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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Jenine Lindsey, General Counsel
Kelly Krag-Arnold, Director, Office of Charter Schools

Meeting Date January 2, 2025

Subject Material Revision to Bay Area Technology School’s Facility Location

Ask of the Board Vote

Background Bay Area Technology School submitted a material revision request on September 12, 2024. The material revision requests to revise the charter school’s location from the OUSD King Estates campus at 8251 Fontaine St., Oakland, CA 94605, to the former Palace Theater in the Fruitvale neighborhood, located at 1445 23rd Avenue, Oakland, CA 94606.

On December 9, 2024, the OUSD Board of Education held an Initial Public Hearing, where Bay Area Technology School staff had the opportunity to present to the Board. In accordance with California Education Code, the OUSD Office of Charter Schools prepared a Staff Report which was posted publicly by December 18, 2024.

Discussion Staff evaluate charter school material revision petitions with the following criteria pursuant to Education Code §47605(c):

- I. Has the Charter School Presented a Sound Educational Program?
- II. Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?
- III. Is the Petition Reasonably Comprehensive?

Education Code §476059(c)(7-8) outlines two additional criteria for material revisions including whether the charter school is likely to serve the interests of the entire community in which the school is proposing to locate (“Criterion IV”) and whether the District is positioned to absorb the fiscal impact of the proposed change (“Criterion V”). Pursuant to Education Code §47605(a)(4), Criteria IV and V “may only be used to deny a proposed expansion constituting a material revision.” An expansion, pursuant to Education Code §47605(a)(4), is defined as a proposal

to “expand operations to one or more additional sites or grade levels”. Because BayTech is not proposing to expand operations to one or more additional sites, but is only changing the location of its current site, the Material Revision does not constitute an expansion as defined by California Education Code and, thus, Criteria IV and V are not considered in this report.

OCS recommends that the OUSD Board vote to **approve** the material revision petition with the following benchmarks:

- Provide the District with copies of all documents reflecting the financing obtained by the Charter School in connection with the site.
- Provide the District with a long-term schedule of the charter school’s financial obligations with respect to the financing, including but not limited to principal and interest payments and fees.
- Provide the District with an updated multi-year budget and projections in the event that the terms of the facilities financing change.

Approval is **conditional** on the Charter School’s ability to secure the Certificate of Occupancy, Fire Safety Inspection, and OUSD Walkthrough Checklist.

Fiscal Impact

No direct fiscal impact.

Attachment(s)

- Bay Area Technology School Revised Petition – Redline
- Bay Area Technology School Revised Petition – Clean
- Bay Area Technology School – Material Revision Attachments Packet
- Bay Area Technology School – Charter School Final Public Hearing Presentation
- Bay Area Technology School – Material Revision Staff Presentation
- Bay Area Technology School – Material Revision Staff Report