



OFFICE OF CHARTER SCHOOLS

March 30, 2023

David Hardin
Aurum Preparatory Academy
1034 66th Avenue
Oakland, CA 94621

dhardin@aurumprep.org

Re: Proposition 39 Facilities Request for 2023-24
Final Offer of Facilities, 2023-24

Dear David Hardin,

The Oakland Unified School District (“OUSD” or “District”) makes this Final Offer of Facilities to Aurum Preparatory Academy (“Charter School”) for the 2023-24 school year.

The District has considered the Charter School’s request for facilities under the criteria set forth in Proposition 39 and its implementing regulations (“Proposition 39”),¹ as well as the policies and procedures of the District and the Office of Charter Schools².

A. 2023-24 FINAL OFFER TO THE CHARTER SCHOOL

The District’s allocation of space is based on a projected in-District Average Daily Attendance (“ADA”) of **124.11**. The District has elected to use the counterprojection contained in its December 1, 2022 letter, instead of the Charter School’s ADA projection contained in its facilities request.

The District’s Final Offer to the Charter School includes space at the following school site:

East Oakland Pride Elementary
800 Birch St,
Oakland, CA 94621

The Charter School’s allocation of space is summarized in section C below.

B. COMPARISON GROUP

The Charter School’s facilities space entitlement is based on space provided to students at a set of District-operated comparison schools.³ The District must first identify the high school attendance area in which the largest number of in-District charter school students reside, which for the Charter School is Castlemont/CCPA/Madison attendance area. Details about the determination of the Charter School’s high school attendance area can be found in Table 1 below.

¹ Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq.*

² The District also abided by the terms of the Proposition 39 Settlement Agreement and Specific Release of All Claims (“Settlement Agreement”) between the California Charter School Association (“CCSA”) and OUSD from September 2020 (https://www.ousdcharters.net/uploads/1/2/1/3/121378744/ccsa-ousd_settlement_agreement.pdf)

³ Cal. Admin. Code, title 5, § 11969.3



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Table 1: High School Attendance Area

High School Attendance Area	# of Students
CASTLEMONT/CCPA/MADISON	119
FREMONT	15
Outside of Oakland	8
SKYLINE	3
OAKLAND TECH	2
MCCLYMONDS	1
OAKLAND HIGH	1

The District then identified “the 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.”⁴ Using the methodology in the regulations, the District determined that the comparison group schools for the Charter School are as follows:

- **6-8:**
 - Greenleaf Elementary School
 - Frick United Academy of Language
 - Elmhurst United Middle School
 - Coliseum College Prep Academy
 - Madison Park Academy 6-12

C. REASONABLE EQUIVALENCE EVALUATION

In order to meet Proposition 39 standards that proposed facilities are “reasonably equivalent,” the District compares the proposed facilities to District-operated schools constituting the comparison school group. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above.⁵

With respect to “capacity”, the District allocates facilities to the Charter School that are reasonably equivalent to the comparison group as follows in the categories of facilities listed below:

- Ratio of teaching stations (classrooms) to average daily attendance (“ADA”)
- Specialized classroom space if such facilities are available to the district comparison group (e.g., science laboratories)
- Non-teaching space, which the district can share with the charter school (e.g., administrative, kitchen, multi-purpose, and/or play area space)

C1. Capacity - Exclusive-Use Classrooms (Non-Specialized)

C1a. Classroom Entitlement

The District has determined the number of classrooms (excluding specialized classroom space) the Charter School is entitled to based on the number of classrooms (non-specialized) “provided to” District students at the comparison group schools.

⁴ Cal. Admin. Code tit. 5, § 11969.3(a)(2)

⁵ Cal. Admin. Code tit. 5, §11969.3(c)



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To determine the number of classrooms “provided to” District students at District schools, the District has created an updated inventory of classrooms at each comparison group school. This inventory was compiled primarily by OUSD staff, including recent changes to District sites and is included as Exhibit C.

Based on the number of classrooms (non-specialized) “provided to” District students at the comparison group schools, the District determined the ADA-to-classroom ratio at the comparison group schools as 18.66 per classroom for grades 6-8, as demonstrated in the table below.

