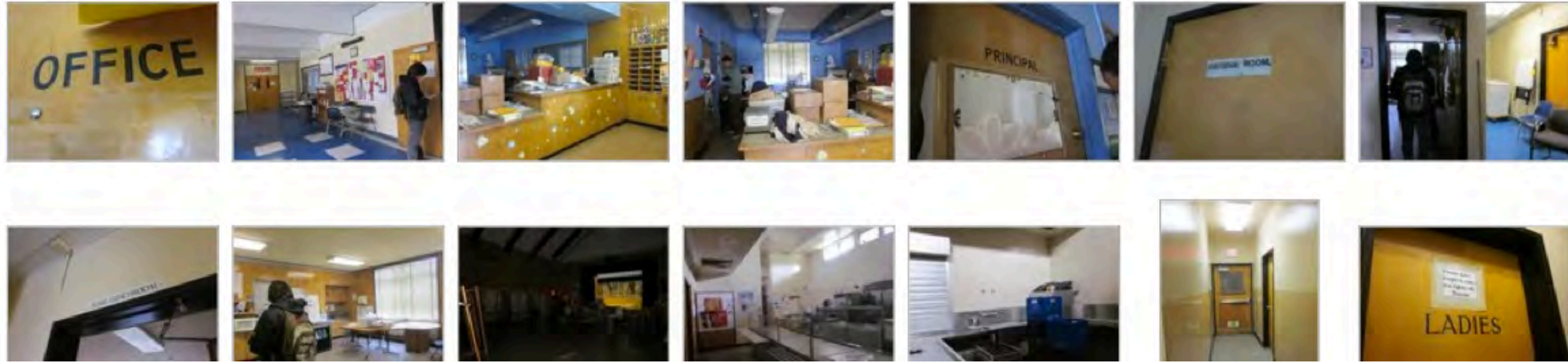
Site ID 174

Region 3

Grades

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/v6hKoF>



BUILDING

A

BUILDING AREA (SQFT): 27,427

CONSTRUCTED: 1962

STRUCTURAL ELEMENTS

ROOFING

Plywood over glulam beams with 2x T&G decking

FOUNDATION

Shallow footings, slab on grade.

