



East Bay Innovation Academy

Board Meeting

Date and Time

Wednesday May 16, 2018 at 8:00 PM PDT

Location

3400 Malcolm Avenue, Oakland, CA 94605

Agenda

	Purpose	Presenter	Time
			8:00 PM
I. Opening Items			
A. Record Attendance and Guests		Rochelle Benning	1 m
B. Call the Meeting to Order		Rochelle Benning	1 m
C. Approve Minutes	Approve Minutes	Rochelle Benning	2 m
Approve minutes for Board Meeting on April 18, 2018			
D. Public Comment		Rochelle Benning	10 m
			8:14 PM
II. Governance			
A. Consent Agenda	Vote	Rochelle Benning	5 m
- April 2018 Check and Credit Card Register			
- EBIA / ETA Benefits TA			
- FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) DIRECTORY INFORMATION POLICY AND "OPT-OUT" NOTICE for East Bay Innovation Academy 2018 - 2019 School Year			
- Tax Return			
- Educator Effectiveness Final Expenditure Report			
			8:19 PM
III. Academic Excellence			
A. EBIA Charter Petition Renewal - Project Status Update	FYI	Devin Krugman	5 m
B. Seneca Survey	Discuss	Devin Krugman	15 m
C. End of Year Activities/Summer Activities Update	Discuss	Devin Krugman	10 m

D. SY 18.19 Financials & Programmatic Impact	Discuss	Devin Krugman	20 m
E. 2018 - 2019 Staffing Update	Vote	Devin Krugman	5 m

IV. Finance and Development 9:14 PM

A. 2018-2019 Student Enrollment Update	Discuss	Michelle Cho	5 m
B. Year to Date Finance Update	Discuss	Michelle Cho	15 m
C. Financial Multi-Year Plan Update	Discuss	Michelle Cho	15 m
D. 2017-2018 EBIA Development Update	Discuss	Michelle Cho	5 m
- Update on the progress of the Development committee			
E. Innovator Event Update	FYI	Laurie Jacobson Jones	10 m

V. Facility 10:04 PM

A. Facility Update	Discuss	Rochelle Benning	5 m
Update on facilities project progress and Prop 39 status. FYI on Prop 51 Grant Agreements for rehab and new construction.			

VI. Other Business 10:09 PM

A. Key Activities and Events	FYI	Rochelle Benning	2 m
<ul style="list-style-type: none"> • May 7th - 11th SBAC State testing for students in grades 6-8. • May 12th Springfest EBIA's annual Springfest event will be held from 11am - 2pm at the Lower School. This is our main community gathering of the year, with food, advisory run carnival games, student performances and more. • May 17th Innovator Awards Thursday, May 17th, 2018, EBIA will launch the inaugural Innovator Awards to recognize some of the current innovative leaders and change agents who serve as role models for our students and our community. • May 18th/19th The Little Mermaid Little Mermaid Jr. musical production from 7:00 - 8:30 in the Lower School Great Hall. Mark your calendars to see our talented performers in this under the sea adventure. We will provide a link to reserve your free tickets soon. • June 8th 8th Grade Promotion Ceremony This will be forthcoming • June 8th Last Day of School This is the last day of attendance for students for the 17.18 schoolyear. • August 13th First Day First day of school for students for the 2018-2019 school year. 			
B. Public Comment	FYI	Rochelle Benning	10 m

VII. Closing Items 10:21 PM

A. Adjourn Meeting	Vote	Rochelle Benning	1 m
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Cover Sheet

Approve Minutes

Section: I. Opening Items
Item: C. Approve Minutes
Purpose: Approve Minutes
Submitted by:
Related Material: Minutes for Board Meeting on April 18, 2018

DRAFT



East Bay Innovation Academy

Minutes

Board Meeting

Date and Time

Wednesday April 18, 2018 at 8:00 PM

Location

3400 Malcolm Avenue, Oakland, CA 94605

Directors Present

Anne Campbell Washington, Kelly Garcia, Laurie Jacobson Jones, Rochelle Benning

Directors Absent

Gary Borden, Ken Berrick, Saamra Mekuria-Grillo

Guests Present

Devin Krugman, Michelle Cho

I. Opening Items**A. Record Attendance and Guests****B. Call the Meeting to Order**

Rochelle Benning called a meeting of the board of directors of East Bay Innovation Academy to order on Wednesday Apr 18, 2018 @ 8:15 PM at 3400 Malcolm Avenue, Oakland, CA 94605.

C. Approve Minutes

Anne Campbell Washington made a motion to approve minutes from the East Bay Innovation Academy Board Meeting on 03-29-18.

Laurie Jacobson Jones seconded the motion.

The board **VOTED** unanimously to approve the motion.

D. Public Comment

ETA Provided a sunshine proposal to the EBIA board. No other comments were made.

II. Governance

A. Consent Agenda

Kelly Garcia made a motion to approve the consent agenda.
Anne Campbell Washington seconded the motion.
The board **VOTED** unanimously to approve the motion.

III. Academic Excellence

A. LCAP Plan and Timeline

an update was provided - please see the materials.

B. 2018 - 2019 Staffing Update

an update was provided - please see the materials.

C. 2018-2019 Student Enrollment Update

an update was provided - please see the materials.

D. Project Based Learning Curriculum and the Intersession Model

an update was provided - please see the materials.

IV. Finance and Development

A. Year to Date Finance Update

discussion held - please see slides

B. Financial Multi-Year Plan Update

discussion held - please see slides

C. 2017-2018 EBIA Development Update

discussion held - most conversation focused on the Innovator Awards

D. Innovator Awards Planning

discussion held - please see attachment

V. Facility

A. Facility Update

an update was provided on the current status of our facilities negotiations

VI. Other Business

A. Key Activities and Events

update is shared - please see list items on agenda.