Table 2: Classroom Entitlement Calculation for Grades 6-8

Comparison School(s) Serving 6-8						
High School Attendance Area: CASTLEMONT/CCPA/MADISON						
A. Comparison School Name	B. Projected ADA (Non-SDC)	C. Total Number of Classrooms (Non-Specialized)	D. Number of Classrooms Not Provided to K-12 Students	E. Number of SDC Classrooms ⁶	F. Number of Classrooms Provided to K-12 Students (C-D-E)	G. ADA per Classroom (B/F)
Greenleaf Elementary	538.10	30	0	0	30	17.94
Frick United Academy of Language	267.09	18	0	3	15	17.81
Elmhurst United MS	609.44	35	0	3	32	19.05
Coliseum College Prep Academy	635.38	33	0	3	30	21.18
Madison Park Academy 6-12	544.55	35	0	2	33	16.50
H. District Comparison School Average ADA per Classroom: (Average of Column G)						18.49
I. Charter School's Projected Gr. 6-8 ADA:				124.11		
Number of Gr. 6-8 classrooms charter is entitled to: (Row I / Row H)				6.7		

The District’s calculation of the Charter School’s classroom entitlement shows that the Charter School is entitled to an allocation of 7 (rounded up from 6.7) classrooms.

C1b. Classroom Allocation

The Charter School’s allocation of exclusive-use classrooms is summarized in Table 3 and Table 4 below. The location of the exclusive-use classrooms offered to the Charter School in this Final Offer is depicted in the diagrams attached as Exhibit A.

Table 3: Exclusive-Use Classroom (Non-Specialized) Allocation Summary

School Site	Total Classrooms
East Oakland Pride	7

⁶ SDC=Special Day Classroom. Per the Settlement Agreement, when determining the number of classrooms provided to District students at each comparison school, the District may subtract the number of classrooms that are projected to be used for SDC instruction. SDC classrooms are included as interior room non-classroom space.



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Table 4: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
East Oakland Pride	P31
East Oakland Pride	P32
East Oakland Pride	P33
East Oakland Pride	P34
East Oakland Pride	P35
East Oakland Pride	P36
East Oakland Pride	P37

C2. Capacity – Specialized Classroom Space

The Proposition 39 regulations⁷ require access to specialized classroom space based on three factors:

1. The grade levels of the charter school’s in-District students;
2. The charter school’s total in-District classroom ADA; and
3. The per-student amount of specialized classroom space in the comparison group schools.

Specialized Classroom Space (SCS) has been divided into three categories: science lab, art, and technology, per the CCSA Settlement Agreement.

C2a. Specialized Classroom Space (SCS) Entitlement

The District has determined the amount of Specialized Classroom Space (SCS) the Charter School is entitled to, based on the amount of SCS provided to District students at the comparison group schools. From that list, the District determined the SCS sq ft-to-ADA ratios at the comparison schools as demonstrated in the table below.

Table 5: SCS Entitlement Calculation for Grades 6-8

Comparison School(s) Serving Gr. 6-8							
High School Attendance Area: CASTLEMONT/CCPA/MADISON							
Comparison School Name	Projected ADA (Non-SDC)	Arts Specialized Classroom Space		Science Lab Specialized Classroom Space		Tech Specialized Classroom Space	
		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Greenleaf Elementary	538.10	0	0.00	0	0.00	0	0.00
Frick United Academy of Language	267.09	3,042	11.39	6,957	26.05	1,317	4.93
Elmhurst United MS	609.44	1,651	2.71	2,578	4.23	0	0.00
Coliseum College Prep Academy	635.38	1,973	3.11	8,628	13.58	1,783	2.81
Madison Park Academy 6-12	544.55	3,924	7.21	5,465	10.04	0	0.00
A. District Comparison School Average Sq Ft/ADA:		4.88		10.78		1.55	

⁷ Cal. Admin. Code title 5, § 11969.3(b)(2)



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B. Charter School's Projected Gr. 6-8 ADA:	124.11	124.11	124.11
Gr. 6-8 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)	606	1,338	192

The District’s calculation of the Charter School’s SCS entitlement shows that the Charter School is entitled to access to approximately 606 sq ft of Arts SCS, 1,338 sq ft of Science Lab SCS, and 192 sq ft of Technology SCS. This space may be shared with another school or exclusive use.

