

OFFICE OF CHARTER SCHOOLS



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

December 1, 2018

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

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

Dear Ms. Cho and Ms. Benning:

The Oakland Unified School District ("District") responds to the November 1, 2018 Request for Facilities of East Bay Innovation 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) states:

The written facilities request consists of:

(A) 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;

(B) a description of the methodology for the projections;

(C) if relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in in-district ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy...

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 will only evaluate the Charter School’s in-District Classroom ADA projections.

The Charter School’s projected in-District Classroom ADA projection for the 2019-20 is as follows:

Table 1: Total In-District Classroom Projected ADA

Grade Level	2019-20 Projected In-District ADA
6	107.14
7	107.14
8	107.14
9	101.52
10	84.60
11	58.37
12	32.15
TOTAL	598.05

Source: Charter School’s Proposition 39 Facilities Request Form, Appendix I

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.

As shown in the following table, the Charter School is projecting ADA increases for all cohorts, including particularly substantial increases for its current 9th and 10th grade cohorts, despite consistent decreases in its high school cohorts in previous years.

Table 2: Charter School’s Projected In-District ADA Increase by Cohort

Cohort Grade Level by Year		2018-19 In-District ADA ¹	2019-20 Projected In-District ADA	Increase in In-District ADA	Percent Increase in Cohort In-District ADA
17-18	18-19				
6	7	96.00	107.14	11.14	11.60%
7	8	103.68	107.14	3.46	3.34%
8	9	93.12	101.52	8.40	9.02%
9	10	70.50	84.60	14.10	20.00%
10	11	49.82	58.37	8.55	17.16%
11	12	31.96	32.15	0.19	0.59%

Source: Charter School’s Proposition 39 Facilities Request Form (2018-19 Enrollment & 2019-20 Projected ADA – Appendix I; Charter School’s attendance rate – Question #2)

As shown in Table 3, the Charter School experienced substantial attrition in each high school grade level for the current school year, a trend similar to previous years.

Table 3: EBIA High School Enrollment Attrition and Retention for 2018-19

Cohort Grade Level by Year		17-18 Enrollment	18-19 Enrollment	Change	Attrition Rate	Retention Rate
17-18	18-19					
8	9	119	86	-33	-27.73%	72.27%
9	10	83	69	-14	-16.87%	83.13%
10	11	50	40	-10	-20.00%	80.00%

Source: 2017-18 Enrollment per CDE Census Day Enrollment Data; 2018-19 Enrollment per Charter School’s Proposition 39 Facilities Request Form, Appendix I

¹ The 2018-19 ADA was calculated by multiplying 2018-19 enrollment by the attendance rates provided in the charter school’s request for facilities (96% for grades 6-8 and 94% for grades 9-12). District staff determined the charter school’s projected attendance rates to be reasonable as they were comparable to attendance rates reported to the District for the current school year.

Furthermore, the Charter School projects a 97% retention rate in the total enrollment of its current 8th grade cohort, despite experiencing substantial attrition between 8th and 9th grade in each of the three previous years (as shown in the table below).

Table 4: EBIA Enrollment Attrition and Retention for Cohorts Transitioning from 8th to 9th Grade

Cohort's 8th Grade Year	Total Enrollment as 8th Graders	Total Enrollment as 9th Graders	Change	Attrition Rate	Retention Rate
2015-16	96	57	-39	-40.63%	59.37%
2016-17	129	83	-46	-35.66%	64.34%
2017-18	119	86	-33	-27.73%	72.27%
2018-19	124	120 (projected)	-4	-3.23% (projected)	96.77% (projected)

Source: 2015-16 and 2017-18 Enrollment per CDE Census Day Enrollment Data; 2018-19 and 2019-20 per Charter School's Proposition 39 Facilities Request Form, Appendix I

Finally, as shown below, the Charter School has substantially overprojected its 9th grade In-District ADA in each of its previous three Proposition 39 applications.

