



OFFICE OF CHARTER SCHOOLS

January 31, 2020

Kate Goedeker
Oakland Unity Middle School
7200 Bancroft Ave, Suite 261
Oakland, CA 94605

Re: Proposition 39 Facilities Request for 2020-21
Preliminary Offer of Facilities, 2021-21

Dear Kate Goedeker:

The Oakland Unified School District (“OUSD” or “District”) makes this Preliminary Offer of Facilities to Oakland Unity Middle School (“Unity” or “Charter School”) for the 2020-21 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 (“Proposition 39”).¹

A. 2020-21 PRELIMINARY OFFER TO THE CHARTER SCHOOL

The District’s allocation of space is based on a projected in-District Average Daily Attendance (“ADA”) of **172.60**. The District has elected to use the counterprojection contained in its November 25, 2019 letter, instead of the Charter School’s projection contained in its facilities request.

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

**Former Rudsdale Campus
1180 70th Avenue, Oakland, CA 94621**

The Charter School’s allocation of space is summarized in section C below.

B. COMPARISON GROUP

The Charter School’s facilities space entitlement is based on space provided to students at a set of District-operated comparison schools.² The District must first identify the high school attendance area in which the largest number of in-District charter school students reside, which for the Charter School is the Castlemont/CCPA/Madison Upper attendance area. Details about the determination of the Charter School’s high school attendance area can be found in Table 1 below.

Table 1: High School Attendance Area

High School Attendance Area	# of Students
Castlemont/CCPA/Madison Upper	145
Fremont	17
Skyline	4
Oakland High	3

¹ Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq.*

²² Cal. Admin. Code, title 5, § 11969.3



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The District then identified “the 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.”³ Using the methodology in the regulations, the District determined that the comparison group schools for the Charter School are as follows:

- **6-8:** Coliseum College Prep Academy, Elmhurst United Middle School, Frick Impact Academy, Greenleaf TK-8, Madison Park Academy 6-12, Parker K-8 School.

C. REASONABLE EQUIVALENCE EVALUATION

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.⁴

With respect to “capacity”, the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics below:

- Ratio of teaching stations (classrooms) to average daily attendance (“ADA”)
- Specialized classroom space if such facilities are available to the district comparison group (e.g., science laboratories)
- Non-teaching space, which the district can share with the charter school (e.g., administrative, kitchen, multi-purpose, and/or play area space)

C1. Capacity - Exclusive-Use Classrooms (Non-Specialized)

C1a. Classroom Entitlement

The District has determined the number of classrooms (excluding specialized classroom space) the Charter School is entitled to based on the number of classrooms (non-specialized) “provided to” District students at the comparison group schools.

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.”⁵ 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 data that was provided by a contracted third party vendor (MKThink) to OUSD. That inventory is provided as Exhibit C.

Based on the number of classrooms (non-specialized) “provided to” District students at the comparison group schools, the District determined the ADA-to-classroom ratio at the comparison group schools as 18.41 per classroom for grades 6-8 as demonstrated in the table below.

³ Cal. Admin. Code tit. 5, § 11969.3(a)(2)

⁴ Cal. Admin. Code tit. 5, §11969.3(c)

⁵ Cal. Admin. Code tit. 2, s 1859.30



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Table 2: Classroom Entitlement Calculation for Grades 6-8

Comparison School(s) Serving 6-8			
High School Attendance Area: CASTLEMONT/CCPA/MADISON UPPER			
School Name	Projected ADA (Non-SDC)	Classrooms Provided (Non-Specialized)	ADA per Classroom
Coliseum College Prep Academy	564.77	30.00	18.83
Elmhurst United MS	637.33	32.00	19.92
Frick	291.11	17.00	17.12
Greenleaf	610.50	30.00	20.35
Madison Park Academy 6-12	678.11	37.00	18.33
Parker ES	227.97	19.00	12.00
A. Average Entitlement Ratio (ADA per Classroom):			17.76
B. Charter School's Projected Gr. 6-8 ADA:			172.60
Number of Gr. 6-8 classrooms charter is entitled to: (Row B / Row A)			9.72

Table 3: Total Classroom Entitlement Summary by Grade Span

Grade Span	Classroom Entitlement
TK-5	0
6-8	9.72
9-12	0
Total	9.72

The District's calculation of the Charter School's classroom entitlement shows that the Charter School is entitled to an allocation of **10** (rounded up from 9.72) classrooms.