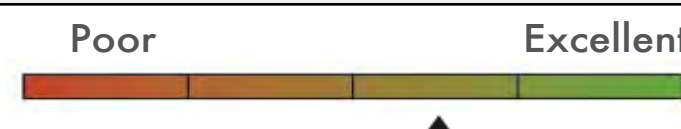
VERTICAL RESISTANCE

Shear wall - Wood stud walls

QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

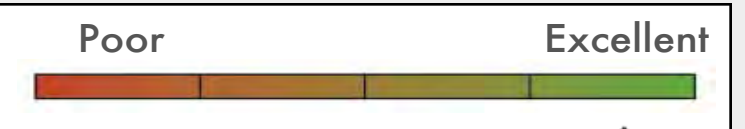


Circulation & Wayfinding



INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

12

NO. OF OFFICES

5

NO. OF ADMIN ROOMS

6

NO. OF RESTROOMS

7

NO. OF STUDENT COMPUTERS

38

NO. OF ADMIN WORKSTATIONS

4

ADDITIONAL ADMIN SPACES

Teachers' Lounge

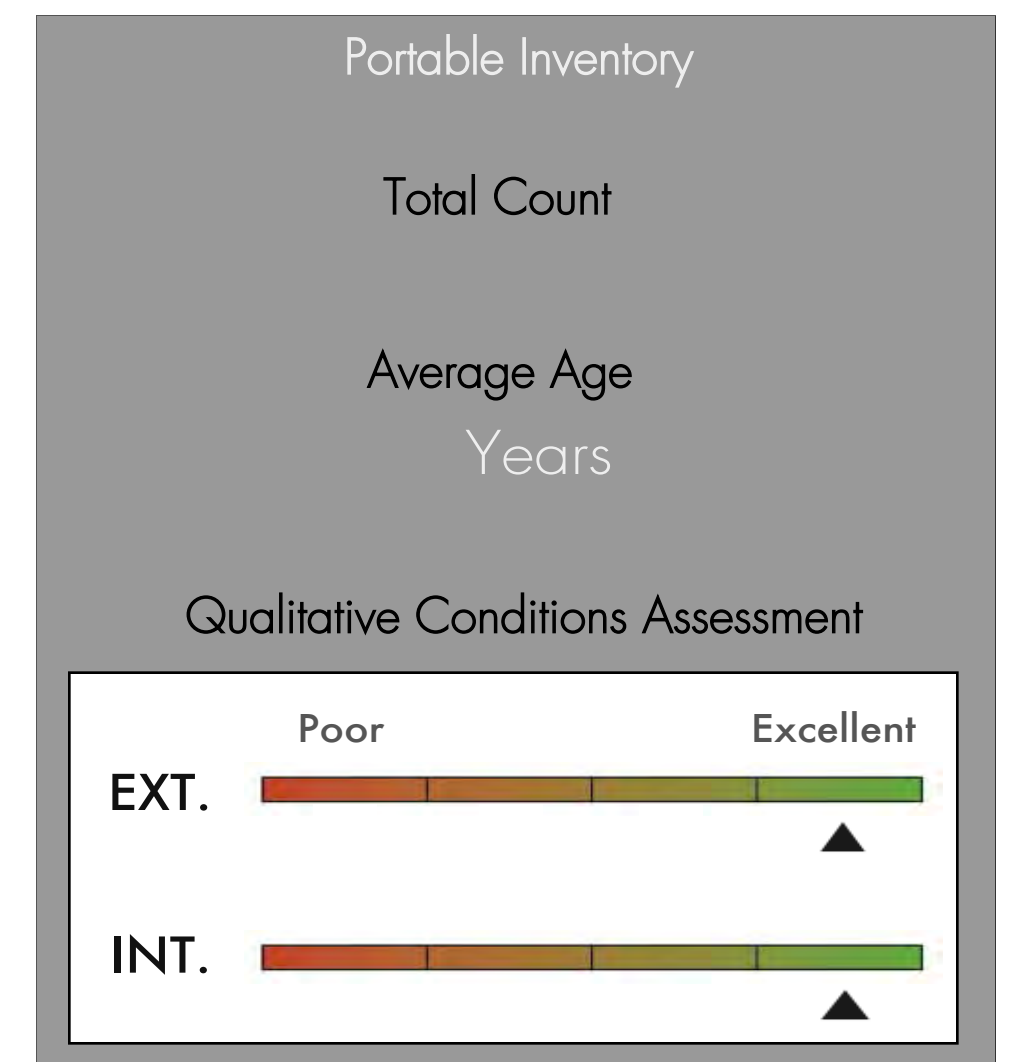
Thurgood Marshall Elementary

Portable Records

Site ID 174

Region 3

Grades



Thurgood Marshall Elementary

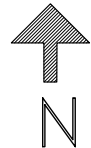
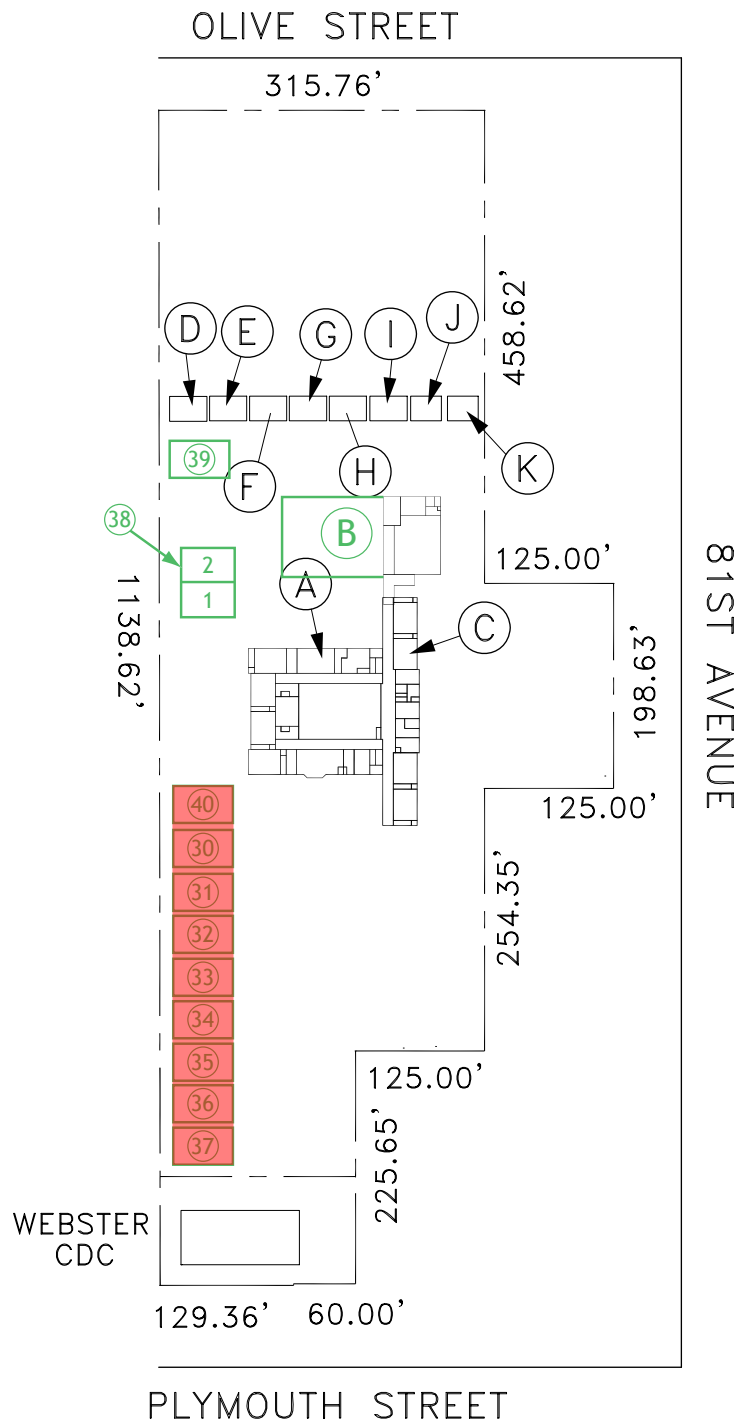
Rooms Summary & List

Site ID 174

Region 3

Grades

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A								
	1	1	Multipurpose	2,400				
	1	2	Multipurpose	800				
	1	3	Circulation	830				
	1	4	Building Utilities	300				
	1	5	Classroom	375				
	1	6	Storage	75				
	1	7	Storage	56				
	1	8	Classroom	270				
	1	9	Restroom	128				
	1	10	Restroom	128				
	1	12	Storage	90				
	1	13	Building Utilities	50				
	1	14	Storage	160				
	1	15	Restroom	70				
	1	16	Circulation	210				
	1	17	Storage	220				
	1	18	Building Utilities	72				
	1	19	Building Utilities	96				
	1	20	Building Utilities	690				
	1	21	Lounge/Staff Dining	598				
	1	22	Circulation	168				
	1	23	Storage	12				
	1	24	Circulation	1,020				
	1	25	Storage	14				
	1	26	Building Utilities	32				
	1	27	Admin/Office	150				
	1	28	Admin/Office	192				
	1	29	Storage	48				
	1	30	Admin/Office	240		2		
	1	31	Admin/Office	180				
	1	32	Storage	420				
	1	33	Admin/Office	192		1		
	1	34	Admin/Office	120		1		
	1	35	Circulation	1,020				
	1	36	Classroom	840				
	1	37	Storage	480				
	1	38	Library	960				
	1	39	Classroom	840			3	
	1	40	Classroom	960			2	
	1	41	Building Utilities	210				
	1	42	Restroom	100				
	1	43	Classroom	960				
	1	44	Classroom	1,140			5	
	1	45	Classroom	960			6	
	1	46	Classroom	840	36		7	
	1	47	Classroom	960			8	
	1	48	Classroom	840			9	
	1	49	Classroom	960			10	
	1	50	Restroom	10				
	1	51	Storage	14				
	1	52	Classroom	1,120			11	
	1	53	Classroom	960	2		12	
	1	54	Restroom	384				
	1	55	Restroom	384				
	1	56	Building Utilities	40				
	1	57	Circulation	2,040				



