

# Oakland Unified School District

## Office of Charter Schools



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

## Proposition 39 Facilities Request Form & Instructions 2020-21 School Year

### Key Deadlines

November 1, 2019 or earlier	Charter School submits Prop 39 Facilities Request Form to OUSD Office of Charter Schools
December 1, 2019	District submits objections to Charter School's ADA projections ("Projection Objection Letter"), if applicable
January 2, 2020	Charter School responds to District's Projection Objection Letter, if applicable
February 1, 2020	District makes preliminary facilities offer to Charter School
March 1, 2020	Charter School responds to preliminary facilities offer
April 1, 2020	District makes final facilities offer to Charter School
May 1, 2020 (or 30 days from receipt of final offer)	Charter School notifies District to accept or decline the final facilities offer

Office of Charter Schools  
1000 Broadway, 3rd Floor, Suite 398  
Oakland, CA 94607  
Phone: (510) 879-1677

**OFFICE OF CHARTER SCHOOLS**

[www.ousdcharters.net](http://www.ousdcharters.net)

**PROP 39 FACILITIES REQUEST FORM INSTRUCTIONS**

Education Code §47614 (Proposition 39)

Complete the Prop 39 Facilities Request Form (next page) by responding to questions 1-4 and providing the appropriate documentation, as determined by school type, indicated below. Submit all applicable documents to [charteroffice@ousd.org](mailto:charteroffice@ousd.org) no later than **5:00 pm on Friday, November 1, 2019**. Emailed verification will be provided upon submission of a complete application. Please **do not** submit documents in person.

		Additional Documents Required			
		ADA projections spreadsheet (appendix I)	Student application documentation (appendix II)	Meaningfully interested student signature forms (appendix III)	Meaningfully interested students spreadsheet (appendix IV)
<b>Existing School</b>	(a) Existing charter school				
	(b) Projected enrollment of either TK, kindergarden, 6 <sup>th</sup> grade, and/or 9 <sup>th</sup> grade <b><u>does not</u></b> increase by more than 15% between the 2019-20 and 2020-21 school years	<b>Required</b>	<i>Do not submit</i>	<i>Do not submit</i>	<i>Do not submit</i>
<b>Expanding School</b>	(a) Existing charter school				
	(b) Projected enrollment of either TK, kindergarden, 6 <sup>th</sup> grade, and/or 9 <sup>th</sup> grade <b><u>does</u></b> increase by more than 15%* between the 2019-20 and 2020-21 school years	<b>Required</b>	<b>Required</b>	<i>Do not submit</i>	<i>Do not submit</i>
<b>New School</b>	(a) Charter school opening in 2020-21	<b>Required</b>	<i>Do not submit</i>	<b>Required</b>	<b>Required</b>

\*Student application documentation is not required if an enrollment increase of 15%+ results in an increase of 5 or fewer students per grade.

**Notes on required documentation:**

- Prop 39 facilities are allocated based on in-district (Oakland resident) average daily classroom attendance (ADA).
- Expanding Schools are required to submit documentation demonstrating “meaningfully interested students” for appendix II. Unlike in past years, this requirement must be fulfilled by providing student application documentation from the 2018-2019 and 2019-2020 school years. Further instructions are included in Appendix II.
- Charter schools experiencing enrollment growth due to the addition of previously authorized grade levels are considered Existing Schools. As such, these schools should **not** submit student application documentation or meaningfully interested student forms.
- Include only information requested. OCS may request additional documentation as necessary.

**OFFICE OF CHARTER SCHOOLS**

**PROP 39 FACILITIES REQUEST FORM**

Education Code §47614 (Proposition 39)

- The Facilities Request Form and all accompanying documentation must be submitted to [charteroffice@ousd.org](mailto:charteroffice@ousd.org) by **5:00 pm on Friday, November 1, 2019**.
- A facilities request will only be accepted if submitted on this form with all required attachments (please see Prop 39 Facilities Request Form Instructions on prior page for details on required attachments).
- A new or proposed charter school may make a facilities request for 2020-21 only if its charter petition was submitted on or before the October 23, 2019 OUSD Board meeting. A school's charter petition must be approved before March 15, 2020 in order to receive a Final Notification of Facilities.