B. Public Comment

the public made comments!

VII. Closing Items

A. Adjourn Meeting

Laurie Jacobson Jones made a motion to adjourn the meeting.

Kelly Garcia seconded the motion.

The board **VOTED** unanimously to approve the motion.

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 9:59 PM.

Respectfully Submitted,
Rochelle Benning

Cover Sheet

Consent Agenda

Section: II. Governance
Item: A. Consent Agenda
Purpose: Vote

Submitted by:

Related Material:

EBIA 6.30.17 Tax Return.pdf

EEFER_EBIA_2018.04.27.pdf

May 2018 - Benefits TA.pdf

May 2018 - EBIA April 2018 Check and CC Register.pdf

May 2018 - FERPA Directory Information Notice for EBIA Board Approval - FINAL.pdf

May 2018 - FERPA FAQ.pdf

EXTENDED TO MAY 15, 2018

Form **990**

Return of Organization Exempt From Income Tax
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

OMB No. 1545-0047

2016

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

▶ Do not enter social security numbers on this form as it may be made public.
▶ Information about Form 990 and its instructions is at www.irs.gov/form990.

A For the 2016 calendar year, or tax year beginning **JUL 1, 2016** and ending **JUN 30, 2017**

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization EAST BAY INNOVATION ACADEMY Doing business as Number and street (or P.O. box if mail is not delivered to street address) Room/suite 3400 MALCOLM AVENUE City or town, state or province, country, and ZIP or foreign postal code OAKLAND, CA 94605 F Name and address of principal officer: DEVIN KRUGMAN 3400 MALCOLM AVENUE, OAKLAND, CA 94605	D Employer identification number 46-2428863 E Telephone number 510-577-9557 G Gross receipts \$ 4,701,944. H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all subordinates included? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach a list. (see instructions) H(c) Group exemption number ▶
I Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) () ◀ (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527		
J Website: ▶ WWW.EASTBAYIA.ORG		
K Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶		
L Year of formation: 2013		M State of legal domicile: CA

Part I Summary

1	Briefly describe the organization's mission or most significant activities: LOCATED IN OAKLAND, EAST BAY INNOVATION ACADEMY OPERATES AS A CALIFORNIA PUBLIC CHARTER SCHOOL		
2	Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.		
3	Number of voting members of the governing body (Part VI, line 1a)	3	8
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	8
5	Total number of individuals employed in calendar year 2016 (Part V, line 2a)	5	54
6	Total number of volunteers (estimate if necessary)	6	8
7a	Total unrelated business revenue from Part VIII, column (C), line 12	7a	0.
7b	Net unrelated business taxable income from Form 990-T, line 34	7b	0.
8	Contributions and grants (Part VIII, line 1h)	Prior Year 3,340,094.	Current Year 4,602,544.
9	Program service revenue (Part VIII, line 2g)	75,227.	7,502.
10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	1.	1.
11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	12,667.	81,332.
12	Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	3,427,989.	4,691,379.
13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0.	0.
14	Benefits paid to or for members (Part IX, column (A), line 4)	0.	0.
15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	1,778,264.	2,923,769.
16a	Professional fundraising fees (Part IX, column (A), line 11e)	0.	0.
b	Total fundraising expenses (Part IX, column (D), line 25) ▶ 0.		
17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	1,243,466.	1,743,733.
18	Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	3,021,730.	4,667,502.
19	Revenue less expenses. Subtract line 18 from line 12	406,259.	23,877.
20	Total assets (Part X, line 16)	Beginning of Current Year 970,430.	End of Year 932,360.
21	Total liabilities (Part X, line 26)	529,794.	467,847.
22	Net assets or fund balances. Subtract line 21 from line 20	440,636.	464,513.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer DEVIN KRUGMAN, EXECUTIVE DIRECTOR Type or print name and title	Date _____		
Paid Preparer Use Only	Print/Type preparer's name DERRICK DEBRUYNE, CPA	Preparer's signature DERRICK DEBRUYNE, CP	Date 05/08/18	Check <input type="checkbox"/> if self-employed PTIN P00591016
	Firm's name ▶ CLIFTONLARSONALLEN LLP	Firm's EIN ▶ 41-0746749		
	Firm's address ▶ 2210 EAST ROUTE 66 GLENDORA, CA 91740	Phone no. 626-857-7300		

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response or note to any line in this Part III []

1 Briefly describe the organization's mission: TO PREPARE A DIVERSE GROUP OF STUDENTS TO BE SUCCESSFUL IN COLLEGE AND TO BE THOUGHTFUL, ENGAGED CITIZENS WHO ARE LEADERS AND INNOVATORS IN A 21ST CENTURY GLOBAL WORLD.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? [] Yes [X] No

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? [] Yes [X] No

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 4,283,981. including grants of \$) (Revenue \$ 48,626.) EAST BAY INNOVATION ACADEMY (EBIA) IS A COLLEGE PREPARATORY CHARTER SCHOOL OFFERING PUBLIC EDUCATION IN OAKLAND. EBIA SERVES STUDENTS THROUGH PERSONALIZED AND PROJECT-BASED LEARNING, AND BY LEVERAGING BEST PRACTICES IN CURUCULUM DESIGN AND TECHNOLOGY.

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses 4,283,981.