C2b. Specialized Classroom Space Allocation

The amount of SCS available on the offered school site for shared access is summarized in Table 6 below. There is no designated Science Lab or Tech SCS at the offered site; however, the offered site is located in the Charter School’s requested area and allows for a single-site offer. Should the Charter School accept the present allocation of facilities at the East Oakland Pride Campus as a Final Offer, the co-located schools will develop a shared access schedule for the available shared Arts SCS based on each school’s ADA and the reasonable equivalence standard. Detailed data related to the specific SCS present at District sites is provided in Exhibit C.

Table 6: Specialized Classroom Space (SCS) Existing at Offer Site

School Site	Arts SCS (sq ft)	Science Lab SCS (sq ft)	Tech SCS (sq ft)	Total SCS (sq ft)
East Oakland Pride	742	0	0	742

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table below, the District calculated the total amount of non-classroom space, as defined in the regulations, to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools.⁸ A table showing the calculation of non-classroom space at District sites is included in Exhibit C.⁹

Table 7: Non-Classroom Space (NCS) Sq ft/ADA Entitlement for Grades 6-8

Comparison School(s) Serving Gr. 6-8								
High School Attendance Area: CASTLEMONT/CCPA/MADISON								
Comparison School Name	Projected ADA	Assembly	Dining	Athletic	Library	Operational	Interior Room	Exterior

⁸ Cal. Admin. Code title 5, § 11969.3(b)(3).

⁹ These categories of non-classroom space were established under the CCSA Settlement Agreement.



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		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Greenleaf Elementary	538.10	5,340	9.92	0	0.00	0	0.00	1,361	2.53	16,498	30.66	4,506	8.37	86,570	160.88
Frick United Academy of Language	282.38	13,407	47.48	0	0.00	4,975	17.62	2,147	7.60	26,517	93.91	9,662	34.22	214,429	759.36
Elmhurst United MS	648.95	9,784	15.08	2,368	3.65	10,800	16.64	1,680	2.59	28,011	43.16	13,844	21.33	326,953	503.82
Coliseum College Prep Academy	659.98	5,353	8.11	3,360	5.09	10,861	16.46	1,523	2.31	31,199	47.27	8,621	13.06	164,027	248.53
Madison Park Academy 6-12	564.75	4,946	8.76	0	0.00	10,783	19.09	1,971	3.49	30,945	54.79	11,650	20.63	536,786	950.48
A. District Comparison School Average Sq Ft/ADA:		17.87		1.75		13.96		3.70		53.96		19.52		524.62	
B. Charter School's Projected Gr. 6-8 ADA:		124.11		124.11		124.11		124.11		124.11		124.11		124.11	
Gr. 6-8 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		2,218		217		1,733		460		6,697		2,423		65,110	

Note: NCS allocated proportionally based on site enrollment if more than one school occupies the site. NCS added together across sites if school is located across multiple sites. Numbers in tables may not add up precisely due to rounding.

C3b. Non-Classroom Space Allocation

The Charter School's Non-Classroom Space (NCS) allocations are summarized below.

Table 8a: Exclusive-Use Non-Classroom Space (NCS) Allocation at Shared Sites

School Site	Room #	Sq Ft
East Oakland Pride	P30	898

Table 8: Non-Classroom Space (NCS) Allocation Summary

Site	Projected Charter ADA at Site	Space Type	NCS Type						
			Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)
East Oakland Pride	124.11	Existing at Site	4,892	3,318	0	1,305	15,921	3,594	340,507
		Exclusive-Use Allocation	0	0	0	0	0	898	0
		Shared Use Allocation*	1,468	995	0	392	4,776	1,078	102,147

*Calculated as Total Site NCS x Aurum's Proportion of Site In-District ADA. Aurum's Proportion of Total Site In-District ADA at East Oakland Pride is calculated as $124.11 / (124.11 + 289.61) = 30.00\%$.