**Charter School Name:** East Bay Innovation Academy

**Primary Contact Person Name:** Michelle Cho and Shelley Benning **Phone:** 510-577-9557

**Email:** [michelle.cho@eastbayia.org](mailto:michelle.cho@eastbayia.org); [shelley@eastbayia.org](mailto:shelley@eastbayia.org) **Fax:** \_\_\_\_\_

**Mailing Address:** 3400 Malcolm Ave, Oakland, CA 94605

**1. Provide a description of the methodology used to create the average daily classroom attendance (ADA) projections included in Appendix I.**

Table 1 contains actual and projected Enrollment for EBIA, by grade and by year. 2018-19 and 2019-20 enrollment are as of CBEDS census day, the first Wednesday of October. In order to arrive at 2020-21 projected enrollment and ADA, EBIA started from its 2019-2020 enrollment for grades 7-11 and capacity for entry grade (6<sup>th</sup> grade), and generally used the cohort survival method to roll all of its current grades forward. For 6<sup>th</sup> grade, we assumed an incoming class of approximately 10 students less than our current 6<sup>th</sup> grade. For 7<sup>th</sup> and 8<sup>th</sup> grade, we assume slight (1 to 5) attrition, and more for 7<sup>th</sup> than for 8<sup>th</sup> (last year of middle school). We have waitlists at both grade levels to support these projections as needed. 9<sup>th</sup> grade has historically been under-enrolled. While we have reasons to hope for a larger 9<sup>th</sup> grade class in 2020-2021, including outcomes for our very first graduating class, we conservatively averaged 2018-2019 and 2019-2020 9<sup>th</sup> grade enrollments to arrive at the projection for 2020-2021. For 10<sup>th</sup>-12<sup>th</sup> grades, we anticipate they will remain roughly the same (accounting for both attrition and mid-year enrollments).

The Oakland resident 2020-21 enrollment projection is based on total enrollment projection, adjusted by the percentage of EBIA's current students, at each grade level, who are Oakland residents in 2019-2020.

Table 2 contains attendance rates by grade and by year. 2018-19 attendance rates are calculated with actual attendance data, as reported in classroom-based P-Annual. 2019-20 attendance rates are for reporting periods 1-2. 2020-21 attendance projections average the attendance rates for prior 2 years. For 12<sup>th</sup> grade, 2020-2021 attendance rate is based on 2019-2020 only.

## OFFICE OF CHARTER SCHOOLS

Table 3 contains 2020-2021 ADA projections and in-District classroom ADA projections for EBIA. ADA projections rely on enrollment and attendance projections estimated in Tables 1 and 2.

### 2. Please indicate all campuses on which the Charter School is currently located, if any.

EBIA's current grades 6-8 are served at OUSD's Thurgood Marshall campus (3400 Malcolm Ave, Oakland, CA 94605). Grades 6-8 have been served at this site for the last 6 years. Grades 9-12 are currently served at Golden Gate Academy (3800 Mountain Blvd, Oakland, CA 94619). Grades 9-12 have been served at this site for the last 3 years. EBIA also leases a chemistry lab space at Holy Names University (3500 Mountain Blvd, Oakland, CA 94619), one day a week.

### 3. Provide a description of the general geographic area or the district school site in which the charter school wishes to locate. *(Please note that while the District will make a reasonable effort to offer space in the general geographic area requested, Proposition 39 does not require the district to grant the charter school's geographic or site-specific requests.)*

EBIA's student body comes from all over Oakland. Roughly 50% of our students come from East Oakland in the 94601, 94603, 94605, 94606, 94619, and 94621 ZIP codes, where OUSD's Marshall Campus is located. While EBIA values its location and the East Oakland community we currently call home, recent developments and our long-term strategy for the school necessitates a potentially different near-term solution if available. EBIA's Prop. 39 preference for 2020-2021 would be *either* a single location that could hold all grades (6<sup>th</sup>- 12<sup>th</sup>) as well as access to the Marshall Campus (through a long-term lease) for rehabilitation and new construction, *or* Marshall Campus for grades 6-8 and an OUSD campus nearby for grades 9-12, such as Kings Estates. With the latter, EBIA also hopes to pursue rehabilitation and new construction at the Marshall Campus by adjusting the construction timing/parameters, in hopes of the program moving in post construction.