Not drawn to scale

**Exclusive Use by
Charter School**

162 - Webster Academy Elementary School - Site Plan

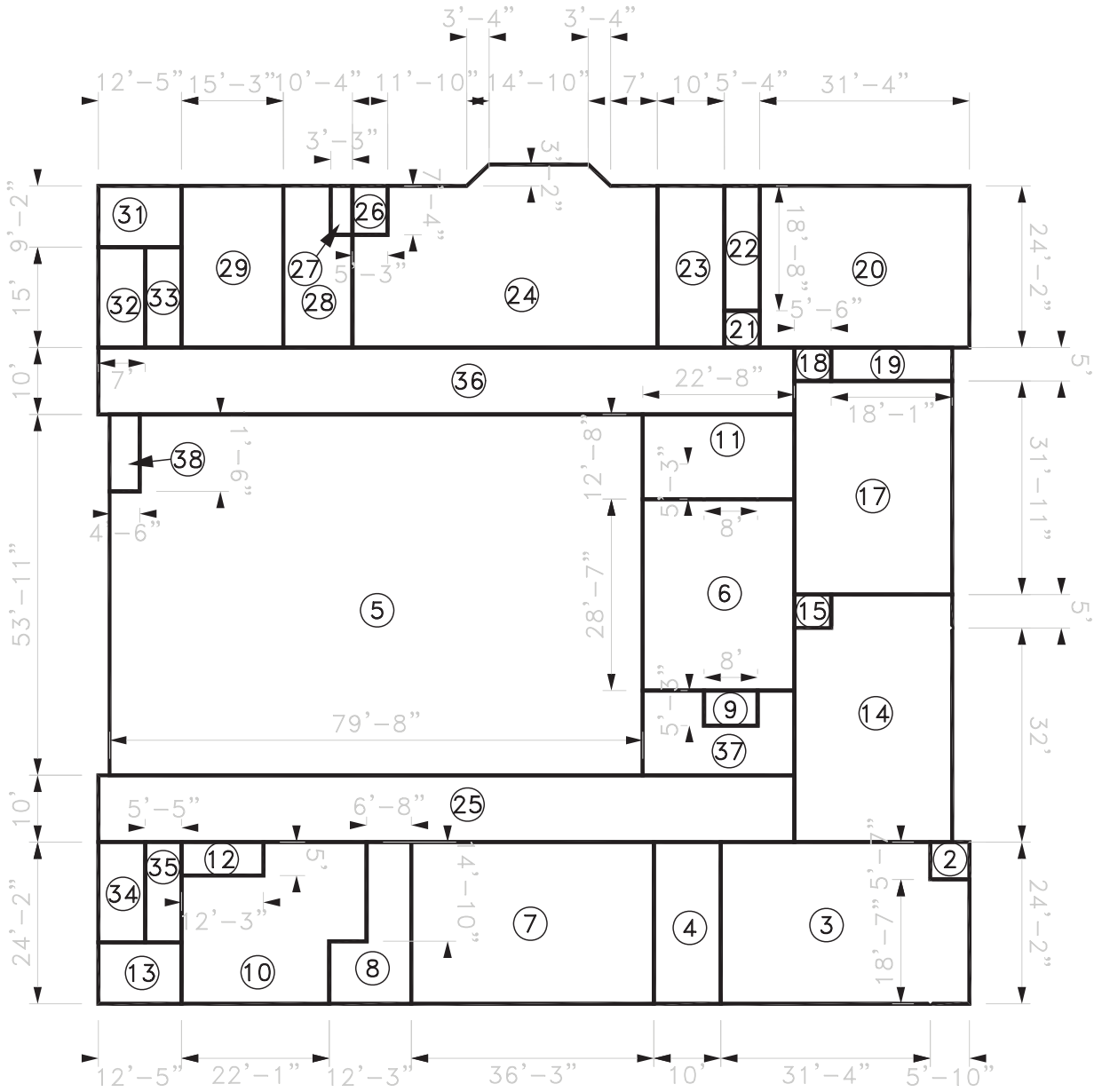
8000 Birch Street - Oakland, CA 94621-2313