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>	X	
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors?</i>	X	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		X
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		X
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>		X
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		X
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		X
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		X
9 Did the organization report an amount in Part X, line 21, for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		X
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? <i>If "Yes," complete Schedule D, Part V</i>		X
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>		X
b Did the organization report an amount for investments - other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		X
c Did the organization report an amount for investments - program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		X
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		X
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		X
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>	X	
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>	X	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		X
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>	X	
14a Did the organization maintain an office, employees, or agents outside of the United States?		X
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		X
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		X
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		X
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i>		X
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>	X	
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		X

Part IV Checklist of Required Schedules (continued)

	Yes	No
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		X
b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?		
21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? <i>If "Yes," complete Schedule I, Parts I and II</i>		X
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? <i>If "Yes," complete Schedule I, Parts I and III</i>		X
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i>		X
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i>		X
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i>		X
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i>		X
26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? <i>If "Yes," complete Schedule L, Part II</i>		X
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i>		X
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>		X
b A family member of a current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>		X
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If "Yes," complete Schedule L, Part IV</i>		X
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i>		X
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i>		X
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i>		X
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i>		X
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i>		X
34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i>		X
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		X
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i>		X
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI</i>		X
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19?		
Note. All Form 990 filers are required to complete Schedule O	X	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V

		Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable		
1b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	X	
2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return		
2b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)	X	
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?		X
3b	If "Yes," has it filed a Form 990-T for this year? If "No," to line 3b, provide an explanation in Schedule O		
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		X
4b	If "Yes," enter the name of the foreign country: See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).		
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		X
5b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		X
5c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?		
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?		X
6b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		
7	Organizations that may receive deductible contributions under section 170(c).		
7a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?		X
7b	If "Yes," did the organization notify the donor of the value of the goods or services provided?		
7c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		X
7d	If "Yes," indicate the number of Forms 8282 filed during the year		
7e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		X
7f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		X
7g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		
7h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?		
9	Sponsoring organizations maintaining donor advised funds.		
9a	Did the sponsoring organization make any taxable distributions under section 4966?		
9b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?		
10	Section 501(c)(7) organizations. Enter:		
10a	Initiation fees and capital contributions included on Part VIII, line 12		
10b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities		
11	Section 501(c)(12) organizations. Enter:		
11a	Gross income from members or shareholders		
11b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)		
12a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?		
12b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year		
13	Section 501(c)(29) qualified nonprofit health insurance issuers.		
13a	Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.		
13b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans		
13c	Enter the amount of reserves on hand		
14a	Did the organization receive any payments for indoor tanning services during the tax year?		X
14b	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.		
1b	Enter the number of voting members included in line 1a, above, who are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?		X
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, or trustees, or key employees to a management company or other person?		X
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		X
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		X
6	Did the organization have members or stockholders?		X
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		X
7b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		X
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
8a	The governing body?	X	
8b	Each committee with authority to act on behalf of the governing body?	X	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O		X

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a	Did the organization have local chapters, branches, or affiliates?		X
10b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	X	
11b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.		
12a	Did the organization have a written conflict of interest policy? If "No," go to line 13	X	
12b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	X	
12c	Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done	X	
13	Did the organization have a written whistleblower policy?		X
14	Did the organization have a written document retention and destruction policy?	X	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
15a	The organization's CEO, Executive Director, or top management official	X	
15b	Other officers or key employees of the organization	X	
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).		
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?		X
16b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?		

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed **NONE**
- 18** Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (Section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records: **EDTEC - 510-663-3500**
1410A 62ND STREET, EMERYVILLE, CA 94608

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response or note to any line in this Part VII

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) ROCHELLE BENNING BOARD CHAIR	5.00 0.00	X		X				0.	0.	0.
(2) LAURIE JACOBSON JONES BOARD MEMBER	5.00	X		X				0.	0.	0.
(3) KELLY GARCIA BOARD VICE CHAIR	5.00	X		X				0.	0.	0.
(4) KEN BERRICK BOARD MEMBER	5.00	X						0.	0.	0.
(5) GARY BORDEN BOARD MEMBER	5.00	X						0.	0.	0.
(6) TOM PRYOR BOARD MEMBER	5.00	X						0.	0.	0.
(7) KATE DOYLE BOARD MEMBER	5.00	X						0.	0.	0.
(8) JULIA GITIS BOARD MEMBER	5.00	X						0.	0.	0.
(9) DEVIN KRUGMAN EXECUTIVE DIRECTOR	40.00			X				93,383.	0.	12,655.

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

(A) Name and title	(B) Average hours per week (list any hours for related organizations below line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
1b Sub-total							93,383.	0.	12,655.	
c Total from continuation sheets to Part VII, Section A							0.	0.	0.	
d Total (add lines 1b and 1c)							93,383.	0.	12,655.	

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization **0**

	Yes	No
3 Did the organization list any former officer, director, or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i>		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
NONE		

