



OFFICE OF CHARTER SCHOOLS

March 29, 2019

Maya Woods-Cadiz and Marisol Magana
American Indian Public High School
171 12th Street
Oakland, CA 94607

Re: Oakland Unified School District
Final Offer of Facilities, 2019-20

Dear Maya Woods-Cadiz and Marisol Magana:

Oakland Unified School District (“District”) makes this Final Offer of Facilities to **American Indian Public High School** (“Charter School”) for the 2019-20 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. (Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq.*) This Final Offer complies with all of the requirements of Proposition 39 and Cal. Admin. Code, title 5, §11969.9(h).

A. Procedural History

The Charter School submitted a Request for Facilities under Proposition 39 pursuant to Cal. Admin. Code, title 5, § 11969.9(c) on or before November 1, 2018. The Charter School’s Request for Facilities was based upon a projected in-District Average Daily Attendance (“ADA”) of 425.86. The District issued written objections to projections under Cal. Admin. Code, title 5, § 11969.9(d) on November 30, 2018. In its Response to the District’s Objections to ADA Projections letter, dated January 2, 2019, the Charter School accepted the District’s counterprojection of **370.92**. The District’s November 30, 2018 letter, and the reasons stated therein, are incorporated into this Final Offer of Facilities.

B. 2019-20 Final Offer to the Charter School

Education Code § 47614 and its implementing regulations obligate the District to offer space sufficient to accommodate the Charter School’s in-District students. The District’s allocation of space is therefore based on the projected in-District ADA of **370.92**.

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

Lakeview Elementary School campus
746 Grand Ave, Oakland, CA 94610

American Indian Public High School

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The Charter School’s allocation of space is summarized in the tables below. The location of the exclusive use space offered to the Charter School in this Final Offer is depicted in the diagrams attached as **Exhibit A**. This Final Offer is based on the District’s final ADA projections. Additionally, the methodology for determining space allocations has incorporated some of the feedback provided in charter schools’ responses to Preliminary Offer letters. As such, the space to which the Charter School is entitled, including the number of allocated classrooms, may have changed slightly from that which was indicated in the Preliminary Offer.

Table 1: Exclusive Use Classroom Allocation Summary

School Site	Total Classrooms*	Specialized Classrooms	Total Classroom Space (sqft)
Lakeview	16	2	13,285

* Total Classrooms includes Specialized Classrooms.

Table 2: Exclusive Use Classroom Allocation

Count	School Site	Room # (per MKThink site plan, Exhibit B)	Sqft
1	Lakeview	A-1-11	840
2	Lakeview	A-2-1	709
3	Lakeview	A-2-9	709
4	Lakeview	A-2-29	709
5	Lakeview	A-3-1	853
6	Lakeview	A-3-2	1266
7	Lakeview	A-3-4	554
8	Lakeview	A-3-10	857
9	Lakeview	A-3-20	815
10	Lakeview	A-3-25	709
11	Lakeview	B-1-1*	864
12	Lakeview	C-1-1*	864
13	Lakeview	P3-1-1	884
14	Lakeview	P4-1-1	884
15	Lakeview	P5-1-1	884
16	Lakeview	P6-1-1	884

* Specialized classroom

Table 3a: Exclusive Use Non-Classroom Space (NCS) Allocation

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School Site	Building/Space Description	Sqft
Lakeview	Portable Restroom	500
Lakeview	Building A, Floor 3 (all NCS)	3,929
Lakeview	Building A, Floor 2 (NCS as shown in Exhibit A)	5,082
Total Interior Exclusive Use NCS	-	9,511
Total Exterior Exclusive Use NCS	(as shown in Exhibit A)	40,188

