

Board Office Use: Legislative File Info.	
File ID Number	17-1211
Introduction Date	5/24/2017
Enactment Number	17-0725
Enactment Date	5/24/17



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Dr. Silke Bradford, Director – Quality Diverse Providers  
David Montes de Oca - Deputy Chief  
Marion McWilliams - General Counsel

**Board Meeting Date** May 24, 2017

**Subject** **Adopting Issuance of Proposition 39 Facilities Offer and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39**

**Action Requested** Adoption by the Board of Education of Resolution adopting issuance of Proposition 39 facilities offer and directing staff to issue written final offers in compliance with Proposition 39.

**Background and Discussion** California Education Code section 47614 requires school districts' facilities be shared fairly among all public school pupils, including charter school students. California regulations require findings and a written statement of reasons by the Board of Education in the event a charter school, eligible for Proposition 39 facilities, makes a timely request and the District is not able to accommodate the charter school's request at a single school site.

**Recommendation** Adoption by the Board of Education of Resolution 1617-0019 adopting issuance of Proposition 39 facilities offers and directing staff to issue written final offers in accordance with applicable law.

**Fiscal Impact** N/A.

**Attachments** • Resolution No. 1617-0019

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 1617-0019**

**Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue  
Written Final Offers in Compliance with Proposition 39  
(Cal. Code Regs., tit. 5, § 11969.1 *et seq.*)**

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

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

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

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

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

**WHEREAS**, school districts have the discretion, in determining reasonable equivalent facilities allocations to charter schools, and in meeting their Proposition 39 obligations, to consider the impact upon existing district programs. (*Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226);

**WHEREAS**, for the 2017-2018 school year, 16 eligible charter schools requested facilities under Proposition 39;

**WHEREAS**, the Board incorporates into this Resolution the Resolution 1617-0009 ("Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding") and the Staff Report "Process for Determining Charter Schools Which Cannot Be Accommodated at a Single Site For 2017-18 School Year," attached hereto as Appendix A thereto, approved by the Board on January 25, 2017;

**WHEREAS**, having analyzed the available space in the specific area where each charter wishes to locate, the District is unable to extend a single site offer in their desired geographic location for the reasons stated in the Final Offer and Resolution 1617-0009; and

**NOW, THEREFORE**, the Board of the District hereby allocates the following school site to be offered to the charter school named below for the 2017-2018 school year under Proposition 39:

Name of Charter School	Sites to be Offered
East Bay Innovation Academy	<ul style="list-style-type: none"><li>• Roosevelt Middle School 1926 East 19<sup>th</sup> Street, Oakland, CA 94606</li><li>• Marshall Elementary School 3400 Malcolm Avenue, Oakland, CA 94605</li></ul>

**NOW, THEREFORE**, the Board of the District hereby directs District staff to issue Final Offers of Facilities to the above-named charter schools under Proposition 39 and its implementing regulations by the required deadline.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 24th day of May, 2017, by the following vote, to wit:

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


**NOES:** Shanthi Gonzales

**ABSTAINED:** None

**ABSENT:** None

**CERTIFICATION**

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 24th day of May 2017 with a copy of such Resolution being on file in the Office of the Board of Education of said district.

  
\_\_\_\_\_  
Dr. Devin Dillion, Interim Superintendent and Board Secretary



OFFICE OF CHARTER SCHOOLS

June 1, 2017

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

Re: Oakland Unified School District  
Final Offer of Facilities, 2017-2018

Dear Rochelle Benning:

Oakland Unified School District (“District”) makes this Final Offer of Facilities to **East Bay Innovation Academy** (“Charter School”) for the 2017-2018 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 Preliminary Offer complies with all of the requirements of Proposition 39 and Cal. Admin. Code, title 5, §11969.9(f).

**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, 2016. The Charter School’s Request for Facilities was based upon a projected in-District ADA of **415.80** (6-8: 296.64 and 9-12: 119.16).

**B. 2017-2018 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 **415.80** (6-8: 296.64 and 9-12: 119.16) in-District students.

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 the 6-8 grade span lives within the Skyline High School attendance area, while the greatest number of Charter School students for the 9-12 grade span lives within the Castlemont/Coliseum High School attendance area.

**Table 1: High School Attendance Area**

Grade Span	Attendance Area	# of Students	% of Students in Grade Span
<b>6-8</b>	<b>Skyline</b>	<b>131</b>	<b>36%</b>
	Castlemont/Coliseum	81	22%
	Outside Of Oakland	62	17%
	Oakland High	42	12%
	Oakland Tech	34	9%
	Fremont	12	3%
	McClymonds	2	1%
<b>9-12</b>	<b>Castlemont/Coliseum</b>	<b>18</b>	<b>32%</b>
	Skyline Hs	15	26%
	Outside Of Oakland	10	18%
	Fremont	4	7%
	Oakland Tech	4	7%
	Mcclymonds Hs	3	5%
	Oakland High	3	5%

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

- **6-8:** Montera Middle School, Bret Harte Middle School
- **9-12:** Madison Park Academy 6-12, Coliseum College Prep Academy, Castlemont High School

**2. Facilities Offered:**

The District offers the Charter School facilities at the following school sites:

**Roosevelt Middle School**  
 1926 East 19<sup>th</sup> Street, Oakland, CA 94606

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

The Charter School's allocation of space is as follows:

**Table 2a: Total Allocation of Exclusive Use Teaching Station and Specialized Classroom Space to Charter School by School Site**

School Site	# of Rooms	Total Sq Ft
Roosevelt	10	7,595
Thurgood Marshall	12	11,380
<b>Total</b>	<b>22</b>	<b>18,975</b>

**Table 2b: Allocation of Exclusive Use Teaching Station and Specialized Classroom Space and Admin Space to Charter School by Room**

School Site	Room # (per MKThink site plan)	Room # (per campus site map, if applicable)	Sq Ft
Roosevelt	A3-1	15	633
Roosevelt	A3-8	13	587
Roosevelt	A3-9	12	697
Roosevelt	A3-10	11	599
Roosevelt	A3-18	9	676
Roosevelt	A3-23	8	735

Roosevelt	A3-24	7	890
Roosevelt	A3-42		892
Roosevelt	A3-66	17	703
Roosevelt	B1-135	4	1,183
Thurgood Marshall	A1-36		840
Thurgood Marshall	A1-39	3	840
Thurgood Marshall	A1-40	2	960
Thurgood Marshall	A1-43		960
Thurgood Marshall	A1-44	5	1,140
Thurgood Marshall	A1-45	6	960
Thurgood Marshall	A1-46	7	840
Thurgood Marshall	A1-47	8	960
Thurgood Marshall	A1-48	9	840
Thurgood Marshall	A1-49	10	960
Thurgood Marshall	A1-52	11	1,120
Thurgood Marshall	A1-53	12	960

**Table 2c: Allocation of Exclusive Non-Teaching Space to Charter School**

School Site	Room # (per MKThink site plan)	Room # (per campus site map, if applicable)	Sq Ft
Roosevelt	A3-4/5		541
Roosevelt	A3-13	10	349
Roosevelt Subtotal	-	-	890
Thurgood Marshall Subtotal	-	-	15,112
<b>Total</b>	-	-	<b>16,002</b>



**Table 2d: Allocation of Shared Non-Teaching Space to Charter School**

Site Name	Projected ADA at Site (District)	Projected ADA at Site (Charter)	Proportion of Projected Charter ADA to Total Site ADA	Total Non-Teaching Space at Site (sq ft)	Allocated Shared Non-Teaching Space (sq ft)
Roosevelt	484.34	119.16	19.7%	35,103	6,127*

\*This space is the result of a sharing arrangement determined by the leaders of the two schools co-located at the site.

In determining the Charter School’s access to non-teaching space, such as auditoriums, gymnasiums, multi-purpose rooms, and cafeterias, the District considered the Charter School’s per-student entitlement to each category of space at the comparison group schools, as well as the proportion of in-district ADA to the total ADA at the Site. The District also considered the sharing arrangement determined by the leaders of both programs sharing 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.

The District allocates flex space to be used at the discretion of the charter school, consistent with District policy and procedure, and is intended to encompass specialized and non-teaching space (*i.e.* admin, office, library, etc.)

**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. 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 group school based on information available on that site available from the District’s Asset Management and Facilities Master Plan. That analysis shows that the Site offered to the Charter School is virtually equivalent in every category of the Qualitative Assessment of the site (Landscape Quality, Safety, Noise, Graffiti and Community

Access) to the comparison group school, as are the buildings on that Site. A copy of that analysis is attached as [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.”

**b. Teaching Stations:**

With respect to 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 link to Form SAB 50-02 for the comparison group schools in the applicable high school attendance area is provided here:

<http://www.ousdcharters.net/prop-39-data.html>. 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 B](#).

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 (6-8: 22.18 and 9-12: 25.26 ADA per teaching station):

**Table 3a: Comparison Group Schools Serving Grades 6-8 Located in High School Attendance Area**

School	ADA Teaching Station Ratio
Montera Middle School	24.59
Bret Harte Middle School	19.77
<b>AVERAGE</b>	<b>22.18</b>

**Table 3b: Comparison Group Schools Serving Grades 9-12 Located in High School Attendance Area**

School	ADA Teaching Station Ratio
Madison Park Academy 6-12	24.38
Coliseum College Prep Academy	27.62
Castlemont High School	23.77
<b>AVERAGE</b>	<b>25.26</b>

Applying that ratio to the Charter School’s projected ADA of 415.80 (6-8: 296.64 and 9-12: 119.16), the District determined that the Charter School was entitled to an allocation of 19 (rounded up from 18.09) teaching stations.

