



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Proposition 39 Orientation for Charter Leaders

## Application Cycle for 2024-25



September 15, 2023

[www.ousd.org](http://www.ousd.org)



@OUSDnews



# Agenda

---

- Prop 39 Timeline
- Prop 39 Application Materials
- Office of Charter Schools (OCS) Website Resources
- Application Tips
- Common FAQs
- Questions



# Prop 39 Overview

---

## What is Prop 39?

Proposition 39 is a state law passed by California voters in 2000, which requires school district facilities to be shared fairly among all public school students who reside in the district, including those in charter schools. Because of Prop 39, a school district must make available enough facilities for charter schools that operate in the district to serve all of their students who live in Oakland, in conditions reasonably equivalent to those in which students would be served if they were attending other public schools in the district. School districts cannot deny Prop 39 requests from charter schools for facilities space.



# Prop 39 Timeline

|                         |   |
|-------------------------|---|
| <b>November 1, 2023</b> | Charter School submits Prop 39 Facilities Request Form to OUSD Office of Charter Schools                        |
| <b>December 1, 2023</b> | District submits objections to Charter School's ADA projections ("Projections Objection Letter"), if applicable |
| <b>January 3, 2024</b>  | Charter School responds to District's Projections Objection Letter, if applicable                               |
| <b>February 1, 2024</b> | District makes preliminary facilities offer to Charter School   |
| <b>March 1, 2024</b>    | Charter School responds to preliminary facilities offer   |
| <b>April 1, 2024</b>    | District makes final facilities offer to Charter School   |
| <b>May 1, 2024</b>      | Charter School notifies District to accept or decline the final facilities offer                                |



# Application Materials

---

- **Facilities request form** (required for all applicants)
- **Appendix I: ADA Projections** (required for all applicants)
- **Appendix II: Student Application Data** (only required for “expanding” schools – TK/K/6/9 projected to increase by more than 15% AND 5 students)
- **Appendix III and IV: Meaningfully Interested Students Form/Spreadsheet** (only required for new schools)

# Application Materials



|  | Facilities Request Form | Appendix I: ADA Projections spreadsheet | Appendix II: Student application documentation | Appendix III: Meaningfully interested student signature forms | Appendix IV: Meaningfully interested students spreadsheet |
|--|-------------------------|---|--|---|---|
| Existing Schools   | Required                | Required                                | Do not submit                                  | Do not submit   | Do not submit   |
| Expanding Schools<br>TK, K, 6 <sup>th</sup> grade, and/or 9 <sup>th</sup> enrollment projected to increase by more than 15% AND 5 students between 22-23 and 23-24 | Required                | Required                                | Required                                       | Do not submit   | Do not submit   |
| New Schools  | Required                | Required                                | Do not submit                                  | Required  | Required  |



# OCS Website

---

Prop 39 [resources](#):

- Prop 39 Guide
- 2024-25 Prop 39 application and appendices
- Documentation from previous cycles
- CCSA Settlement

# Application Tips

---

- Don't hesitate to reach out to OCS!
- 2022-23 underutilized space information for District schools from the [Multisite Resolution](#) (2023) is available for reference.
- OCS can consider schools for smaller spaces than their full classroom entitlement calculation, only if desired by charter school.
- Consider applying for space only as needed out of consideration for all applicants.
- Be sure to use CBEDS enrollment data for Appendix I calculations!



# Facilities Request Form Tips

- Be sure to fill in the attendance rate for the **first three months** of the previous and current school year (M1-3)
- Compare last year's first three months of attendance to last year's annual attendance and make a reasonable projection based off this year's first three months of attendance

Table 2: Attendance Rate

| Grade Level | 2022-23 (M1-3) Attendance Rate | 2022-23 (Annual) Attendance Rate | 2023-24 (M1-3) Attendance Rate | Projected 2024-25 Attendance Rate |
|-------------|--------------------------------|----------------------------------|--------------------------------|-----------------------------------|
| 6           | 97%                            | 94%                              | 94%                            | 92%                               |
| 7           | 96%                            | 93%                              | 91%                            | 90%                               |
| 8           | 96%                            | 94%                              | 92%                            | 91%                               |



# Facilities Request Form Tips

- Report accurate enrollment figures
  - The numbers on the left did not match CBED Census Day numbers

| <b>Example of School Submitted Enrollment and Projection</b> |                     |                     |  |     | <b>Example of Actual School Enrollment and Corrected Projection</b> |                            |                            |  |
|--|---------------------|---------------------|--|-----|---|----------------------------|----------------------------|--|
| Grade  | 2021-22 in-district | 2022-23 in-district | Projected 23-24 in-district Enrollment |     | Grade   | Actual 2021-22 in-district | Actual 2022-23 in-district | Projected 23-24 in-district Enrollment |
| 6  | 45                  | 46                  | 52                                     | - > | 6   | 44                         | 44                         | 52                                     |
| 7  | 67                  | 45                  | 57                                     |     | 7   | 61                         | 41                         | 41                                     |
| 8  | 52                  | 57                  | 56                                     |     | 8   | 45                         | 56                         | 38                                     |
| <b>TOTAL</b>   | <b>164</b>          | <b>148</b>          | <b>165</b>                             |     | <b>TOTAL</b>  | <b>150</b>                 | <b>141</b>                 | <b>131</b>                             |
|  |                     |                     |  |     | <b>Difference</b>   |                            |                            | <b>165 - 131 = 34</b>                  |