C1b. Classroom Allocation

The Charter School's allocation of exclusive-use classrooms is summarized in Table 4 and Table 5 below. The location of the exclusive-use classrooms offered to the Charter School in this Preliminary Offer is depicted in the diagrams attached as Exhibit A. This Preliminary Offer is based on preliminary District enrollment projections. As such, the exclusive-use space to which the Charter School is entitled, including the number of allocated classrooms, may change slightly in the Final Offer that will be based on the District's final enrollment projections.



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Table 4: Exclusive-Use Classroom (Non-Specialized) Allocation Summary

School Site	Total Classrooms
1180 70 th Avenue	10
Total	10

Table 5: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
1180 70 th Avenue	Gym-Cafe
1180 70 th Avenue	B1*
1180 70 th Avenue	C1*
1180 70 th Avenue	B2*
1180 70 th Avenue	A6
1180 70 th Avenue	A1
1180 70 th Avenue	A2
1180 70 th Avenue	A3
1180 70 th Avenue	A4
1180 70 th Avenue	A5

*Specialized Classroom

C2. Capacity – Specialized Classroom Space

The Proposition 39 regulations⁶ require access to specialized classroom space based on three factors:

1. The grade levels of the charter school’s in-District students;
2. The charter school’s total in-District classroom ADA; and
3. The per-student amount of specialized classroom space in the comparison group schools.

Specialized Classroom Space (SCS) has been divided into three categories: Science, Arts and Technology.

C2a. Specialized Classroom Space Entitlement

The District has determined the amount of SCS the Charter School is entitled to access based on the amount of SCS provided to District students at the comparison group schools. From that list, the District determined the SCS sqft-to-ADA ratio at the comparison schools as demonstrated in the table below.

Table 6: SCS Entitlement Calculation for Grades 6-8

Comparison School(s) Serving 6-8				
High School Attendance Area: CASTLEMONT/CCPA/MADISON UPPER				
School Name	Projected ADA (Non-SDC)	Specialized Classroom Space Provided (sqft)/ADA		
		Arts Specialized Classroom Space Provided (sq ft)	Science Specialized Classroom Space Provided (sq ft)	Tech Specialized Classroom Space Provided (sq ft)
Coliseum College Prep Academy	564.77	3.38	17.46	3.07
Elmhurst United	637.33	2.87	4.07	0

⁶ Cal. Admin. Code title 5, § 11969.3(b)(2)



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Frick	291.11	7.50	22.53	3.55
Greenleaf	610.50	0	0	0
Madison Park Academy 6-12	678.11	5.62	4.49	0
Parker	227.97	0	0	3.63
Average Entitlement Ratio (sqft/ADA):		3.23	8.09	1.71
Charter School's Projected Gr. 6-8 ADA:		172.60	172.60	172.60
Gr. 6-8 specialized classroom space (sq ft) charter is entitled to:		557.27	1,396.60	294.89

The District’s calculation of the Charter School’s SCS entitlement shows that the Charter School is entitled to access to approximately 2,249 sq ft of SCS (comprised of approximately 557 sq ft of Arts SCS, 1,397 sq ft of Science SCS, and 295 sq ft of Technology SCS).

C2b. Specialized Classroom Space Allocation

The amount of SCS available on the offered school site for exclusive access is summarized in Table 7 below. As detailed above, the Charter School is entitled to access approximately 2,249 sq ft of SCS. Although no additional SCS is being allocated, this site is both in the geographic area that the Charter School requested and the Charter School would be the only school on the site. Furthermore, the Charter School’s allocation of classrooms includes 3 classrooms that are considered SCS, for a total of 2,700 sq ft of exclusive-use SCS.

