



OFFICE OF CHARTER SCHOOLS

April 1, 2022

Michelle Cho
East Bay Innovation Academy
3400 Malcolm Ave
Oakland, CA 94605

michelle.cho@eastbayia.org

Re: Proposition 39 Facilities Request for 2022-23
Final Offer of Facilities, 2022-23

Dear Michelle Cho:

The Oakland Unified School District (“OUSD” or “District”) makes this Final Offer of Facilities to East Bay Innovation Academy (“Charter School”) for the 2022-23 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. 2022-23 FINAL OFFER TO THE CHARTER SCHOOL

The District’s allocation of space is based on a projected in-District Average Daily Attendance (“ADA”) of **204.61** for the Charter School’s grades 9-12. The Charter School did not request facilities for grades 6-8.

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

Hillside Campus
2369 84th Avenue, Oakland, CA 94605

Montera Middle School
5555 Ascot Dr, Oakland, CA 94611

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	213
FREMONT	42
MCCLYMONDS	11
OAKLAND HIGH	30
OAKLAND TECH	25
Outside of Oakland	72
SKYLINE	164

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:

- **9-12:**
 - Coliseum College Prep Academy
 - Castlemont High School
 - 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.

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 19.60 ADA per classroom for grades 9-12, as demonstrated in the table below.

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

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



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Table 2: Classroom Entitlement Calculation for Grades 9-12

Comparison School(s) Serving 9-12						
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 Classrooms⁶	F. Number of Classrooms Provided to K-12 Students (C-D-E)	G. ADA per Classroom (B/F)
Coliseum College Prep Academy	641.33	33	0	2	31	20.69
Castlemont High School	626.77	65	23	6	36	17.41
Madison Park Academy 6-12	662.89	35	0	3	32	20.72
H. District Comparison School Average ADA per Classroom: (Average of Column F)						19.60
I. Charter School's Projected Gr. 9-12 ADA:				204.61		
Number of Gr. 9-12 classrooms charter is entitled to: (Row I / Row H)				10.4		

The District's calculation of the Charter School's classroom entitlement shows that the Charter School is entitled to an allocation of **11 (rounded up from 10.4) classrooms**.

C1b. Classroom Allocation

The Charter School's allocation of exclusive-use classrooms is summarized in Table 4 and Table 5 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
Hillside	7
Montera	4
Total	11

Table 4: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
Hillside	1
Hillside	2
Hillside	3
Hillside	4

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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Hillside	5
Hillside	6
Hillside	7
Montera	204
Montera	214
Montera	303
Montera	P12

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: Arts, Science Lab, 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(s) below.

Table 5: SCS Entitlement Calculation for Grades 9-12

Comparison School(s) Serving Gr. 9-12							
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)
Coliseum College Prep Academy	641.33	1,973	3.08	8,628	13.45	1,783	2.78
Castlemont High School	626.77	2,719	4.34	6,411	10.23	695	1.11
Madison Park Academy 6-12	662.89	3,924	5.92	5,465	8.24	0	0.00
A. District Comparison School Average Sq Ft/ADA:		4.44		10.64		1.30	
B. Charter School’s Projected Gr. 9-12 ADA:		204.61		204.61		204.61	
Gr. 9-12 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		909		2,177		265	

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



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The District’s calculation of the Charter School’s SCS entitlement shows that the Charter School is entitled to access to approximately 909 sq ft of Arts SCS, 2,177 sq ft of Science Lab SCS, and 265 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(s) for shared access is summarized in Table 6 below. The co-located schools at the Montera Campus will develop a shared access schedule for the available shared SCS based on each school’s ADA and the reasonable equivalence standard. The Charter School will have exclusive use of the science lab SCS at the Hillside campus. 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(s)

School Site	Arts SCS (sq ft)	Science Lab SCS (sq ft)	Tech SCS (sq ft)	Total SCS (sq ft)
Hillside	0	656	0	656
Montera	5,608	4,526	5,165	15,299

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table(s) 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 9-12

Comparison School(s) Serving Gr. 9-12															
High School Attendance Area: CASTLEMONT/CCPA/MADISON															
Comparison School Name	Projecte d ADA (in cl. SD C)	Assembl y		Dining		Athletic		Library		Operatio nal		Interior Room		Exterior	
		(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)	(sq ft)	(sq ft/ AD A)
Coliseum College Prep Academy	661.28	5,353	8.09	3,360	5.08	10,861	16.42	1,523	2.30	31,199	47.18	7,751	11.72	164,027	248.04
Castlemont High School	695.07	6,717	9.66	2,501	3.60	12,245	17.62	2,324	3.34	42,133	60.62	15,421	22.19	441,911	635.78