Table 3b: Shared Non-Classroom Space (NCS) Allocation

School Site	Building/Area Description	Building-Floor	Room Number(s)	Total Sqft	Charter School Share Percentage	Charter School Allocation (sqft) (Total Sqft x Charter School Share Percentage)
Lakeview	Restrooms, Building Utilities, Circulation	A-1	17, 19, 20, 22, 24-26, 31, 41	2,246	50%	1,123
	Circulation	A-1	23	691	25%*	173
	Circulation	A-2	24	299	50%	150
	Circulation	A-2	35	2,073	75%**	1,555
	Total Interior Shared NCS	-	-	-	-	3,001
	Total Exterior Shared NCS	-	-	-	-	33,572

* AIPHS students will likely only access about half of this hallway, therefore, the share percentage was reduced to 25% (50% x 50% = 25%)

** AIPHS will essentially have exclusive use to the majority of this hallway, with the exception of one end of the hallway, which will be shared with District families and staff for accessing rooms A-2-25, 32, and 33. Therefore, AIPHS's sharing percentage was increased to 75% (OUSD share percentage = 50% of hallway shared at 50% = 25%)

Table 3c: Non-Classroom Space (NCS) Allocation Summary

School Site	Exclusive Use	Shared	Total (Exclusive Use + Shared)
Lakeview (Interior)	9,511	3,001	12,512
Lakeview (Exterior)	40,188	33,572	73,760
Total	49,699	36,573	86,272

C. Comparison Group Methodology

As mandated by Proposition 39, the Charter School’s facilities space entitlement is based on space provided to students at a set of District-operated comparison schools. Cal. Admin. Code, title 5, § 11969.3 governs the identification of the comparison group sites. Subsection (a)(1) states as follows:

Comparison Group:

The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of district-operated schools with similar grade levels. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.

Cal. Admin. Code, title 5, § 11969.3(a)(2) governs the determination of the comparison group schools for districts whose students live in high school attendance areas:

The comparison group shall be the school 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. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

The District must first identify the high school attendance area in which the largest number of in-District Charter School students reside. Education Code §17070.15(b) defines “attendance area” as “the geographical area serving an existing high school and those junior high schools and elementary schools included therein.” Based on the information provided in the Charter School’s facilities request, the District has determined that the greatest number of Charter School students live within the **Oakland High School** attendance area.

Table 4: High School Attendance Area by Grade Span

Grade Span	High School Attendance Area	# of Students
9-12	Oakland High	87

	Fremont	74
	Oakland Tech	64
	Skyline	56
	McClymonds	41
	Castlemont/CCPA/Madison	35

Therefore, the comparison group school(s) for the Charter School are as follows:

- **9-12:** Oakland High School

D. Reasonable Equivalence Provision

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, to allocate a facility to the Charter School that meets Proposition 39 standards for “reasonable equivalence.”

With respect to “condition” and “capacity”, the District may allocate facilities to the Charter School that are comparable to the comparison group in the following ways:

Table 5: Facility Characteristics to Determine Reasonable Equivalence

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)
Ratio of teaching stations (classrooms) to average daily	Capacity	C.C.R., tit. 5,

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Facility Characteristic	Reasonable Equivalence Category	Regulatory Authority
attendance (ADA)		§ 11969.3(b)(1)
Specialized classroom space if such facilities are available to the district comparison group (e.g., science laboratories)	Capacity	C.C.R., tit. 5, § 11969.3(b)(2)
Non-teaching space, which the district can share with the charter school (e.g., administrative, kitchen, multi-purpose, and/or play area space)	Capacity	C.C.R., tit. 5, § 11969.3(b)(3)

D1. Condition

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 C](#).

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, essentially conveying the 'percent broken'.

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 Lakeview was not part of the Jacobs study; however, this site was explicitly requested by the Charter School and is where the Charter School is currently located. 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.” The Charter School’s allegations regarding the District’s “condition” analysis in its Response to the Preliminary Offer (p. 3) focus exclusively on the Bunche site, and are therefore not relevant to this Final Offer.

