



OAKLAND UNIFIED SCHOOL DISTRICT

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TO: Board of Education

FROM: Antwan Wilson, Superintendent  
Silke Bradford, Ed.D., Director-Quality Diverse Providers

DATE: May 27, 2015

RE: ASCEND  
Petition Material Revision Request

#### Legislative File

File ID No.: 15-0623

Introduction Date: 3/11/2015

Enactment No.: 15-0666

Enactment Date: 5/27/15

By: oA

### ACTION REQUESTED

**Approve** the material revision to the ASCEND charter petition to operate a Transitional Kindergarten (TK) program at a separate location near the ASCEND school.

### SUMMARY

Staff recommends that the OUSD Board of Education approve the material revision to the ASCEND charter petition to operate a Transitional Kindergarten program at a separate location that will be referred to as the TK Village.

- 1) The TK Village will be located within 1.5 miles of ASCEND.
- 2) The TK Village will hold up to 120 students, also to include Pre-K if funding is secured.
- 3) The program will serve TK eligible students enrolled at ASCEND.
- 4) Education for Change (EFC) Home Office and support staff will be assigned to the TK Village.
- 5) Education for Change (EFC) leadership is in the process of securing property at 2901 East 12<sup>th</sup> street for the TK Village that is also adjacent to another EFC school (Epic Charter Middle School).
- 6) Education for Change (EFC) currently operates two TK programs (Achieve Academy and Cox Academy).
- 7) The TK Village increases the limited number of TK options available to families in Oakland.

### PROCEDURAL BACKGROUND

- 1) EFC representatives submitted a material revision to the ASCEND petition on March 11, 2015 at a regularly scheduled Board of Education meeting.
- 2) A public hearing was held on April 3, 2015 where representatives from EFC presented.

## **STATUTORY BACKGROUND**

### ***Pursuant to Education Code §47605:***

Charter law outlines the requirements related to the material revision of charter school petitions specific to proposed changes to the location of the charter school. The following excerpts are taken from the Charter Schools Act, Education Code §47605:

*47605(a)(1) "(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition."*

Education Code further states: *"(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter."*

Education Code 47605(g) further states: *"The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school ... . The description of the facilities to be used by the charter school shall specify where the school intends to locate."*

## **DISCUSSION**

Staff conducted an evaluation of the facilities plan related to the proposed material revision to the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

EFC and ASCEND are in good financial standing and have sufficient funds and enrollment to support the opening of the TK Village.

## RECOMMENDATION

Staff recommends that the Oakland Unified School District’s Board of Education **approve** the material revision of the ASCEND charter under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the material revision to the petition satisfies *Education Code §47607(a)(2)*:

*Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code §47605.*

The proposed material revision also meets the requirements of Education Code §47605 (a)(1) in that it identifies proposed multiple sites that are located within the geographic boundaries of the school district.

### A. FACILITIES PLAN

The Facilities Plan should demonstrate that the petitioners understand the school’s facilities needs and its options for meeting those needs.

*Do the petitioners anticipate using a district facility or finding a facility independent of the district?*

*X Non-district facility                  District facility (Prop 39)*

#### **X Non-district facility**

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of anticipated facilities needs;
- Estimated costs for anticipated facilities needs based on research and evidence;
- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites;
- Adequate budget for anticipated facilities costs including renovation, rent, maintenance and utilities;
- A schedule for securing a facility including the person responsible for implementation
- An assurance of legal compliance (health and safety, ADA, and applicable building codes); and
- Identified funding sources.

**Facilities Plan:** *Does the facilities plan indicate a thorough understanding of the school’s needs?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**ANALYSIS: FACILITIES PLAN**