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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Madison Park Academy 6-12	700.58	4,946	7.06	0	0.00	10,783	15.39	1,971	2.81	30,945	44.17	12,531	17.89	536,786	766.20
A. District Comparison School Average Sq Ft/ADA:		8.27		2.89		16.48		2.82		50.66		17.26		550.01	
B. Charter School's Projected Gr. 9-12 ADA:		204.61		204.61		204.61		204.61		204.61		204.61		204.61	
Gr. 9-12 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		1,693		592		3,371		577		10,365		3,533		112,537	

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
Montera	300	176

Table 8b: Non-Classroom Space (NCS) Proportional Analysis

Site	Projected Charter ADA at Site ¹⁰	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)
Hillside	148.81	Charter School Allocation	0	0	0	0	2,722	644	3,366
Montera	55.81	Existing at Site	5,539	0	13,361	2,088	27,625	7480	56,093
		Exclusive-Use Allocation	0	0	0	0	0	176	0
		Shared Use Allocation*	1,375	0	3,317	518	6,859	1,681	13,928
Total	204.62	Total Allocation Across Both Sites	1,375	0	3,317	518	9,581	2,501	17,294

*Calculated as Total Site NCS x EBIA's Proportion of Site In-District ADA. EBIA's Proportion of Total Site In-District ADA at Montera is calculated as $204.62 / (204.62 + 619.54) = 24.83\%$.

¹⁰ For the purposes of the NCS allocation, the Charter School's total ADA (573.71) was split proportionally across the two offered sites based on the number of classrooms offered at each site.



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The table below summarizes the Charter School’s non-classroom space sq ft/ADA allocation at the site(s) 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	1,375	0	3,317	518	9,581	2,501	17,294
Total NCS Entitlement	1,693	592	3,371	577	10,365	3,533	112,537

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 all categories; however, the offer sites are near the geographic area that the charter school requested and one offer site is an exclusive use site.

Upon request, the District also will offer the Charter School reasonably equivalent furnishings and equipment for 204.61 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 Table 10 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(s) 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(s) offered to the Charter School are similar to the comparison school group on site size, the condition index, and the educational adequacy score. With respect to site size, one offered site is above the comparison school average and one offered site is below the comparison school average. Similarly, for the EAS, one offered site is above the comparison group average and one offered site is below the comparison group average. For the FCI, both offer sites are just slightly above the comparison group average but not substantially so. 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(s)

School Name	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Coliseum College Prep Academy	6.06	57%	54.75
Castlemont High School	19.56	77%	57.64
Madison Park Academy 6-12	4.05	29%	53.84
Comparison School Average	9.89	54%	55.41
Offer Site: Hillside¹¹	1.45	N/A	N/A
Offer Site: Montera	15.89	44%	61.27

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

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

D. RESPONSE TO CHARTER SCHOOL’S FEBRUARY 25, 2022 LETTER

¹¹ The Jacobs study did not provide data for the Facilities Condition Index and the Educational Adequacy Score of this campus.



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The District addresses the Charter School's response to the District's Preliminary Offer of Facilities.¹²

Findings Supporting the District's Multi-Site Offer: EBIA's letter contests "the disturbing decision by the District to allocate two facilities located almost 6 miles apart to EBIA, when there are several District facilities that could accommodate EBIA's entire program." However, EBIA does not reference or acknowledge the findings made in the Board's January 26, 2022 Resolution, including the finding that "EBIA is entitled to 11 classrooms. All except one of the District sites with 11 or more underutilized classrooms are elementary schools and do not offer many of the specific facilities components from EBIA's request or the types of specialized space to which EBIA is entitled." (Findings, p. 4.) Hillside was selected as an available high school campus with facilities suited for EBIA's high school program, allowing EBIA exclusive use, and the availability of specialized space at the adjacent Castlemont campus. (*Id.*) Montera was also found, as a secondary school site, to have specialized space appropriate for EBIA's high school students. (*Id.*) The District also considered the driving distance of Hillside to the 3400 Malcolm Avenue site (10 minutes), and from Montera to the 3800 Mountain Boulevard site (5 minutes). EBIA does not reference, or acknowledge, any of these findings in its letter, which are supported by substantial evidence and entitled to deference.