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

2011



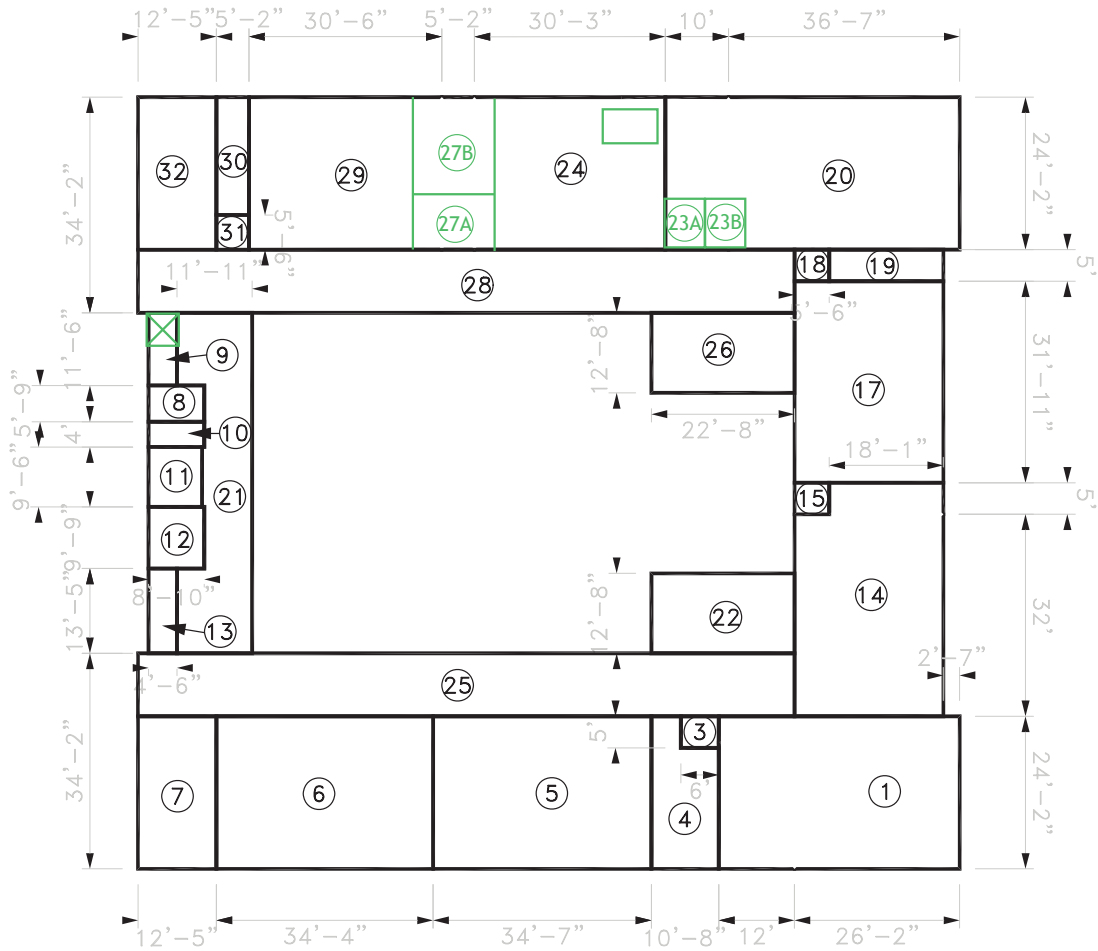


Not drawn to scale



162 - Webster Academy Elementary School - Unit A1

8000 Birch Street - Oakland, CA 94621-2313



Not drawn to scale

162 - Webster Academy Elementary School - Unit A2

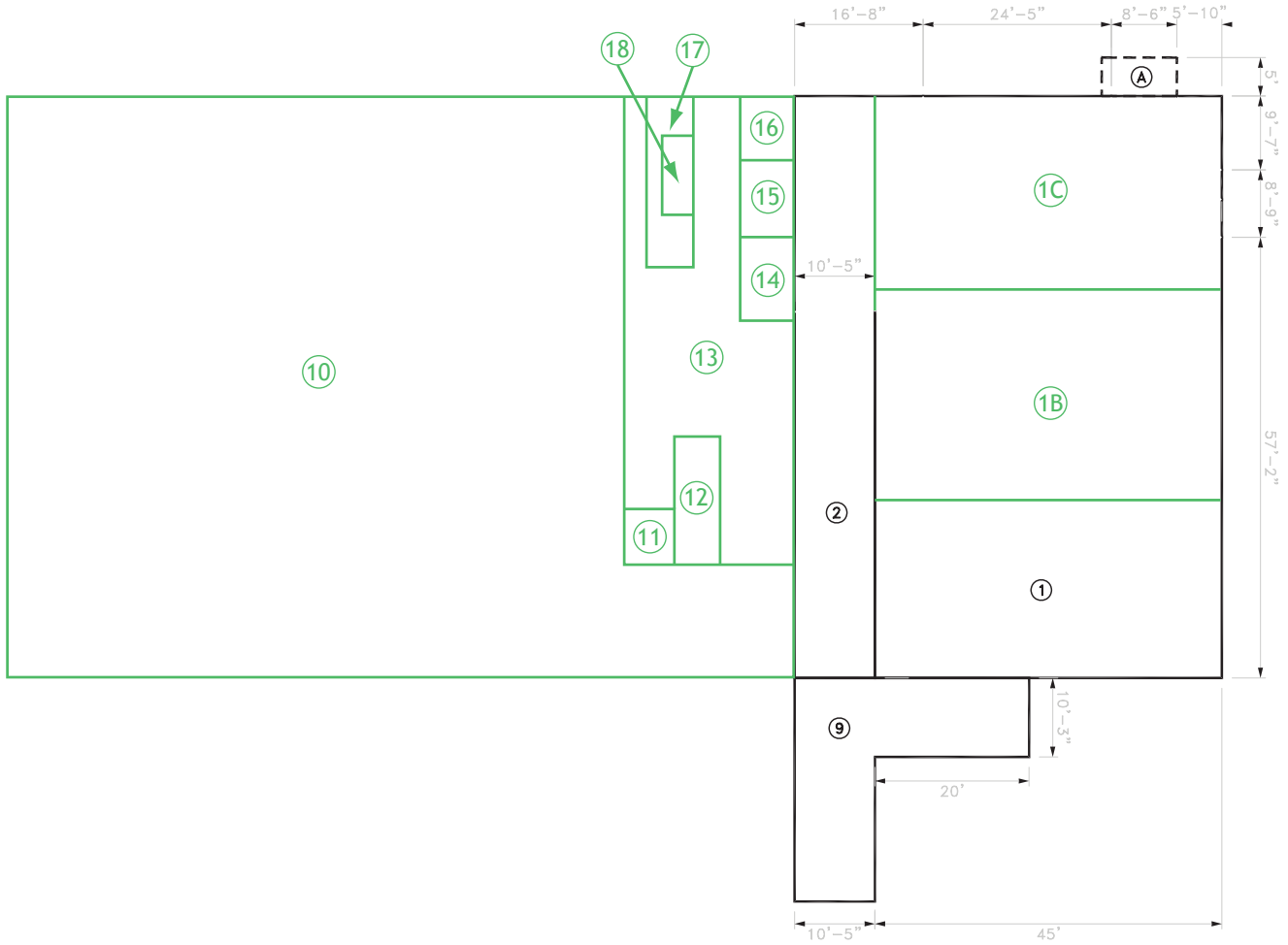
8000 Birch Street - Oakland, CA 94621-2313



Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
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2011

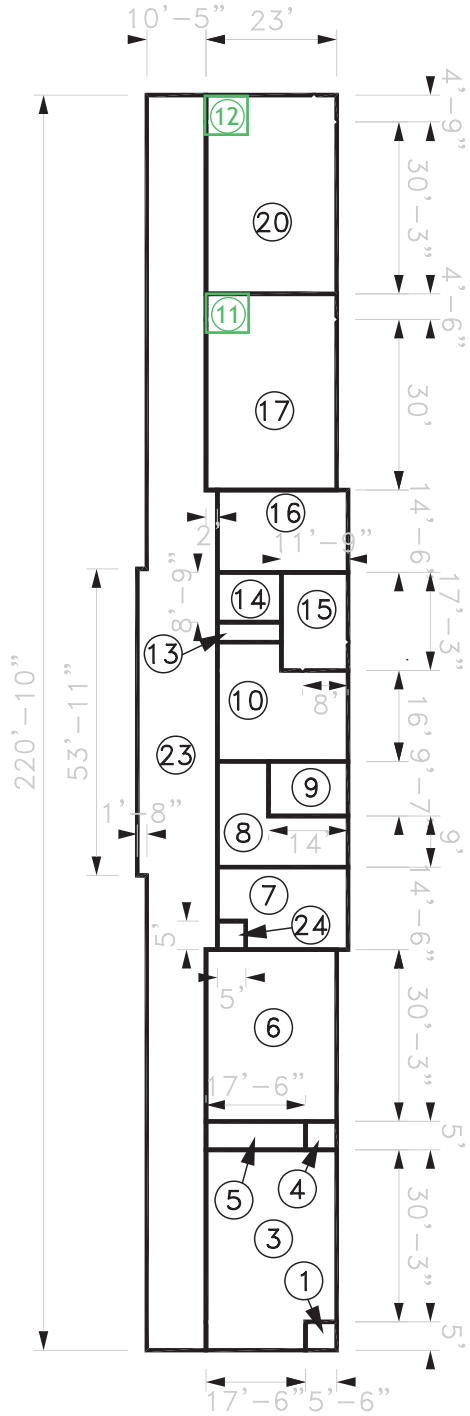




Not drawn to scale

162 - Webster Academy Elementary School - Unit B

8000 Birch Street - Oakland, CA 94621-2313



Not drawn to scale

162 - Webster Academy Elementary School - Unit C1

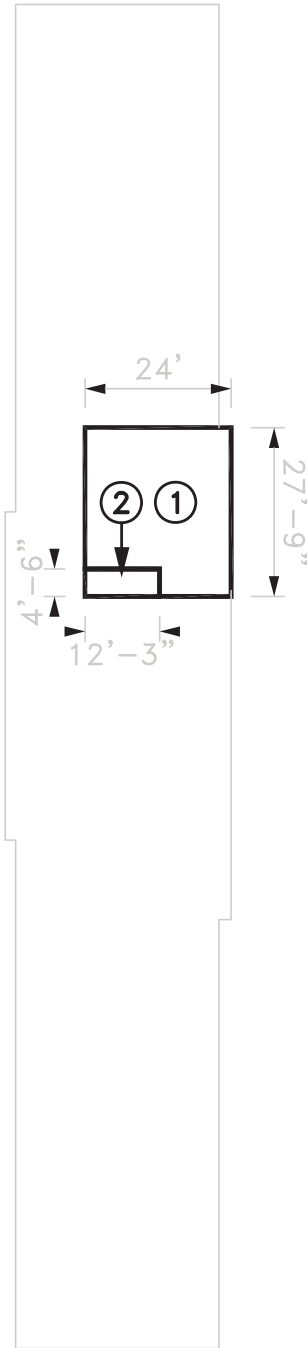
8000 Birch Street - Oakland, CA 94621-2313