<p>If Meets or Exceeds; <i>Strengths</i></p>	<p>Reference</p>	<p>If Approaches or Inadequate; <i>Concerns &amp; Additional Questions</i></p>	<p>Reference</p>
<ul style="list-style-type: none"> <li>- Petition contains assurances and commitment to facility safety.</li> <li>- Enrollment at the TK Village will be between 12-30 students in Year 1 (24-60 students total between LWL and ASCEND).</li> <li>- EFC schools are in good financial standing.</li> </ul> <p><b><u>Facility Location/Timeline</u></b></p> <ul style="list-style-type: none"> <li>- EFC is in the process of securing approval from the state and OUSD to place leased portables at Lazear.</li> <li>- Other long term options include the following:                       “Option 1- EFC is looking into potentially leasing land adjoining Epic Charter School located at 1112 29<sup>th</sup> Avenue. This is pending potential purchase of this land and build out of a facility by the current Lessor of the adjoining property, DCSI Holdings.                       Option 2-Portables at EFC’s Achieve Academy located at 1700 28<sup>th</sup> Avenue. Currently there are multiple portables at Achieve Academy that are in use by the East Bay Agency for Children. One or more of these portables could be converted into a TK classroom. This would be no extra cost, other than potentially new furniture and carpeting.                       Option 3- His Gospel Christian Fellowship located at 2006 40<sup>th</sup> Avenue and Mera Street. This is located across the street from the EFC’s Learning Without Limits campus. One or more rooms could be converted to a TK classroom here.                       Option 4- The Fruitvale Medical Building located at 3022 International. Space is currently available for rental at this site that could accommodate multiple TK classrooms. We would need to do an assessment if the available</li> </ul>	<p>p. 3 Material Revision</p> <p>Public Hearing</p> <p>OCS Finance Reports</p> <p>Email Interview Public Hearing</p> <p>Email Interview Public Hearing</p>		

<p>space would meet E occupancy. If not, an analysis of the tenant improvement costs would be the first step.</p> <p>Option 5- Zion Tabernacle Baptist Church, 3943 San Juan Street, between 39<sup>th</sup> and 40<sup>th</sup> Avenues- May have one or more rooms available that could house a TK option.</p> <p>EFC will continue to consider other alternatives in the neighborhood if none of the above ultimately turn out to be the long term solution we are seeking.”</p> <p><b><u>Funding</u></b></p> <p>“EFC’s Board of Directors is committed to our mission of providing a superior public education to Oakland’s most underserved children and this includes making fiscally responsible decisions. EFC’s current organization wide reserve is in excess of \$5 Million. EFC will not move forward on growth without assurance it would make sense from a mission and financial perspective.</p> <p>The current projected budget for the portables project at Lazear mentioned in the first question is ~\$220K.</p> <p>\$20k Project Management and Architecture  \$50k total lease for three years (\$16,667 per year)  \$13k Portable Installation costs  \$9k Portable Breakdown Costs  \$5k Electrical Engineer  \$7k Civil Engineer  \$4k Required Inspections  \$90k contracted site based work- trenching, fencing, conduit installations, electrical installation, cement shaving, re-paving  \$2k filing fees  \$20k contingency factor (unknowns)”</p> <p>– “EFC currently anticipates that SB 740 grant revenues will be available for the Lazear portables lease costs. This represents 75% of the</p>	<p>Email Interview</p>		
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total annual lease cost or ~\$12,500, which is the lesser of projected enrollment (currently 48) for FY15-16 @ \$750 per ADA or ~\$36k.”

**Required Assurances for Approval**

The Petitioners will provide the following evidence that the facility complies with the following legal requirements prior to occupying the property:

- Zoning: The location of the school meets local zoning requirements.
- Building Code: Each building on the site meets applicable building code requirements.
- The charter school has considered and met all requirements of the California Environmental Quality Act.
- The proposed site has adequate classroom space, non-classroom space and specialized teaching space for the enrollment levels to be housed at the site.
- Compliance with California Department of Education regulations regarding safety factors for school site, including proximity to airports, high-voltage power lines, hazardous air emissions, railroads, high-pressure natural gas lines, gasoline lines, pressurized sewer lines and other high-pressure water pipelines, propane tanks, noise, major roadways, geological studies and soils analysis, traffic safety, and safe routes to the school.
- At the time of renewal (2016-17), ASCEND will report on the implementation and progress of the TK program in their performance report.

**Oakland Unified School District**  
**Office of Charter Schools**  
**CHARTER TEXT REVISIONS – ASCEND CHARTER SCHOOL**

**APPENDIX I - REQUIRED CHARTER TEXT REVISIONS:** The approved charter is amended from the filed petition to incorporate the revisions below. The charter school must submit to the District’s Office of Charter Schools a revised charter to include all revisions outlined below in one hard copy and one electronic copy in *WORD* format, on a CD or via email, no later than **5:00 pm on August 3, 2015.**

Charter Text	Text Reference	Revision
<u>Health and Safety Procedures</u>	Page	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“ASCEND shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.”</i></p>
<u>Facilities</u>	Page	<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>“If ASCEND fails to submit a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, not less than 30 days before the school is scheduled to begin operation pursuant to the first year of this renewal term, it may not commence operations unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. If ASCEND moves or expands to another facility during the term of this charter, ASCEND shall provide a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, to the District for each facility at least 30 days before school is scheduled to begin operations in the facility or facilities. ASCEND shall not begin operation in any location for which it has failed to timely provide a certificate of occupancy to the District, unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process.”</i></p>
<u>Renewal</u>		<p><u>Add the following text and remove any text to the contrary:</u></p> <p><i>At the time of renewal (2016-17), ASCEND will report on the implementation and progress of the TK program in their performance report.</i></p>

## Pre-Opening Site Walkthrough Checklist

This tool is intended to be used by the Office of Charter Schools and charter schools who are moving into a facility for the first time, to ensure that the facility is appropriate for the educational program of the school and the health and safety of the students.

