

## East Bay Innovation Academy

February 28, 2023  
OUSD Office of Charter Schools  
1000 Broadway, 4th floor, Suite 440  
Oakland, CA 94607

madison.thomas@ousd.org, kelly.kragarnold@ousd.org

Re: **Proposition 39 Preliminary Offer of Facilities, 2023-24**  
Response to Preliminary Offer of Facilities

Dear Ms. Krag Arnold and Ms. Thomas,

We have received and reviewed the Proposition 39 preliminary offer set forth by the Oakland Unified School District ("OUSD"). Thank you for putting together the preliminary offer, which is for twelve (12) classrooms, and certain shared specialized classroom and non-teaching station space on the Markham campus. The Preliminary Offer is based on an in-District ADA of 198.18. Upon our review, we have the following comments and requests.

It appears that the allotted space in the offer does not include provisions for the following, which EBIA specifically requested in its Prop. 39 request:

- 1. Fitness Facility/Athletic Space** - EBIA requires access to not only outdoor field and blacktop space, but also a gymnasium, in order to offer the physical education program required by law.
- 2. Laboratory space** - California Ed Code requires two (2) years of lab science. As such, EBIA requires access to reasonably equivalent science lab space in order to meet this requirement. In addition EBIA requires lab space to continue offering its array of AP courses and to adhere to its STEAM focused curriculum as outlined in the EBIA charter. All of the comparison schools identified by the District offer significant specialized classroom space, including science lab space. EBIA understands that the Markham Campus, as an elementary school, does not have built-in science lab spaces. However, that does not absolve the District of its obligation to allocate reasonably equivalent facilities to EBIA, and the District can create those spaces, either through alterations to the campus or the purchase of mobile science lab stations.
- 3. Dedicated space for Special Education and Counseling**- EBIA requires this space to ensure students receive 1:1 assessments and counseling as outlined in IEPs, 504s and required for many counseling needs. EBIA requires an additional allocation of four (4) rooms, which can either be in the form of conference rooms or regular classrooms, to provide these services.

EBIA requests that for purposes of the required athletic space, the District either allocate EBIA a reasonably equivalent gym space on any nearby District campus that has this space, or in the alternative move EBIA's Prop. 39 offer to a different District site that includes the required high school spaces (gym space, science labs, etc.) missing from the allocation at Markham.

If you could please take these key requirements for EBIA into consideration in addition to a site that is closer in proximity to our middle school campus - 3400 Malcolm Avenue, we would greatly appreciate an updated offer with the inclusion of these elements.

Thank you for your time and consideration.

Charles Noel  
Director of Operations  
East Bay Innovation Academy  
e|[charlie.noel@eastbayia.org](mailto:charlie.noel@eastbayia.org)  
p|510-526-1271  
w|[eastbayia.org](http://eastbayia.org)