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

2011





Not drawn to scale

162 - Webster Academy Elementary School - Unit C2

8000 Birch Street - Oakland, CA 94621-2313

Webster Academy Elementary School

8000 Birch Street

Site 162

Region 3

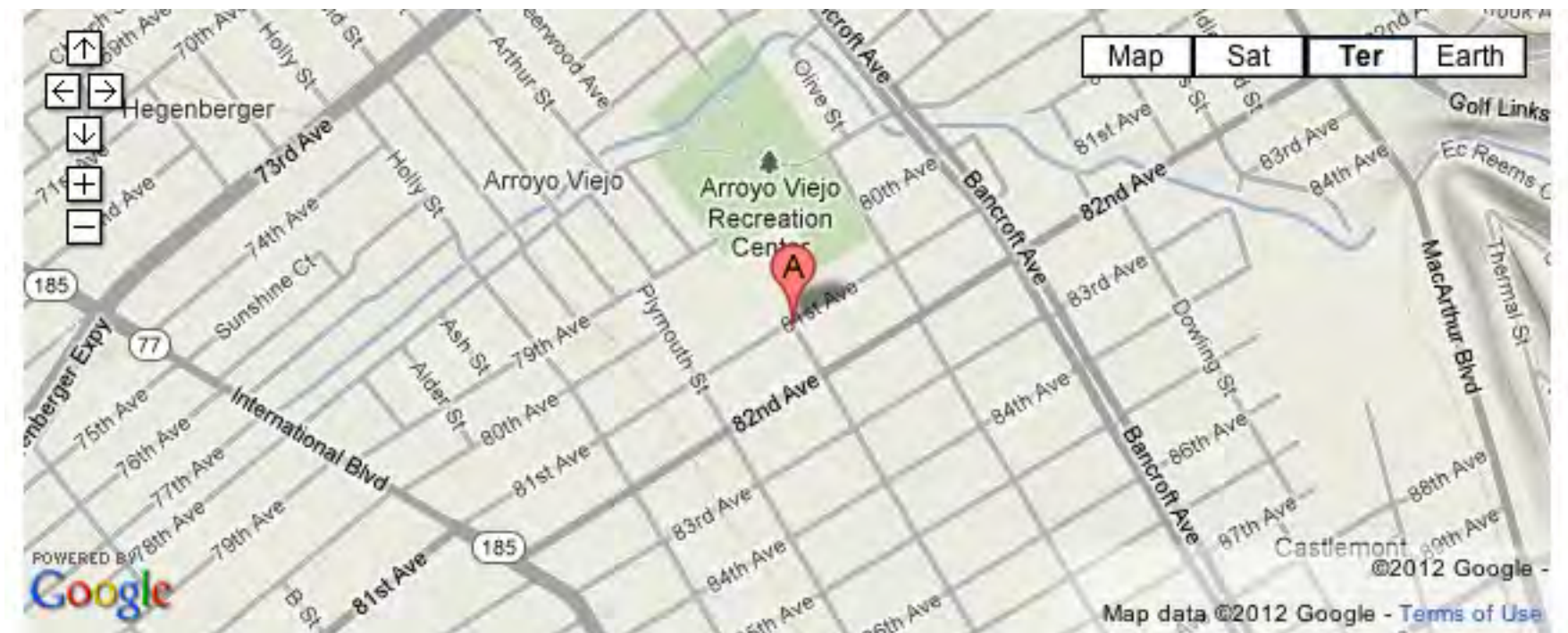
Grades K-5

The Webster Elementary School site hosts the East Oakland PRIDE school program, and is located adjacent to Arroyo Viejo Recreation Center in the Arroyo Viejo neighborhood. This mostly residential community is bordered by Bancroft Avenue to the north-east, 73rd Avenue to the north-west, International Boulevard to the south-west, and 85th Avenue to the south-east. Beyond these boundaries to the north-west lies Eastmont Mall Shopping Center, and five blocks directly east is the Castlemont High School site.

PROGRAMMING (2012-2013)

Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
East Oakland PRIDE Elementary	19	412	431	652



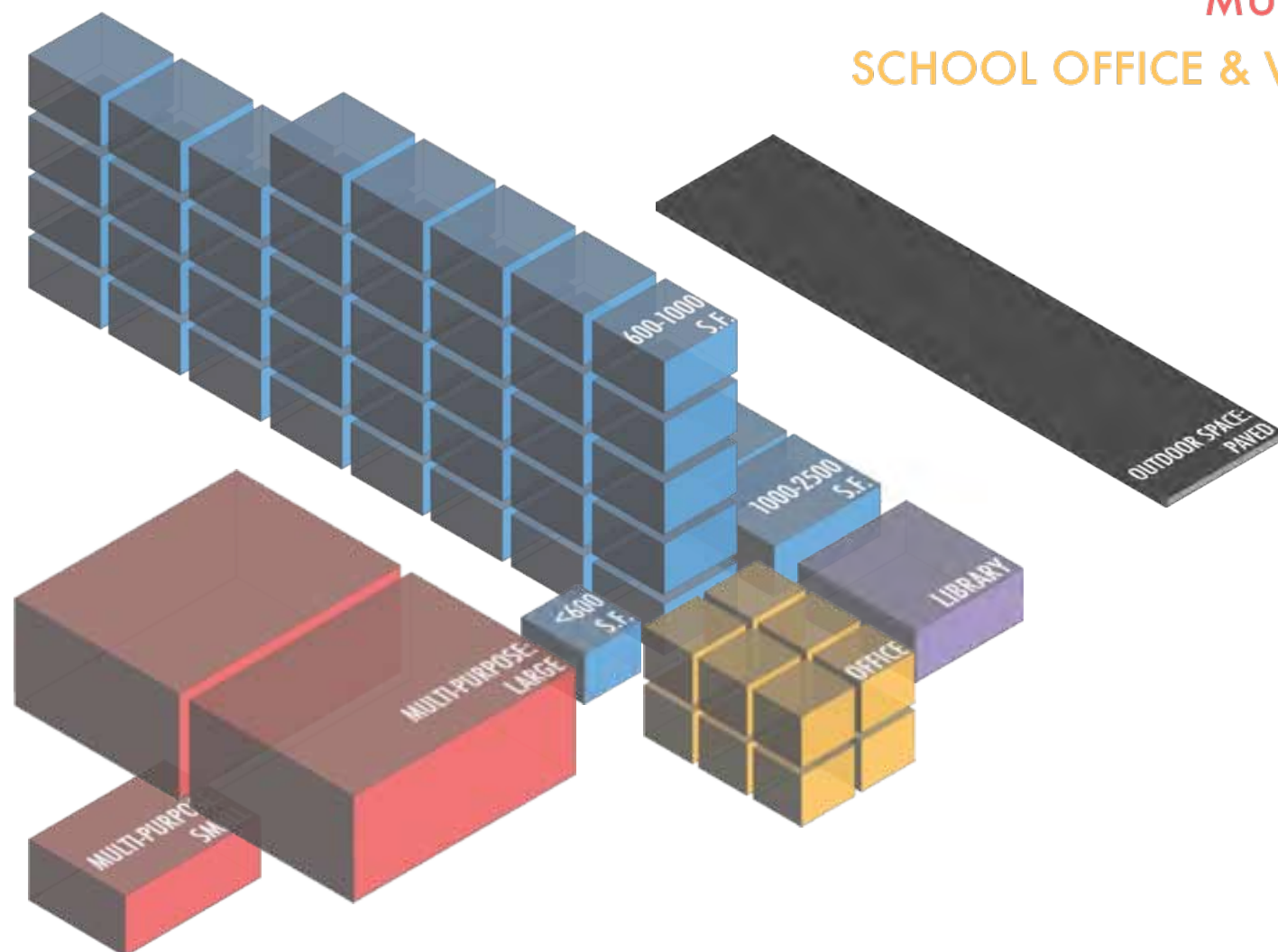
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	8.8		
Building Footprint (sf)	39,846		
Building Area (sf)	60,625	41,946	18,679
Classroom-Sized Rooms	39	19	20
<i>1 room < 600 s.f. used as classroom</i>			
	Number of Rooms		Sq Ft
Library Rooms	1		1,305
Auditorium/Cafeteria/ Multi-purpose/Gym	3		8,210
Admin/Office/ Conference Room	12		3,820
School Gardens (None)			
Kitchen		Type: Community	
On-site Health Clinic		No	