This Preliminary Offer is based on preliminary District enrollment projections. As such, the shared space to which the Charter School is entitled, including the square footage of SCS, may change slightly in the Final Offer that will be based on the District’s final enrollment projections. Detailed data related to the specific SCS present at District sites is provided in Exhibit C.

Table 7: Specialized Classroom Space (SCS) Existing at Offer Site

School Site	Arts SCS (sq ft)	Science SCS (sq ft)	Tech SCS (sq ft)	Total SCS (sq ft)
1180 70 th Avenue	0	900	1,800	2,700

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table below, the District calculated the total amount of non-classroom space, as defined in the regulations, to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools.⁷ A supplemental table showing the calculation of non-classroom space at District sites is linked as Exhibit E.

⁷ Cal. Admin. Code title 5, § 11969.3(b)(3).



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Table 8: Non-Classroom Space (NCS) Sqft/ADA Entitlement for Grades 6-8

Comparison School(s) Serving 6-8				
High School Attendance Area: CASTLEMONT/CCPA/MADISON UPPER				
School Name	Projected ADA (Non-SDC)	Interior NCS (sq ft)*/ADA	Exterior NCS (sq ft)*/ADA	Total NCS (sq ft)/ADA
Coliseum College Prep Academy	564.77	104.52	362.88	467.40
Elmhurst United MS	637.33	100.57	549.61	650.18
Frick	291.11	186.25	796.53	982.77
Greenleaf	610.50	41.67	171.16	212.83
Madison Park Academy 6-12	678.11	77.99	844.46	922.45
Parker ES	227.97	133.37	439.66	573.03
Average Entitlement Ratio (sqft/ADA):		107.39	527.38	634.78
Charter School's Projected TK-5 ADA:		172.60	172.60	172.60
Gr. 6-8 NCS (sq ft) charter is entitled to:		18,536	91,026	109,563

*NCS allocated proportionally based on site enrollment. NCS added together across sites if multi-sited.

C3b. Non-Classroom Space Allocation

The Charter School's Non-Classroom Space (NCS) allocations are summarized below.

Table 9: Non-Classroom Space (NCS) Allocation Summary

School Site	Projected Charter In-District ADA at Site Charter School	Total Site NCS	Charter School NCS Allocation		
			Interior	Exterior	Total
1180 70 th Ave	172.60	34,412	2,891	31,521	34,412

Table 10 below summarizes the Charter School's non-classroom space sqft/ADA allocation at the 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	Charter Proportion of Projected Site ADA	Interior NCS Allocation (sq ft)	Exterior NCS Allocation (sq ft)	Total NCS Allocation (sqft)	Charter Projected In-District ADA	NCS Sqft/ADA
1180 70 th Ave	100.0%	2,891	31,521	34,412	172.60	199.37
Entitlement Average Based on Comparison School Group						634.78

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 is commensurate with the average of the



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sqft/ADA ratios at the comparison group schools. Although the Charter School’s allocation is below the average NCS/ADA ratio, this site enables the District to make a single site offer to the Charter School near its requested location, rather than a multi-site offer with more NCS.

The District also will offer the Charter School reasonably equivalent furnishings and equipment for 172.60 ADA.

C4. Condition

With respect to “condition”, the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics outlined in Table 11 below.

Table 11: Facility Characteristics to Determine Reasonable Equivalence of Condition

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)

The District has evaluated the offered site(s) against the comparison school group based on site size (acreage). Typically, the district also evaluates 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 B. While the condition data for comparison schools has been included, condition data from the Jacobs Study is not available for this site and as such, it cannot be included in the condition analysis. Based on the District’s independent analysis of the condition of the site, and the fact that District students currently occupy this site, the site meets reasonable equivalence standards.

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.



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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 the site(s) offered to the Charter School is smaller in acreage than the average for comparison schools. However, this site is in the geographic area that the Charter School Requested and the school would have exclusive use of the site. 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.”