#### *Case for a single site offer*

Over the last several years as EBIA students advanced to upper grades, EBIA was offered space in multiple locations each year. For 2018-2019, space was offered at three separate campuses for a projected in-district enrollment of 495. For 2019-2020, space was preliminarily offered again at three separate campuses for a projected in-district enrollment of 520. Given that operating two sites is better than operating three, EBIA chose to accept one of the three sites offered for the lower school program (Marshall Campus) and to continue the upper school program at GGA. But in hopes of reuniting the programs on a single site as soon as possible, EBIA once again expresses its preference for a single site that can house our near-capacity program, if such site is available. If the District determines, in a manner compliant with law, that it cannot accommodate EBIA at a single campus, any non-contiguous allocation of space for EBIA should ensure that the school is able to accommodate its grades 6-8 and its grade 9-12 on their own campuses, and that the two campuses are located in close proximity.

In 2016-2017, EBIA's first year of operating two sites, the District offered space at the Marshall and Roosevelt campuses, EBIA experienced many significant challenges with the co-location. Roosevelt was located 8 miles away from Marshall Campus, more than halfway across the entire city of Oakland, at Roosevelt Middle School. EBIA lost many students that year because families knew that the the Roosevelt staff was not allowing EBIA students to use the gym, playground, and other school site amenities – and the classrooms we had been assigned were meaningfully smaller than normal sized classrooms. EBIA also struggled manage the daily incursions of Roosevelt students who would actively enter the area

## OFFICE OF CHARTER SCHOOLS

EBIA had been provided to hold classes and disrupt EBIA's classes and destroy student work, which created significant concerns for families over the safety of the Roosevelt site, as well as ongoing violent criminal activity in the area. While EBIA communicated these concerns to the District, numerous times, these matters were not resolved. As a result of these issues, families told us continuing in the EBIA program was "location dependent" and that Roosevelt was not considered to be a safe location for their students to continue their high school studies.

In 2017-2018 EBIA's upper school program moved at the last minute from Roosevelt Middle School to Golden Gate Academy (GGA) -- a private location that became available to EBIA, when the charter school then at GGA was not renewed. While the move to GGA was seen by the families and staff as being highly positive, challenges remain at GGA, which is why we are again seeking a Prop. 39 allocation of facilities for the whole program in 2020-2021. The biggest challenge stems from the separation of middle and upper programs. In addition to operational and fiscal challenges of running two sites, we are observing the impact on programming as the upper grades advance toward graduation. The lower school students miss out on witnessing and encountering the rigor and the advancement of the diverse community, while upper school students miss out on opportunities to lead and serve in academic and extra-curricular capacities.

In addition, space is also very tight at EBIA's middle school location, OUSD's Marshall campus. Student advisory groups have to meet outside and in the administrative offices because of the lack of available interior space. EBIA is also increasingly concerned with the current condition of the Marshall Campus as well, given numerous water leaks that remain unresolved, as well as potential asbestos, termite and security issues that the District to date has not addressed, despite multiple notices from EBIA.

### *Long term facility plan*

When EBIA began to negotiate with GGA over the site in 2017, the plan was to stay for about two years while EBIA finalized a contract with OUSD to build a facility at the Marshall campus for the high school. Receipt of a Prop. 51 award in early 2018 moved EBIA closer to this possibility financially. The timeline, however, has been extended, largely due to the long-term lease negotiation for the Marshall campus. The lease negotiation, now ongoing for over two years, was in redline stage when that process was halted in fall of 2018 by OUSD to restructure the financial terms. The parties spent significant time and money negotiating final terms of a long-term lease, yet when the lease was finally placed on the OUSD board agenda in early 2019, it was then sidelined due to timing with the OUSD teacher strike and re-prioritizing of leases. In the meantime, EBIA's ability to launch the meaningful work of the project has been materially delayed -- and our student body continues to grow with each new school year. The delays are increasingly making it difficult for GGA to be EBIA's only interim facility option for EBIA's upper program, as EBIA has learned that GGA plans to re-open its school in the near future.