**Table 4: Calculation of Exclusive 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	296.64	22.18	13.37
9-12	119.16	25.26	4.72
<b>TOTAL</b>	<b>316.80</b>	<b>-</b>	<b>19 (18.09)</b>

**c. Specialized Teaching Space:**

With respect to 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.

Using "the grade levels of the charter school's in-District students," and "the charter school's total in-District classroom ADA," the District determined "the per-student amount of specialized classroom space in the comparison group schools" based on the number of general education teaching stations, as set forth below:

**Table 5a: Specialized Classroom Space at Comparison Group Schools**

Comparison School Name	Grade Range	Gen Ed Classrooms				Specialized Rooms			
		Elem	Middle	High	Total	Elem (Gen Ed x 1/8)	Middle (Gen Ed x 1/6)	High (Gen Ed x 1/10)	Total Specialized Rooms (rounded up)
<i>Source</i>		<i>Taken from Facility Utilization One-Pagers</i>				<i>See formulas</i>			<i>Based on Calculation; Matches Facility Utilization One-Pagers</i>
Montera Middle School	Middle	0	26	0	26	0.0	4.3	0.0	5
Bret Harte Middle	Middle	0	17	0	17	0.0	2.8	0.0	3
Madison Park Academy	6-12	0	12	14	26	0.0	2.0	1.4	4
Coliseum College Prep Academy	6-12	0	7	8	15	0.0	1.2	0.8	2
Castlemont High School	High	0	0	34	34	0.0	0.0	3.4	4
<b>EBIA</b>	6-12	0	13.37	4.72	18.09	0.0	2.2	0.5	3

**Table 5b: Specialized Classroom Space Allocation**

Grade Span(s)	General Education Classrooms (ADA/Average ADA Teaching Station Ratio)	Specialized Classrooms*
6-8	13.37	2.27
9-12	4.72	0.47
<b>Total</b>	<b>19 (18.09)</b>	<b>3 (2.74)</b>

\* Specialized classroom space is allocated as a fraction of general education classrooms depending on grade level as follows: Elementary, 1/8; Middle, 1/6; High, 1/10.

The Charter School’s April 28, 2017 letter claims that “the District has failed to count wide swaths of specialized classroom or non-teaching station space at the comparison schools, or has entirely failed to account for those spaces in its offer.” (EBIA April 28, 2017 letter, p. 12.) This argument is rebutted by Table 5a above, in which the District calculates “the per-student amount of specialized classroom space in the comparison group schools” under Cal. Admin. Code title 5, § 11969.3(b)(2)(C). The Charter School

takes issue with the District's methodology for calculating "the per-student amount of specialized classroom space in the comparison group schools" despite the fact that the District's offer sets forth the calculation and provide access to the data on which it is based.

The Charter School's April 28, 2017 letter claims that "the District must allocate specialized classroom space, such as science laboratories, art rooms, computer rooms, music rooms, wood/metal shop rooms, etc. commensurate with the in-District classroom ADA of EBIA." (EBIA April 28, 2017 letter, p. 11.) In fact, the Proposition 39 regulations do not obligate the District to provide an endless list of specialized teaching space categories to the Charter School, but, rather, "the per-student amount of specialized classroom space in the comparison group schools." (Cal. Admin. Code tit. 5, § 11969(b)(2)(C).)

The Charter School criticizes the District's methodology for determining "the per-student amount of specialized classroom space in the comparison group schools. (April 28, 2017 letter, p. 12.) However, the Charter School's criticism does not explain how the District's methodology is inconsistent with the Proposition 39 regulations. The District's Asset Management and Facilities Master Plan and Facilities Utilization One-Pagers contain data regarding the types and amounts of specialized teaching space at the comparison group schools. ([Exhibit A](#); [Exhibit C](#)) Cal. Admin. Code tit. 5, § 11969(b)(2)(C) requires the District to determine "the per-student amount of specialized classroom space in the comparison group schools," which the District's methodology is designed to calculate. The Charter School's boilerplate complaints in its April 28, 2017 letter do not specify any category of specialized teaching space for which the Charter School claims a right to shared access with the host school or greater amounts of space; rather, the Charter School's complaint directs its complaints to the aggregate allocation of specialized teaching space in general.

The District will convert an existing classroom at Roosevelt (tentatively, Room 13) into a science classroom for the Charter School's use. The Charter School will be provided a rent credit associated with the reasonable costs to purchase/install resin/chemical resistant lab tables, a sink with eye-wash station or hooked up/portable eye-wash station, portable Bunsen burners, chemical disposal containers, and a storage unit.

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 determined the amount of non-teaching space at the comparison group schools as a function of SF/ADA.



**Table 6: Non-Teaching Space at Comparison Group Schools**

Comparison School(s)	17-18 Projected ADA	Site Utilization	Non-Teaching Space (Sq Ft)*	Sq Ft/ADA
Montera Middle School	743.93	84.0%	22,564	25.48
Bret Harte Middle School	489.26	95.7%	27,371	53.54
Coliseum College Prep Academy/Roots International Academy	760.48	96.1%	23,044	29.10
Madison Park Academy 6-12	781.67	100.0%	20,543	26.28
Castlemont High School	767.42	100.0%	40,414**	52.66
<b>Median Comparison School Sq Ft/ADA</b>				<b>29.10</b>

\*Source: MKThink OUSD Facilities Master Plan

\*\*Two buildings on the Castlemont High School campus containing 4,730 Sq Ft of admin/office space were occupied by charter schools in 2016-17 (see buildings B & D in Exhibit D) and were, therefore, not included in the total above. Although the total remaining non-teaching space for the site is included in the table above, a significant portion was being shared with the co-located charter schools in 2016-17.

A supplement to Table 6, showing the calculation of non-teaching space at the comparison group schools, is appended as Attachment 1 to this letter.

Site Utilization: As part of the Proposition 39 site allocation process, the District evaluated the enrollment and ADA at each of its District school sites, and determined what capacity of teaching space, non-teaching space and specialized teaching space each District school should be entitled to based upon a uniform District utilization standard. The space allocation at each District school was thereafter adjusted to achieve compliance with the District standard. The balance of the District's schools site space utilization was then earmarked for charter school allocation under Proposition 39. (For example, for a District school with a site utilization of 96.4%, 3.6% of that District site's space was reclaimed and earmarked for charter school availability.) ([Exhibit C](#))

The District then used the SF/ADA ratio for each category of space at the comparison group school as part of its reasonable equivalence analysis.

**Table 7a: Sharing Arrangement for Non-Teaching Space for Charter School at Roosevelt**

Room Type	Sharing Arrangement (Schedule for EBIA usage)	Hours (minutes) per week	EBIA % based on 57.5 hours of availability per week (i.e. 11.5 hours per day)
Gymnasium	M–F: 7:00–8:50am M,W,F: 6–7pm T, Th: 4–7pm	18.16 (1090)	31.6%
Courtyard*	M–F: 9:00–11:30am	12.50 (750)	21.7%
Auditorium	Principal of Roosevelt will create a shared space calendar to share with EBIA	10.00 (600)	17.3%
Field*	M–F: 8:00–8:50am	4.16 (250)	7.2%
Cafeteria	M–F: 9:00–11:30am; 12:30–1:30pm	17.50 (1050)	30.4%
Average	-	12.46 (748)	21.7%

\*Although EBIA is sharing Courtyard and Field space as indicated above, this shared space is not included in the Fee, Allocation, and Payment Schedule (Exhibit E).

**Table 7b: Calculation of Non-Teaching Space for Charter School at Roosevelt**

Site Name	Roosevelt			
Building Footprint (sq ft)	81,929			
Building Area (sq ft)	133,640			
Site Acreage	4.7			
	Roosevelt Site Total	Roosevelt Middle School	EBIA	
17-18 Projected ADA	603.50	484.34	119.16	
% of 17-18 Projected Site ADA	-	80.3%	19.7%	
Site Utilization	-	72.2%	-	
Non-Teaching Space Apportionment at Site				
Space Type	EBIA % Use (from Table 7a)	Roosevelt Site Total (Sq Ft)	Roosevelt Middle School (Sq Ft)	EBIA (Sq Ft)
Gymnasium	31.6%	8,655	5,920	2,735
Auditorium	17.3%	12,824	10,605	2,219
Cafeteria	30.4%	3,858	2,685	1,173
<b>Total</b>	<b>24.2%</b>	<b>25,337</b>	<b>19,210</b>	<b>6,127</b>

	Roosevelt Site Total	Roosevelt Middle School	EBIA
AVERAGE SQ FT/ADA	41.98	39.66	51.42

**Table 7c: Calculation of Exclusive Use Non-Teaching Space for Charter School at Thurgood Marshall**

Site Name	Thurgood Marshall
Building Footprint (sq ft)	26,492
Building Area (sq ft)	27,427
Site Acreage	9.2
17-18 Projected ADA	296.64
Room Type	Sq Ft
Admin/Office/Conference	1,074
MPR/Auditorium/Cafeteria/Gym	3,200
Library	960
Total	5,234
AVERAGE SQ FT/ADA	17.64