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The table below summarizes the Charter School’s non-classroom space sq ft/ADA allocation at the site offered, compared to the non-classroom space sq ft/ADA ratios to which the Charter School is entitled.

Table 9: Non-Classroom Space (NCS) Allocation vs. Entitlement

	Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)
Total NCS Allocation	1,468	995	0	392	4,776	1,976	102,147
Total NCS Entitlement	2,179	216	1,727	455	6,643	2,402	65,034

The District calculates the sq ft/ADA for non-classroom space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school’s allocation is considered to fall within reasonable equivalence standards if it is commensurate with the average of the sq ft/ADA ratios at the comparison group schools. The Charter School’s allocation of NCS is below its entitlement in some categories and above it in others; however, the offer site is near the geographic area that the charter school requested and allows for a single site offer.

Upon request, the District also will offer the Charter School reasonably equivalent furnishings and equipment for 124.11 ADA.

C4. Condition

With respect to “condition”, the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics outlined in the table below.

Table 10: Facility Characteristics to Determine Reasonable Equivalence of Condition

Facility Characteristic	Reasonable Equivalence Category	Regulatory Authority
School site size	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(A)
Condition of interior and exterior surfaces	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(B)
Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(C)
Availability and condition of technology resources	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(D)
Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(E)
Furnishings and equipment	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(F)
Condition of athletic fields and/or play area space	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(G)



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The District has evaluated the offered site against the comparison school group based on site size (acreage) as well as data on the condition of the facilities based on information available from the Facilities Condition Index and Educational Adequacy Score, as part of the Jacobs Study provided in Exhibit B per the CCSA Settlement Agreement.

Per the Jacobs study, the Facility Condition Index (FCI) is an industry-accepted indicator that measures a relative scale of the overall condition of a given facility or group of facilities within a portfolio. The FCI evaluates each building’s overall condition, including its site, roof, structural integrity, the exterior building envelope, the interior, and the mechanical, electrical, and plumbing systems. The index is derived by dividing the total repair cost, including educational adequacy and site-related repairs, by the total replacement cost of the facility.

The Educational Adequacy Score (EAS) is intended to measure the degree to which OUSD facilities support the instructional mission and modern instruction methods. The EAS is based on District specifications and Jacobs best practices and standards from previous experience, which are both informed by national standards developed by or observed by the Jacobs team. There are eight educational adequacy categories: instructional support, technology, security and supervision, capacity, support for programs, physical characteristics, learning environment, and relationship of spaces. The study gave special consideration and review to the District’s instructional technology infrastructure.

The District’s analysis, found in the table below, shows that the site offered to the Charter School is similar to the comparison school group on site size (measured by both acreage and square feet/ADA), the conditions index, and the educational adequacy score. Therefore, 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.”

Table 11: School Site Condition Analysis, Comparison Sites vs Offer Site

School Name	School Site Size (acreage)	School Site Size (Sq ft / ADA)	Facilities Condition Index*	Educational Adequacy Score**
Greenleaf Elementary	2.67	216.14	39%	N/A ¹⁰
Frick United Academy of Language	6.31	973.38	52%	50.42
Elmhurst United MS	9.27	622.24	50%	47.97
Coliseum College Prep Academy	6.06	399.97	57%	54.75
Madison Park Academy 6-12	14.36	1107.61	29%	53.84
Comparison School Average	7.73	663.87	45%	51.75
Offer Site: East Oakland Pride	8.82	928.64 ¹¹	44%	56.21

* A higher FCI is indicative of a lower quality condition.

** A higher EAS score is indicative of a higher level of educational adequacy.

¹⁰ The Jacobs study did not provide data for the Educational Adequacy Score of this campus.

¹¹ Figure calculated using the projected ADA for both the offer site and the Charter School.