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization **0**

Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII

			(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514	
Contributions, Gifts, Grants and Other Similar Amounts	1 a Federated campaigns	1a					
	b Membership dues	1b					
	c Fundraising events	1c					
	d Related organizations	1d					
	e Government grants (contributions)	1e	3,822,457.				
	f All other contributions, gifts, grants, and similar amounts not included above	1f	780,087.				
	g Noncash contributions included in lines 1a-1f: \$						
	h Total. Add lines 1a-1f		4,602,544.				
	Program Service Revenue	2 a FOOD SERVICES SALES	Business Code 722210	7,160.	7,160.		
b MERCHANDISE SALES		900099	342.	342.			
c							
d							
e							
f All other program service revenue							
g Total. Add lines 2a-2f			7,502.				
Other Revenue	3 Investment income (including dividends, interest, and other similar amounts)		1.			1.	
	4 Income from investment of tax-exempt bond proceeds						
	5 Royalties						
	6 a Gross rents	(i) Real					
		(ii) Personal					
		b Less: rental expenses					
		c Rental income or (loss)					
	d Net rental income or (loss)						
	7 a Gross amount from sales of assets other than inventory	(i) Securities					
		(ii) Other					
		b Less: cost or other basis and sales expenses					
		c Gain or (loss)					
	d Net gain or (loss)						
	8 a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	a	50,773.				
		b Less: direct expenses	b	10,565.			
c Net income or (loss) from fundraising events			40,208.			40,208.	
9 a Gross income from gaming activities. See Part IV, line 19	a						
	b Less: direct expenses	b					
	c Net income or (loss) from gaming activities						
10 a Gross sales of inventory, less returns and allowances	a						
	b Less: cost of goods sold	b					
	c Net income or (loss) from sales of inventory						
Miscellaneous Revenue		Business Code					
11 a OTHER REVENUE		900099	25,291.	25,291.			
	b LOCAL REVENUE		900099	15,833.	15,833.		
		c					
	d All other revenue						
	e Total. Add lines 11a-11d			41,124.			
12 Total revenue. See instructions.			4,691,379.	48,626.	0.	40,209.	

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX X

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	165,737.	160,765.	4,972.	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	2,264,229.	2,201,136.	63,093.	
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	205,965.	200,221.	5,744.	
9 Other employee benefits	195,071.	189,611.	5,460.	
10 Payroll taxes	92,767.	90,170.	2,597.	
11 Fees for services (non-employees):				
a Management				
b Legal	80,453.		80,453.	
c Accounting	8,240.		8,240.	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other. (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Sch O.)	756,818.	611,310.	145,508.	
12 Advertising and promotion	2,963.	2,963.		
13 Office expenses	68,585.	1,574.	67,011.	
14 Information technology	60,619.	60,619.		
15 Royalties				
16 Occupancy	342,608.	342,608.		
17 Travel	889.	889.		
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest	443.		443.	
21 Payments to affiliates				
22 Depreciation, depletion, and amortization				
23 Insurance	35,009.	35,009.		
24 Other expenses. Itemize expenses not covered above. (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a INSTRUCTIONAL MATERIALS	237,315.	237,315.		
b OTHER EXPENSES	149,791.	149,791.		
c				
d				
e All other expenses				
25 Total functional expenses. Add lines 1 through 24e	4,667,502.	4,283,981.	383,521.	0.
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation.				

Check here if following SOP 98-2 (ASC 958-720)

Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part X

		(A)		(B)
		Beginning of year		End of year
Assets	1 Cash - non-interest-bearing	387,977.	1	394,265.
	2 Savings and temporary cash investments	3,598.	2	5,274.
	3 Pledges and grants receivable, net	337.	3	0.
	4 Accounts receivable, net	550,638.	4	487,081.
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instr). Complete Part II of Sch L		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges	27,880.	9	45,740.
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a		
	b Less: accumulated depreciation	10b	10c	
	11 Investments - publicly traded securities		11	
	12 Investments - other securities. See Part IV, line 11		12	
	13 Investments - program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 34)	970,430.	16	932,360.	
Liabilities	17 Accounts payable and accrued expenses	129,792.	17	317,843.
	18 Grants payable		18	
	19 Deferred revenue	200,000.	19	0.
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties	200,002.	24	150,004.
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25	529,794.	26	467,847.
Net Assets or Fund Balances	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.			
	27 Unrestricted net assets	390,258.	27	464,513.
	28 Temporarily restricted net assets	50,378.	28	0.
	29 Permanently restricted net assets		29	
	Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.			
	30 Capital stock or trust principal, or current funds		30	
	31 Paid-in or capital surplus, or land, building, or equipment fund		31	
	32 Retained earnings, endowment, accumulated income, or other funds		32	
33 Total net assets or fund balances	440,636.	33	464,513.	
34 Total liabilities and net assets/fund balances	970,430.	34	932,360.	

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI

1	Total revenue (must equal Part VIII, column (A), line 12)	1	4,691,379.
2	Total expenses (must equal Part IX, column (A), line 25)	2	4,667,502.
3	Revenue less expenses. Subtract line 2 from line 1	3	23,877.
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	440,636.
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0.
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	464,513.

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? _____ If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		X
b Were the organization's financial statements audited by an independent accountant? _____ If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	X	
c If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? _____ If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	X	
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? _____		X
b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits _____		

Form 990 (2016)

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.
▶ Attach to Form 990 or Form 990-EZ.

▶ Information about Schedule A (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

Open to Public Inspection

Name of the organization EAST BAY INNOVATION ACADEMY	Employer identification number 46-2428863
-----------------------------------------------------------------------	------------------------------------------------------------

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

- 1 A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i)**.
- 2 A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E (Form 990 or 990-EZ).)
- 3 A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.
- 4 A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state: _____
- 5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- 6 A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- 7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 8 A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 9 An agricultural research organization described in **section 170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land-grant college of agriculture (see instructions). Enter the name, city, and state of the college or university: _____
- 10 An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- 11 An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.
- 12 An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.
 - a **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**
 - b **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**
 - c **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**
 - d **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**
 - e Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
- f Enter the number of supported organizations
- g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-10 above (see instructions))	(iv) Is the organization listed in your governing document?		(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes	No		
Total						

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge ...						
4 Total. Add lines 1 through 3						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
7 Amounts from line 4						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources ...						
9 Net income from unrelated business activities, whether or not the business is regularly carried on ...						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
11 Total support. Add lines 7 through 10						
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						<input type="checkbox"/>

Section C. Computation of Public Support Percentage

14 Public support percentage for 2016 (line 6, column (f) divided by line 11, column (f))	14	%
15 Public support percentage from 2015 Schedule A, Part II, line 14	15	%
16a 33 1/3% support test - 2016. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
b 33 1/3% support test - 2015. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
17a 10% -facts-and-circumstances test - 2016. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
b 10% -facts-and-circumstances test - 2015. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions		<input type="checkbox"/>

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 Public support. (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2012	(b) 2013	(c) 2014	(d) 2015	(e) 2016	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
13 Total support. (Add lines 9, 10c, 11, and 12.)						