Contrary to EBIA's contention, the District is allowed to offer a charter school a multi-site facilities allocation. As is noted in the District's findings, "[i]f the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety ... [T]he district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding." (Cal. Admin. Code tit. 5, § 11969.2.) Moreover, the District's findings in support of its facilities allocation are subject to deference. (*See, e.g., Sequoia Union High Sch. Dist. v. Aurora Charter High School* (2003) 112 Cal.App.4th 185, 194-5.) Also, as noted in the District's Resolution, school districts have the discretion to consider the impact upon existing district programs (*see, e.g., Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226.)

The Charter School also incorrectly contends that the District failed to consider student safety in making its facilities allocation. The District's findings that it considered the grade configuration of co-located schools, as well as the travel time for multi-sited schools, are contained on p. 3 of its findings.

Specialized and Non-Teaching Space: The District's methodology and allocation of specialized teaching space and non-teaching space adhered to the terms of the settlement agreement reached in the matter *California Charter Schools Association v. Oakland Unified School District*, Alameda County Superior Court Case No. RG16806690 ("CCSA Settlement Agreement.")

As such, EBIA's contention that the Preliminary offer contained a "lack of allocation of science lab space" is difficult to fathom when it acknowledges that the offer provides science lab facilities at both the Hillside and Montera sites, with exclusive use at Hillside. (*See, Preliminary Offer*, p. 5.) Further, as noted in the Preliminary Offer, p. 5, fn. 9, the "categories of non-classroom space were established under the CCSA Settlement Agreement." Contrary to EBIA's contention, the Preliminary Offer inventoried and calculated the amount of assembly and athletic space at the comparison group schools, and provided the charter school a shared use allocation of each category. (*Preliminary Offer*, pp. 6-7.) Therefore, the District has met its obligations under Proposition 39 in the provision of both specialized teaching space and non-teaching space.

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



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Calculation of Pro-Rata Share: With respect to the inclusion of debt service costs in the calculation of the pro-rata share, EBIA states that “only unrestricted General Fund facilities costs that are not costs otherwise assumed by EBIA are included in the methodology.” However, there is no basis for this statement in the regulations. Cal. Admin. Code tit. 5, § 11969.7(d) states that “[f]or purposes of this section, the cost of facilities shall include debt service costs,” and contains no restriction of inclusion of “costs [not] otherwise assumed by EBIA.” The plain language of this provision therefore debunks the Charter School’s argument, and there is no basis for its request that “the District provide some documentation demonstrating that the emergency loan monies were spent on ‘facilities costs.’”

Facilities Use Agreement: Should the Charter School provide a written intent to occupy the facilities in this Final Offer, the parties shall negotiate the proposed Facilities Use Agreement provided with the District’s offers.

E. MULTI-SITE OFFER¹³

On March 23, 2022, the District’s Governing Board passed a Resolution “Finding That EBIA Charter School Cannot Be Accommodated At A Single Site and Written Statement Of Reasoning; Adopting Issuance of Proposition 39 Facilities Offers and Directing Staff to Issue Written Final Offers in Compliance with Proposition 39” (“Resolution”). The Resolution contains findings supporting the conclusion that the Charter School cannot be accommodated on one site and that the District minimized the number of sites offered (Exhibit G).

F. FINAL FACILITIES OFFER – OTHER TERMS AND CONDITIONS

F1. 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.

F2. 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 overallocated¹⁴ 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

¹³ Per Cal. Code Regs., tit. 5, section § 11969.2(d)

¹⁴ Cal. Admin. Code tit. 5, § 11969.8



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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.

G. 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. 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
Acting 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