Table 6: School Site Condition Analysis, Comparison Sites vs Offer Site

Comparison School	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Oakland High School	10.76	37%	57.2
Offer Site: Lakeview	3.05	n/a	n/a

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

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

D2. Capacity – Classrooms

With respect to classrooms, Cal. Admin. Code title 5, § 11969.3(b)(1) states that “[f]acilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations (classrooms) to ADA as those provided to students in the school district attending comparison group schools.” Cal. Admin. Code title 5, § 11969.3(b)(1) also says that “[t]he number of teaching stations (classrooms) shall be determined using the classroom inventory prepared pursuant to California Code of Regulations, title 2, section 1859.31, adjusted to exclude classrooms identified as interim housing.”

The District complied with Cal. Admin. Code tit. 5, § 11969.3(b)(1) by consulting the “classroom inventory pursuant to Sections 1859.31 and 1859.32 ... on the Form SAB 50-02.” (See, Cal. Admin. Code tit. 2, s 1859.30.) A copy of Form SAB 50-02 is linked as [Exhibit D](#). The District notes that Form SAB 50-02 only lists the aggregate number of classrooms by grade range within each high school attendance area, without breaking down and identifying the number of classrooms by District school. Therefore, Form SAB 50-02 does not, by itself, disclose the number of classrooms “provided to” District students at individual District schools. To determine the number of classrooms “provided to” District students at District schools, the District has taken the additional step of creating an updated inventory of actual classroom utilization at each comparison group school using educational adequacy assessment data that was provided by a contracted third party vendor (Jacobs) to OUSD during the 2017-18 school year. That inventory is provided as [Exhibit C](#).

The District’s approach follows the methodology set forth by the Court in *California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 60 Cal.4th 1221 in determining the classroom allocation to the Charter School. As explained by the California Supreme Court in that case:

According to the District, only classrooms in the inventory that are “provided to” noncharter public school K–12 students in the District must be counted. On this view, unbuilt classrooms, classrooms already used by charter schools, and classrooms dedicated to preschool, adult education, or other uses besides K–12 education are not “provided to” such K–12 students and thus need not be counted in determining the ADA/classroom ratio under section 11969.3(b)(1). [¶] We agree with this reading of section 11969.3(b)(1). (*Id.* at 1239.)

The District has met the requirements for determining the ADA-to-classroom ratio under Cal. Admin. Code tit. 5, § 11969.3(b)(1). The District went beyond the classroom inventory contained in Form SAB 50-02, and created an inventory of classroom utilization at each of the comparison group schools, to determine the number of classrooms “provided to” District students at the comparison group schools. To do so, the District determined the total number of classrooms at each site using the Jacobs Study data ([Exhibit C](#)), removing classrooms occupied by preschool students that had been included in the data. The District then separated the number of rooms at each site that the District’s Special Education department indicated would be used as dedicated Special Day Class (SDC) rooms to serve high needs students with disabilities in self-contained settings (SDC students), as these students require a lower ADA-to-classroom ratio¹ than the general student population. The District used the projected number of SDC students from each District school’s ADA to determine an SDC ADA-to-classroom ratio. The remaining classrooms and ADA (excluding SDC students, but including students with disabilities who do not require an SDC setting) were then used to determine the ADA-to-classroom ratio for all non-SDC students. Currently, because the Charter School does not serve students who require an SDC setting, the non-SDC ADA-to-classroom ratio is used to determine classroom entitlement for the Charter School. However, if the Charter School served SDC students, space would be allocated for these students based on comparison schools’ SDC ADA-to-classroom ratio. Note that newcomer students and classrooms are included in the non-SDC ADA-to-classroom ratio in this Final Offer, although they had been excluded from the Preliminary Offer calculations for classroom entitlement. Based on this methodology, the District determined the (non-SDC) ADA-to-classroom ratio at the comparison group as **23.36 ADA per classroom**.

Table 7: Classroom Entitlement Calculation for Grades 9-12

School	Projected Schoolwide ADA	Classrooms Provided to Students	ADA per Classroom (excluding	Projected 9-12 ADA (excluding SDC	Proportion of Total 9-12 Comparison
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¹ According to both the most recent contract and current tentative agreement between the Oakland Education Association and the District, Special Day Classes are to be staffed at a ratio of no more than 13 students per caseload for Mild to Moderate or 10 students per caseload for Moderate to Severe.