14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here**

Section C. Computation of Public Support Percentage

15 Public support percentage for 2016 (line 8, column (f) divided by line 13, column (f))	15	%
16 Public support percentage from 2015 Schedule A, Part III, line 15	16	%

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2016 (line 10c, column (f) divided by line 13, column (f))	17	%
18 Investment income percentage from 2015 Schedule A, Part III, line 17	18	%

19a 33 1/3% support tests - 2016. If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization

b 33 1/3% support tests - 2015. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions

Part IV Supporting Organizations

(Complete only if you checked a box in line 12 on Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

	Yes	No
1 Are all of the organization's supported organizations listed by name in the organization's governing documents? <i>If "No," describe in Part VI how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.</i>		
2 Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? <i>If "Yes," explain in Part VI how the organization determined that the supported organization was described in section 509(a)(1) or (2).</i>		
3a Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? <i>If "Yes," answer (b) and (c) below.</i>		
b Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? <i>If "Yes," describe in Part VI when and how the organization made the determination.</i>		
c Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? <i>If "Yes," explain in Part VI what controls the organization put in place to ensure such use.</i>		
4a Was any supported organization not organized in the United States ("foreign supported organization")? <i>If "Yes," and if you checked 12a or 12b in Part I, answer (b) and (c) below.</i>		
b Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? <i>If "Yes," describe in Part VI how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.</i>		
c Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? <i>If "Yes," explain in Part VI what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.</i>		
5a Did the organization add, substitute, or remove any supported organizations during the tax year? <i>If "Yes," answer (b) and (c) below (if applicable). Also, provide detail in Part VI, including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).</i>		
b Type I or Type II only. Was any added or substituted supported organization part of a class already designated in the organization's organizing document?		
c Substitutions only. Was the substitution the result of an event beyond the organization's control?		
6 Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? <i>If "Yes," provide detail in Part VI.</i>		
7 Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? <i>If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).</i>		
8 Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? <i>If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).</i>		
9a Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? <i>If "Yes," provide detail in Part VI.</i>		
b Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? <i>If "Yes," provide detail in Part VI.</i>		
c Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? <i>If "Yes," provide detail in Part VI.</i>		
10a Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? <i>If "Yes," answer 10b below.</i>		
b Did the organization have any excess business holdings in the tax year? <i>(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings.)</i>		

Part IV Supporting Organizations (continued)

	Yes	No
11 Has the organization accepted a gift or contribution from any of the following persons?		
a A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?		
b A family member of a person described in (a) above?		
c A 35% controlled entity of a person described in (a) or (b) above? If "Yes" to a, b, or c, provide detail in Part VI.		

Section B. Type I Supporting Organizations

	Yes	No
1 Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? If "No," describe in Part VI how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.		
2 Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? If "Yes," explain in Part VI how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised, or controlled the supporting organization.		

Section C. Type II Supporting Organizations

	Yes	No
1 Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If "No," describe in Part VI how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).		

Section D. All Type III Supporting Organizations

	Yes	No
1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?		
2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? If "No," explain in Part VI how the organization maintained a close and continuous working relationship with the supported organization(s).		
3 By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in Part VI the role the organization's supported organizations played in this regard.		

Section E. Type III Functionally Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions).		
a <input type="checkbox"/> The organization satisfied the Activities Test. Complete line 2 below.		
b <input type="checkbox"/> The organization is the parent of each of its supported organizations. Complete line 3 below.		
c <input type="checkbox"/> The organization supported a governmental entity. Describe in Part VI how you supported a government entity (see instructions).		
2 Activities Test. Answer (a) and (b) below.		
a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If "Yes," then in Part VI identify those supported organizations and explain how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.	Yes	No
b Did the activities described in (a) constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? If "Yes," explain in Part VI the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.		
3 Parent of Supported Organizations. Answer (a) and (b) below.		
a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? Provide details in Part VI.		
b Did the organization exercise a substantial degree of direction over the policies, programs, and activities of each of its supported organizations? If "Yes," describe in Part VI the role played by the organization in this regard.		

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1 Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI.) **See instructions.** All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A - Adjusted Net Income		(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	1	
2	Recoveries of prior-year distributions	2	
3	Other gross income (see instructions)	3	
4	Add lines 1 through 3	4	
5	Depreciation and depletion	5	
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7	Other expenses (see instructions)	7	
8	Adjusted Net Income (subtract lines 5, 6, and 7 from line 4)	8	

Section B - Minimum Asset Amount		(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):		
a	Average monthly value of securities	1a	
b	Average monthly cash balances	1b	
c	Fair market value of other non-exempt-use assets	1c	
d	Total (add lines 1a, 1b, and 1c)	1d	
e	Discount claimed for blockage or other factors (explain in detail in Part VI):		
2	Acquisition indebtedness applicable to non-exempt-use assets	2	
3	Subtract line 2 from line 1d	3	
4	Cash deemed held for exempt use. Enter 1-1/2% of line 3 (for greater amount, see instructions)	4	
5	Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6	Multiply line 5 by .035	6	
7	Recoveries of prior-year distributions	7	
8	Minimum Asset Amount (add line 7 to line 6)	8	

Section C - Distributable Amount			Current Year
1	Adjusted net income for prior year (from Section A, line 8, Column A)	1	
2	Enter 85% of line 1	2	
3	Minimum asset amount for prior year (from Section B, line 8, Column A)	3	
4	Enter greater of line 2 or line 3	4	
5	Income tax imposed in prior year	5	
6	Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6	
7	<input type="checkbox"/> Check here if the current year is the organization's first as a non-functionally integrated Type III supporting organization (see instructions).		