- ✚ It is the expectation of the Office of Charter Schools to conduct a pre-opening site walk-through within two weeks prior to the first day of school.
- ✚ Any issues or concerns which surface during the course of the walkthrough that require official notice to the school, will receive a separate letter from the Office of Charter Schools to that affect.
- ✚ Otherwise, information noted in this document is intended to provide guidance and support to schools prior to opening.

School Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Location: \_\_\_\_\_

Date of Walkthrough: \_\_\_\_\_

Participants: \_\_\_\_\_

<b>General Considerations</b>		<b>Comments</b>
Facilities are sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has adequate space for the support services the school intends to provide to its students (i.e. nurse, counselors, tutors, after-school programs, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities include cafeteria or other suitable space for students to eat meals.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Building placement is compatible (i.e. music room is not next to library).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are generally conducive to a learning environment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	



<b>General Considerations</b>		<b>Comments</b>
Site is away from freeways, railways, flight patterns, excessive noise, obnoxious odors, toxic conditions, electromagnetic fields, earthquake faults, flood zones.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has good access and dispersal roads.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has separate bus loading, parking areas, and parent drop off areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities operation permits and certificates, including evidence of inspection by a structural engineer, fire marshal and occupancy certificates, zoning variances, building permits, etc. have been secured.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are sufficient to accommodate the administrative and business functions, including the storage of student and other records, reports, and documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities meet requirements of the Americans with Disabilities Act, including (1) accessible routes from outside the school to the entry and from the school entry to all other buildings, and (2) stairs, ramps, toilets and signage that meet accessibility standards. *	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>* Likely to be met as a result of CO issuance</i>
Site and facilities are situated to minimize student contact with adults who do not have appropriate clearances as required by <i>Education Code Section 44237</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Relocatable facilities are single story and meet local seismic safety requirements.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are clean, sanitary, and free from conditions that would create a fire, or other hazard.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Building Exterior</b>		<b>Comments</b>
Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold and evidence of leaks.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

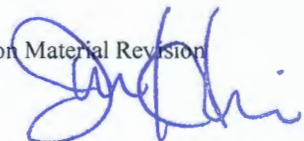
<b>Building Exterior</b>		<b>Comments</b>
Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Perimeter fences are installed as necessary and are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Graffiti or other signs of vandalism to the building are absent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
School exterior needs minimal cosmetic repairs, painting, or additional lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Windows and doors are intact and in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exterior stairs or handrails are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exits to buildings are free of obstructions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Signage is adequate for traffic flow and for directions to school offices.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
School site is substantially free of litter and clutter.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Interior Entrances, Corridors, and Stairs</b>		<b>Comments</b>
Heating and ventilation systems are adequate for the size of the building and numbers of students. *	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>* Likely to be met as a result of CO issuance</i>
Electrical system has no major code violations. *	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>* Likely to be met as a result of CO issuance</i>
Fire alarm system meets applicable local life safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date. *	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>* Likely to be met as a result of CO issuance</i>
Restrooms are conveniently located and accessible to students; toilets are clean and operable.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances. *	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>* Likely to be met as a result of CO issuance</i>

<b>Interior Entrances, Corridors, and Stairs</b>		<b>Comments</b>
Lighting, including night time lighting, is sufficient for the educational activities being conducted at the site.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Floors, walls, and ceilings are clean; ceiling tiles are all intact.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Halls and stairs are adequately lighted.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the building.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Interior is free of other hazards that could endanger student safety.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Classrooms</b>		<b>Comments</b>
Classroom size and layout are related to functions that will be performed in them (i.e. science and computer laboratories, special education, locker rooms, gyms, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Desks, tables, and chairs are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Space is provided to secure computers and other expensive electronic devices.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Gas, electrical, and water outlets and appliances are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms have adequate lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Additional Comments</b>



**James Harris**  
President, Board of Education



**Antwan Wilson**  
Secretary, Board of Education