Following is a summary of the SF/ADA ratios of non-teaching space at the comparison group schools, compared to that of the Charter School's allocation:

**Table 8: Non-Teaching Space Actual Sq Ft/ADA vs. Comparison Sq Ft/ADA**

Offer Site	Charter Projected In-District ADA	Non-Teaching Space	
		Sq Ft	Sq Ft/ADA
Roosevelt	119.16	6,127	51.42
Thurgood Marshall	296.64	5,234	17.64
<b>Total Allocated</b>		<b>11,361</b>	<b>27.32</b>
<b>Total Required (based on Comparison Schools' Median Sq Ft/ADA)</b>		<b>12,100</b>	<b>29.10</b>

The District calculates the SF/ADA for non-teaching space to determine the reasonable equivalence standards for this category of space at the comparison group schools. Although the average SF/ADA of non-teaching space for the Charter School between

the two sites is marginally below the average at the comparison group sites, the District has considered the following mitigating factors: 1) the SF/ADA allocated to the Charter School at Roosevelt is well above that of the shared site; 2) the Charter School has exclusive use at the Marshall site of non-teaching space such as restrooms, hallways, and storage, which are not reflected in Table 7c above; and 3) the District did not include the square footage for the shared courtyard and field space at Roosevelt, or other space such as restrooms, hallways and storage, in the calculation of the pro-rata share.

The Charter School's April 28, 2017 letter alleges that the District excluded several categories of non-teaching space in the comparison group schools. (EBIA April 28, 2017 letter, p. 14.) The Proposition 39 regulations require the District to "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." (Cal. Admin. Code tit. 5, § 11969(b)(3).) This calculation is contained on Table 6, p. 14 of this Final Offer. The Charter School's complaints about the District's methodology for calculating non-teaching space at the comparison group schools fail to acknowledge that the District's methodology determines the amount of non-teaching space available at the comparison group schools, calculates the SF/ADA to which the charter school is entitled, and then allocates non-teaching space with reference to the amount available at the comparison group schools.

The District also will offer the Charter School reasonably equivalent Furnishings and Equipment for 415.80 (6-8: 296.64 and 9-12: 119.16) ADA.

The specific space offered to the Charter School in this Final Offer is depicted in the diagrams attached as **Exhibit D**.

#### **4. Differences Between Facilities Request and Final Offer**

In compliance with Cal. Admin. Code, title 5, §11969.9(f), the District identifies the differences between this Final Offer and the Charter School's Request for Facilities.

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections, as provided in its Final Offer.

Site Location: The Charter School identified a location preference "to have the middle school remain at Marshall, unless OUSD could provide another option for facilities that would allow the entire EBIA program to be located together in one location, that our families would accept from a safety and ease of access perspective." The Charter School also stated "EBIA would like to stay in the Oakland Hills area where the school is located in now, or in another easily accessible area in Oakland that would provide consistency to our families and offer a safe, gang-neutral school location for all our students" and expressed interest in Lakeview, King Estates, Westlake Middle School, Frick Middle School, and Howard Elementary School.

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 does 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 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 25, 2017 Resolution, p. 11-12.) ([Exhibit G](#)). The District did accommodate the Charter School's preference to locate its middle school program at Marshall.

**5. Response to Charter School's April 28, 2017 Letter:**

The District's response to the Charter School's complaints about the allocation of specialized teaching space and non-teaching space are addressed on p. 12 and 17 of this letter, respectively. Additionally, the District's response to the Charter School's

complaints about its multi-site offer and its response to its “Alternative Proposal” are contained in Section 6, below.

The Charter School raises a number of complaints regarding implementation issues at Roosevelt, including the steel door entrance, access to other portions of the Roosevelt site, alleged harassment of EBIA students by Roosevelt students, the server, gym access, and use of the facility by community groups. (Charter School April 28, 2017 letter, p. 7-8.) The District will address these issues separately as they constitute implementation issues outside the scope of the Final Offer process.

**6. 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 25, 2017, 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 G](#)).

The Charter School takes issue with the District’s findings supporting its multi-site offer, but fails to rebut any of the findings adopted by the Board. The Charter School also alleges that the District should have offered a single, contiguous offer of facilities at Frick Middle School, Westlake Middle School, the King Estates campus, or the Lakeview campus but none of these sites have the capacity to fit the Charter School’s entire capacity for 2017-2018. (*See*, January 25, 2017 Resolution, p. 11-12.) ([Exhibit G](#)).

Contrary to the Charter School’s claim, the District is not obligated to redraw District attendance boundaries or increase District class sizes to grant the Charter School’s first choice of facilities. (EBIA April 28, 2017 letter, p. 4.)

**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 E**. 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 F](#)) The District provides this proposed agreement



East Bay Innovation Academy

June 1, 2017

Page 22 of 23

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.

Due to the extension of time for this year’s Proposition 39 process, please respond no later than July 1, 2017.

If you have any questions, please do not hesitate to contact me.

Best,

*Leslie Jimenez*

Leslie Jimenez  
Office of Charter Schools

**Attachment 1**

<b>Table 6: Non-Teaching Space at Comparison Group Schools</b>						<b>Non-Teaching Space (Sq Ft) by Room Type</b>		
<i>Column Data Source</i>	<i>Schools located in Skyline High School attendance area that serve students in grades 6-8 and schools located in Castlemont High School attendance area that serve students in grades 9-12</i>	<i>Calculated 16-17 Enrollment x 15-16 Year-end attendance rate</i>	<i>Projected Facilities Utilization one-pagers (Exhibit E)</i>	<i>See formula (Columns G+H+I)</i>	<i>See formula (Non-Teaching SqFt/Projected ADA) x Site Utilization</i>	<i>Taken from MKThink Site Profiles (Exhibit A, see Summary Counts table on first page of each Site Profile). Data manually entered into spreadsheet.</i>		
<b>Site Name</b>	<b>Comparison School(s)</b>	<b>17-18 Projected ADA</b>	<b>Site Utilization</b>	<b>Non-Teaching Space (Sq Ft)*</b>	<b>Sq Ft/ADA</b>	<b>Admin/ Office/ Conference</b>	<b>MPR/ Auditorium/ Cafeteria/Gym</b>	<b>Library</b>
Montera	Montera Middle School	743.93	84.0%	20,476	23.12	5,909	14,567	2,088
Bret Harte	Bret Harte Middle School	489.26	95.7%	24,914	48.73	6,063	18,851	2,457
Havenscourt	Coliseum College Prep Academy/Roots International Academy	760.48	96.1%	23,044	29.10	6,554	14,967	1,523
Madison Middle	Madison Park Academy 6-12	781.67	100.0%	20,543	26.28	5,659	12,913	1,971
Castlemont	Castlemont High School (site shared with LPS/CPA)	767.42	100.0%	40,414*	52.66	10,451	26,267	3,696
<b>Median Comparison School Sq Ft/ADA</b>					<b>29.10</b>			

\*Source: MKThink OUSD Facilities Master Plan

\*\*Two buildings on the Castlemont High School campus containing 4,730 Sq Ft of admin/office space were occupied by charter schools in 2016-17 (see buildings B & D in Exhibit D) and were, therefore, not included in the total above. Although the total remaining non-teaching space for the site is included in the table above, a significant portion was being shared with the co-located charter schools in 2016-17.

# 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

## 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 C

## Facilities Utilization One Pagers

To view the Facilities Utilization One Pagers for District schools, please visit:

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

# Exhibit D

## Roosevelt Middle School

1926 19th Avenue

Site 212 Region 2 Grades 6-8

Roosevelt Middle School is located in the San Antonio District of Central Oakland, one block east of San Antonio Park. The neighborhood is framed by International Boulevard to the south, 23rd Avenue to the east, and 14th Avenue to the west, and it is primarily residential with only very moderate commercial development along the thoroughfares.