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D. CHARTER SCHOOL'S RESPONSE TO PRELIMINARY OFFER

The District did not receive a response from the Charter School to the District's Preliminary Offer of Facilities.¹²

E. FINAL FACILITIES OFFER – OTHER TERMS AND CONDITIONS

E1. Pro-Rata Share

The calculation of the pro-rata share of facilities costs is attached as Exhibit D, and the Charter School's allocation, fees, and payment schedule is attached as Exhibit E.

E2. Overalllocation Fee

In the event that the District overallocates facilities to a charter school based on the charter school's overprojection of ADA for a school year, the Charter School will incur an overallocation penalty.

Space is considered overallocated¹³ if:

1. The Charter School's actual in-District classroom ADA is less than the projection upon which the facility allocation was based; and
2. The difference is greater than or equal to either (a) 25 ADA, or (b) 10% 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.

F. CONCLUSION:

The Charter School must notify the 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. Please deliver a response to charteroffice@ousd.org. Please do not mail or hand deliver a response to this letter.

The Final Offer of Facilities may differ from the Preliminary Offer, based on any response received from the Charter School (by March 1) or other factors, including changes in the District's final enrollment projections.

¹² Per Cal. Admin. Code, title 5, §11969.9(h)

¹³ Cal. Admin. Code tit. 5, § 11969.8



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

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Should the Charter School occupy the facilities allocated in the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement (sample agreement linked as Exhibit F), containing the terms and conditions of the District's facilities allocation. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Sincerely,

Kelly Krag-Arnold
Director, Office of Charter Schools

Madison Thomas
Deputy Director, Office of Charter Schools



Proposition 39 Final Offer Exhibits

Exhibit A – Specific Space Offered to Charter School [see below]

Exhibit B – Facilities Condition Data

Exhibit C – Classroom and Specialized Classroom Space Inventory

Exhibit D – Calculation of Pro Rata Share

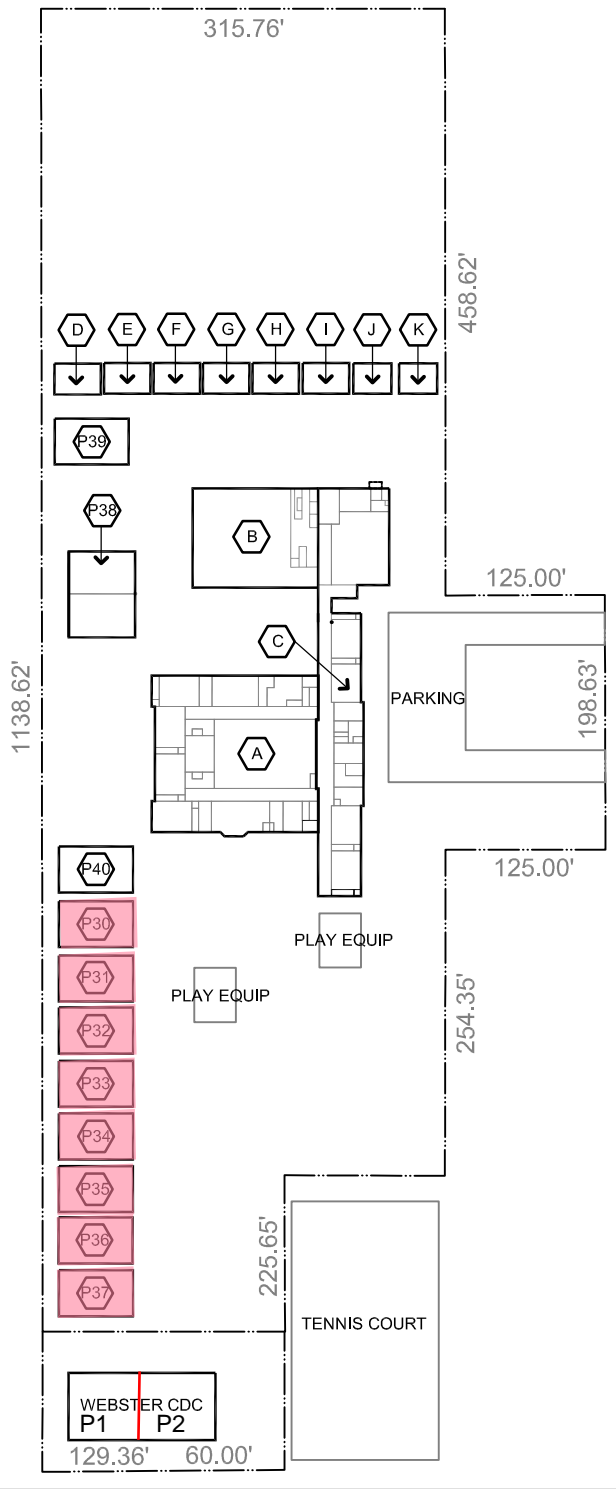
Exhibit E – Fees and Payment Schedule [see below]

