

OFFICE OF CHARTER SCHOOLS



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

[Send No Later Than]
December 1, 2016

Lisa Pitters
LPS Oakland R & D
1404 Franklin St., Suite 300
Oakland, CA 94612

Re: Proposition 39 Facilities Request for 2017-2018
Response to Charter School's Enrollment Projections

Dear Ms. Pitters:

The Oakland Unified School District ("District") responds to the November 1, 2016, Request for Facilities of LPS Oakland R & D ("Charter School") for the 2017-2018 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) 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:

Total In-District Classroom ADA & Enrollment

Grade Level	Annual ADA 2015-2016	CBEDS Enrollment 2016-2017	ADA Projection for 2017-2018
9	108.73	114	136.7
10	67.62	115	113.5
11	54.05	67	102.3
12	74.36	56	59.5
TOTAL	304.76	352	412

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 is projecting a 17.05% increase in ADA for 2017-2018, compared to current enrollment. The Charter School projects an increase from Prior Year (2015-2016) P-2 ADA of 108.73, to Current CBEDS Enrollment of 114, to Request Year Projected ADA of 136.7.

Although the Charter School has seen larger entering classes of students in past years, the Charter School projects a larger ADA for the request year than it has historically been able to recruit. For example, the Charter School projects an incoming 9th Grade ADA of 136.7, which would require an incoming class of students approximately 20% larger than any other previous class of students. Moreover, as the chart below shows, the Charter School has also seen attrition in the cohorts of students attending the school as they make grade-level progress:

15-16 Grade Level	16-17 Grade Level	15-16 P-2 ADA	16-17 ADA*	Net % ADA Decrease from 15-16 to 16-17
9 th	10 th	108.73	106.95	1.64%
10 th	11 th	67.62	62.31	7.85%
11 th	12 th	54.05	52.08	3.64%

**The 16-17 ADA was calculated by multiplying the 16-17 CBEDS Enrollment by the Average Daily Attendance Rate reported by the Charter School (93%) in its Prop 39 Facilities Request Form.*

The Proposition 39 regulations require that any significant increase in projected ADA be supported by documentation. (Cal. Admin. Code tit. 5, § 11969.9(c)(1)(B).) However, the Charter School failed to submit the required Meaningfully Interested Students Signature Forms (Appendix II) and Meaningfully Interested Students Spreadsheet (Appendix III). Therefore, the Charter School has not met the legal requirements for supporting its significant increase in its incoming 9th Grade class in 2017-2018.

OUSD COUNTERPROJECTIONS

The District is exercising its right to provide counter projections to the Charter School's enrollment projections for 2017-18. Based on the factors discussed above, the District counter projects a total of **368.89** in-District students. The District's counter projections for each grade level are set forth below. The counter projections are based upon applying each grade-level attrition rate and assuming a 9th grade class with a similar ADA to this year's 9th grade class:

	CS Projection	OUSD Counter projection
9	136.7	106.02
10	113.5	104.28
11	102.3	98.55
12	59.5	60.04
TOTAL	412	368.89

CONCLUSION:

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.”

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, 2017 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