### PROGRAMMING (2012-2013)

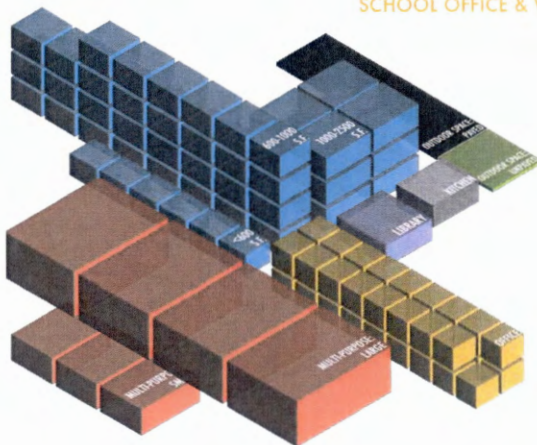
#### Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
<b>Roosevelt</b>	40	656	696	638



### FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS  
LIBRARY  
MULTI-PURPOSE  
SCHOOL OFFICE & WORKSPACE



#### Summary Counts

	Total	Permanent	Portable
Site Acreage	<b>4.7</b>		
Building Footprint (sf)	<b>81,929</b>		
Building Area (sf)	<b>133,640</b>	127,361	6,279
Classroom-Sized Rooms	<b>42</b>	35	7
<i>6 rooms &lt; 600 s.f. used as classrooms</i>			
		Number of Rooms	Sq Ft
Library Rooms	<b>1</b>		1,706
Auditorium/Cafeteria/ Multi-purpose/Gym	<b>7</b>		25,337
Admin/Office/ Conference Room	<b>35</b>		8,060
School Gardens	Number: <b>1</b>		Sq Ft: 140
Kitchen	Type: Finishing		
On-site Health Clinic	Yes		

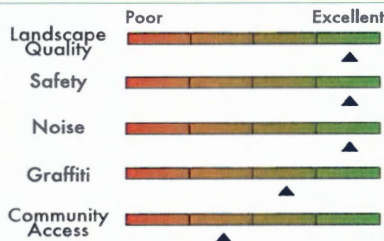
### SITE SUMMARY (Summer 2012)

#### Sports / Recreation

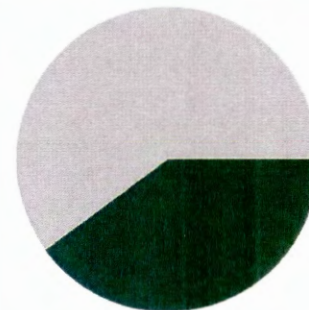
- Play structure
- Basketball hoops ●●●●●●●●
- Swimming pool
- Soccer/football field ●
- Volleyball court
- Tennis
- Baseball field
- Tennis court

#### Qualitative Assessment

##### Transit Accommodations



#### Open Space



Paved 60% 40% Green

Site & Facilities Photos - Summer 2011 (Sample)

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



**BUILDING A**

BUILDING AREA (SQFT): 90,479

CONSTRUCTED: 1935

**STRUCTURAL ELEMENTS**

**ROOFING**

Plywood on wood joists and steel bracing, trusses

**FOUNDATION**

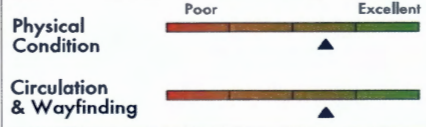
Spread footings (under interior columns); strip footings (under structural walls)

**VERTICAL RESISTANCE**

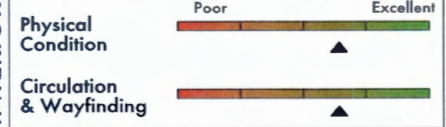
Shear wall - Concrete shear walls

**QUALITATIVE BUILDING ASSESSMENT**

**EXTERIOR**



**INTERIOR**



**ROOM SUMMARY**

NO. OF CLASSROOMS

24

NO. OF OFFICES

21

NO. OF ADMIN ROOMS

28

NO. OF RESTROOMS

9

NO. OF STUDENT COMPUTERS

43

NO. OF ADMIN WORKSTATIONS

29

ADDITIONAL ADMIN SPACES

Teachers' Lounge

**BUILDING B**

BUILDING AREA (SQFT): 19,862

CONSTRUCTED: 1976

**STRUCTURAL ELEMENTS**

**ROOFING**

Plywood on wood joists on glulam beams

**FOUNDATION**

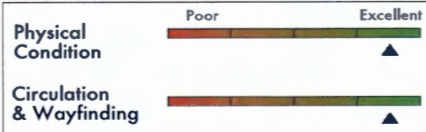
Strip footings (under structural walls)

**VERTICAL RESISTANCE**

Wood stud walls

**QUALITATIVE BUILDING ASSESSMENT**

**EXTERIOR**



**INTERIOR**



**ROOM SUMMARY**

NO. OF CLASSROOMS

3

NO. OF OFFICES

4

NO. OF ADMIN ROOMS

4

NO. OF RESTROOMS

5

NO. OF STUDENT COMPUTERS

43

NO. OF ADMIN WORKSTATIONS

6

ADDITIONAL ADMIN SPACES

Teachers' Lounge

**BUILDING C**

BUILDING AREA (SQFT): 17,020

CONSTRUCTED: 1976

**STRUCTURAL ELEMENTS**

**ROOFING**

Plywood on wood joists on glulam beams

**FOUNDATION**

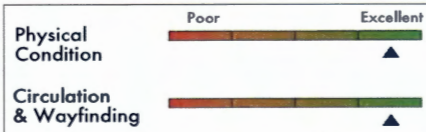
Strip footings (under structural walls)

**VERTICAL RESISTANCE**

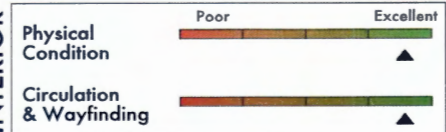
Wood stud walls

**QUALITATIVE BUILDING ASSESSMENT**

**EXTERIOR**



**INTERIOR**



**ROOM SUMMARY**

NO. OF CLASSROOMS

3

NO. OF OFFICES

3

NO. OF ADMIN ROOMS

3

NO. OF RESTROOMS

8

NO. OF STUDENT COMPUTERS

43

NO. OF ADMIN WORKSTATIONS

1

ADDITIONAL ADMIN SPACES

Teachers' Lounge

# Roosevelt Middle School

Portable Records

Site ID 212 Region 2 Grades 6-8

	Manufactured:	NO. OF CLASSROOMS	NO. OF ADMIN ROOMS
D	2001	1	
E	2001	1	
F	2001	1	
G	2001	1	
H	2001	1	
I	2001	1	
J	2001	1	

Portable Inventory

Total Count  
7

Average Age  
11 Years

Qualitative Conditions Assessment

poor
Excellent

EXT.
▲

INT.
▲



# Roosevelt Middle School

Rooms Summary & List

Site ID 212 Region 2 Grades 6-8

BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
<b>BUILDING</b>	<b>A</b>						
1	n/a	Circulation	3,162				
1	1	Classroom	1,242	1		15	
1	2	Classroom	1,229	34			
1	3	Classroom	439				
1	4	Storage	21			14	
1	5	Storage	233				
1	6	Storage	66				
1	8	Circulation	622			13	
1	9	Restroom	66			12	
1	11	Storage	80				
1	12	Storage	43				
1	13	Storage	30			10	
1	14	Storage	40				
1	15	Storage	76				
1	16	Admin/Office	287		1		
1	17	Admin/Office	78				
1	18	Admin/Office	263		1	9	
1	19	Admin/Office	130				
1	20	Admin/Office	244		2		
1	21	Admin/Office	141				
1	22	Admin/Office	140				
1	23	Admin/Office	152		1	8	
1	24	Admin/Office	152		1	7	
1	25	Admin/Office	68			2	
1	26	Admin/Office	287		1		
1	27	Storage	839			123	
1	27a	Restroom	56				
1	27b	Restroom	56				
1	28	Circulation	0		1	1	
1	29	Classroom	1,482	3		122	
1	30	Classroom	1,092	1		3	
1	31	Admin/Office	332		1	4	
1	33	Admin/Office	173		1		
1	34	Admin/Office	66		1		
1	35	Admin/Office	95		1	6	
1	37	Classroom	713			126	
1	38	Lounge/Staff Dining	172				
1	39	Admin/Office	86		1		
1	40	Admin/Office	86		1		
1	41	Restroom	383				
1	42	Classroom	712				
1	43	Circulation	1,361				
1	45	Classroom	1,054				
1	46	Building Utilities	25				
1	47	Classroom	1,407	2		117	
1	49	Circulation	3,203				
1	50	Classroom	867				
1	51	Classroom	699			115	
1	52	Classroom	867				
1	53	Classroom	737				
1	54	Lounge/Staff Dining	383				
1	55	Admin/Office	383		1		
1	56	Building Utilities	383			109	
1	57	Classroom	739			104	
1	58	Classroom	754				
1	59	Circulation	1,361				
1	62	Classroom	1,080			110	

BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
1	63	Classroom	676			11	
1	64	Classroom	701				
1	65	Storage	548			16	
1	66	Classroom	596				
1	67	Storage	500			108	
1	68	Classroom	715			109	
1	69	Building Utilities	14				
1	70	Building Utilities	14				
1	71	Circulation	150				
1	72	Circulation	32				
1	73	Circulation	45				
1	74	Storage	23				
1	75	Circulation	27				
1	76	Building Utilities	104				
1	77	Circulation	259				
1	78	Circulation	259				
1	79	Building Utilities	104				
1	80	Multipurpose	1,597				
1	81	Auditorium	6,924				
1	83	Admin/Office	105				
1	85	Storage	68				
2	um3	Circulation	297				
2	um4	Storage	423				
2	um5	Circulation	294				
2	um6	Multipurpose	4,303				
2	um7	Storage	50				
2	um8	Circulation	220				
2	um9	Circulation	220				
3	n/a	Building Utilities	136				
3	1	Admin/Office	633		1	15	
3	2	Storage	27				
3	3	Storage	18				
3	4	Admin/Office	341		1	14	
3	5	Storage	200				
3	6	Restroom	476				
3	7	Circulation	217				
3	8	Classroom	587			13	
3	9	Classroom	697			12	
3	10	Classroom	599			11	
3	11	Circulation	217				
3	12	Restroom	476				
3	13	Admin/Office	349		1	10	
3	14	Admin/Office	116		1		
3	15	Admin/Office	90				
3	17	Circulation	1,821				
3	18	Classroom	676	1		9	
3	20	Lounge/Staff Dining	358				
3	21	Storage	113				
3	22	Restroom	89				
3	23	Classroom	735	1		8	
3	24	Classroom	890			7	
3	25	Admin/Office	390		1	2	
3	26	Circulation	64				
3	27	Circulation	432			123	
3	28	Storage	1,041			1	
3	30	Storage	360			3	
3	31	Storage	206			4	
3	32	Storage	343			5	
3	33	Storage	184				
3	35	Storage	56			6	
3	36	Admin/Office	266		2		
3	38	Library	225				
3	39	Storage	86				
3	41	Library	1,706				

BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
3	42	Storage	892	10			
3	43	Restroom	44				
3	44	Library	221				
3	45	Storage	212				
3	46	Circulation	2,906				
3	48	Storage	449			11	
3	49	Storage	801				
3	50	Admin/Office	390		5		
3	51	Circulation	234			115	
3	52	Restroom	144				
3	53	Storage	152				
3	54	Building Utilities	208				
3	55	Storage	224				
3	58	Circulation	559				
3	60	Building Utilities	138				
3	61	Circulation	775				
3	64	Storage	856				
3	65	Classroom	971			16	
3	66	Classroom	703				
3	68	Circulation	312			109	
3	69	Admin/Office	458		2		
3	70	Storage	472				
3	71	Storage	8				
3	72	Storage	6				
3	73	Storage	62				
3	74	Storage	62				
3	75	Storage	62				
3	76	Storage	62				
3	77	Storage	62				

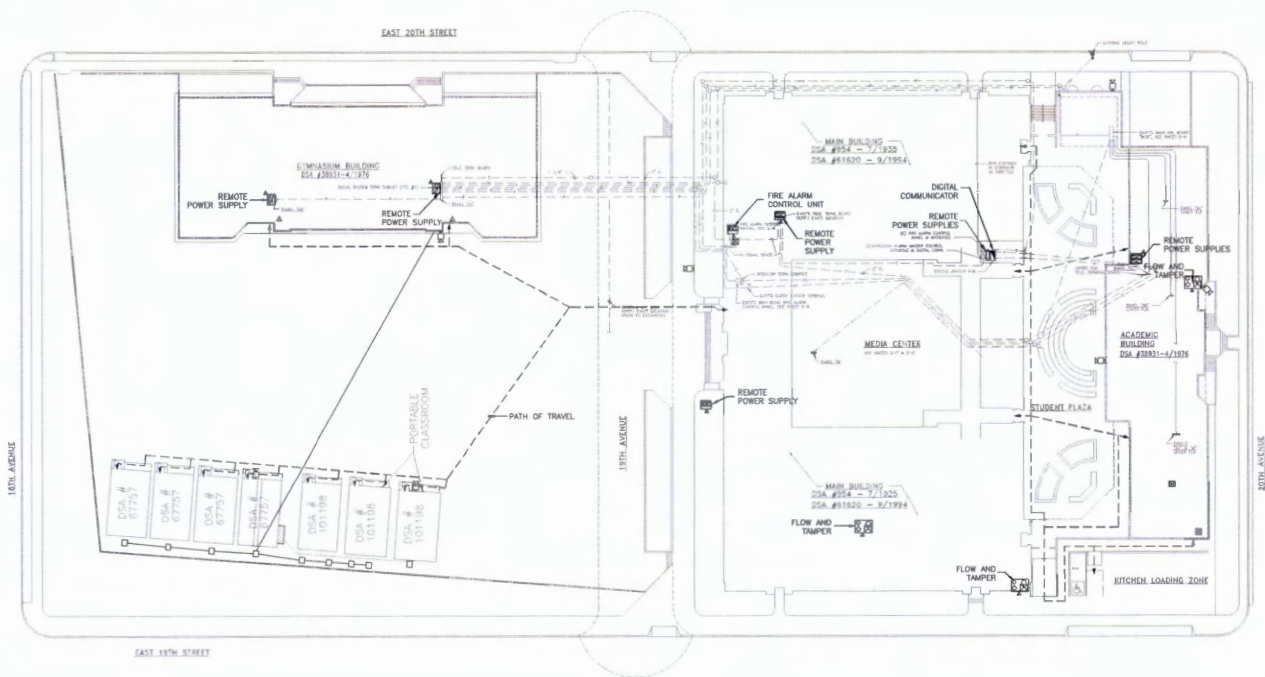
**BUILDING**

**B**

1	n/a	Building Utilities	10				
1	n/a	Storage	16				
1	n/a	Circulation	56				
1	n/a	Circulation	56				
1	101	Multipurpose	3,858				
1	102	Building Utilities	256				
1	103	Building Utilities	1,155				
1	105	Locker Rooms	68				
1	106	Restroom	40				
1	107	Storage	71				
1	108	Circulation	150				
1	109	Storage	83				
1	110	Admin/Office	42		1		
1	111	Storage	45				
1	112	Storage	92				
1	114	Building Utilities	179				
1	115	Restroom	128				
1	116	Restroom	128				
1	117	Storage	34				
1	118	Restroom	47				
1	119	Restroom	53				
1	120	Lounge/Staff Dining	871				
1	121	Circulation	322				
1	122	Building Utilities	200				
1	124	Storage	210				
1	125	Building Utilities	42				
1	126	Building Utilities	68				
1	127	Circulation	316				
1	128	Classroom	1,031				
1	129	Storage	76				
1	130	Storage	196				
1	131	Classroom	69				

BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
1	132	Admin/Office	138				
1	133	Classroom	241				
1	134	Circulation	94				
1	135	Admin/Office	1,183		4		
1	136	Admin/Office	69		1		
2	1	Storage	490				
2	2	Storage	160				
2	3	Building Utilities	1,460				
2	4	Building Utilities	304				
2	5	Storage	134				
2	6	Storage	260				
2	7	Classroom	1,581				
2	8	Circulation	735				
2	9	Storage	42				
2	12	Building Utilities	44				
2	13	Building Utilities	63				
2	15a	Storage	109				
2	15	Classroom	2,217				
2	17	Storage	148				
2	18	Storage	148				
2	19	Storage	45				
<b>BUILDING C</b>							
1	6	Restroom	54				
1	8	Circulation	123				
1	12	Storage	41				
1	14	Circulation	169				
1	15	Locker Rooms	24				
1	16	Storage	95				
1	17	Building Utilities	13				
1	19	Circulation	93				
1	23	Circulation	93				
1	32	Restroom	54				
1	34	Storage	106				
1	35	Circulation	126				
1	36	Building Utilities	14				
1	37	Circulation	389				
1	38	Circulation	252				
1	39	Circulation	77				
1	40	Circulation	78				
1	302	Admin/Office	123				
1	303	Admin/Office	81				
1	304	Locker Rooms	649				
1	305	Storage	51				
1	306	Storage	71				
1	307	Locker Rooms	835				
1	308	Restroom	150				
1	309	Restroom	102				
1	310	Gym	828				
1	311	Storage	311				
1	312	Restroom	63				
1	313	Building Utilities	93				
1	314	Gym	6,999				999
1	315	Circulation	458				
1	316	Admin/Office	123		1		
1	317	Restroom	81				
1	318	Locker Rooms	470				
1	319	Locker Rooms	1,042				
1	321	Restroom	148				
1	322	Restroom	169				
1	323	Gym	828				
1	324	Storage	311				
1	325	Building Utilities	86				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	1	326	Building Utilities	63				
<b>PORTABLE</b>								
		1	Classroom	897			1	
<b>PORTABLE</b>								
		1	Classroom	897	1		3	
<b>PORTABLE</b>								
		1	Classroom	897	1		5	
<b>PORTABLE</b>								
		1	Classroom	897			6	
<b>PORTABLE</b>								
		1	Classroom	897	1		7	
<b>PORTABLE</b>								
		1	Classroom	897			8	
<b>PORTABLE</b>								
		1	Classroom	897			11	



