

OFFICE OF CHARTER SCHOOLS



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

November 30, 2017

David Hardin
Aurum Preparatory Academy
600 William Street, Apt. 133
Oakland, CA 94612

Re: Proposition 39 Facilities Request for 2018-2019
Response to Charter School's Enrollment Projections

Dear Mr. David Hardin:

The Oakland Unified School District ("District") responds to the November 1, 2017, Request for Facilities of Aurum Preparatory Academy ("Charter School") for the 2018-2019 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 counter projection:

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) provides as follows:

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;

(D) the charter school's operational calendar;

(E) information regarding the district school site and/or general geographic area in which the charter school wishes to locate; and

(F) information on the charter school's educational program, if any, that is relevant to assignment of facilities.

(2) Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the school district that the student would otherwise attend...

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 following school year is as follows:

Table 1: Total In-District Classroom ADA

Grade Level	Annual ADA 2016-2017	ADA 2016-2017	ADA Projection for 2018-2019
6	N/A	N/A	119.7
TOTAL	N/A	N/A	119.7

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

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

Cal. Admin. Code, title 5, § 11969.9(c)(1)(A) provides that the documentation provided in support of a facilities request must be reasonably sufficient to allow the District to determine the reasonableness of the Charter School's projections:

The written facilities request consists of ...

... 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 Charter School's projection of 119.7 total in-District classroom ADA is not fully supported by the accompanying documentation. The Meaningfully Interested Students Spreadsheet (Appendix III) contains only 107 students who reside in Oakland (as well as an additional 8 students who do not reside in Oakland). District staff contacted families of students for which Meaningfully Interested Students Signature forms were provided to confirm meaningful interest. Of the 107 Oakland resident student names provided:

- 50 indicated they were meaningfully interested

- 19 could not be reached
- 15 indicated that were not meaningfully interested
- 9 were invalid (duplicates, in the wrong grade)
- 3 were listed on the spreadsheet, but did not have a corresponding Meaningfully Interested Student Signature Form included in the submission
- 11 included insufficient contact information (disconnected or wrong phone number)

Of the 107 Oakland resident students listed on the Meaningfully Interested Student Spreadsheet, only 69 either could be verified or included phone contact information that could be used to verify signatures. The Meaningfully Interested Student Signature Forms provided by the district clearly states “THE DISTRICT WILL NOT CONSIDER FORMS WITH INCOMPLETE INFORMATION.” As such, forms which included insufficient contact information could not be verified and were not clearly valid.

Education Code section 47614(b)(4) states that “[f]acilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.” Although the Charter School did not clearly meet the threshold of 80 ADA, which would require 84 Meaningfully Interested Student Signatures (based on their projected attendance rate of 95%), the District is using its discretion to allow the Charter School to remain eligible for and offer of facilities, while reserving the right to conclude that the Charter School is not eligible for facilities at a later time based upon subsequently learned information from parents/guardians who could not be reached.

OUSD COUNTER PROJECTIONS

The District is exercising its right to provide counter projections to the Charter School’s enrollment projections for 2018-19. The District counter projects a total of 76.0 in-District students, based on 80 confirmed or unknown meaningfully interested student signatures (50 confirmed, 19 could not be reached, 11 with insufficient contact information) multiplied by the Charter School’s projected 95% attendance rate.

Table 2: OUSD Counter Projections

2018-19 Grade Level	Charter School 2018-19 ADA Projection	OUSD 2018-19 ADA Counter Projection
6th	119.7	76.0

Aurum Preparatory Academy

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Source: Charter School Projection – Charter School’s Proposition 39 Facilities Request Form; OUSD Counter Projections based on District staff analysis of Appendix II and III of the Charter School’s Proposition 39 Facilities Request Form as explained above.

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).)