Table 5: Charter School's Prop 39 Projected vs. Actual 9th Grade ADA

Prop 39 Cycle (i.e. year for which facilities requested)	Projected 9th Grade In-District ADA	Actual 9th Grade In-District ADA²	Projected Minus Actual	Percent Overprojected
2016-17	82.65	43.91	38.74	46.87%
2017-18	76.50	56.22	20.28	26.51%
2018-19	95.13	70.50	24.63	25.89%
2019-20	101.52	-	-	-

Source: Charter School's Proposition 39 Facilities Request Forms (requesting facilities for 2016-17 thru 2019-20)

The Charter School failed to provide any documentation supporting its projected increase in ADA in violation of Cal. Admin. Code, title 5, § 11969.9(c)(1)(C), which requires a charter school to submit the following as part of its request for facilities:

[I]f relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in in-district ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the

² Actual 9th Grade In-District ADA for 2016-17 and 2017-18 was taken from subsequent Proposition 39 Facilities Request Forms submitted by the Charter School. For 2018-19, this number was calculated by multiplying the Charter School's reported 2018-19 enrollment by the provided high school attendance rate (75 x 96% = 70.50)

reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy; (Emphasis Added.)

Despite projecting substantial ADA increases for several of its high school grade levels, which contradicts historical trends, the Charter School did not provide Meaningfully Interested Student Signature forms in support of any of the additional projected ADA. Therefore, it is within the District’s discretion to conclude that any additional projected ADA that contradicts historical trends has not been sufficiently substantiated by relevant documentation, as is required by the Proposition 39 regulations. The District has also taken into account the Charter School’s contention that its 9th grade projected ADA is supported by the number of new applicants to enter that grade level, and has concluded that the Charter School’s consistent and established pattern of overprojection for that grade level, as well as the fact that more families transition to other programs between those grade levels, outweighs other factors and justifies the District’s counterprojection.

OUSD COUNTERPROJECTIONS

The District is exercising its right to provide counterprojections to the Charter School’s projections for 2019-20. Based on factors discussed below, the District counterprojects a total of **520.46** in-District classroom ADA. The District’s grade-level counterprojections are shown in Table 6.

Table 6: 2019-20 In-District ADA – Charter School Projections vs. OUSD Counterprojections

Grade Level	Charter School Projections	OUSD Counterprojections
6	107.14	104.42
7	107.14	104.42
8	107.14	103.68
9	101.52	70.46
10	84.60	63.17
11	58.37	42.35
12	32.15	31.96
Total	598.05	520.46

Source: Charter School Projections – Charter School’s Proposition 39 Facilities Request Form, Appendix I; OUSD Counterprojections – calculated in Tables 7 & 8 below

The District’s counterprojections were developed by incorporating several factors, including (1) the total current enrollment for each cohort, (2) each cohort’s current percentage of in-District enrollment, (3) the projected attendance rates identified by the Charter School, and (4) retention rates from the prior to current year for high school grade levels. The District’s counterprojections

assume that each cohort’s in-District rates will remain similar to current in-District rates and that high school grade levels will experience similar, but slightly less attrition than they did in 2018-19, as explained below.

For the middle school, despite a slightly underenrolled 6th grade cohort for the current year, the District agrees that the Charter School’s total enrollment projections are reasonable. However, the District projects a slightly lower in-District rate, based on current in-District rates at the Charter School. Although the Charter School estimates that 90% of its middle school students will be Oakland residents, all of its current cohorts—including its current 6th grade cohort which was enrolled under the school’s updated admissions preferences—have slightly lower in-District rates as shown in following table.