Not drawn to scale

Exclusive Use by  
Charter School

## 212 - Roosevelt Middle School - Site Plan

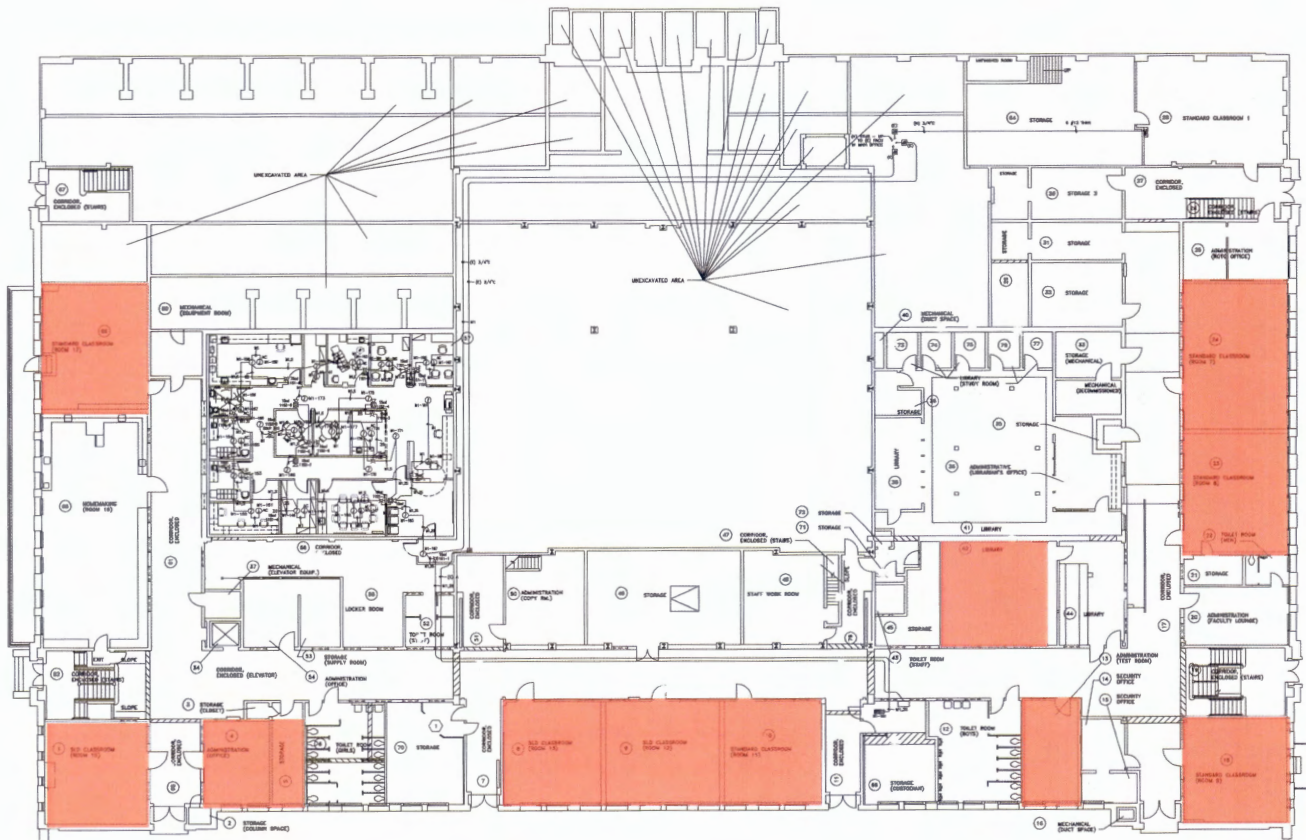
1926 19th Avenue - Oakland, CA 94606-4170

**MKTHINK**

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

2011

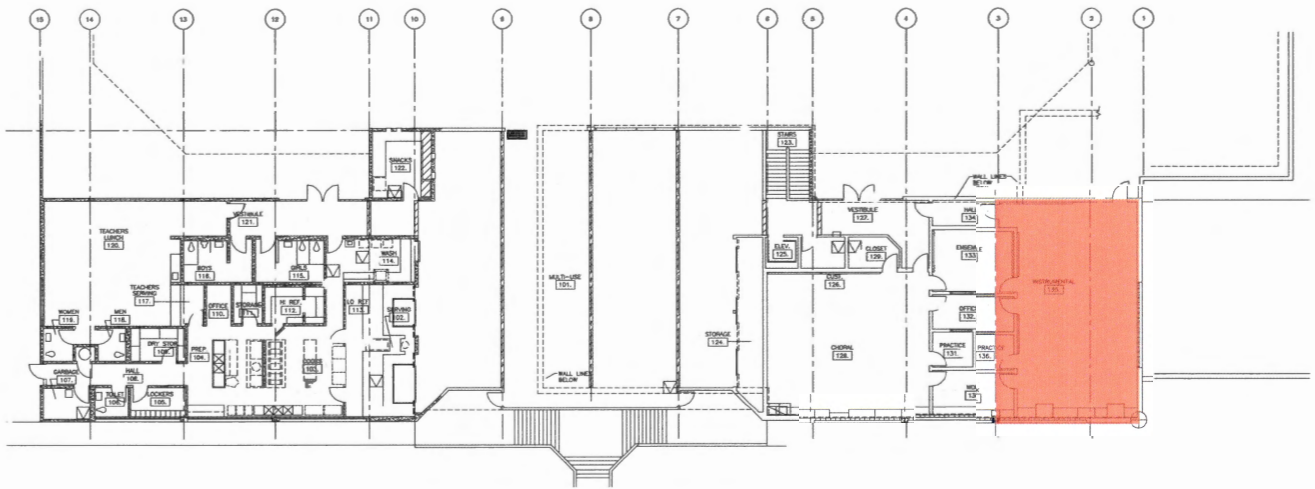




Not drawn to scale



212 - Roosevelt Middle School - Unit A3  
 1926 19th Avenue - Oakland, CA 94606-4170



Not drawn to scale



## 212 - Roosevelt Middle School · Unit B1

1926 19th Avenue - Oakland, CA 94606-4170

**MKTHINK**

Roundhouse One, 1503 Sansome Street, San Francisco, CA 94111  
mkthink.com 415 407-0888

2011





# 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)

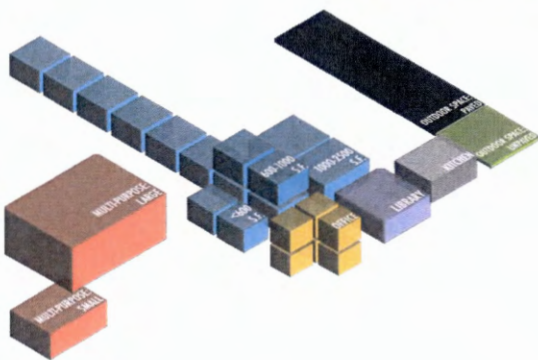
### Schools / Enrollment

SDC	Non-SDC	Total	API (2010-2011)
<b>100 Black Men of the Bay Area</b>			



## FACILITIES (Summer 2012)

**LEARNING ENVIRONMENTS**  
 LIBRARY  
 MULTI-PURPOSE  
 SCHOOL OFFICE & WORKSPACE



### Summary Counts

	Total	Permanent	Portable
Site Acreage	<b>9.2</b>		
Building Footprint (sf)	<b>26,492</b>		
Building Area (sf)	<b>27,427</b>	27,427	
Classroom-Sized Rooms	<b>12</b>	12	
<i>2 rooms &lt; 600 s.f. used as classrooms</i>			
	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		

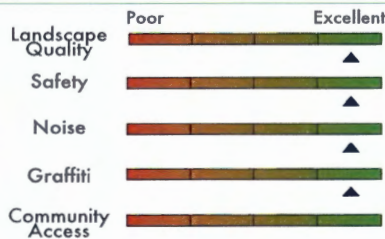
## SITE SUMMARY (Summer 2012)

### Sports / Recreation

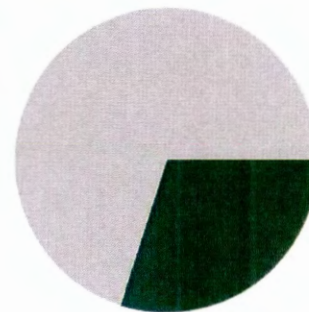
- Play structure ●●●●
- Basketball hoops ●●●●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

### Qualitative Assessment

Transit Accomodations



### 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**

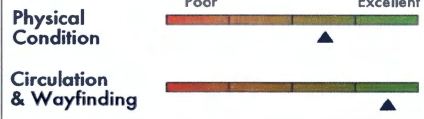
Shallow footings, slab on grade.

**VERTICAL RESISTANCE**

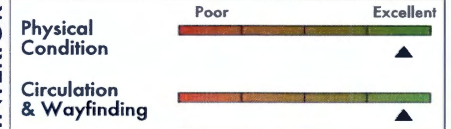
Shear wall - Wood stud walls

#### QUALITATIVE BUILDING ASSESSMENT

**EXTERIOR**



**INTERIOR**



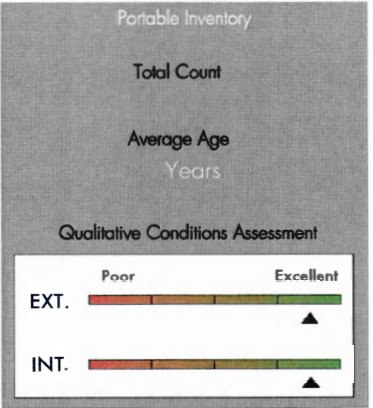
#### ROOM SUMMARY

<u>NO. OF CLASSROOMS</u>	<u>NO. OF OFFICES</u>	<u>NO. OF ADMIN ROOMS</u>	<u>NO. OF RESTROOMS</u>
12	5	6	7
<u>NO. OF STUDENT COMPUTERS</u>	<u>NO. OF ADMIN WORKSTATIONS</u>	<u>ADDITIONAL ADMIN SPACES</u>	
38	4	Teachers' Lounge	