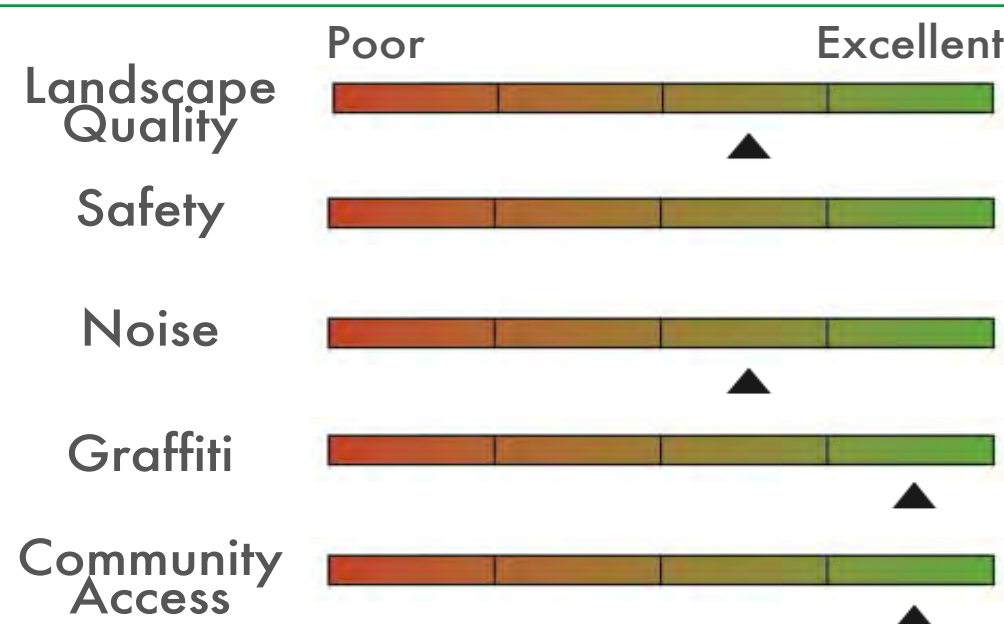
SITE SUMMARY (Summer 2012)

Sports / Recreation

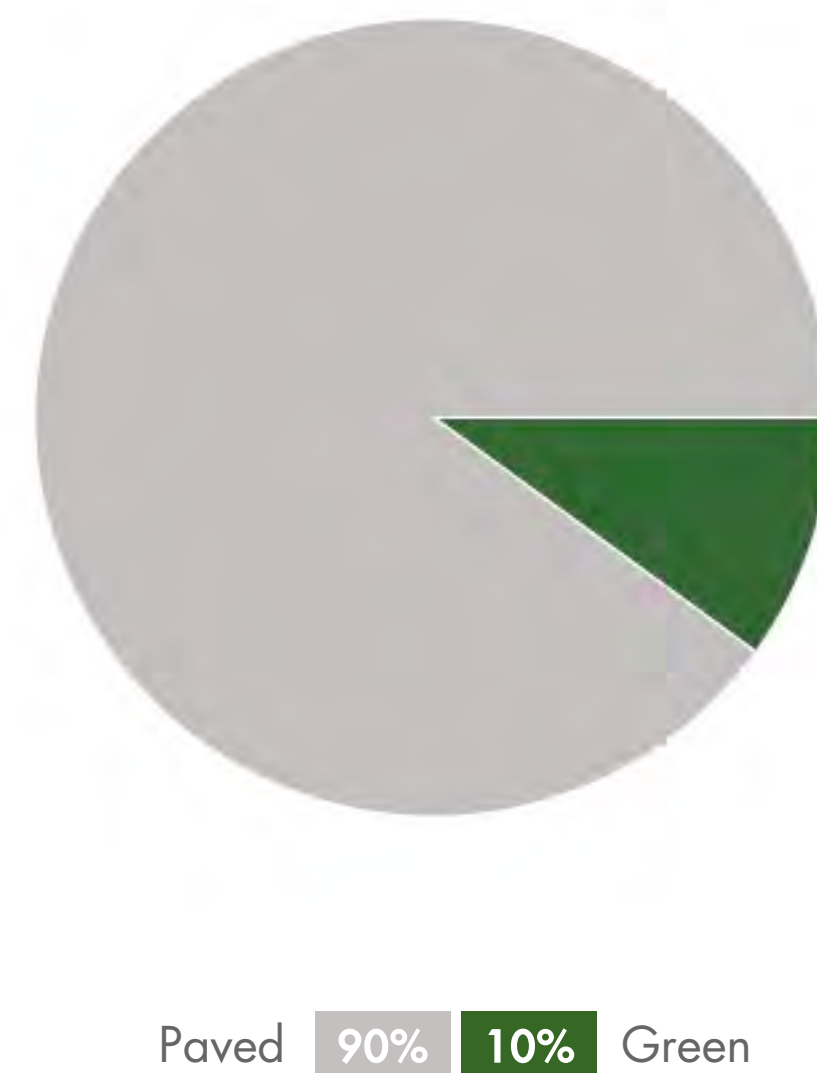
- Play structure ●●●
- Basketball hoops ●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Webster Academy Elementary School

Building Records

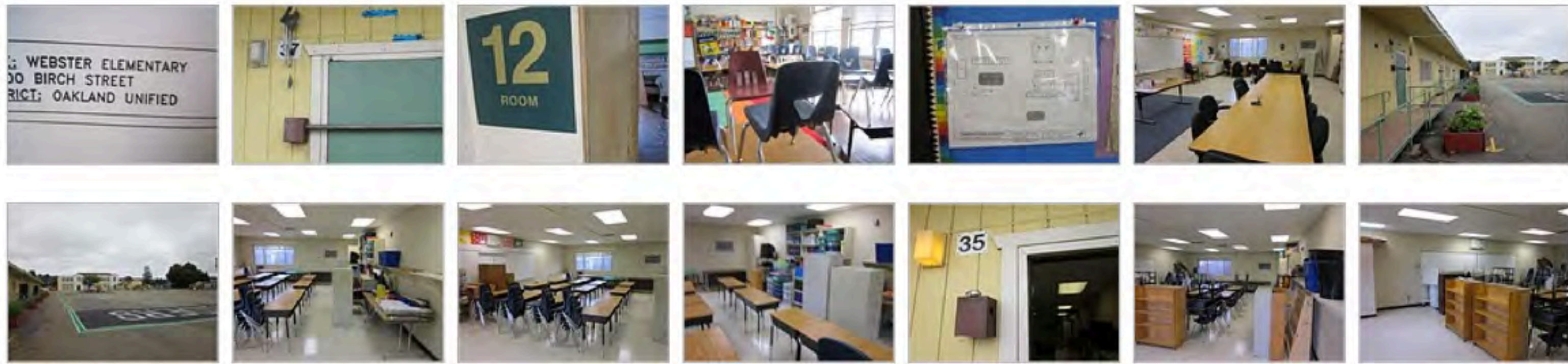
Site ID 162

Region 3

Grades K-5

Site & Facilities Photos - Summer 2011 (Sample)