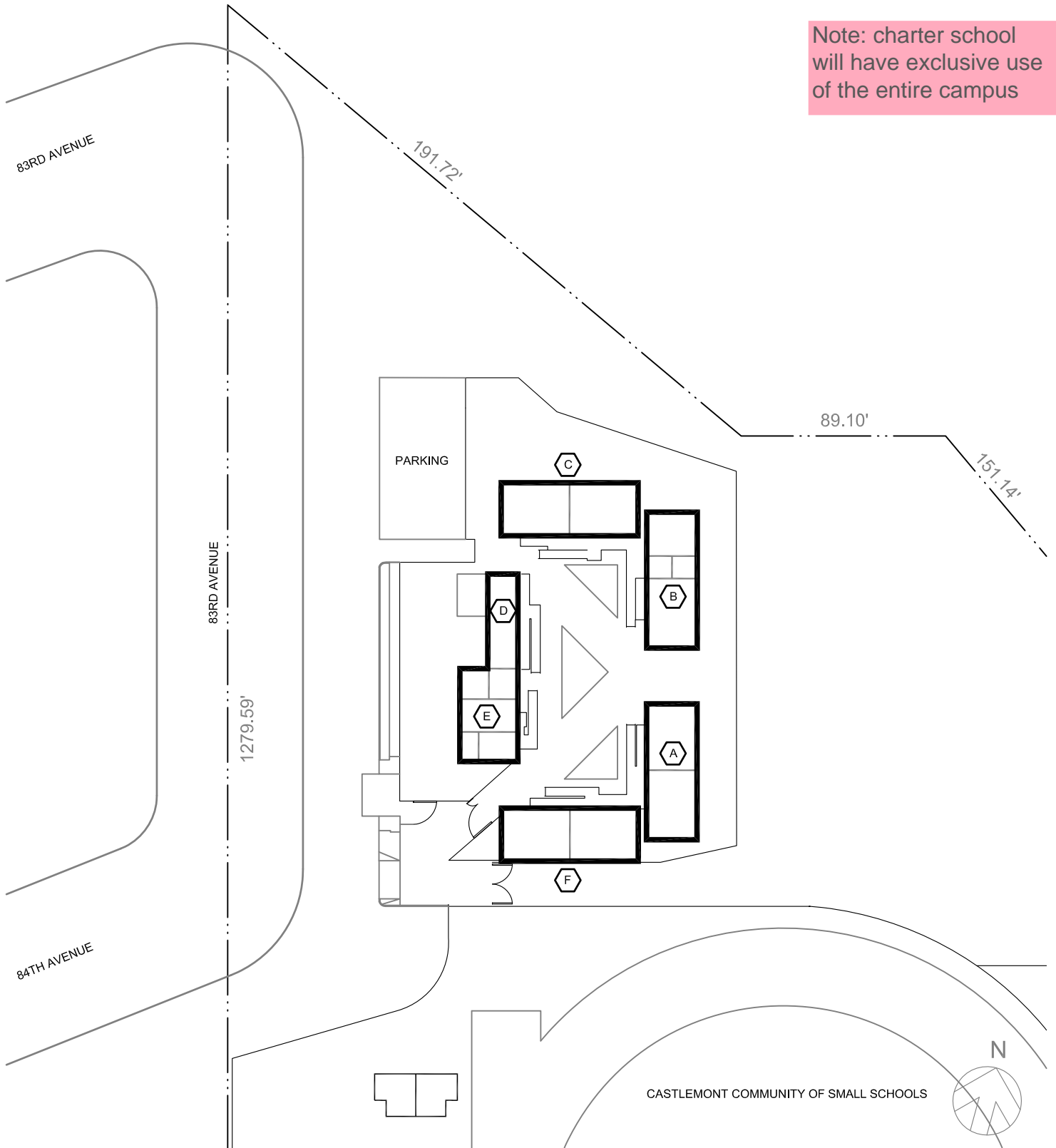
Exhibit E – Fees and Payment Schedule [see below]