	(excluding SDC students)	(excluding SDC classrooms)	SDC	students)	Group ADA (excluding SDC students) ²
Oakland High School	1448.30	62	23.36	1448.30	100%
Average ADA per Classroom					23.36
Charter Projected In-District ADA					370.92
Charter Classroom Entitlement (370.92/23.36=15.9)					15.9

Applying that ratio to the Charter School’s projected ADA of **370.92**, the District determined that the Charter School was entitled to an allocation of **16** (rounded up from 15.9) classrooms.

D3. Capacity – Specialized Classroom Space

Cal. Admin. Code title 5, § 11969.3(b)(2) states as follows with respect to the allocation of specialized classroom space to Charter Schools:

If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to paragraph (1) of subdivision (b) shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

- (A) the grade levels of the charter school's in-District students;
- (B) the charter school’s total in-District classroom ADA; and
- (C) the per-student amount of specialized classroom space in the comparison group schools.

As mentioned above, OUSD contracted with Jacobs to conduct an educational adequacy assessment at its facilities during the 2017-18 school year. As part of this assessment, Jacobs collected specialized classroom space data, which included the approximate square footage of each space. This data was used to help determine the charter school’s specialized classroom space allocation based on “the per-student amount of specialized classroom space in the comparison group schools” as shown in the

² Calculated as follows: School Projected 9-12 ADA divided by Total 9-12 Comparison Group Projected ADA

table below³. Detailed data related to the specific specialized classroom space present at District sites is provided in [Exhibit E](#).

Table 8: Specialized Classroom Space (SCS) Entitlement⁴

SCS Type	Arts	Science	Tech	Total
Total SCS Existing at Offer Site(s)	0	1,728	0	1,728
SCS Allocation Included in Classrooms Offered	0	1,728	0	1,728
Total SCS Entitlement	1,335	2,285	1,421	5,041
Under(-)/ Over(+) Allocation of SCS Entitlement (sqft)*	-1,335	-557	-1,421	-3,313

* Calculated by subtracting *Total SCS Entitlement* from *SCS Allocation Included in Classrooms Offered*

The District’s calculation of the Charter School’s entitlement to specialized classroom space shows that the Charter School is entitled to an additional 3,313 sqft of specialized classroom space. However, the Lakeview site does not have any additional specialized classroom space which could be allocated to the Charter School. Furthermore, in its response to the Preliminary Offer, the Charter School stated that it would be unable to make a multi-site offer work. Instead the Charter School requested that it be allocated one additional classroom at its current site, “and with this additional classroom would withdraw any objections to the District’s offer of facilities.” The District has complied with this request and allocated 16 classrooms at the Lakeview campus (one more classroom than was previously allocated in the Preliminary Offer). Therefore, the District has met its obligations to provide reasonably equivalent specialized teaching space to the Charter School.

In its Preliminary Offer response letter, the Charter School takes issue with the fact that the District counted specialized classrooms as a subset of the classroom allocation. As referenced above, Cal. Admin. Code title 5, § 11969.3(b)(2) states that “If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to paragraph (1) of subdivision (b) shall *include* [emphasis added] a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space.” Paragraph (1) of subdivision (b) outlines the methodology for allocating teaching stations (classrooms). Therefore, as this states that the initial classroom allocation “shall include” specialized space, the District has determined that the specialized classroom space is a subset of the classroom allocation

³ The comparison school ADA-to-classroom ratios used to calculate the specialized classroom entitlement is based on each school’s entire ADA, including SDC students, and all specialized classroom square footage as indicated by the Jacobs Study data.