Exhibit F – Sample Facilities Use Agreement

Exhibit A

OLIVE STREET

Exclusive use by charter school



81ST AVENUE

BIRCH STREET

PLYMOUTH STREET



SITE PLAN

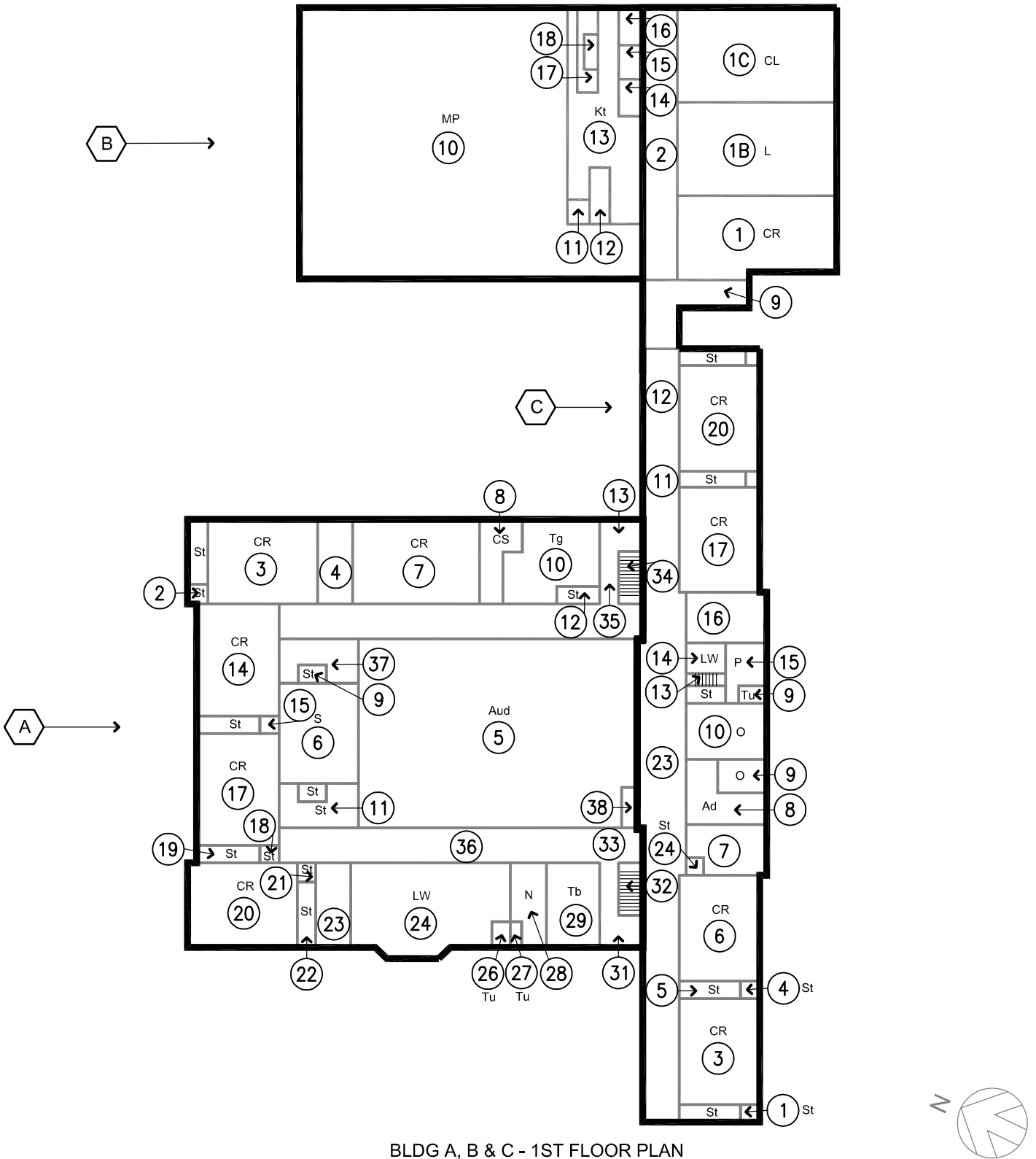


162 - WEBSTER ACADEMY ELEMENTARY SCHOOL
8000 BIRCH STREET, OAKLAND, CA 94621-2313

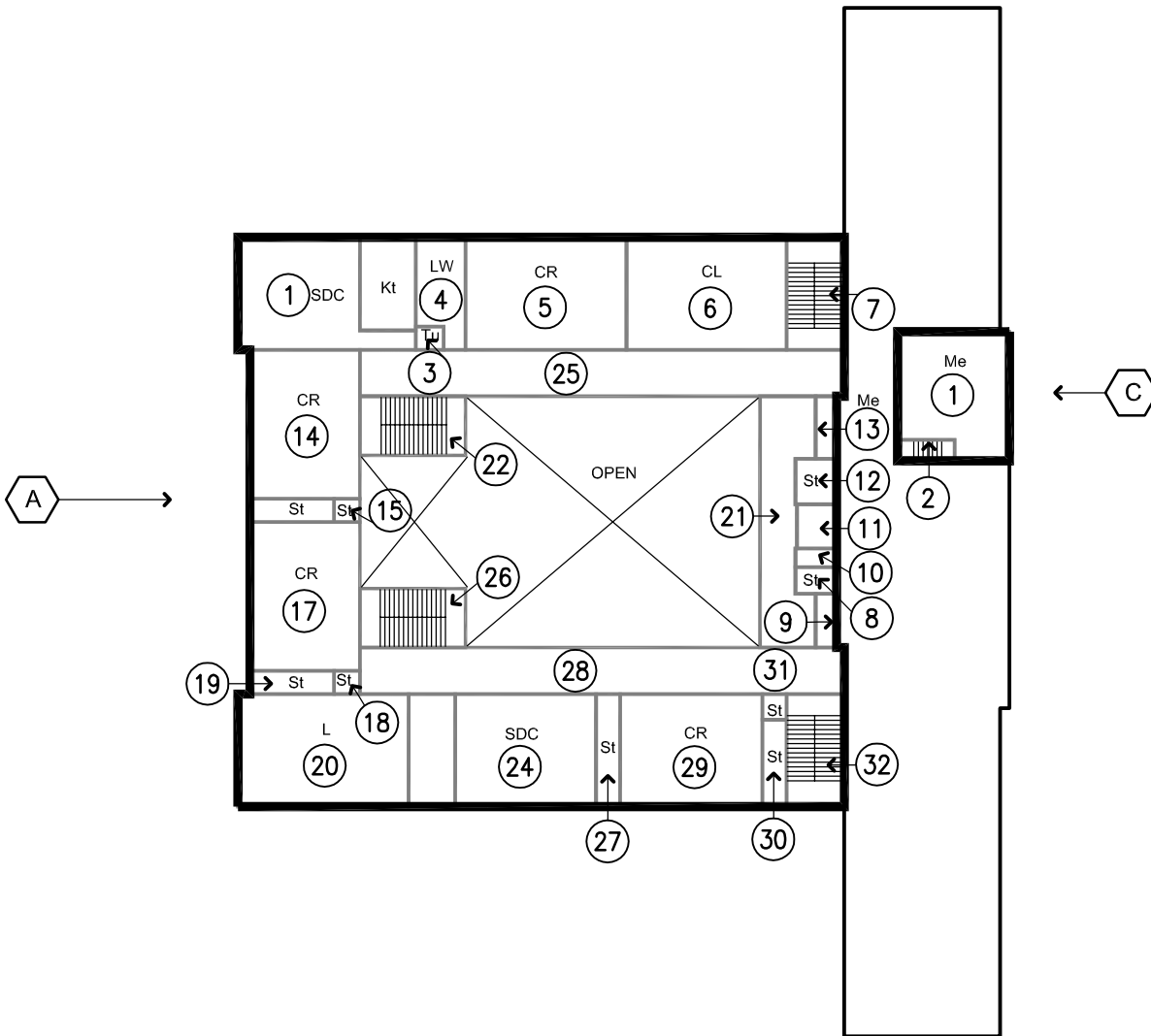


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BLDG A, B & C - 1ST FLOOR PLAN



BLDG A & C - 2ND FLOOR PLAN



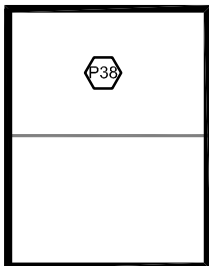
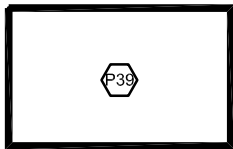
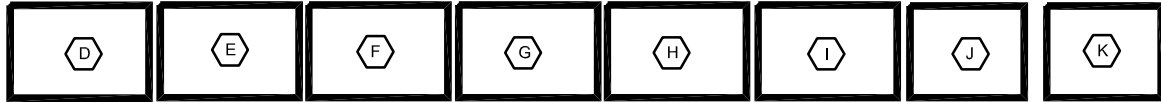