[Exhibit F](#) – Sample Facilities Use Agreement

[Exhibit G](#) – Multi-Site Resolution

Exhibit A

Note: charter school will have exclusive use of the entire campus



SITE PLAN

300 - SCHOOL OF JUSTICE

8601 MACARTHUR BOULEVARD, OAKLAND, CA 94605

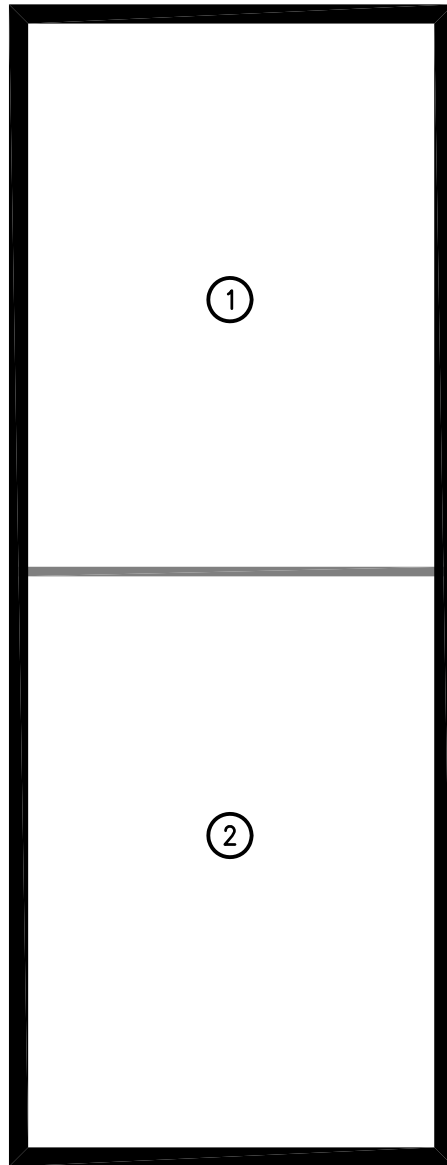


361 17TH STREET OAKLAND CA 94612 510-452-3224



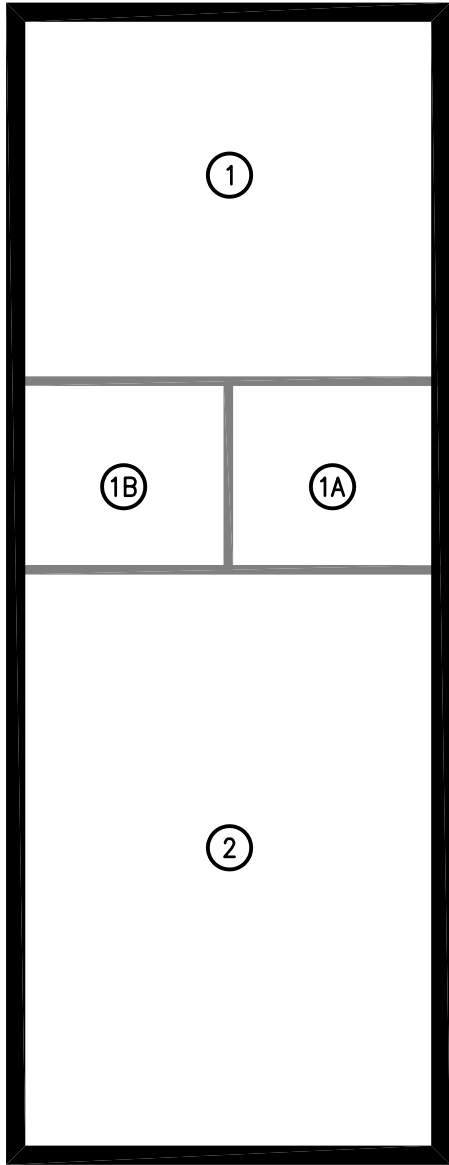
Date: 1/18/2013

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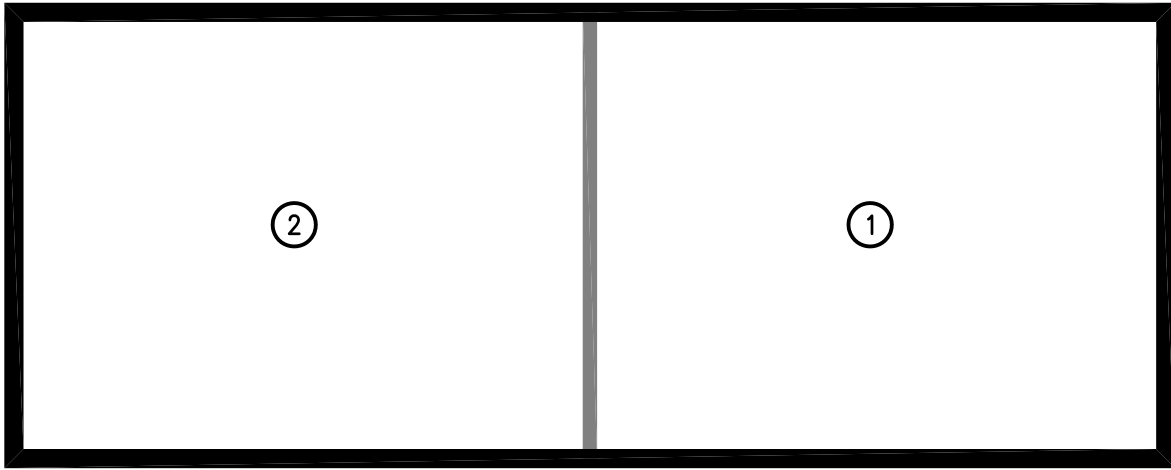
BLDG A - 1ST FLOOR PLAN