⁴ Square footage figures included in this table are approximate and were taken from the Jacobs data found in [Exhibit C](#). All other square footage figures found in this document were taken from MKThink data ([Exhibit B](#)) and are more precise. Therefore, discrepancies in square footage figures may exist between this and other tables found in this letter.

and that additional specialized space would only need to be allocated separately if the specialized classroom space entitlement is not already met within the classrooms allocated as part of the initial classroom allocation. If the specialized classroom allocation should, in fact, not be considered a subset of the classroom allocation, then all specialized classrooms should be removed prior to calculating the ADA-to-classroom ratio, an argument the Charter School has not made. Otherwise, this would result in “double dipping” as the specialized space would be double counted, once in the classroom allocation and again in the specialized classroom space allocation.

D4. Capacity – Non-Classroom Space

With respect to non-classroom space, Cal. Admin. Code title 5, § 11969.3(b)(3) states as follows:

The school district shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

In the table below, the District calculated the total amount of non-classroom space to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools. A supplement showing the calculation of non-classroom space at District sites is linked as [Exhibit B](#).

Table 9: Non-Classroom Space (NCS) Sqft/ADA Entitlement

Comparison School	Total Projected ADA (including SDC students)	Proportion of Total Projected Site ADA	Site Interior NCS (sqft)*	Site Exterior NCS (sqft)*	Total Site NCS (sqft)*	NCS (sqft)/ ADA
Oakland High School	1,525.36	100.00%	95,506	408,515	504,021	330

* For schools sharing sites with other schools, the square footage for the NCS columns was calculated by multiplying the total site NCS by the school’s proportion of total projected site ADA.

The following table summarizes the Charter School’s non-classroom space sqft/ADA allocation at each site offered, compared to the non-classroom space sqft/ADA ratios to which the Charter School

is entitled:

Table 10: Non-Classroom Space (NCS) Sqft/ADA Allocation vs. Entitlement

Offer Site	Interior NCS Allocation	Exterior NCS Allocation	Total NCS Allocation (sqft)	Charter Projected In-District ADA	NCS Sqft/ADA
Lakeview	12,512	73,760	86,272	370.92	233
Entitlement Range Based on Comparison School Group					330

The District calculates the sqft/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 falls within the range of the sqft/ADA ratios at the comparison group schools. As shown in the table above, the Charter School’s allocation is below its entitlement; however, this is due to the relatively low amount of non-classroom space existing at Lakeview site, which was specifically requested by the Charter School. Furthermore, as previously mentioned, the Charter School requested that it be allocated one additional classroom at its current site, “and with this additional classroom would withdraw any objections to the District’s offer of facilities.” The District has complied with this request and allocated 16 classrooms at the Lakeview campus (one more than was previously allocated in the Preliminary Offer). Therefore, the District has met its obligations to provide reasonably equivalent non-classroom space to the Charter School.

The District also will offer the Charter School reasonably equivalent Furnishings and Equipment for 370.92 ADA.

E. Response to the Charter School’s March 1, 2019 Letter

In compliance with Cal. Admin. Code, title 5, §11969.9(h), the District addresses the Charter School’s response to the District’s preliminary offer of facilities.

Charter School’s ADA Projections: The District is allocating space in accordance with the District’s counterprojections for the reasons set forth in its November 30, 2018 letter. These counterprojections were accepted by the Charter School in its Response to District Objections to ADA Projections letter dated January 2, 2019.

Site Location: In its initial request for facilities, the Charter School stated they “[wish] to be located within the Lake Merritt/Downtown/Chinatown neighborhoods” and specifically requested “one of the following campus[es]: Lakeview, Bella Vista, Life Academy, and Skyline.” Furthermore, the Charter

School stated their “first choice is to remain in the current district facility, Lakeview Campus in a multi-year lease.”

Education Code 47614(b) states that “[t]he school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate ...” The District has provided the Charter School a Final Offer at its current location of the Lakeview Elementary School campus, located at 746 Grand Avenue, Oakland, CA 94610, which the Charter School listed as their preferred location.

