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| Board Office Use: Legislative File Info. | |
| File ID Number | 23-2736 |
| Introduction Date | 12/7/2023 |
| Enactment Number | |
| Enactment Date | |



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

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

Meeting Date December 7, 2023

Subject 2024-25 Prop 39 Applicant Update

Ask of the Board Review and discuss the applicants for the 2024-25 cycle of Proposition 39.

Background Proposition 39 (“Prop 39”) is a state law which requires school district facilities to be shared fairly among all public-school students who reside in the district, including those in charter schools. Each year, as part of this process, OUSD is legally required to offer facility space to all charter schools who apply for space through the Prop 39 process.

The deadline for charter schools to apply for Prop 39 for the 2024-25 cycle was November 1, 2023. OUSD received applications from 12 charter schools, representing approximately 3,019 in-District ADA.

Discussion The Office of Charter Schools can answer any questions about the 2024-25 Prop 39 process.

Fiscal Impact None

Attachment(s) • Presentation

2024-25 Proposition 39 Overview

*OUSD Office of Charter Schools
Charter Matters Committee
December 7, 2023*



**OAKLAND UNIFIED
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Goals for Today

- Review the timeline and process for the 2024-25 Proposition 39 Cycle
- Review 2024-25 Proposition 39 Applicants
- Discuss next steps

Proposition 39 - Overview

Proposition 39 is a state law which requires school district facilities to be shared fairly among all public school students who reside in the district, including those in charter schools.

School districts must make facilities available to charter schools to serve their **in-district students** in conditions **reasonably equivalent** to those in which they would be served if they were attending other public schools in the district.



CAPACITY
*Classroom/ADA Ratio,
Specialized Classrooms, Non
Classroom Space*



CONDITION
*Furnishings and Equipment,
Tech, Interior/Exterior Surfaces,
etc*

Prop 39 - Annual Timeline

| | |
|------------|---|
| November 1 | Prop 39 Facilities Request Form due |
| December 1 | District submits objections to Charter School's ADA projections |
| January 1 | Charter School response to Projection Objection Letter |
| February 1 | District submits Preliminary facilities offer to Charter School |
| March 1 | Charter School responds to Preliminary facilities offer |
| April 1 | District submits Final facilities offer to Charter School |
| May 1 | Charter School responds to Final facilities offer |

Prop 39 - OUSD Obligations

OUSD is required by law to fulfill the following obligations:

Must offer enough space to accommodate the charter school's in-district students.

Facilities offered must be reasonably equivalent to the facilities the charter school's students would attend if they were at District schools

Facilities offered must be contiguous, furnished, and equipped (Can be offered at more than one site if certain findings are made)

District must make reasonable efforts to provide the charter school facilities near to where they wish to locate

Prop 39 FAQs

How much space are we required to offer Prop 39 applicants?

- A charter school is entitled to classroom space based on the charter school's **in-District ADA** and space provided to students at a set of District-operated **Comparison Schools**. **The charter school's classroom entitlement is based on the average ratio of classrooms to ADA at their comparison district schools.**