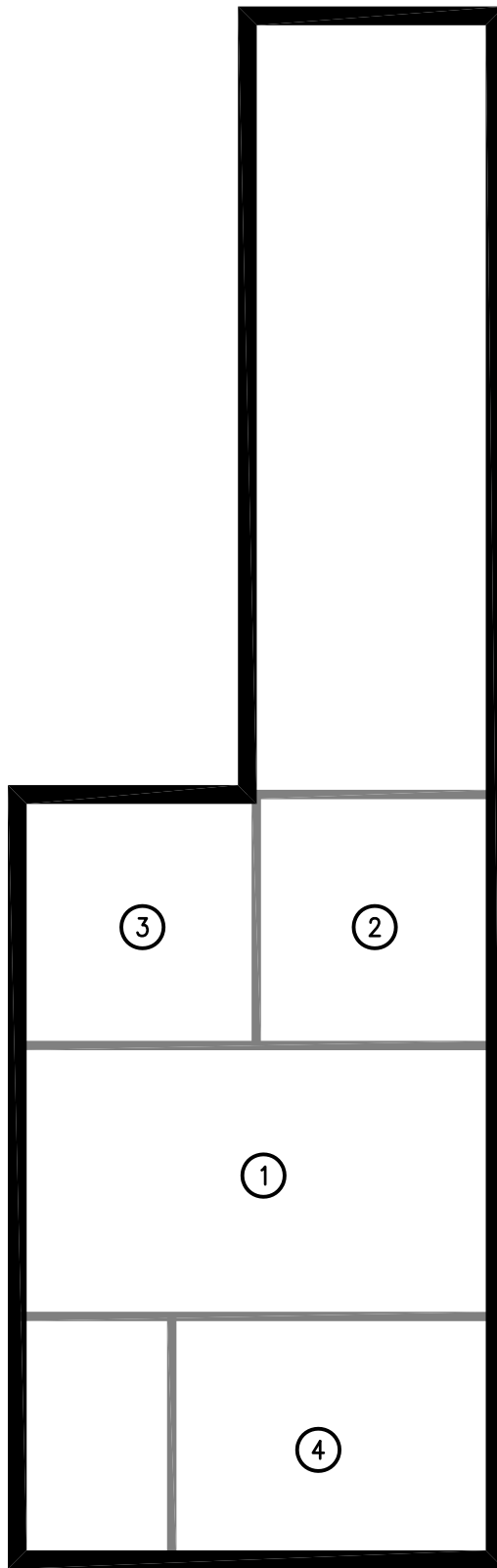
BLDG B - 1ST FLOOR PLAN





BLDG C AND F - 1ST FLOOR PLAN (TYPICAL)