Furthermore, the physical viability of the Marshall new construction project is unclear. As EBIA has worked to start planning the project in advance of a final contract, we have heard from several geologic assessment firms that a large building immediately near to the Marshall campus had geologic assessments performed that precluded that building from being renovated for use by students. The hill location of the Marshall site and its proximity to the Hayward fault is repeatedly highlighted as an area of concern, as we work to obtain geological assessment quotes; because of the complexity and high risk terrain, assessments would run over \$100,000 for a completed assessment.

Despite these challenges, EBIA remains committed to development of the Marshall site in a safe and legally compliant manner. As such, EBIA formally requests that the District place the negotiated facilities use agreement before the Board for consideration as soon as possible, so that EBIA does not lose the \$7,500,000 in state funds being made available to

## OFFICE OF CHARTER SCHOOLS

improve the District’s asset, at no cost to the District. EBIA also plans to fundraise to supplement its Prop. 51 funding. Even if the EBIA program moves to a different OUSD single site for 2020-2021 under Prop. 39, EBIA plans to advance the improvements at the Marshall Campus during 2020-2021 as long as it is financially feasible. EBIA is currently seeking a long-term lease for the Marshall Campus that may enable this scenario.

### *Conclusion*

For the reasons noted above, and a myriad of other operational concerns that relate to operating a split campus program, EBIA is anxious to find a home for EBIA’s Middle and High Schools – so that families can have comfort in knowing what their child’s experience and school location will be in the near future. For 2020-2021, EBIA seeks a single site that can accommodate grades 6-12, if available. If unavailable, EBIA seeks to remain at the Marshall Campus for lower school, and occupy an OUSD facility well within ten miles that can accommodate grades 9-12 for upper school.

As a result of EBIA’s urgent short- and medium-term facility needs, and due to the uncertainties associated with Prop. 51 and construction, EBIA is also interested in a multi-year, in lieu agreement with the District that will allow for long term planning on the part of both the District and EBIA and/or to enter into discussions to purchase existing surplus OUSD facilities.

In general, EBIA would like to stay in the Oakland Hills area where the school is located in now, or in another easily accessible area in Oakland that would provide consistency to our families and offer a safe, gang-neutral school location for all our students. EBIA is a magnet school, drawing students from across Oakland to participate in its programs. As such, it is important that any school location is easy to get to via public transportation, and with good highway access. Furthermore, it is very important to our parents that their children can consistently travel safely to the school site without supervision.

### **4. Please note if the charter school has any unique facilities-related requests based on the school’s educational programming.**

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the charter school’s educational program that is relevant to the assignment of facilities. As noted in the EBIA charter, key components of the educational program include a STEAM focus, an emphasis on project based learning, blended learning, and design and innovation. Students will engage in the performing arts, “maker-time”, heavy duty lab-based science classes, intersessions, and other enrichment programs. In order to provide this aspect of our educational program, the facility allocated to EBIA should ideally have the characteristics noted in the table directly below, which was included in our charter petition. Lastly, please note -that this list is not exhaustive, and if the District’s comparison schools include other facilities not noted here, the District must also allocate a reasonably equivalent amount of this space to the Charter School.

Facility Component	Requirement Description
<b>Technology Infrastructure</b>	Technology will be ubiquitous at EBIA and is core to its model. An EBIA facility should support a state of the art wireless computer network and its associated infrastructure (e.g. servers, routers, printers, electrical outlets, ample wired/wireless network access, etc.) and media hardware (overhead projection, screens, electronic whiteboards, etc.). Network bandwidth should be able to support all authorized users without restriction.
<b>Great Room</b>	Our students will present their work to the EBIA community on a regular basis. A “WOW” space commons area for formal and informal gatherings and presentation of student work that serves as the intellectual hub of the school. A flexible space with high ceilings that can