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



BUILDING A

BUILDING AREA (SQFT): 25,078

CONSTRUCTED: 1935

STRUCTURAL ELEMENTS

ROOFING

Diagonal sheathing on wood joists and steel

FOUNDATION

Spread footings (under columns) & strip footings (under structural walls)

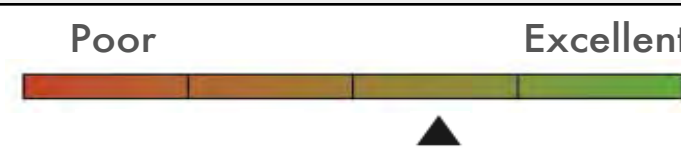
VERTICAL RESISTANCE

Concrete shear walls (lower level), Wood stud walls (upper level); Steel braced frames

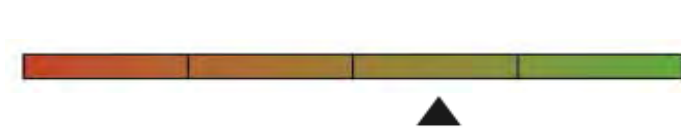
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

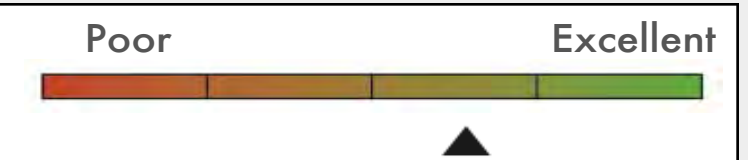


Circulation & Wayfinding

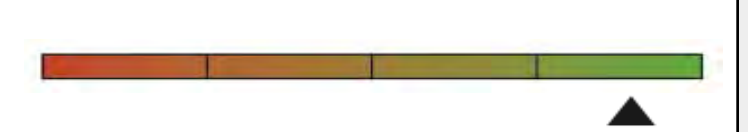


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

12

NO. OF OFFICES

4

NO. OF ADMIN ROOMS

4

NO. OF RESTROOMS

7

NO. OF STUDENT COMPUTERS

1

NO. OF ADMIN WORKSTATIONS

33

ADDITIONAL ADMIN SPACES

BUILDING B

BUILDING AREA (SQFT): 8,990

CONSTRUCTED: 1949

STRUCTURAL ELEMENTS

ROOFING

Plywood on wood joists

FOUNDATION

Spread footings (under columns) & strip footings (under structural walls)

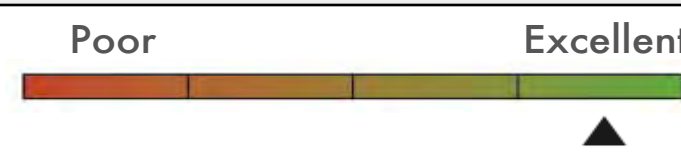
VERTICAL RESISTANCE

Wood stud walls

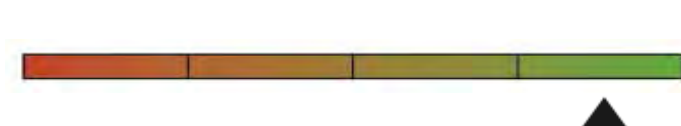
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

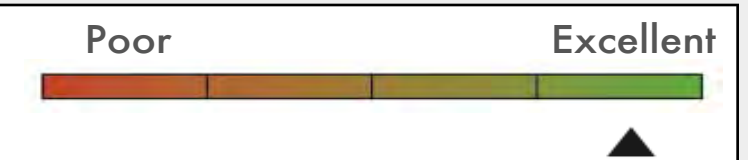


Circulation & Wayfinding

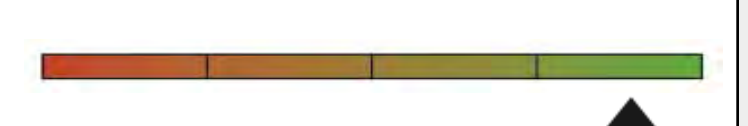


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

2

NO. OF OFFICES

1

NO. OF ADMIN ROOMS

1

NO. OF RESTROOMS

2

NO. OF STUDENT COMPUTERS

28

NO. OF ADMIN WORKSTATIONS

2

ADDITIONAL ADMIN SPACES

BUILDING C

BUILDING AREA (SQFT): 7,878

CONSTRUCTED: 1935

STRUCTURAL ELEMENTS

ROOFING

Plywood on wood joists and horizontal steel bracing

FOUNDATION

Spread footings (under columns) & strip footings (under structural walls)

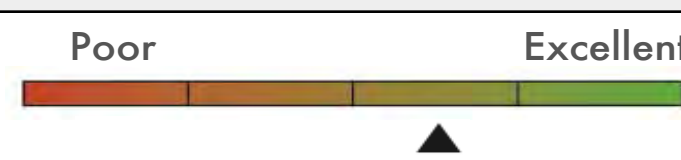
VERTICAL RESISTANCE

Wood stud walls

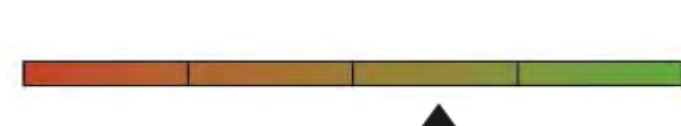
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

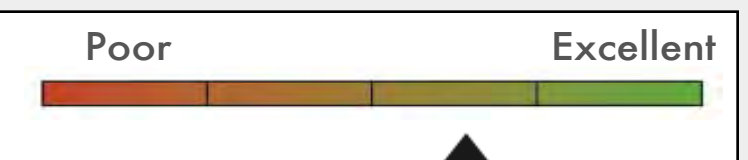


Circulation & Wayfinding

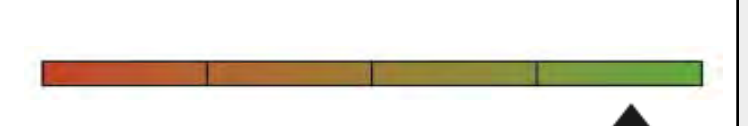


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

4

NO. OF OFFICES

4

NO. OF ADMIN ROOMS

4

NO. OF RESTROOMS

NO. OF STUDENT COMPUTERS

NO. OF ADMIN WORKSTATIONS

6

ADDITIONAL ADMIN SPACES

Webster Academy Elementary School

Portable Records

Site ID 162

Region 3

Grades K-5

	Manufactured:	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
D	1975		1
E	1975	1	
F	1975	1	
G	1975	1	
H	1975	1	
I	1975	1	
J	1967	1	
K	1967	1	
P1	Unknown	1	
P2	Unknown		2
P3	Unknown	1	
30	1997	1	
31	1997	1	
32	1997	1	
33	1997	1	
34	1998	1	
35	1998	1	
36	1998	1	
37	1998	1	
38	1998		
39	1998	1	
40	1997	1	


Portable Inventory


Total Count
22

Average Age
25 Years

Qualitative Conditions Assessment

Poor Excellent

EXT. 