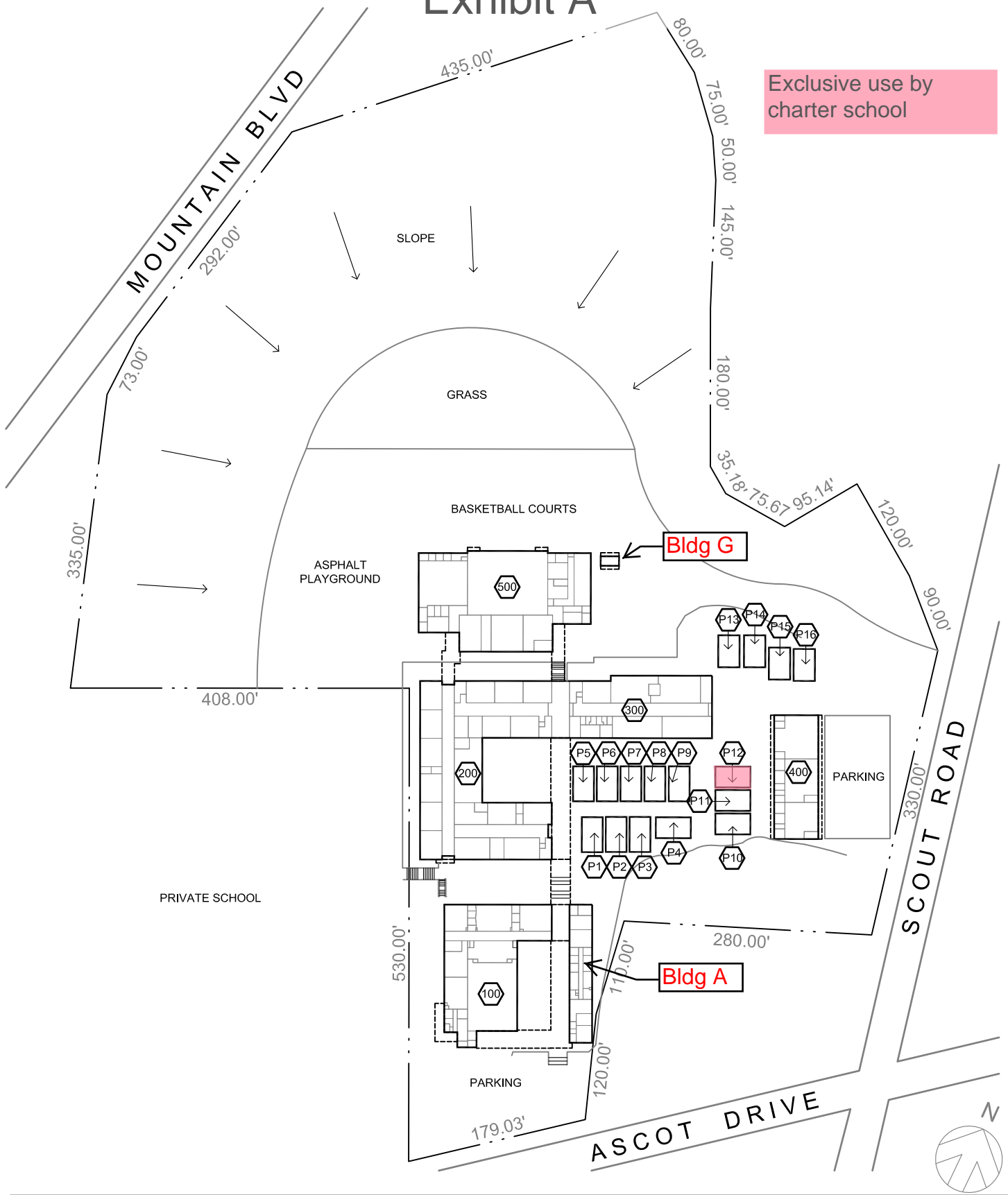


BLDG D AND E - 1ST FLOOR PLAN



Exhibit A

Exclusive use by charter school



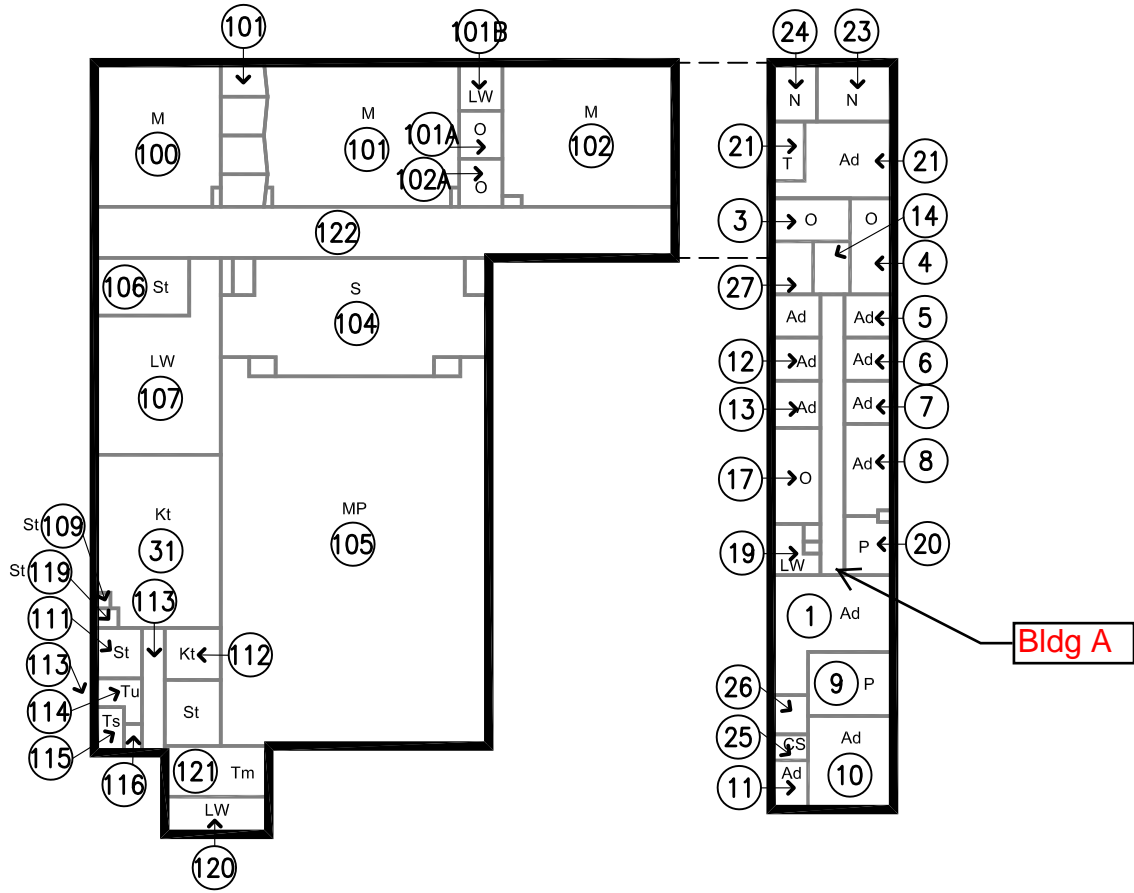
SITE PLAN

211 - MONTERA MIDDLE SCHOOL
5555 ASCOT DRIVE, OAKLAND, CA 94611-3001



Date: 1/18/2013

Scale: 1"=150'-0"