F. Final Facilities Offer – Other Terms and Conditions

F1. Pro-Rata Share

The calculation of the Charter School’s pro-rata share of facilities costs is attached as [Exhibit F](#), and the Charter School’s allocation, fees, and payment schedule is attached as **Exhibit G**. The pro-rata share calculation has been updated since the preliminary offer to remove restricted Prop 39 Clean Energy funds. The District notes that the Charter School’s share of custodial costs may be subject to reconciliation in the event that the District is required to increase staffing as a result of the Charter School’s use and occupation of the District’s site. The District’s calculation of the pro-rata share was affirmed by the Court in *California Charter Schools Association v. Oakland Unified School District*, Alameda Superior Court Case No. RG16806690.

F2. Overalllocation Fee

Cal. Admin. Code tit. 5, § 11969.8 provides for a penalty in the event that a school district overallocates facilities to a charter school based on the charter school’s overprojection of Average Daily Attendance (“ADA”) for a school year. Subsection (a) of that regulation provides as follows:

Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent 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.

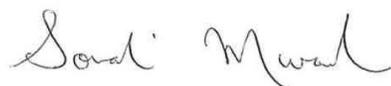
Please be advised that, in the event that the District overallocates facilities based upon the charter School's overprojection of ADA, the District will exercise its rights under the Proposition 39 regulations to collect the overallocation fee from the Charter School.

F3. Response to Final Offer

Under tit. 5, § 11969.9(i) of the Cal. Code of Regs., "The charter school must notify the school 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.

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 accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement (sample agreement linked as [Exhibit H](#)), containing the terms and conditions of the District's facilities allocation. Note that the District's sample Facilities Use Agreement has incorporated some of the feedback provided in charter schools' responses to Preliminary Offer letters. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

If you have any questions, please do not hesitate to contact me.



Sonali Murarka, Director
Office of Charter Schools

Proposition 39 Final Offer Exhibits

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

[Exhibit B](#) – MKThink Data, Facilities Master Plan and Calculation of Non-Classroom Space Entitlement

[Exhibit C](#) – Jacobs Study, Facilities Condition Data and Classroom Inventory

[Exhibit D](#) – Form SAB 50-02

[Exhibit E](#) – Calculation of Specialized Classroom Space Entitlement

[Exhibit F](#) – Calculation of Pro Rata Share

Exhibit G – Allocation, Fees, and Payment Schedule [see below]