Table 12: School Site Condition Analysis, Comparison Sites vs Offer Site(s)

Comparison School	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Coliseum College Prep Academy	6.06	57%	54.80
Elmhurst United MS	9.27	50%	48.00
Frick	6.31	52%	50.40
Greenleaf	2.67	39%	N/A
Madison Park Academy 6-12	14.36	29%	53.80
Parker ES	2.62	66%	45.40
Comparison School Average	6.88	49%	42.07
Offer Site: 1180 70th Avenue	0.79	N/A ⁸	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.

D. DIFFERENCES BETWEEN FACILITIES REQUEST AND PRELIMINARY OFFER

The District identifies any differences between this Preliminary Offer and the Charter School’s Request for Facilities:⁹

Charter School’s ADA Projections: The District is not allocating space in accordance with the Charter School’s ADA projections. The District established a counterprojection to the Charter School’s initial ADA projection. Please see the letter¹⁰ sent to the Charter School on November 25, 2019 for details about the District’s ADA counterprojections.

⁸ The Jacobs study, which provides the data for the Facilities Condition Index and the Educational Adequacy Score did not include 4 campuses, including this one.

⁹ Per Cal. Admin. Code, title 5, §11969.9(f)

¹⁰ A copy of the letter can be found at www.OUSDcharters.net.



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Site Location: The Charter School stated that it “would not be able to be located across multiple sites” and noted its preference to “remain in East Oakland: from the 580 freeway to International, bound by 35th Avenue to 105th Avenue”. The Charter School also noted that “outdoor space, which our students do not currently have access to, is paramount.”

The District provided the Charter School a Preliminary Offer for 1180 70th Avenue, which is in close vicinity to the Charter School’s current location, would grant the Charter School exclusive access to a single site, is located in the Charter School’s area of geographic preference, and includes outdoor space as specifically mentioned in the Charter School’s Proposition 39 Facilities Request.

E. PRELIMINARY FACILITIES OFFER – OTHER TERMS AND CONDITIONS

F1. Pro-Rata Share

The calculation of the pro-rata share of facilities costs is attached as Exhibit F, and the Charter School’s fees and payment schedule is attached as Exhibit G. 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.

F2. Overallocation Fee

In the event that the District overallocates facilities to a charter school based on the charter school’s overprojection of ADA for a school year, the Charter School will incur an overallocation penalty.

Space is considered overallocated¹¹ if:

1. The Charter School’s actual in-District classroom ADA is less than the projection upon which the facility allocation was based; and
2. The difference is greater than or equal to either (a) 25 ADA, or (b) 10% 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.

¹¹ Cal. Admin. Code tit. 5, § 11969.8



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F. CONCLUSION:

The Charter School has until March 1, 2020 to deliver a response to this letter to charteroffice@ousd.org. Please do not mail or hand deliver a response to this letter.

A Final Offer of Facilities will be provided to the Charter School by April 1, 2020. 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. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Sincerely,

Kelly Krag-Arnold
Policy Specialist, Office of Charter Schools

Sonali Murarka
Director, Office of Charter Schools



Proposition 39 Preliminary Offer Exhibits

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

[Exhibit B](#) – Facilities Condition Data

[Exhibit C](#) – Classroom and Specialized Classroom Space Inventory

[Exhibit D](#) – Form SAB 50-02

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

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

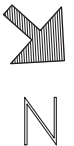
Exhibit G – Fees and Payment Schedule [see below]