# Thurgood Marshall Elementary

Portable Records

Site ID 174 Region 3 Grades

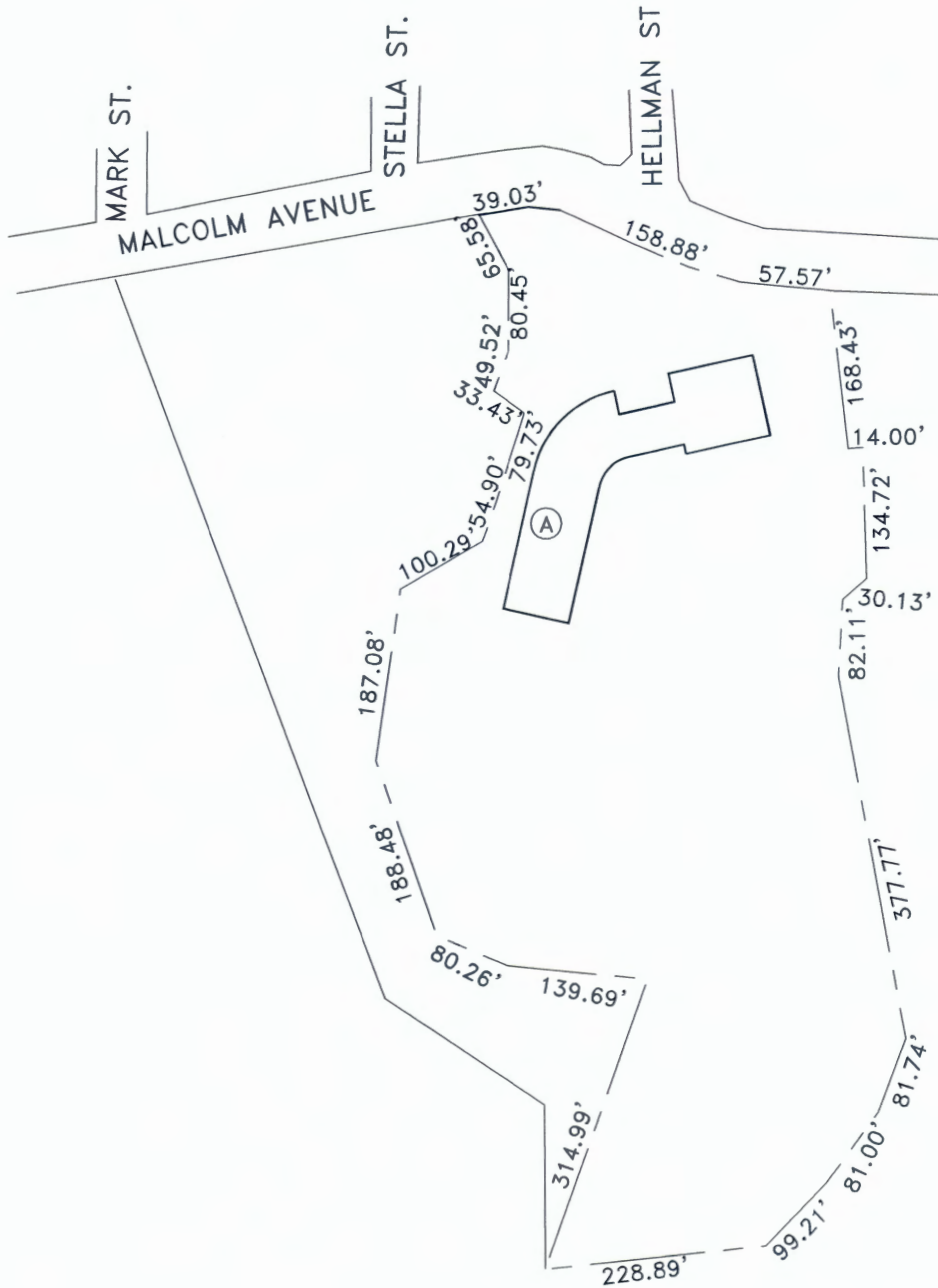


# Thurgood Marshall Elementary

Rooms Summary & List

Site ID 174 Region 3 Grades

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQ. FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
<b>A</b>	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

Charter School  
has Exclusive Use  
of Entire Site

## 174 - Thurgood Marshall Elementary School - Site Plan

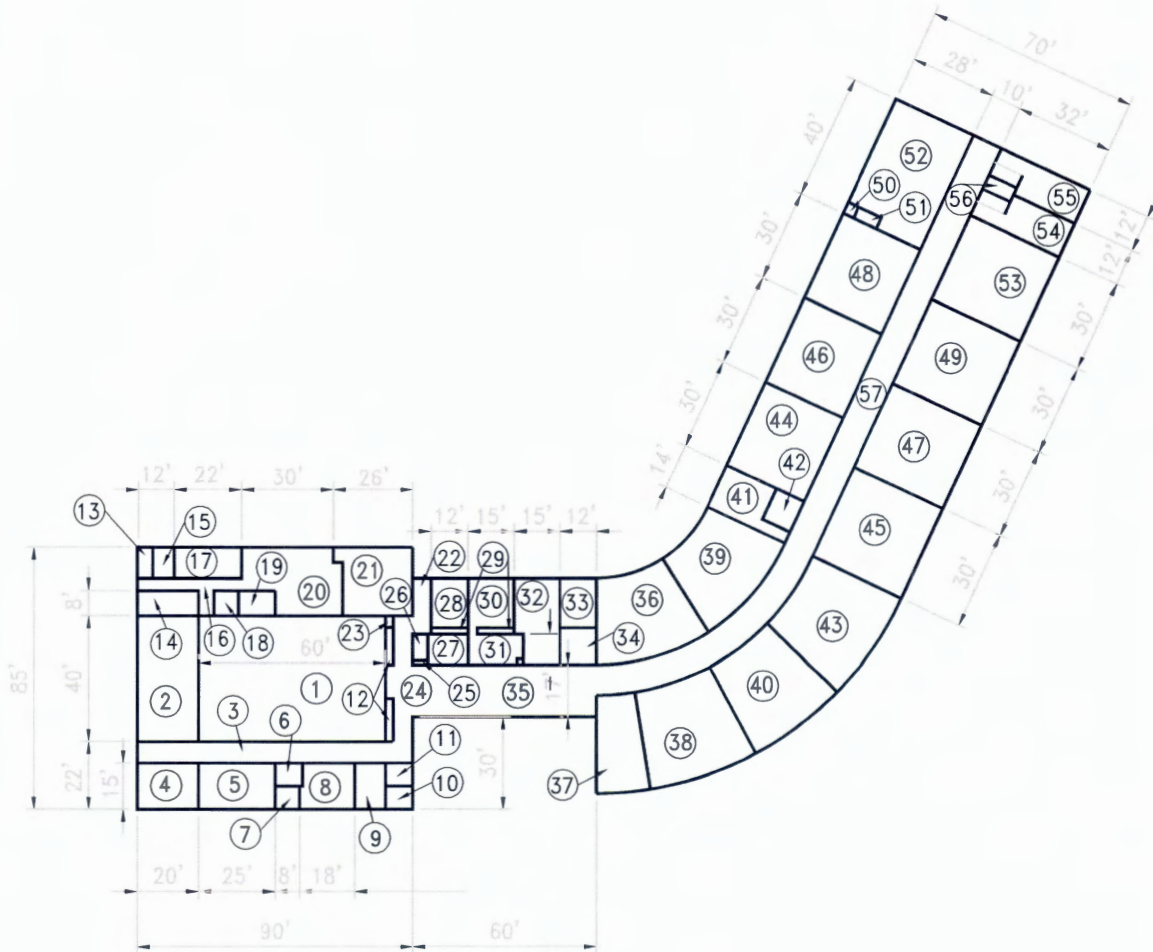
3400 Malcolm Avenue - Oakland, CA 94605-5353

MKTHINK

Roundhouse One, 1509 Sansome Street, San Francisco, CA 94111  
mkthink.com 415.402.0688

2011





Not drawn to scale



## 174 - Thurgood Marshall Elementary School - Unit A

3400 Malcolm Avenue - Oakland, CA 94605-5353

**MKTHINK**

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

2011



# Exhibit E

## FEE, ALLOCATION, AND PAYMENT SCHEDULE \*

Contract Term (Fiscal Year):	2017/18
School Name:	East Bay Innovation Academy (6-8 <sup>th</sup> )
Location/Campus:	1926 19 <sup>th</sup> Avenue, Oakland, CA 94606 (Roosevelt Middle School Campus)
Building Footprint (Sq. Ft.)	81,929
Charter School Exclusive + Shared Space Sq. Ft.	8,485 + 6,127 = 14,612
Total 17-18 Proj. ADA: Charter / (District + Charter)**	144 / ( 484 +144 ) = 22.93%
= Percentage of Site Used	22.93%
<b>Facility Fee:</b>	
Charter School Exclusive + Shared Space Sq. Ft.	14,612
X Rate per Square Footage	\$4.74
= Facility Use Fee Total	\$69, 260.88
<b>Custodial Services: \$72,894 for 1 FTE</b>	
(No. of FTE x Rate) x Shared Cost %	(4.5 FTE x \$ 72,894) x 22.93%
= Custodial Fee Total	\$75,215.67
<b>Utilities:</b>	
Percent of Site Use (if applicable)	22.93%
<b>Payment Schedule:</b>	25% by October 1, 2017
	25% by December 1, 2017
	25% by April 1, 2018
	25% by July 1, 2018

\* All Calculations Subject To Change

\*\*Includes total (in-district + out-of-district) projected ADA as reported in the school's facilities request form.