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

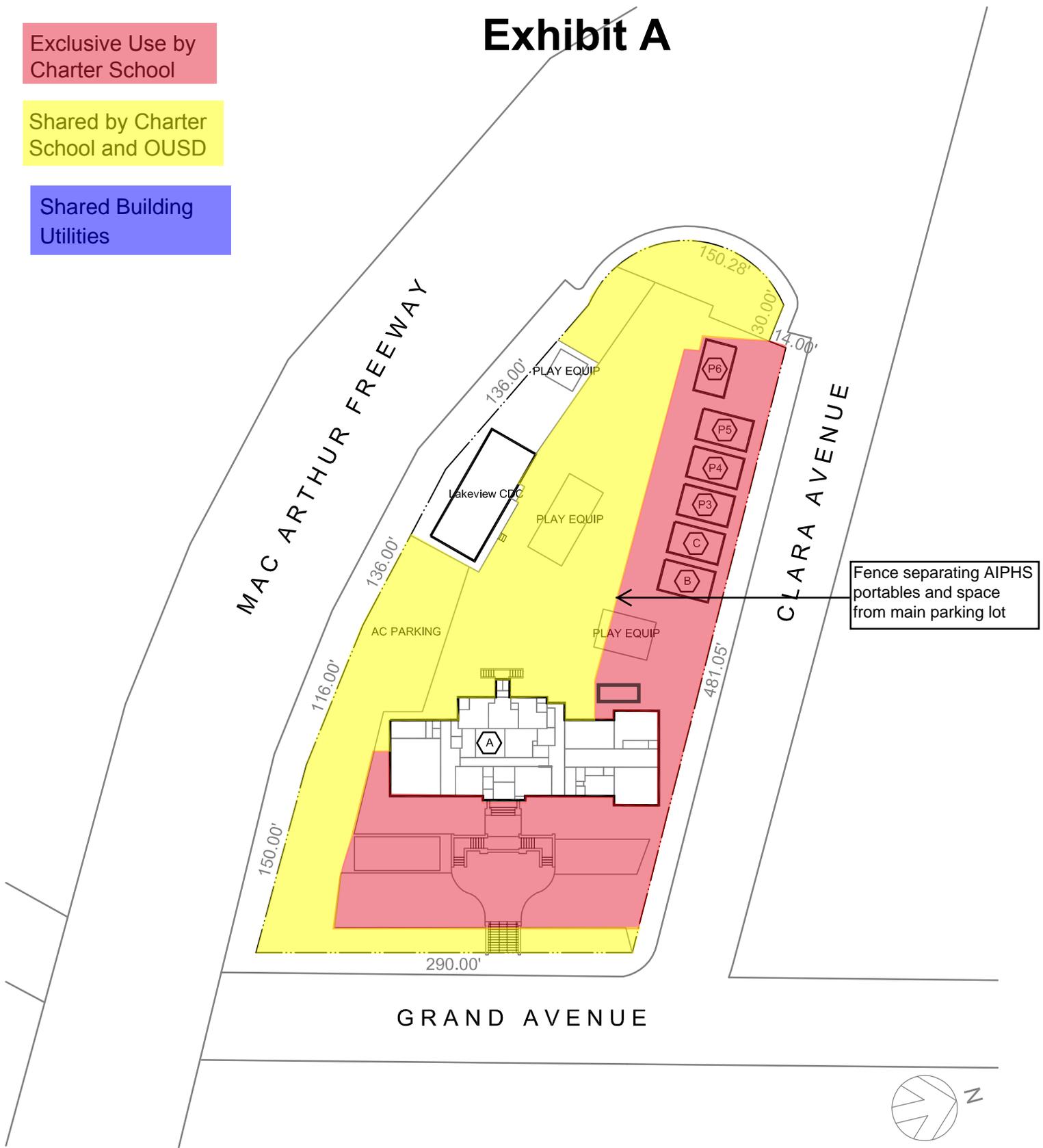
[Exhibit I](#) – Multi-Site Resolution (January 23, 2019) and Amended Resolution (March 20, 2019)

Exhibit A

Exclusive Use by
Charter School

Shared by Charter
School and OUSD

Shared Building
Utilities



SITE PLAN

130 - LAKEVIEW ELEMENTARY SCHOOL
746 GRAND AVENUE, OAKLAND, CA 94610-2714



Date: 1/18/2013

Scale: 1"=100'-0"

Exhibit G

Allocation, Fees, & Payment Schedule

Contract Term (Fiscal Year):	2019-20
Charter School Name:	American Indian Public High School
Site Name:	Lakeview Campus
Address:	746 Grand Ave, Oakland, CA
SPACE ALLOCATION	
Exclusive Use Space (sqft)	22,796
+ Proportion of Shared Space (sqft)	3,001
Total Space Allocation at Site (sqft)*	25,797
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	25,797
x Facility Fee Sqft Rate	\$4.62
Facility Use Fee	\$119,182.14
UTILITIES FEE	
Total Space Allocation at Site (sqft)	25,797
÷ Total Interior Space at Site (sqft)	43,590
Charter School Percent of Site Use	59.18%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	59.18%
x Number of Custodial FTE at Site	2.5
x Custodial Services FTE Rate	\$75,599
Custodial Services Fee	\$111,850.62
PAYMENT SCHEDULE	
25% by October 1, 2019	
25% by December 1, 2019	
25% by April 1, 2020	
25% by July 1, 2020	

Note: All calculations subject to change.

*Includes only interior space.

**Includes total (in-district + out-of-district) projected ADA as reported in the schools' facilities request forms.