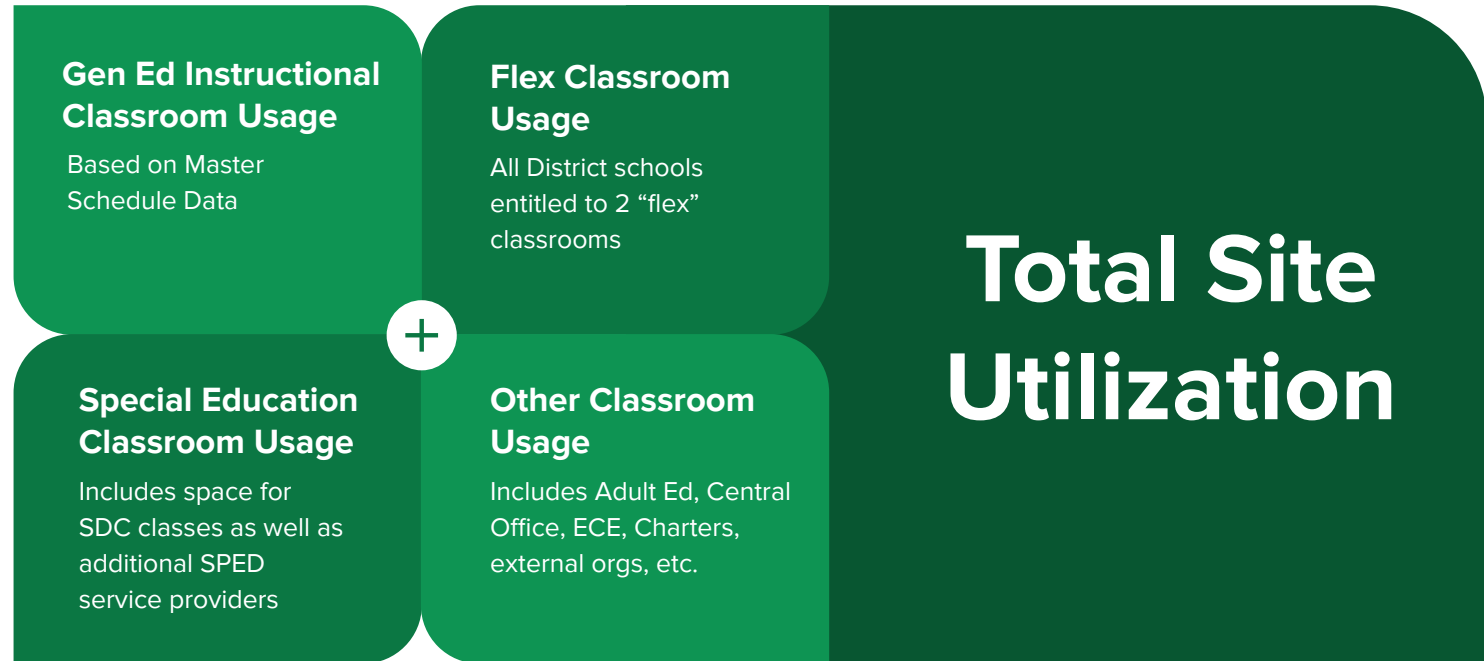
Example: A charter school projects 200 ADA. The three District comparison schools have an average 20 ADA per classroom. The charter school is entitled to $200/20 = 10$ classrooms.

Which sites are offered as part of Prop 39?

- OUSD has discretion to choose which sites to offer, but **must make legally compliant offers.**
- OUSD takes into account a variety of factors in determining sites to offer, but the most important is *underutilized space*.

Prop 39 - Using Utilization to Make Offers

Offers are given at sites that have **underutilized space**, as determined by the Utilization Formula:



In-Lieu of Prop 39 Leases

In an effort to increase facility stabilization and minimize Prop 39 offers, OCS engages in negotiations with some schools to pursue “In-Lieu of Prop 39” leases. Benefits of this process include:

- Additional classrooms and years beyond Prop 39 baseline are charged at a premium
- Charter is responsible for additional facilities responsibilities
- Potential for longer lease terms (up to 4 years, aligned to end of charter term), which decreases disruption at school sites
- Negotiated earlier in the year, reducing uncertainty for both District and charter schools



2024-25 Prop 39 Applicants

2024-25 Prop 39 Applications

| School | Grades applied for | Projected In-District ADA* | Requested Location |
|---------------------------|--------------------|----------------------------|--|
| AIMS High** | 9-12 | 359.48 | Lakeview Campus |
| ASCEND** | TK-8 | 425.81 | Ascend Campus |
| Aurum | 6-8 | 132 | Near current location (1034 66th Ave) |
| Baytech** | 6-12 | 257.11 | King Estates Campus |
| CSCE** | TK-8 | 171.12 | 2111 International Campus |
| EBIA | 9-12 | 218.74 | Near the Marshall Campus |
| Envision | 6-12 | 177.757 | Franklin Campus; Downtown Oakland; centrally located, close to transit |
| Francophone** | TK-8 | 221.34 | Toler Heights Campus |
| Learning Without Limits** | TK-5 | 292.63 | Jefferson Campus |
| Unity Middle** | 6-8 | 119.97 | 1180 70th Ave Campus |
| Urban Montessori** | TK-8 | 305.99 | Tilden Campus |
| Yu Ming | K-5 | 337.26 | A single site |

**Projected In-District ADA subject to change if OCS determines projection objections are warranted. This year, OCS worked with many schools in advance to ensure submitted projections would be reasonable and not require objections.*

***Grade levels applied for are currently housed in an OUSD facility*

2024-25 Prop 39 Next Steps