# Facilities Request Form Tips

- Double check that both in-district cohort and total cohort projections reasonably align to avoid the following mistake
  - The 2022-23 10<sup>th</sup> grade (orange cells) *in-district* cohort is projected to increase by 2, while the *total* cohort is projected to decrease by 1
  - The 2022-23 11<sup>th</sup> grade (blue cells) *in-district* cohort is projected to increase by 6, while the *total* cohort is projected to decrease by 1

**Example of Unreasonable Cohort Change**

| Grade Level  | Oakland-Resident, Classroom-Based Enrollment |            |                     | Total Enrollment |            |                     |
|--------------|--|------------|---------------------|------------------|------------|---------------------|
|              | 2021-22                                      | 2022-23    | 2023-24 (projected) | 2021-22          | 2022-23    | 2023-24 (projected) |
| 9            | 51   | 41         | 58                  | 59               | 42         | 60                  |
| 10           | 49   | 55         | 50                  | 60               | 60         | 51                  |
| 11           | 70   | 40         | 57                  | 85               | 48         | 59                  |
| 12           |  | 56         | 46                  | 83               | 68         | 47                  |
| <b>TOTAL</b> | <b>170</b>                                   | <b>192</b> | <b>211</b>          | <b>287</b>       | <b>218</b> | <b>217</b>          |



# Facilities Request Form Tips

- Double check that transition grade enrollments are realistic; increases of more than 15% require the submission of appendix II
  - Projecting more than 52 6<sup>th</sup> graders (green cell) in this case would not be realistic, based on previous 6<sup>th</sup> grade cohort sizes
- Double check that both in-district cohort and total cohort size reasonably change from grade to grade, based on previous attrition/retention rates
  - Projecting to add 11 more students to the 2022-23 6<sup>th</sup> grade cohort (red cells) and 11 more students to the 2022-23 7<sup>th</sup> grade cohort (yellow cells) is not realistic

| Example of Unreasonable Cohort Change |  |                                     |                        |
|---------------------------------------|--|-------------------------------------|------------------------|
| Grade Level                           | Oakland-Resident, Classroom-Based Enrollment |                                     |                        |
|                                       | 2021-22<br>(as of CBEDS Census Day)          | 2022-23<br>(as of CBEDS Census Day) | 2023-24<br>(projected) |
| 6                                     | 45   | 46                                  | 52                     |
| 7                                     | 67   | 45                                  | 57                     |
| 8                                     | 52   | 57                                  | 56                     |
| <b>TOTAL</b>                          | <b>164</b>                                   | <b>148</b>                          | <b>165</b>             |



# Facilities Request Form Tips

- Ensure projected in-district rates are similar to previous in-district rates, particularly for transition grades
  - Based on the previous years' in-district rates for kindergarten, the much higher projection (circled in red) is unreasonable

| Grade Level | Oakland-Resident, Classroom-Based Enrollment |  |                        | Total Enrollment                       |  |                        |
|-------------|--|--|------------------------|--|--|------------------------|
|             | 2021-22<br>(as of CBEDS<br>Census Day)       | 2022-23<br>(as of CBEDS<br>Census Day) | 2023-24<br>(projected) | 2021-22<br>(as of CBEDS<br>Census Day) | 2022-23<br>(as of CBEDS<br>Census Day) | 2023-24<br>(projected) |
| TK          | 0  | 0                                      | 0                      | 0                                      | 0                                      | 0                      |
| K           | 20   | 22                                     | 30                     | 30                                     | 31                                     | 32                     |
| 1           | 23   | 20                                     | 21                     | 33                                     | 30                                     | 31                     |
| 2           | 25   | 22                                     | 20                     | 38                                     | 35                                     | 30                     |

| 21-22 in district rate | 22-23 in-district rate | 23-24 projected in district rate |
|------------------------|------------------------|----------------------------------|
| 67%                    | 71%                    | 94%                              |

# FAQs

---

## What must districts do under Proposition 39?

School districts must provide charter schools with facilities that are “**reasonably equivalent**” to those used by district students for the students of the charter school who live within the District geographic boundaries. The facilities must be contiguous, furnished and equipped, and districts must make a reasonable effort to locate charter schools near the area in which the school wishes to locate, and not move the charter school unnecessarily. The district does have a right to move the charter school if it deems it necessary.

# FAQs

---

## How are district facilities allocated to charter schools?

The District considers the following:

- Required space to accommodate facilities request
- Location requested by charter school and residence of student population (if different)
- Grades spans to be served
- Unique program requirements
- Capacity to meet long-term facility needs
- Identified district needs, such as limited seats in a region in a particular grade span
- Impact on school District and other charter school programs.

# FAQs

---

## **What ratio is used when providing a charter school with a facility under Proposition 39?**

Districts must provide facilities in the same ratio of classrooms to ADA as provided in District-run comparison schools. Districts are also required to provide non-classroom space and specialized classroom space commensurate with the in-district (i.e. Oakland resident) ADA of the charter school, including administrative space, kitchen, multi-purpose room and play area space.

# Questions?

---

OUSD Prop 39 contact information:

Madison Thomas: [madison.thomas@ousd.org](mailto:madison.thomas@ousd.org)