Table 7: Calculation of Middle School In-District ADA Counterprojections

Cohort Grade Level by Year		Projected Cohort Enrollment	Cohort 18-19 In-District Rate ³	Projected Attendance Rate	Cohort In-District ADA Counterprojection (enrollment x in-district rate x attendance rate)
18-19	19-20				
5	6	124	87.72% ⁴	96%	104.42
6	7	124	87.72%	96%	104.42
7	8	124	87.10%	96%	103.68

Source: Projected Cohort Enrollment, Attendance Rate, Cohort 18-19 In-District Rate – Charter School’s Proposition 39 Facilities Request Form; OUSD Counterprojections – calculated as shown in column header

For the high school, the District’s counterprojections are calculated similarly, but also factor in historical retention rates, which have been lower than the Charter School’s middle school retention rates. As shown previously in Table 3, the Charter School’s high school grade-level retention rates for 2018-19 ranged from 72% to 83%, which is consistent with trends seen in previous years. The Charter School has particularly struggled with retaining students moving from 8th to 9th grade. As shown previously in Table 4, during each of the past three years, the Charter School has only retained between 59% and 72% of 8th grade students as they transition to 9th grade. Furthermore, as shown previously in Table 5, the Charter School has consistently overprojected its 9th grade in-District ADA in its Proposition 39 Facilities Request Forms, including an overprojection of about 26% for the current school year.

³ Cohort 18-19 In-District Rate was calculated by dividing the 18-19 In-District Classroom Enrollment by 18-19 Total Classroom Enrollment provided in Appendix I of the Charter School’s Facilities Request Form

⁴ Although the Charter School stated that it expected its updated admission preferences to increase the ratio of 6th grade Oakland students to 90%, these admission preferences were in place during the previous year’s admission cycle and resulted in the current 6th grade In-District rate of 87.72%. Therefore, the In-District Rate for the incoming 6th grade cohort is estimated to remain the same.

Based on this information, the District is factoring the Charter School’s 2018-19 grade-level retention rates into its counterprojection for its high school grade levels. To allow for a potential increase in retention, each grade level’s projected retention rate is 5 percentage points higher than the current year’s retention rate. The calculation of the District’s counterprojection for the Charter School’s high school grade levels is outlined in Table 8 below.

Table 8: Calculation of High School In-District ADA Counterprojections

Cohort Grade Level by Year		Total 18-19 Classroom Enrollment	Projected Attendance Rate	Cohort 18-19 In-District Rate	Projected Retention Rate ⁵	In-District ADA Counterprojection (enrollment x attendance rate x in-district rate x retention rate)
18-19	19-20					
8	9	124	94%	78.23%	77.27%	70.46
9	10	86	94%	88.66%	88.13%	63.17
10	11	69	94%	76.81%	85.00%	42.35
11	12	40	94%	85.00%	100.00%	31.96

Sources: Cohort Enrollment, Attendance Rate, Cohort 18-19 In-District Rate – Charter School’s Proposition 39 Facilities Request Form; Retention Rate – see footnote; OUSD Counterprojections – calculated as shown in column header

CONCLUSION:

The Proposition 39 regulations provide the District the authority to evaluate the Charter School’s ADA projections, and determine whether “documentation of the number of in-district students meaningfully interested in attending the charter school ... is sufficient for the district to determine the reasonableness of the projection.” (Cal. Admin. Code, title 5, § 11969.9(c)(1).)

Moreover, Cal. Admin. Code, title 5, § 11969.9(d) permits a school district to assess the projections upon which a charter school’s facilities request is based and express objections to those projections.

Under Cal. Admin. Code tit. 5, § 11969.9(e), the Charter School has until January 2, 2018 to deliver a written response 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,

⁵ The Projected Retention Rate was calculated by increasing the prior year’s grade-level Retention Rate (shown in Table 3) by 5 percentage points to allow for a potential increase in retention.

East Bay Innovation Academy

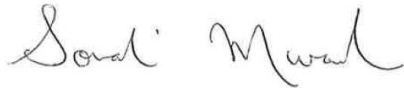
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the district's projections provided pursuant to subdivision (d) are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

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".

Sonali Murarka

Director, Office of Charter Schools