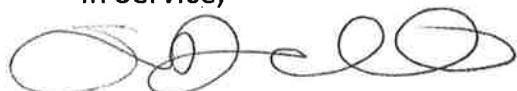
Moreover, Cal. Admin. Code, title 5, § 11969.9(d) permits a school district to assess the projections upon which a charter school’s facilities request is based and express objections to those projections.

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, 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.

In Service,



Silke Bradford

Director of Quality Diverse Providers

Counted as Valid or Not Valid	Category
Valid	Valid (i.e. none of the categories listed above)
Tentatively Valid (Unknown)	Could not be reached, but working phone # provided/not contacted
Not Valid	Indicated not meaningfully interested
Not Valid	Form not included
Not Valid	Duplicate
Not Valid	Won't be in 6th grade
Unknown	Phone # disconnected
Unknown	Wrong phone #
Not Valid	Non-Oakland Resident
	TOTAL

Appendix III: Meaningfully Interested Students Spreadsheet

<p>The students listed below are meaningfully interested in attending the charter school in the 2018-19 school year.</p>	<p>SCRIPT Good morning/afternoon. I'm calling on behalf of the Oakland Unified School District in connection with the AURUM Charter School. The District is calling people who signed forms stating that they intend to send their child to the Charter School in support of the Charter School's Request for Facilities. We have a few brief questions for you 1) Did you sign a form stating that you are meaningfully interested and intend to enroll your child in the AURUM Charter School for the 2018-2019 school year? (If "Yes," continue. If "No," do not continue.) 2) Do you have one or more children scheduled to enter grades Transitional Kindergarten through Five in the 2018-2019 school year? (If "Yes," continue to the next question. If "No," do not continue.) 3) We would like to verify the following information for your children scheduled to enter school in the 2018-2019 school year: o For each child, what is his/her birthday? o For each child, what is his/her school attendance area (or, for non-District students, school district of attendance)? o For each child, what school and grade level are they currently enrolled in (if any)? 4) Are you still meaningfully interested in enrolling your child in the [NAME] Charter School for the 2016-2017 school year? Thank you for taking the time to speak with us." **If leaving a message: Say at the end: "If we don't hear from you by _____ we will not be able to validate your signature and we will assume you are not intending to enroll your student in the program for the fall of 18-19."</p>
<p align="center">AURUM STUDENTS INFORMATION</p>	