## FEE, ALLOCATION, AND PAYMENT SCHEDULE \*

<b>Contract Term (Fiscal Year):</b>	<b>2017/18</b>
<b>School Name:</b>	<b>East Bay Innovation Academy (9-10<sup>th</sup>)</b>
<b>Location/Campus:</b>	<b>3400 Malcolm Avenue, Oakland, CA 94605 (Thurgood Marshall Elementary School Campus)</b>
<b>Building Footprint (Sq. Ft.)</b>	<b>26,492</b>
<b>= Percentage of Site Used</b>	<b>100%</b>
<b>Facility Fee:</b>	
<b>Charter School Exclusive (Sq. Ft.)</b>	<b>26,492</b>
<b>X Rate per Square Footage</b>	<b>\$4.74</b>
<b>= Facility Use Fee Total</b>	<b>\$125,572.08</b>
<b>Utilities:</b>	
<b>Percent of Site Use (if applicable)</b>	<b>100%</b>
<b>Payment Schedule:</b>	<b>25% by October 1, 2017</b>
	<b>25% by December 1, 2017</b>
	<b>25% by April 1, 2018</b>
	<b>25% by July 1, 2018</b>

\* All Calculations Subject To Change





## Welcome to the online source for the California Code of Regulations

5 CA ADC § 11969.7

5 CCR § 11969.7

Cal. Admin. Code tit. 5, § 11969.7

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 5. EDUCATION  
DIVISION 1. CALIFORNIA DEPARTMENT OF EDUCATION  
CHAPTER 11. SPECIAL PROGRAMS  
SUBCHAPTER 19. CHARTER SCHOOLS  
ARTICLE 3. FACILITIES FOR CHARTER SCHOOLS.

This database is current through 1/16/09, Register 2009, No. 3

§ 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).

5 CCR § 11969.7, 5 CA ADC § 11969.7  
1CAC

5 CA ADC § 11969.7

END OF DOCUMENT

(C) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

[Docs In Sequence](#)   [Table of Contents](#)

---

This site is provided by West.  
© 2009 West | [Privacy](#) |  
[Accessibility](#)

**THOMSON**  
—\*—  
**WEST**

**WORKSHEET -- OUSD's Prop 39 Facility Use Rate Per Sq Ft for 2017-18 FY**

Calculation is based on 2016/17 budget as of 12/09/16

	<b>Prop 39 Base</b>	
Custodial Services Department Expenses*		
Trash & Recycling		
Compensation		
Supplies and Materials		
Buildings & Grounds Department Expenses		
Deferred Maintenance transfer from Fund 01 (NONE)		
RRMA transfer from UR to resource 8150	13,548,405	
Facility Acquisition and Construction (Funct. 8500)	2,419,327	
		<b>15,967,732</b>
Utilities Expenses*		
Gas, Water & Electric		
Sewer Charges		
Basic Phone Service		
Debt Servicing - principal & interest payments		
Emerg. Apportionment (State) Loan - \$65 million	3,890,534	
Emergency Apportionment (State) Loan - \$35 million	2,094,903	
		<b>5,985,437</b>
Police Services (CCR 11969.2 (h))		<b>3,242,398</b>
Insurance (Function 6000)		<b>2,440,500</b>
<b>TOTAL COST BASIS</b>		<b>27,636,067</b>
<b>TOTAL DISTRICT SQUARE FOOTAGE</b>		<b>5,836,129</b>
<b>COST PER SQUARE FOOT</b>		<b>\$ 4.74</b>

\* Item may be added to Use Agreement if applicable.

12/14/16

**2017/18 FY**

**WORKSHEET -- OUSD's Prop 39 Facility Use Rate Per Sq Ft Calculation**

Calculation is based on 2016/17 budget as of 12/09/16

	Prop 39 Base	
Custodial Services Department Expenses*		
Trash & Recycling		
Compensation		
Supplies and Materials		
Buildings & Grounds Department Expenses		
Deferred Maintenance transfer from Fund 01 (NONE)		
RRMA transfer from UR to resource 8150	13,548,405	
Facility Acquisition and Construction (Func 8500)	2,419,327	
		<b>15,967,732</b>
Utilities Expenses*		
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	
		<b>5,985,437</b>
Police Services (CCR 11969.2 (h) Safe & Comfortable)		<b>3,242,398</b>
Insurance (Function 6000)		<b>2,440,500</b>
<b>TOTAL COST BASIS</b>		<b>27,636,067</b>
<b>TOTAL DISTRICT SQUARE FOOTAGE</b>		<b>5,836,129</b>
<b>COST PER SQUARE FOOT</b>		<b>\$ 4.74</b>

\* Item may be added to Use Agreement if applicable.  
12/14/16

**RRMA Transfer from UR to resource 8150**

Object Codes	As of 12/09/16 BUDGET
<b>2. Classified Salaries</b>	<b>6,958,437</b>
2205 - CLASSSUPPT SALARIES	5,567,391
2220 - CLASSSUPPT SALARIES STIPENDS	-
2225 - CLASSSUPPT SALARIES OVERTIME	236,376
2305 - SUPV&ADM SALARIES	914,564
2406 - CLERICAL SALARIES	240,106
2450 - CLERICAL SUBSTITUTES	-
<b>3. Employee Benefits</b>	<b>3,293,199</b>
3102 - STRS CLASSIFIED	16,028
3202 - PERS CLASSIFIED	867,400
3302 - SOCSEC,MEDI,ALTSS CLASSIFIED	417,981
3322 - MEDICARE CLASSIFIED	100,372
3342 - PARS CLASSIFIED	5,781
3402 - HEALTH & WELFARE CLASSIFIED	1,356,035
3502 - ST UNEMPLOY INS CLASSIFIED	9,145
3602 - WORKERS COMP CLASSIFIED	450,069
3802 - PERS REDUCTION CLASSIFIED	-
3902 - OTHER BENEFITS CLASSIFIED	70,386
<b>4. Books and Supplies</b>	<b>1,837,951</b>
4310 - SUPPLIES	1,687,445
4330 - GASOLINE	140,000
4399 - SURPLUS	-
4410 - Equipment \$500-4,999	5,506
4420 - Computer \$500-4,999	5,000
4432 - Furniture \$500-4,999	-
<b>5. Services and Operating</b>	<b>1,458,819</b>
5515 - DISPOSAL SERVICES	94,783
5210 - MILEAGE/PERSONAL EXP REIMB	-
5610 - EQUIP MAINTENANCE AGREEMT	1,800
5622 - RENTALS - EQUIPMENT	12,000
5670 - REPAIRS CONT	1,091,604
5679 - REPAIRS CONT - VEHICLE	80,000
5716 - INTERPGM - DUPLICATION SERVICE	1,000
5720 - INTERPGM - MAINT WORK ORDERS	(93,692)
5724 - INTERPGM - POSTAGE	-
5760 - INTERFUND - MAINT WORK ORDERS	(40,000)
5810 - ADVERTISING - LEGAL	8,523
5826 - EXTERNAL WORK ORDER SERVICES	286,800
5910 - POSTAGE	1,000
5930 - TELEPHONE	15,000
5934 - PAGERS	-
<b>6. Capital Outlay</b>	<b>-</b>
6410 - EQUIPMENT	-
6460 - VEHICLE PURCHASE	-
<b>7. Other Outgo</b>	<b>-</b>
7815 - IFT GEN,SRF,BLDG TO DEF MAINT	-
7990 - UNAPPROPRIATED FUND BALANCE	-
<b>Grand Total</b>	<b>13,548,405</b>

Source: Rpt 12 - Fd 01, Res. 8150, Obj. 1000-7990

**Facility Acquisition and Construction (Function 8500)**

Object Codes	As of 12/09/16 BUDGET
<b>4. Books and Supplies</b>	<b>31,050</b>
4310 - SUPPLIES	26,196
4311 - MEETING REFRESHMENTS	1,854
4315 - COMPUTER SUPPLIES	-
4399 - SURPLUS	-
4410 - Equipment \$500-4,999	-
4420 - Computer \$500-4,999	2,000
4432 - Furniture	1,000
<b>5. Services and Operating</b>	<b>36,450</b>
5210 - MILEAGE/PERSONAL EXP REIMB	22,150
5220 - CONFERENCE EXPENSE	4,699
5300 - DUES & MEMBERSHIPS	1,601
5610 - EQUIP MAINTENANCE AGREEMT	500
5620 - RENTALS (NON-CAPITAL LEASES)	2,000
5622 - RENTALS - EQUIPMENT	-
5675 - REPAIRS CONT. - EQUIP OTHER	-
5716 - INTERPGM - DUPLICATION SERVICE	500
5714 - INTERPGM - POSTAGE	-
5800 - OTHER SERVICES & OPERATING EXPS	-
5825 - CONSULTANTS	-
5830 - CONTRACTED SERVICES	-
5870 - PRINTING	-
5872 - Property Loss	-
5910 - Postage	5,000
5930 - Telephone	-
<b>6. Capital Outlay</b>	<b>2,351,827</b>
6100 - Sites & Improvement of Sites	7,890
6200 - Buildings & Improvement of Buildings	4,838
6215 - Architects/Engineers	33,813
6220 - Assessments and Fees	-
6252 - Preliminary Fees	-
6262 - Other Planning Costs	18,056
6271 - Main Construction	2,083,917
6274 - Other Construction	178,632
6276 - Moving Expense	10,000
6410 - Equipment	14,681
<b>Grand Total</b>	<b>2,419,327</b>

Source: Rpt 12 - Fd 01, Function 8500

# Exhibit F

## Draft Facilities Use Agreement

To view a draft Facilities Use Agreement, please visit:

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

# Exhibit G

## 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>