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File ID Number	25-2578
Introduction Date	10/22/2025
Enactment Number	
Enactment Date	



Board Cover Memorandum

To Board of Education

From Denise G. Saddler, Interim Superintendent
Preston Thomas, Chief Systems and Services Officer
Jenine Lindsey, General Counsel

Meeting Date October 22, 2025

Subject Denying Approval of Proposition 2 Charter School Facilities Program Application of East Bay Innovation Academy

Ask of the Board Adoption by the Board of Education of Resolution No. 2526-0185 - Denying Approval of Proposition 2 Charter School Facilities Program Application of East Bay Innovation Academy [for both new construction and rehabilitation projects at 3400 Malcolm Avenue in Oakland and directing the Superintendent of Schools or designee to notify the charter school of the Board’s action].

Background On May 7, 2025, East Bay Innovation Academy (“EBIA”) submitted materials expressing its intent to apply for Proposition 2 Charter School Facilities Program funding for both new construction and rehabilitation projects at the Thurgood Marshall site located at 3400 Malcolm Avenue in Oakland. The rehabilitation application requires that the governing board of the District approve a rehabilitation and use agreement between the District and the charter school before the application may be filed.

Discussion District staff reviewed the proposed applications and determined that approval of the rehabilitation and use agreement at this time would conflict with the District’s ongoing long-term asset management planning, facilities master planning process, and capital priorities. The proposed project would commit the Thurgood Marshall site for exclusive charter use for a period that limits the District’s flexibility to meet future enrollment and instructional needs. The proposal would also create ongoing fiscal and monitoring obligations that may not be sustainable within the District’s current budget structure.

Fiscal Impact There is no direct fiscal impact associated with denial of the application.

Attachment(s)

- Resolution No. 2526-0185 Denying Proposition 2 Charter School Facilities Program Application of East Bay Innovation Academy for both new construction and rehabilitation projects at 3400 Malcolm Avenue in Oakland
- May 7, 2025 Notification of Intent to File Application for Charter School Preliminary Apportionment (Form SAB 50-09) with the Office of Public School Construction, under the Charter School Facilities Program, for New Construction Funding.
- May 7, 2025 Notification of Intent to File Application for Charter School Preliminary Apportionment (Form SAB 50-09) with the Office of Public School Construction, under the Charter School Facilities Program, for New Rehabilitation Funding.

**BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2526-0185

Denying Proposition 2 Charter School Facilities Program Application of East Bay Innovation Academy for Both New Construction and Rehabilitation Projects at 3400 Malcolm Avenue In Oakland

WHEREAS, on May 7, 2025 the East Bay Innovation Academy submitted materials to the Oakland Unified School District expressing its intent to apply for Proposition 2 Charter School Facilities Program funding for both new construction and rehabilitation projects at the Thurgood Marshall site located at 3400 Malcolm Avenue in Oakland, California; and

WHEREAS, the rehabilitation application requires a board-approved rehabilitation and use agreement between the District and the charter school to be included with the filing under Proposition 2 program rules; and

WHEREAS, the Board of Education has reviewed the proposed project and finds that approval of the agreement at this time would conflict with the District's ongoing long-term asset management planning, facilities master planning process, and with identified capital priorities; and

WHEREAS, the Board finds that the District's long-term capital and instructional needs require preservation of the Thurgood Marshall site for future District use and that entering into a long-term use agreement would restrict flexibility and create additional fiscal and monitoring obligations; and

WHEREAS, the Board further finds that declining to approve the rehabilitation and use agreement at this time does not preclude future consideration of other facility arrangements consistent with District priorities and State law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Oakland Unified School District hereby denies approval of Proposition 2 Charter School Facilities Program Application of East Bay Innovation Academy for both new construction and rehabilitation projects (rehabilitation and use agreement associated) at 3400 Malcolm Avenue in Oakland; and

BE IT FURTHER RESOLVED, that the Board directs the Superintendent of Schools or designee to notify East Bay Innovation Academy of this action and to continue to meet all legal obligations under Proposition Thirty-Nine regarding the provision of reasonably equivalent facilities.

Passed by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSED:

AYES:

NOES:

ABSTAINED:

RECUSE:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on October 22, 2025.

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By:	

OAKLAND UNIFIED SCHOOL DISTRICT

Jennifer Brouhard
President, Board of Education

Denise G. Saddler, EdD, Interim Superintendent and
Secretary, Board of Education

[CHARTER NOTIFICATION TO DISTRICT ON INTENT TO APPLY]

May 7, 2025

Dr. Kyla Johnson-Trammell, Superintendent
Oakland Unified School District
1011 Union Street
Oakland, CA 94607

Subject: Notification of Intent to File Application for Charter School Preliminary Apportionment (Form SAB 50-09) with the Office of Public School Construction, under the Charter School Facilities Program, for New Construction Funding

Dear Dr. Johnson-Trammell:

I am writing to notify you and the Oakland Unified School District's (OUSD or District) governing board of education, that the East Bay Innovation Academy intends to apply to the Office of Public School Construction and State Allocation Board for a New Construction Preliminary Apportionment under the Charter School Facilities Program (Program) pursuant to Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.52, et seq., of the Education Code (EC).