INT. 

Webster Academy Elementary School

Rooms Summary & List

Site ID 162

Region 3

Grades K-5

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQ. FT.)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY		
PORTABLE	30									
			1	Classroom	897			30		
		PORTABLE	31							
					1	Classroom	897			31
		PORTABLE	32							
					1	Classroom	897			32
		PORTABLE	33							
					1	Classroom	897			33
		PORTABLE	34							
					1	Classroom	897			34
		PORTABLE	35							
					1	Classroom	897	4		35
		PORTABLE	36							
	1			Classroom	897	1		36		
PORTABLE	37									
			1	Classroom	897	1		37		
PORTABLE	38									
			1	Restroom	167					
		2	Restroom	167						
PORTABLE	39									
			1	Classroom	897			39		
PORTABLE	40									
			1	Classroom	897					
BUILDING	A									
			1	1	Storage	108			20	
			1	2	Storage	33				
			1	3	Classroom	757				
			1	4	Circulation	242				
			1	5	Multipurpose	4,246			22	
			1	6	Multipurpose	646				
			1	7	Classroom	876			14	
			1	8	Building Utilities	213		1		
			1	9	Storage	42				
			1	10	Restroom	555				
			1	11	Circulation	245				
			1	12	Restroom	72				
			1	13	Circulation	114				
			1	14	Classroom	755			19	
			1	15	Storage	27				
			1	17	Classroom	753			18	
			1	18	Storage	28				
	1	20	Classroom	757	1		17			

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	1	21	Storage	29				
	1	23	Circulation	242				
	1	24	Admin/Office	1,121		14	16	
	1	25	Circulation	1,037				
	1	26	Restroom	38				
	1	27	Restroom	24				
	1	28	Admin/Office	226		16	8	
	1	29	Restroom	368			15	
	1	30	Mechanical	42				
	1	31	Circulation	114				
	1	32	Circulation	105				
	1	33	Circulation	81				
	1	34	Circulation	105				
	1	35	Circulation	81				
	1	36	Circulation	1,041				
	1	37	Circulation	245				
	1	38	Mechanical	52				
	2	1	Classroom	682			20	
	2	3	Restroom	30				
	2	4	Admin/Office	228		1		
	2	5	Classroom	836			22	
	2	6	Classroom	830				
	2	7	Circulation	200			14	
	2	8	Storage	51				
	2	9	Mechanical	52				
	2	10	Circulation	24				
	2	11	Building Utilities	81				
	2	13	Storage	60				
	2	14	Classroom	755			19	
	2	15	Storage	27				
	2	17	Classroom	753			18	
	2	18	Storage	28				
	2	20	Classroom	885			17	
	2	21	Circulation	521				
	2	22	Circulation	191				
	2	23a	Restroom	48				
	2	23b	Building Utilities	18				
	2	24	Classroom	528			16	
	2	25	Circulation	691				
	2	26	Circulation	191				
	2	27a	Storage	168				
	2	27b	Admin/Office	120		1		
	2	28	Circulation	694			8	
	2	29	Classroom	738			15	
	2	31	Storage	28				
	2	32	Circulation	200				
BUILDING	B							
	1	1	Library	1,305	3			
	1	1b	Classroom	990	28		2	
	1	1c	Classroom	990			1	
	1	2	Circulation	495				
	1	9	Circulation	507				
	1	10	Cafeteria	3,318				563
	1	11	Building Utilities	30				
	1	12	Admin/Office	96		1		
	1	13	Building Utilities	1,001		1		
	1	14	Storage	128				
	1	15	Restroom	49				
	1	16	Restroom	49				
	1	17	Building Utilities	14				
	1	18	Building Utilities	18				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
BUILDING	C							
	1	1	Storage	28				
	1	3	Classroom	696			7	
	1	4	Storage	28				
	1	6	Classroom	696			6	
	1	7	Circulation	309				
	1	8	Admin/Office	293		2		
	1	9	Admin/Office	134		1		
	1	10	Admin/Office	368		2		
	1	14	Building Utilities	98				
	1	15	Admin/Office	207		1		
	1	16	Circulation	334				
	1	17	Classroom	690			5	
	1	19	Storage	18				
	1	20	Classroom	696			4	
	1	21	Storage	19				
	1	23	Circulation	2,553				
	1	24	Building Utilities	45				
	2	1	Building Utilities	611				
	2	2	Circulation	55				
PORTABLE	D							
		1	Admin/Office	864		2	22	
PORTABLE	E							
		1	Classroom	864	2		23	
PORTABLE	F							
		1	Classroom	864			24	
PORTABLE	G							
		1	Classroom	864	1		25	
PORTABLE	H							
		1	Classroom	864	1		26	
PORTABLE	I							
		1	Classroom	864			27	
PORTABLE	J							
		1	Classroom	713			28	
PORTABLE	K							
		1	Classroom	713			29	
PORTABLE	P1							
		1	Classroom	1,044				
PORTABLE	P2							
		2	Restroom	90				
		3	Storage	70				
		4	Building Utilities	104				
		5	Lounge/Staff Dining	110				
		6	Storage	36				
		7	Restroom	42				
		8	Restroom	90				
		9	Admin/Office	63		2		
		10	Admin/Office	100				

Exhibit H

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	East Bay Innovation Academy
Site Name:	Frick Campus
Address:	2845 64th Avenue, Oakland, CA 94605
SPACE ALLOCATION	
Exclusive Use Space (sqft)	7,166
+ Proportion of Shared Space (sqft)	20,679
Total Space Allocation at Site (sqft)**	27,845
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	27,845
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$107,203.25
UTILITIES FEE	
Projected Charter School ADA at Site***	150.32
÷ Projected Total Site ADA	351.82
Charter School Percent of Site Use	42.73%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	42.73%
x Number of Custodial FTE at Site	4.0
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$125,087.80
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.

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	East Bay Innovation Academy
Site Name:	Thurgood Marshall Campus
Address:	3400 Malcolm Avenue, Oakland, CA 94605
SPACE ALLOCATION	
Exclusive Use Space (sqft)	27,428
+ Proportion of Shared Space (sqft)	0
Total Space Allocation at Site (sqft)**	27,428
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	27,428
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$105,597.80
UTILITIES FEE	
Projected Charter School ADA at Site***	257.70
÷ Projected Total Site ADA	257.70
Charter School Percent of Site Use	100.00%
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.

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	East Bay Innovation Academy
Site Name:	Webster Campus
Address:	8000 Birch Street, Oakland, CA 94621
SPACE ALLOCATION	
Exclusive Use Space (sqft)	8,073
+ Proportion of Shared Space (sqft)	8,538
Total Space Allocation at Site (sqft)**	16,611
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	16,611
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$63,952.35
UTILITIES FEE	
Projected Charter School ADA at Site***	171.80
÷ Projected Total Site ADA	476.55
Charter School Percent of Site Use	36.05%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	36.05%
x Number of Custodial FTE at Site	3.0
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$79,149.58
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)	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 - SOCSECMEDIAL 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>