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)

Section D - Distributions	Current Year
1 Amounts paid to supported organizations to accomplish exempt purposes	
2 Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	
3 Administrative expenses paid to accomplish exempt purposes of supported organizations	
4 Amounts paid to acquire exempt-use assets	
5 Qualified set-aside amounts (prior IRS approval required)	
6 Other distributions (describe in Part VI). See instructions	
7 Total annual distributions. Add lines 1 through 6	
8 Distributions to attentive supported organizations to which the organization is responsive (provide details in Part VI). See instructions	
9 Distributable amount for 2016 from Section C, line 6	
10 Line 8 amount divided by Line 9 amount	

Section E - Distribution Allocations (see instructions)	(i) Excess Distributions	(ii) Underdistributions Pre-2016	(iii) Distributable Amount for 2016
1 Distributable amount for 2016 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2016 (reasonable cause required- explain in Part VI). See instructions			
3 Excess distributions carryover, if any, to 2016:			
a			
b			
c From 2013			
d From 2014			
e From 2015			
f Total of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2016 distributable amount			
i Carryover from 2011 not applied (see instructions)			
j Remainder. Subtract lines 3g, 3h, and 3i from 3f.			
4 Distributions for 2016 from Section D, line 7: \$			
a Applied to underdistributions of prior years			
b Applied to 2016 distributable amount			
c Remainder. Subtract lines 4a and 4b from 4			
5 Remaining underdistributions for years prior to 2016, if any. Subtract lines 3g and 4a from line 2. For result greater than zero, explain in Part VI. See instructions			
6 Remaining underdistributions for 2016. Subtract lines 3h and 4b from line 1. For result greater than zero, explain in Part VI. See instructions			
7 Excess distributions carryover to 2017. Add lines 3j and 4c			
8 Breakdown of line 7:			
a			
b Excess from 2013			
c Excess from 2014			
d Excess from 2015			
e Excess from 2016			

Schedule A (Form 990 or 990-EZ) 2016

Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a, and 3b; Part V, line 1; Part V, Section B, line 1e; Part V, Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions.)

Horizontal lines for supplemental information input.

DRAFT

Schedule B

(Form 990, 990-EZ, or 990-PF)

Department of the Treasury
Internal Revenue Service

Schedule of Contributors

▶ Attach to Form 990, Form 990-EZ, or Form 990-PF.
▶ Information about Schedule B (Form 990, 990-EZ, or 990-PF) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

Name of the organization

EAST BAY INNOVATION ACADEMY

Employer identification number

46-2428863

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

501(c)(3) (enter number) organization

4947(a)(1) nonexempt charitable trust **not** treated as a private foundation

527 political organization

Form 990-PF

501(c)(3) exempt private foundation

4947(a)(1) nonexempt charitable trust treated as a private foundation

501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.

For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 *exclusively* for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.

For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions *exclusively* for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Don't complete any of the parts unless the **General Rule** applies to this organization because it received *nonexclusively* religious, charitable, etc., contributions totaling \$5,000 or more during the year ▶ \$ _____

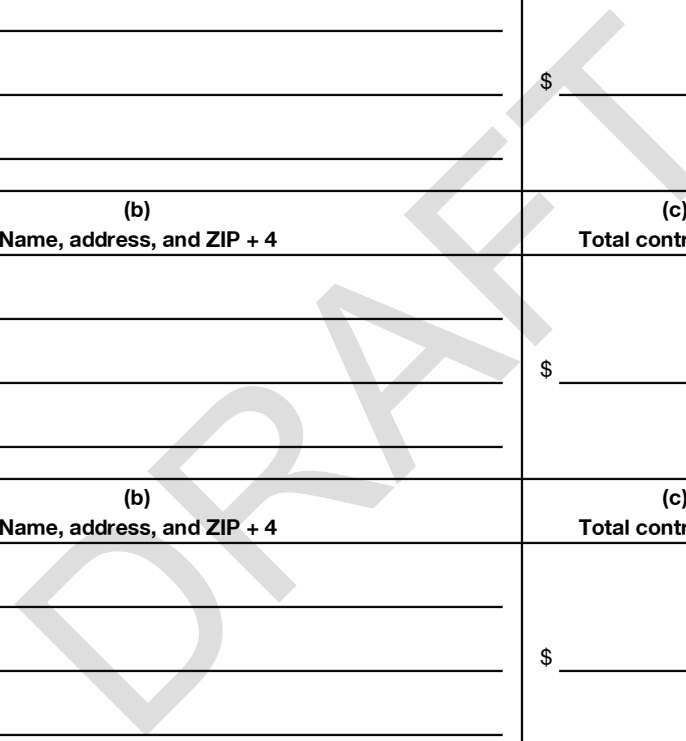
Caution: An organization that isn't covered by the General Rule and/or the Special Rules doesn't file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990-PF, Part I, line 2, to certify that it doesn't meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF. Schedule B (Form 990, 990-EZ, or 990-PF) (2016)

Name of organization	Employer identification number
EAST BAY INNOVATION ACADEMY	46-2428863