BLDG 100 - 1ST FLOOR PLAN

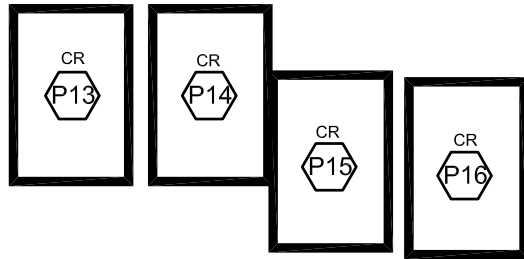


BLDG 100 - 1ST FLOOR PLAN
 211 - MONTERA MIDDLE SCHOOL
 5555 ASCOT DRIVE, OAKLAND, CA 94611-3001

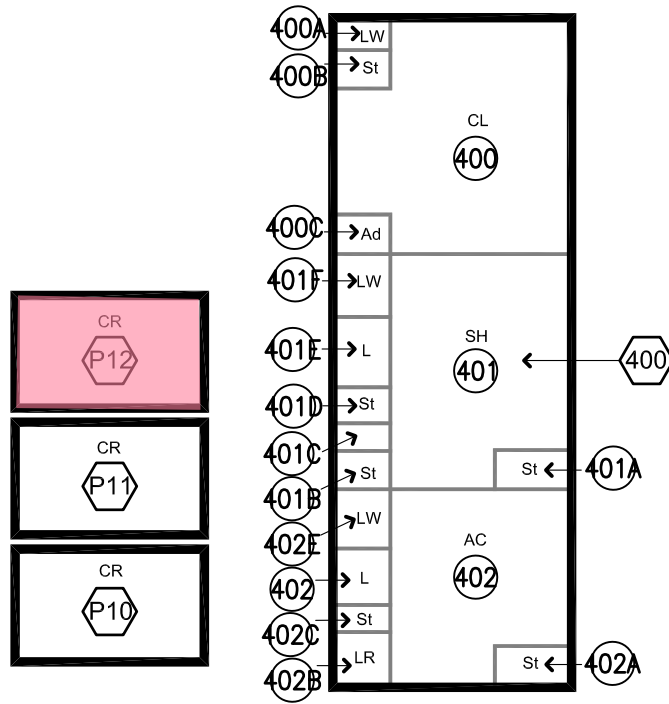


Date: 1/18/2013

Scale: 1"=40'-0"



PORTABLES P13, P14, P15 & P16 - 1ST FLOOR PLAN



BLDG 400 & PORTABLE P10, P11 & P12 - 1ST FLOOR PLAN



BLDG 400 & PORT. P10 - P16 - 1ST FLOOR PLAN

211 - MONTERA MIDDLE SCHOOL
5555 ASCOT DRIVE, OAKLAND, CA 94611-3001



Date: 1/18/2013

Scale: 1"=40'-0"

Exhibit E

Fee and Payment Schedule

Contract Term (Fiscal Year):	2022-23
Charter School Name:	EBIA (HS only)
Campus Name:	Hillside
Address:	2369 84th Avenue
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	4,728
Specialized Classroom Space Allocation (sqft)	656
+ Non-Classroom Space Allocation (sqft)	3,366
Total Space Allocation at Site (sqft)*	8,750
x Facility Fee Sqft Rate (includes custodial and utilities)	\$9.54
Facility Use Fee	\$83,475.00
PAYMENT SCHEDULE	
25% by October 1, 2022 25% by December 1, 2022 25% by March 1, 2023 25% by June 1, 2023	

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.

Contract Term (Fiscal Year):	2022-23
Charter School Name:	EBIA (HS only)
Campus Name:	Montera
Address:	5555 Ascot Dr
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	3,576
Specialized Classroom Space Allocation (sqft)	1,650
+ Non-Classroom Space Allocation (sqft)	13,927
Total Space Allocation at Site (sqft)*	19,153
x Facility Fee Sqft Rate (includes custodial and utilities)	\$9.54
Facility Use Fee	\$182,719.62
PAYMENT SCHEDULE	
25% by October 1, 2022 25% by December 1, 2022 25% by March 1, 2023 25% by June 1, 2023	

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.