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

Exhibit A



Not drawn to scale



222 - Rudsdale Academy - Site Plan

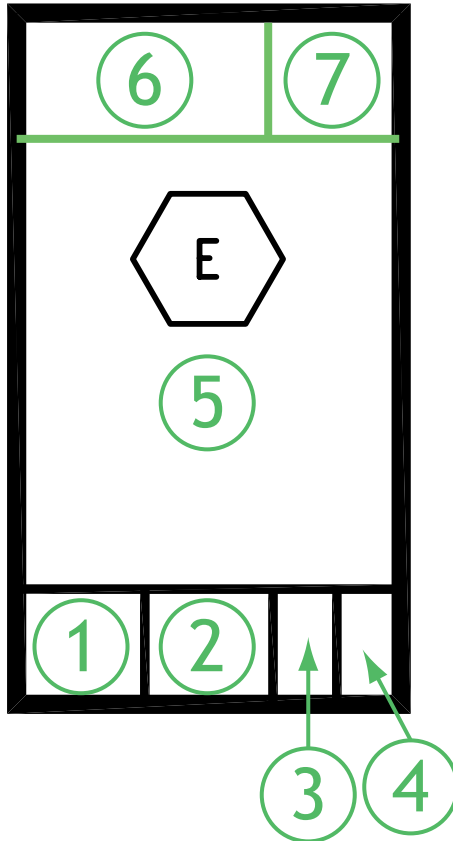
1180 70th Avenue - Oakland, CA 94621

MKTHINK

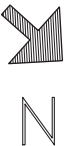
Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
mkthink.com 415 402 0888

2011



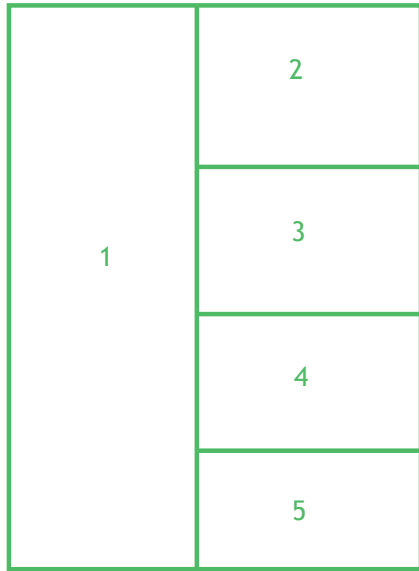


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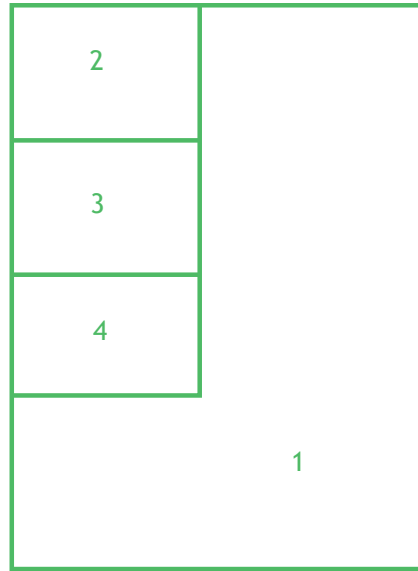


222 - Rudsdale Academy - Unit E

1180 70th Avenue - Oakland, CA 94621



P10



P5

Not drawn to scale

222 - Rudsdale Academy - Unit P10 + P5

1180 70th Avenue - Oakland, CA 94621

Exhibit G

Fees and Payment Schedule

Contract Term (Fiscal Year):	2020-21
Charter School Name:	Unity Middle
Site Name:	Former Rudsdale/SOL Campus
Address:	1180 70th Ave, Oakland, CA 94621
SPACE ALLOCATION	
Exclusive Use Space (sqft)	11,393
+ Proportion of Shared Space (sqft)	0
Total Space Allocation at Site (sqft)*	11,393
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	11,393
x Facility Fee Sqft Rate	\$4.94
Facility Use Fee	\$56,281.42
UTILITIES FEE	
Projected Charter School Enrollment at Site**	182.00
÷ Projected Total Enrollment at Site	182.00
Charter School Percent of Site Use	100.00%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	100.00%
x Number of Custodial FTE at Site	1.5
x Custodial Services FTE Rate***	\$75,599
Custodial Services Fee	\$113,398.50
FACILITY USE FEE AND CUSTODIAL SERVICES FEE PAYMENT SCHEDULE	UTILITIES FEE PAYMENT SCHEDULE
25% by October 1, 2020	January 10, 2021
25% by December 1, 2020	May 1, 2021
25% by March 1, 2021	July 15, 2021
25% by June 1, 2021	

Note: All calculations subject to change.

*Includes only interior space.

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

***The custodial services FTE rate shown is the projected rate for 2019-20 and will be updated in final offer letters.