Pursuant to the EC and Regulations Relating to the Leroy F. Greene School Facilities Act of 1998, Section 1859.162, the East Bay Innovation Academy is required to notify the superintendent and governing board of the school district where the project will be physically located of its intent to apply. This notification must be made in writing at least 30 days prior to the submission of the *Application for Charter School Preliminary Apportionment* (Form SAB 50-09). Applications for Program funding will be accepted by the Office of Public School Construction beginning July 3, 2025, and ending on October 30, 2025. The East Bay Innovation Academy intends to apply for the following construction project within the District:

Project site: Thurgood Marshall Elementary School campus
Project location/address: 3400 Malcolm Avenue, Oakland, CA 94605
Number of classrooms: 16 classrooms
Grade Levels of the Pupils to be served/impacted by the project: 9-12th grade
Estimated opening date of project: 2030
Anticipated construction type: New Construction

In addition, pursuant to Section 1859.162.1 of the same regulations, the East Bay Innovation Academy respectfully requests the District to:

- 1) Update its new construction eligibility baseline on file with the Office of Public School Construction by submitting an Enrollment Certification/Projection (Form SAB 50-01) with 2021/2022 California Basic Education Data System (CBEDS) submitted via the California Longitudinal Pupil Achievement Data System (CALPADS).
- 2) Certify to the number of the District's unhoused pupils pursuant to Section 1859.50 that the project described above will serve. This certification is required by regulation to be in the form of a resolution with supporting documentation that explains the methodology used to derive the number of unhoused pupils served. The resolution and supporting documentation must have been discussed as an action item at a regularly scheduled, publicly held board meeting. The approved resolution, supporting documentation, and governing board meeting minutes that recorded the approval of the certification must be submitted to the Office of Public School Construction within 90 days of the receipt of this letter.

Should you have any questions, concerns, or require additional information about this notification or our proposed project, please contact me at miranda.thorman@eastbayia.org or at 510.577.9557, or Jessica Love with Hancock Park & DeLong at jessica@hpdschools.com or at 480.559.3287. You may also contact the Charter School Facilities Program project manager, Erin Cunneen, at the Office of Public School Construction at erin.cunneen@dgs.ca.gov or at 279.946.8440.

Sincerely,



Miranda Thorman
Executive Director, East Bay Innovation Academy

[CHARTER NOTIFICATION TO DISTRICT ON INTENT TO APPLY]

May 7, 2025

Dr. Kyla Johnson-Trammell, Superintendent
Oakland Unified School District
1011 Union Street
Oakland, CA 94607

Subject: Notification of Intent to File Application for Charter School Preliminary Apportionment (Form SAB 50-09) with the Office of Public School Construction, under the Charter School Facilities Program, for Rehabilitation Funding

Dear Dr. Johnson-Trammell:

I am writing to notify you and the Oakland Unified School District's (OUSD or District) governing board of education, that the East Bay Innovation Academy intends to apply to the Office of Public School Construction and State Allocation Board for a Rehabilitation Preliminary Apportionment under the Charter School Facilities Program (Program) pursuant to Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.52, et seq., of the Education Code (EC).

Pursuant to the EC and Regulations Relating to the Leroy F. Greene School Facilities Act of 1998, Section 1859.162, the East Bay Innovation Academy is required to notify the superintendent and governing board of the school district where the project will be physically located of its intent to apply. This notification must be made in writing at least 30 days prior to the submission of the *Application for Charter School Preliminary Apportionment* (Form SAB 50-09). Applications for Program funding will be accepted by the Office of Public School Construction beginning July 3, 2025, and ending on October 30, 2025. The East Bay Innovation Academy intends to apply for the following construction project within the District:

Project site: Thurgood Marshall Elementary School campus
Project location/address: 3400 Malcolm Avenue, Oakland, CA 94605
Number of classrooms: 12-15 classrooms
Grade Levels of the Pupils to be served/impacted by the project: 6-8th grade
Estimated opening date of project: 2030
Anticipated construction type: Rehabilitation

In addition, pursuant to Section 1859.163.4 of the same regulations, the East Bay Innovation Academy must include as a part of its application an agreement between the District and the charter school for the use of the facilities to be rehabilitated. The agreement must be approved prior to the submittal of the application and must have been discussed and approved at the

school district board meeting. Therefore, the East Bay Innovation Academy respectfully requests the District to begin this process with us, if not already completed.

Should you have any questions, concerns, or require additional information about this notification or our proposed project, please contact me at miranda.thorman@eastbayia.org or at 510.577.9557, or Jessica Love with Hancock Park & DeLong at jessica@hpdschools.com or at 480.559.3287. You may also contact the Charter School Facilities Program project manager, Erin Cunneen, at the Office of Public School Construction at erin.cunneen@dgs.ca.gov or at 279.946.8440.

Sincerely,

A handwritten signature in black ink, appearing to read 'Miranda Thorman', with a stylized flourish at the end.

Miranda Thorman
Executive Director, East Bay Innovation Academy