## OFFICE OF CHARTER SCHOOLS

	be deployed for school-wide morning meetings, exhibitions, events, and performances. Full audio/visual capabilities and stage lighting adapted to use for theatrical performances, and an overhead curtain that can subdivide that space in a variety of ways, are important features.
<b>Teaching Neighborhoods (Clustered Seminar Rooms with Adjoining Common Area and teaching team office)</b>	<p>The creation of teaching neighborhoods promotes ownership and personalization by breaking down the school into smaller subsets:</p> <ul style="list-style-type: none"> <li>• Seminar rooms ideally have acoustically rated, movable walls that support a variety of room configurations and activities. This facilitates team teaching, project-based learning, and flexible instructional models. Students make use of the flexibility that the seminar rooms afford them, working individually and in groups large and small. Teachers work in teams to design integrated projects that cut across subject area boundaries.</li> <li>• Teaching neighborhoods would ideally cluster seminar rooms in groups of four, with a shared “open studio” common space area for group work, exhibits, and meetings for each cluster.</li> <li>• Teams of math/science and humanities teachers share offices that adjoin seminar rooms in the teaching neighborhoods they work in.</li> </ul>
<b>Project Studios</b>	The facility should have spaces that would be used as project studios for student group work, gatherings, and presentations. These spaces would be used as combination exhibition spaces, project building studios, study areas, and computer labs.
<b>Laboratories</b>	The ability to house laboratories supporting flexible general science and robotics project labs where students can build what they have designed on computers. These labs would ideally be connected to outdoor space with additional storage for building and storing large scale projects. Furthermore, art and information technology multi-media laboratory space is needed.
<b>Indoor/Outdoor Connection</b>	Space that integrates indoor and outdoor space – to drive learning, creativity, and to support project-based learning. Ideally EBIA would have indoor and outdoor eating spaces and an outdoor amphitheater to extend the learning environment and take advantage of Oakland’s great climate.
<b>Venues for Display</b>	Circulation throughout the facility takes place in galleries/exhibition areas used to display and exhibit student work. Students will curate exhibits across the school in these highly trafficked areas.
<b>Education Specialist Offices</b>	Office(s) needed for 1:1 assessment, counseling and instruction of special needs students.
<b>Offices/Reception</b>	Facility should have offices available for school administrative staff, and a reception area to greet guests and to ensure school security and physical access procedures are strictly enforced.
<b>Food Service Area</b>	Kitchen and food distribution facilities set-up to prepare, distribute, and consume breakfast and lunch to students. End-state ideal would be a central point for food preparation, and distributed café style delivery at a few various locations at the school.
<b>Fitness Facility</b>	To facilitate and host student sports activities.

## Appendix I: Enrollment, Attendance Rates, and ADA Projections

**Instructions:** Fill out the tables below for all grade levels served at the school. "Oakland-Resident, Classroom-Based" columns should only include information for students who reside in Oakland, excluding any students in non-classroom based programs (e.g. independent study). ADA Projections in Table 3 should be the result of multiplying corresponding projected enrollment in Table 1 by corresponding projected attendance rates in Table 2.

**Table 1: Enrollment**

Grade Level	Oakland-Resident, Classroom-Based Enrollment			Total Enrollment		
	2018-19 (as of CBEDS Census Day)	2019-20 (as of CBEDS Census Day)	2020-21 (projected)	2018-19 (as of CBEDS Census Day)	2019-20 (as of CBEDS Census Day)	2020-21 (projected)
TK						
K						
1						
2						
3						
4						
5						
6	99	119	110	113	135	124
7	107	105	113	124	121	130
8	97	94	103	124	110	120
9	74	64	68	87	79	83
10	51	69	71	71	78	80
11	37	48	62	43	62	80
12		29	49		36	60
<b>TOTAL</b>	<b>465</b>	<b>528</b>	<b>576</b>	<b>562</b>	<b>621</b>	<b>677</b>

**Table 2: Attendance Rates**

Grade Level	2018-19 Attendance Rate	2019-20 Attendance Rate	Projected 2020-21 Attendance Rate
TK			
K			
1			
2			
3			
4			
5			
6	0.96542	0.97436	0.96989
7	0.9592	0.97375	0.966475
8	0.9623	0.95848	0.96039
9	0.93744	0.94746	0.94245
10	0.93796	0.94796	0.94296
11	0.90154	0.96443	0.932985
12		0.93611	0.93611

**Table 3: Average Daily Attendance (ADA) Projections**

Grade Level	Projected 2020-21 ADA	
	Oakland Resident, Classroom Based	Total
TK		
K		
1		
2		
3		
4		
5		
6	106.6879	120.26636
7	109.211675	125.64175
8	98.92017	115.2468
9	64.0866	78.22335
10	66.95016	75.4368
11	57.84507	74.6388
12	45.86939	56.1666
<b>TOTAL</b>	<b>549.570965</b>	<b>645.62046</b>