

**OFFICE OF CHARTER SCHOOLS**



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

February 1, 2017

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

Re: Proposition 39 Facilities Request for 2017-2018  
Denial of Facilities

Dear Mr. Hardin:

The Oakland Unified School District (“District”) hereby denies the Request for Facilities of Aurum Preparatory Academy (“Charter School”) for the 2017-2018 school year.

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) 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 Charter School's projected in-District Classroom ADA projection for the following school year is 125.40.

Education Code § 47614(b)(4) provides 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."

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 125.4 total in-District classroom ADA is not supported by the accompanying documentation. The Meaningfully Interested Students Spreadsheet (Appendix III) contains only 97 students. Of the Meaningfully Interested Students Signature forms, only 64 matched criteria for incoming 6th grade class. Of the remaining:

- 8 had no/incomplete data;
- 3 were signed in June but did not clearly indicate grade level in 2017-18;
- 22 were invalid (duplicates, in the wrong grade, or didn't live in Oakland)

Aurum submitted a letter dated December 26, 2016, responding to the District's objections, and falsely stating that "[t]he District apparently believes that because there is no date on the Intent to Enroll form that states that when the form was signed, that form can be discounted entirely." (Aurum December 26, 2016 letter, p. 6.) What Aurum fails to recognize, though, is that, under the District's audit of the Charter School's signatures, those forms for which no date was provided also suffered from other noted deficiencies (insufficient data, wrong grade, address not found, address out of Oakland.) Therefore, Aurum's argument does not change the District's evaluation of the Charter School's enrollment projections.

The District has also considered Aurum's other arguments in support of its contention that it submitted a reasonable projection of no less than 80 in-District classroom ADA. Aurum attempts to "re-verify" that 16 sixth graders whose intent to enroll forms the District found to be deficient. However, the Charter School cannot retroactively cure deficient documentation submitted in support of its facilities request after the November 1 deadline set forth in Cal. Admin. Code tit. 5, § 11969.9(c)(1). Moreover, even if the District were to accept this untimely information, the Charter School has failed to submit sufficient documentation to support a reasonable projection of 80 A.D.A. By the Charter School's own admission, at best, it has only submitted documentation for 78 students, which will result in an A.D.A. of less than 80.

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

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school district to assess the projections upon which a charter school's facilities request is based and express objections to those projections.

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." Based on the Charter School's failure to meet the threshold of 80 ADA, the District has determined that the Charter School will not be eligible for facilities for 2017-2018.

Based on the above analysis, the District has concluded that the Charter School has not submitted sufficient documentation to reasonably support an in-District projection of 80 in-District classroom ADA for 2017-2018. and therefore is not eligible to receive facilities from the District for that school year.

In Service,

*Silke Bradford*

Silke Bradford

Office of Charter Schools