Count	# from submitted Appendix III	LAST NAME	FIRST NAME	MIDDLE INITIAL	OUSD HOME SCHOOL (Based on Residence)	2018-19 GRADE LEVEL	STREET ADDRESS	CITY	ZIP CODE	Phone #	Parent/Guardian Name	School Attending Last Year 2016-17	School Attending This Year 2017-18	Date Of Birth	Meaningfully Interested in Enrolling AURUM in 18-19?	Note/Comment
1	1				Cox Academy	6		Oakland	94603			Cox	Cox		Yes	
2	2					6		Oakland	94603						Unknown	LVM
3	3					6		Oakland	94605			RIC	RIC		Yes	
4	4					6		Oakland	94603			Cox	Cox		Yes	
5	5					6		Oakland	94621			Sankofa	Sankofa		Yes	
6	6					6		Oakland	94602			Horace Mann	Horace Mann		Yes	
7	7					6		Oakland	94605						No	Indicated not meaningfully interested
8	8				Cox Academy	6		Oakland	94621			Cox	Cox		Yes	
9	9				Reach Academy	6		Oakland	94605			Reach	Reach		Yes	Depends on the Location
10	10				Cox Academy	6		Oakland	94603			Cox	Cox		No	Won't be in 6th grade; will be in grade 5 not 6 next year
11	11				Burckhalter Elementary	6		Oakland	94610			Burckhalter	Burckhalter		Yes	
12	12				Monarch Elementary	6		Oakland	94621						No	Indicated not meaningfully interested
13	13				Learning without Limits	6		Oakland	94601			LWL	LWL		Yes	
14	14				Learning without Limits	6		Oakland	94619			LWL	LWL		Yes	
15	15				Learning without Limits	6		Oakland	94601			LWL	LWL		Yes	
16	16				Cox Academy	6		Oakland	94621			Cox	EPIC		Yes	
17	17				Learning without Limits	6		Oakland	94603						Unknown	LVM
18	18				Cox Academy	6		Oakland	94605						No	Phone # disconnected
19	19					6		Oakland	94621						Unknown	LVM
20	20				COVA	6		Oakland	94601						Unknown	LVM
21	21				Learning without Limits	6		Oakland	94621			LWL	LWL		Yes	
22	22				Learning without Limits	6		Oakland	94619						No	Indicated not meaningfully interested; will enroll in different school
23	23				Learning without Limits	6		Oakland	94606						Unknown	LVM
24	24				Reach Academy	6		Oakland	94603						No	Indicated not meaningfully interested; not interested anymore
25	25				Reach Academy	6		Oakland	94605						Unknown	parents not home
26	26					6		Oakland	94605			Reach	Reach		Yes	
27	27				Piedmont Avenue School	6		Oakland	94603						No	Won't be in 6th grade; will be in grade 5 not 6 next year
28	28					6		Oakland	94603			Cox	Cox		Yes	
29	29					6		Oakland	94605			Ruby Bridges, Alameda	Ruby Bridges, Alameda		Yes	
30	30					6		Oakland	94612						No	Wrong phone #
31	31					6		Oakland	94606						No	Indicated not meaningfully interested
32	32					6		Oakland	94619						No	Wrong phone #
33	33					6		Oakland	94606						No	Wrong phone #
34	34				Cox Academy	6		Oakland	94603						No	Indicated not meaningfully interested
35	35				Cox Academy	6		Oakland	94603						Unknown	LVM
36	36					6		Oakland	94601			LWL	LWL		Yes	

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<p align="center">AURUM STUDENTS INFORMATION</p>	

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37	37				Learning without Limits	6		Oakland	94601			LWL	LWL		Yes	
38	38				Learning without Limits	6		Oakland	94601						No	Form not included
39	39					6		Oakland	94603			Cox	Cox		Yes	
40	40					6		Oakland	94601						No	Form not included
41	41				Cox Academy	6		Oakland	94605			Cox	Cox		Yes	Depends on the Location
42	42				Learning without Limits	6		Oakland	94601						No	Form not included
43	43				N/A	6		Oakland	94603						No	Duplicate (see #17)
44	44				Cox Academy	6		Oakland	94603			Cox	Cox		Yes	
45	45					6		Oakland	94603			Cox	Cox		Yes	
46	46					6		Oakland	94603			Cox	Cox		Yes	
47	47				Cox Academy	6		Oakland	94603						No	Wrong phone #
48	48				Cox Academy	6		Oakland	94602						Yes	
49	49				Cox Academy	6		Oakland	94603						Unknown	Left Voicemail (LVM)
50	50					6		Oakland	94621						No	Duplicate (see #16)
51	51				Howard	6		Oakland				Howard	Howard		Yes	
52	52				Berkley Maynard	6		Oakland	94607						No	Indicated not meaningfully interested
53	53					6		Oakland	94603						No	Wrong phone #
54	54				Future Elementary School	6		Oakland	94603						Unknown	LVM
55	55				Brookfield	6		Oakland	94603			Brookfield	Brookfield		Yes	
56	56				LWL	6		Oakland							Yes	lost signal, call back but did not pick up
57	57					6		Oakland	94619			Acorn	Acorn		Yes	
58	58					6		Oakland	94605						No	Duplicate
59	59					6		Oakland	94607						No	Indicated not meaningfully interested; gave info for support but not interested
60	60					6		Oakland	94621			Cox	cox		Yes	
61	61					6		Oakland	94603						No	Duplicate (see #45)
62	62					6		Oakland	94606						No	Wrong phone #
63	63					6		Oakland	94609						No	Indicated not meaningfully interested
64	64					6		Oakland	94601						Unknown	LVM
65	65					6		Oakland	94001						No	Phone # disconnected
66	66					6		Oakland	94619						Yes	Hung up and did not pick up when called back
67	67					6		Oakland	94612						Unknown	LVM
68	68					6		Oakland	94608						Unknown	LVM
69	69					6		Oakland	94601			Bridges Academy	Bridges Academy		Yes	
70	70					6		Oakland	94601						No	Indicated not meaningfully interested
71	71					6		Oakland	94603			Melrose	Melrose		Yes	
72	72					6		Oakland	94601						Yes	
73	73					6		Oakland	94621			Bridges Academy	Bridges Academy		Yes	