Part I Contributors (See instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
1	LAURIE FOY 3400 MALCOLM AVE OAKLAND, CA 94605	\$ 20,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)



Name of organization EAST BAY INNOVATION ACADEMY	Employer identification number 46-2428863
-----------------------------------------------------------------------	----------------------------------------------------------------

Part II Noncash Property (See instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____

Name of organization EAST BAY INNOVATION ACADEMY	Employer identification number 46-2428863
-----------------------------------------------------------------------	----------------------------------------------------------------

Part III Exclusively religious, charitable, etc., contributions to organizations described in section 501(c)(7), (8), or (10) that total more than \$1,000 for the year from any one contributor. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of \$1,000 or less for the year. (Enter this info. once.) ▶ \$ _____
Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

SCHEDULE D
(Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

▶ **Complete if the organization answered "Yes" on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.**
▶ **Attach to Form 990.**

▶ **Information about Schedule D (Form 990) and its instructions is at www.irs.gov/form990.**

OMB No. 1545-0047

2016

Open to Public Inspection

Name of the organization EAST BAY INNOVATION ACADEMY **Employer identification number** 46-2428863

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate value of contributions to (during year)		
3 Aggregate value of grants from (during year)		
4 Aggregate value at end of year		
5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control?		<input type="checkbox"/> Yes <input type="checkbox"/> No
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit?		<input type="checkbox"/> Yes <input type="checkbox"/> No

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).
 Preservation of land for public use (e.g., recreation or education) Preservation of a historically important land area
 Protection of natural habitat Preservation of a certified historic structure
 Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

	Held at the End of the Tax Year
a Total number of conservation easements	2a
b Total acreage restricted by conservation easements	2b
c Number of conservation easements on a certified historic structure included in (a)	2c
d Number of conservation easements included in (c) acquired after 8/17/06, and not on a historic structure listed in the National Register	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ _____

4 Number of states where property subject to conservation easement is located ▶ _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds?

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ _____

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ \$ _____

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)?

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1

(ii) Assets included in Form 990, Part X

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenue included on Form 990, Part VIII, line 1

b Assets included in Form 990, Part X

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990.

Schedule D (Form 990) 2016

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a** Public exhibition
- b** Scholarly research
- c** Preservation for future generations
- d** Loan or exchange programs
- e** Other _____

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements. Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

	Amount
c Beginning balance	1c
d Additions during the year	1d
e Distributions during the year	1e
f Ending balance	1f

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided on Part XIII

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment _____ %
- b** Permanent endowment _____ %
- c** Temporarily restricted endowment _____ %

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

	Yes	No
(i) unrelated organizations	3a(i)	
(ii) related organizations	3a(ii)	
b If "Yes" on line 3a(ii), are the related organizations listed as required on Schedule R?	3b	

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment				
e Other				

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10c.) **0.**

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Col. (b) must equal Form 990, Part X, col. (B) line 12.) ▶		

Part VIII Investments - Program Related.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Col. (b) must equal Form 990, Part X, col. (B) line 13.) ▶		

Part IX Other Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col. (B) line 15.) ▶	

Part X Other Liabilities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col. (B) line 25.) ▶	

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements		1	4,701,944.
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
	a Net unrealized gains (losses) on investments	2a		
	b Donated services and use of facilities	2b		
	c Recoveries of prior year grants	2c		
	d Other (Describe in Part XIII.)	2d		
	e Add lines 2a through 2d		2e	0.
3	Subtract line 2e from line 1		3	4,701,944.
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b		-10,565.
	c Add lines 4a and 4b		4c	-10,565.
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)		5	4,691,379.

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements		1	4,678,067.
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
	a Donated services and use of facilities	2a		
	b Prior year adjustments	2b		
	c Other losses	2c		
	d Other (Describe in Part XIII.)	2d		10,565.
	e Add lines 2a through 2d		2e	10,565.
3	Subtract line 2e from line 1		3	4,667,502.
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b		
	c Add lines 4a and 4b		4c	0.
5	Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)		5	4,667,502.

Part XIII Supplemental Information.

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

PART X, LINE 2:

THE SCHOOL IS A NON-PROFIT ENTITY EXEMPT FROM THE PAYMENT OF INCOME TAXES UNDER INTERNAL REVENUE CODE SECTION 501(C)(3) AND CALIFORNIA REVENUE AND TAXATION CODE SECTION 23701D. ACCORDINGLY, NO PROVISION HAS BEEN MADE FOR INCOME TAXES. MANAGEMENT HAS DETERMINED THAT ALL INCOME TAX POSITIONS ARE MORE LIKELY THAN NOT OF BEING SUSTAINED UPON POTENTIAL AUDIT OR EXAMINATION; THEREFORE, NO DISCLOSURES OF UNCERTAIN INCOME TAX POSITIONS ARE REQUIRED.

PART XI, LINE 4B - OTHER ADJUSTMENTS:

DIRECT FUNDRAISING EXPENSES -10,565.

Part XIII Supplemental Information (continued)

PART XII, LINE 2D - OTHER ADJUSTMENTS:

DIRECT FUNDRAISING EXPENSES 10,565.

