

**OFFICE OF CHARTER SCHOOLS**



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

November 30, 2018

Suzanne Howard  
Aspire ERES Academy  
1001 22<sup>nd</sup> Ave, Suite 100  
Oakland, CA 94606

Re: Proposition 39 Facilities Request for 2019-20  
Response to Charter School's Enrollment Projections

Dear Suzanne Howard:

The Oakland Unified School District ("District") responds to the November 1, 2018, Request for Facilities of Aspire ERES Academy ("Charter School") for the 2019-20 school year pursuant to 5 CCR § 11969.9(d).

**INTRODUCTION**

The regulations implementing Proposition 39, specifically, Cal. Admin. Code, title 5, §11969.9(d), permit a school district to assess the projections upon which a charter school's facilities request is based, express objections to those projections, and issue a counterprojection:

The school district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. If the district does not express objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

In conducting its evaluation, the District assesses whether the charter school's Request for Facilities meets the requirements contained in the regulations governing such a request. Cal. Admin. Code, title 5, § 11969.9(c)(1)(A) provides that the written facilities request must include:

Reasonable projections of in-district and total ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year;

The District objects to the charter school's projections as set forth below.

**REVIEW OF CHARTER SCHOOL'S ADA PROJECTIONS:**

Proposition 39 only obligates a school district to offer facilities commensurate with a charter school's in-District population. 5 C.C.R. § 11969.2 defines an in-District student as:

[A] student attending a charter school is an "in-district student" of a school district if he or she is entitled to attend the schools of the school district and could attend a school district-operated school, except that a student eligible to attend the schools of the school district based on inter-district attendance pursuant to Education Code section 46600-46611 or based on parental employment pursuant to Education Code section 48204(b) shall be considered a student of the school district where he or she resides.

Therefore, the District evaluates the Charter School's in-District Classroom ADA projections.

The Charter School projected an in-District Classroom ADA of **222.26** for the 2019-20 school year.

**OUSD'S EVALUATION OF CHARTER SCHOOL'S ADA PROJECTIONS:**

As referenced above, Cal. Admin. Code, title 5, § 11969.9(c)(1)(A) provides that the facilities request must contain "reasonable projections" of the Charter School's in-District Classroom ADA.

The Charter School's in-District ADA projection for 2019-20 of 222.26 is based on a total projected enrollment of 250<sup>1</sup>. This exceeds the Charter School's authorized maximum enrollment size of 238 from the approved charter petition. Enrollment increases above the authorized enrollment size represent a substantive change to the charter and require a material revision to be requested and approved by the authorizing agency. [See, e.g., Education Code §47607(a)].

To date, Aspire ERES Academy has not submitted a relevant material revision request to the District to authorize an enrollment above its approved size. It is within the District's discretion to conclude that any projected ADA that is based on a calculation using an enrollment size above the authorized enrollment has not been sufficiently approved, as is required by Education Code, and therefore does not represent a reasonable projection per Proposition 39 regulations.

**OUSD COUNTERPROJECTIONS**

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<sup>1</sup> Charter School's projected total enrollment calculated by dividing total projected ADA by the attendance rate provided by the school (240.00/.96=250).

The District is exercising its right to provide counterprojections to the Charter School's enrollment projections for 2019-20. Based on factors discussed below, the District counterprojects an in-District ADA of **214.77**.

The methodology for calculating the District's counterprojections is as follows: The Charter School's authorized maximum enrollment (from the charter petition approved by the OUSD board) is multiplied by the Charter School's projected in-district rate (calculated from the Charter School's Prop. 39 application), which yields the projected in-district enrollment for 2019-20. This figure is then multiplied by the Charter School's projected attendance rate (from the Charter School's Prop. 39 application), which yields the projected in-district ADA for 2019-20.

In other words, the following formula is used to calculate the in-district ADA:

$$\text{Max Enrollment} \times \text{Projected In-District Rate} \times \text{Projected Attendance Rate} = \text{In-District ADA}$$

Table 1 below shows the figures used for each step of the counterprojection for the Charter School.

**Table 1: Charter School's in-District ADA Based on Authorized Maximum Enrollment**

<b>Authorized Max Enrollment</b>	<b>Projected In-District Rate</b>	<b>Projected Attendance Rate</b>	<b>In-District ADA</b>
238	94.0%	96.0%	214.77

*Sources:*

*Charter School's authorized max enrollment: charter petition approved by OUSD Board*

*Charter School's in-district rate: Prop. 39 Facilities Request Form, Appendix 1. Calculated as follows:*

*In-District Current Year CBEDS Enrollment (Table 1) / Total Current Year CBEDS Enrollment (Table 2)*

*Charter School's projected attendance rate: Prop. 39 Facilities Request Form, Question #2*

To calculate the grade level specific counterprojections, the Charter School's projected grade-level in-district ADA was used to calculate each grade level's proportion of the schoolwide in-district ADA. This proportion is then multiplied by the counterprojection for the schoolwide in-district ADA, as shown in Table 2 below.

**Table 2: 2019-20 ADA – Charter School Projections vs. OUSD Counterprojections, by Grade**

<b>2019-20 Grade Level</b>	<b>Charter School's Projected In- District ADA</b>	<b>Proportion of Projected Schoolwide In- District ADA</b>	<b>OUSD Counterprojected In-District ADA (proportion x 214.77)</b>
TK	23.04	10.4%	22.27
K	22.58	10.2%	21.82
1	20.40	9.2%	19.71
2	24.00	10.8%	23.19
3	20.40	9.2%	19.71
4	22.08	9.9%	21.34
5	21.36	9.6%	20.64
6	20.40	9.2%	19.71
7	24.00	10.8%	23.19
8	24.00	10.8%	23.19
<b>Total</b>	<b>222.26</b>	<b>100.0%</b>	<b>214.77</b>

*Note: Percentages may not add to 100.0% exactly due to rounding.*

*Sources:*

*Charter School's Projected ADA – Charter School's Proposition 39 Facilities Request Form*

*OUSD schoolwide counterprojection – calculated above in Table 1*

**CONCLUSION:**

The Proposition 39 regulations permit a school district to assess the reasonableness of the projections upon which a charter school's facilities request is based and express objections to those projections (Cal. Admin. Code, title 5, § 11969.9(d).)

Under Cal. Admin. Code tit. 5, § 11969.9(e), the Charter School has until January 2, 2019 to provide a written response (electronically) to this letter:

On or before January 2, the charter school shall respond to any objections expressed by the school district and to the district's projections provided pursuant to subdivision (d). The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to subdivision (d). If the charter school does not respond by the deadline, the district's projections provided pursuant to subdivision (d) are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

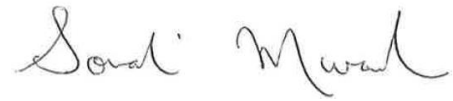
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Please be advised that Cal. Admin. Code tit. 5, § 11969.9(e) does not permit the Charter School to submit any additional documentation in support of its Request, but only to respond to, reaffirm or modify its projection.

Sincerely,

A handwritten signature in cursive script that reads "Sonali Murarka". The signature is written in black ink and is positioned above the printed name and title.

Sonali Murarka

Director, Office of Charter Schools