BLDG A & C - 2ND FLOOR PLAN

162 - WEBSTER ACADEMY ELEMENTARY SCHOOL
 8000 BIRCH STREET, OAKLAND, CA 94621-2313



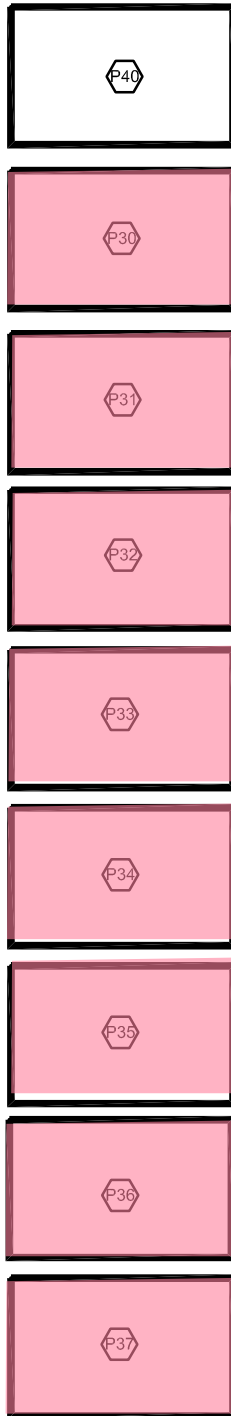
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PORT D-K, 38 & 39 - 1ST FLOOR PLAN





PORT 30-37 & 40 - 1ST FLOOR PLAN

Exhibit E

Fee and Payment Schedule

Contract Term (Fiscal Year):	2023-24
Charter School Name:	Aurum
Campus Name:	Webster
Address:	8000 Birch St
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	6,286
Specialized Classroom Space Allocation (sqft)	235
+ Non-Classroom Space Allocation (sqft)	9,607
Total Space Allocation at Site (sqft)*	16,128
x Facility Fee Sqft Rate (includes custodial and utilities)	\$9.53
Facility Use Fee	\$153,699.84
PAYMENT SCHEDULE	
25% by October 1, 2023 25% by December 1, 2023 25% by March 1, 2024 25% by June 1, 2024	

Note: All calculations subject to change. The Specialized Classroom and Non-Classroom Allocation square footage numbers above represent the Charter School's share of these spaces based on its entitlement and proportion of total ADA at the campus.

**Includes only interior space.*