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74	74					6		Oakland				Bridges Academy	Bridges Academy		Yes	
75	75					6		Oakland	94601						No	Indicated not meaningfully interested
76	76					6		Oakland	94603			Bridges Academy	Bridges Academy		Yes	
77	77					6		Oakland	94601						No	Indicated not meaningfully interested
78	78					6		Oakland	94601						Yes	at work
79	79					6		Oakland	94619						No	Duplicate (see #14)
80	80					6		Oakland							No	Duplicate (see #56)
81	81					6		Oakland	94607			New Highland Academy	New Higland		Yes	
82	82					6		Oakland	94601						No	Phone # disconnected
83	83					6		Oakland	94601			Horace Mann	Horace Mann		Yes	
84	84					6		Oakland							No	Indicated not meaningfully interested
85	85					6		Oakland	99506						No	Wrong phone #
86	86					6		Oakland	94601						Yes	
87	87					6		Oakland				LWL	LWL		Yes	
88	88					6		Oakland	94601			Achieve	LWL		Yes	
89	89					6		Oakland	94604						Unknown	LVM
90	90					6		Oakland	94607			Vincent	Vincent		Yes	Depends on the Location
91	91					6		Oakland	94609						No	Indicated not meaningfully interested
92	92					6		Oakland	94607						Yes	at work so couldn't answer the other questions but interested
93	93					6		Oakland				n/a	Saint Vincent		No	Won't be in 6th grade; Planning to have child repeat 5th grade
94	94					6		Oakland	94605						No	Indicated not meaningfully interested
95	95					6		Oakland	94607			Vincent	Vincent		Yes	
96	96					6		Oakland	94608						Unknown	LVM
97	97					6		Oakland				Vincent	Vincent		Yes	
98	98					6		Oakland	94601			Vincent	Vincent		Yes	
99	99					6		Oakland	94607						No	Wrong phone #
100	100					6		Oakland	94607						Unknown	LVM
101	101					6		Oakland	94608						Unknown	VM full
102	102					6		Oakland	94621			Vincent	Vincent		Yes	
103	103					6		Oakland	94621			Vincent	Vincent		Yes	
104	104				Crocker Highlands	6		Oakland	94610						Unknown	LVM
105	105				Burkhalter	6		Oakland	94605						Unknown	No VM
106	106				Crocker Highlands	6		Oakland	94610						Unknown	LVM
107	107				Crocker Highlands	6		Oakland	94610						Yes	
108	113					6		Antioch							No	Non-Oakland Resident

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109	114					6		Oakley							No	Non-Oakland Resident
110	115				Cova	6		San Leandro	94577						No	Non-Oakland Resident
111	116					6		San Leandro	94579			CEY Acad.	CEY Acad.		No	Non-Oakland Resident
112	118					6		Hayward	959011						No	Non-Oakland Resident; Wrong phone #
113	119					6									No	Non-Oakland Resident
114	120					6		San Leandro	94578			Hillside	Hillside		No	Non-Oakland Resident
115	121					6		San Leandro	94578			Vincent	Vincent		No	Non-Oakland Resident