DRAFT

SCHEDULE E
(Form 990 or 990-EZ)

Schools

OMB No. 1545-0047

2016

Open to Public Inspection

▶ **Complete if the organization answered "Yes" on Form 990, Part IV, line 13, or Form 990-EZ, Part VI, line 48.**

▶ **Attach to Form 990 or Form 990-EZ.**

▶ **Information about Schedule E (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.**

Department of the Treasury
Internal Revenue Service

Name of the organization
EAST BAY INNOVATION ACADEMY

Employer identification number
46-2428863

Part I

	YES	NO
1 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?	X	
2 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?	X	
3 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe. If "No," please explain. If you need more space, use Part II	X	
THE SCHOOL PUBLISHES ITS NONDISCRIMINATORY POLICY WITHIN ITS CHARTER DOCUMENT. THE CHARTER DOCUMENT IS AVAILABLE TO THE PUBLIC ON THE ORGANIZATION'S WEBSITE AND IS MADE AVAILABLE UPON REQUEST.		
4 Does the organization maintain the following?		
a Records indicating the racial composition of the student body, faculty, and administrative staff?	X	
b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?		X
c Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	X	
d Copies of all material used by the organization or on its behalf to solicit contributions?	X	
If you answered "No" to any of the above, please explain. If you need more space, use Part II.		
THE ORGANIZATION IS A PUBLIC CHARTER SCHOOL WHICH OPERATES TUITION-FREE, THEREFORE, SCHOLARSHIPS AND FINANCIAL ASSISTANCE ARE NOT APPLICABLE.		
5 Does the organization discriminate by race in any way with respect to:		
a Students' rights or privileges?		X
b Admissions policies?		X
c Employment of faculty or administrative staff?		X
d Scholarships or other financial assistance?		X
e Educational policies?		X
f Use of facilities?		X
g Athletic programs?		X
h Other extracurricular activities?		X
If you answered "Yes" to any of the above, please explain. If you need more space, use Part II.		
6a Does the organization receive any financial aid or assistance from a governmental agency?	X	
b Has the organization's right to such aid ever been revoked or suspended?		X
If you answered "Yes" on either line 6a or line 6b, explain on Part II.		
7 Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," explain on Part II	X	

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or Form 990-EZ.

Schedule E (Form 990 or 990-EZ) 2016

Part II Supplemental Information. Provide the explanations required by Part I, lines 3, 4d, 5h, 6b, and 7, as applicable.

Also provide any other additional information.

LINE 6 - EXPLANATION OF GOVERNMENT FINANCIAL AID:

THE ORGANIZATION RECEIVES FINANCIAL ASSISTANCE FROM THE CALIFORNIA DEPARTMENT OF EDUCATION AND THE COUNTY OF ALAMEDA AS PART OF ITS OPERATION AS A PUBLIC CHARTER SCHOOL.



SCHEDULE G
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information Regarding Fundraising or Gaming Activities
Complete if the organization answered "Yes" on Form 990, Part IV, line 17, 18, or 19, or if the organization entered more than \$15,000 on Form 990-EZ, line 6a.
▶ Attach to Form 990 or Form 990-EZ.

▶ Information about Schedule G (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

Open to Public Inspection

Name of the organization
EAST BAY INNOVATION ACADEMY

Employer identification number
46-2428863

Part I Fundraising Activities. Complete if the organization answered "Yes" on Form 990, Part IV, line 17. Form 990-EZ filers are not required to complete this part.

- 1 Indicate whether the organization raised funds through any of the following activities. Check all that apply.
 - a Mail solicitations
 - b Internet and email solicitations
 - c Phone solicitations
 - d In-person solicitations
 - e Solicitation of non-government grants
 - f Solicitation of government grants
 - g Special fundraising events
- 2 a Did the organization have a written or oral agreement with any individual (including officers, directors, trustees, or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? Yes No
- b If "Yes," list the 10 highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least \$5,000 by the organization.

(i) Name and address of individual or entity (fundraiser)	(ii) Activity	(iii) Did fundraiser have custody or control of contributions?		(iv) Gross receipts from activity	(v) Amount paid to (or retained by) fundraiser listed in col. (i)	(vi) Amount paid to (or retained by) organization
		Yes	No			
Total				▶		

- 3 List all states in which the organization is registered or licensed to solicit contributions or has been notified it is exempt from registration or licensing.
-
-
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-

Part II Fundraising Events. Complete if the organization answered "Yes" on Form 990, Part IV, line 18, or reported more than \$15,000 of fundraising event contributions and gross income on Form 990-EZ, lines 1 and 6b. List events with gross receipts greater than \$5,000.

Revenue		(a) Event #1	(b) Event #2	(c) Other events	(d) Total events (add col. (a) through col. (c))
		SPRING AUCTION <small>(event type)</small>	<small>(event type)</small>	NONE <small>(total number)</small>	
1	Gross receipts	50,773.			50,773.
2	Less: Contributions				
3	Gross income (line 1 minus line 2)	50,773.			50,773.
Direct Expenses	4 Cash prizes				
	5 Noncash prizes				
	6 Rent/facility costs				
	7 Food and beverages				
	8 Entertainment				
	9 Other direct expenses	10,565.			10,565.
10	Direct expense summary. Add lines 4 through 9 in column (d)				10,565.
11	Net income summary. Subtract line 10 from line 3, column (d)				40,208.

Part III Gaming. Complete if the organization answered "Yes" on Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

Revenue		(a) Bingo	(b) Pull tabs/instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming (add col. (a) through col. (c))
1	Gross revenue				
Direct Expenses	2 Cash prizes				
	3 Noncash prizes				
	4 Rent/facility costs				
	5 Other direct expenses				
	6 Volunteer labor	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	
7	Direct expense summary. Add lines 2 through 5 in column (d)				
8	Net gaming income summary. Subtract line 7 from line 1, column (d)				

9 Enter the state(s) in which the organization conducts gaming activities: _____
 a Is the organization licensed to conduct gaming activities in each of these states? Yes No
 b If "No," explain: _____

10a Were any of the organization's gaming licenses revoked, suspended, or terminated during the tax year? Yes No
 b If "Yes," explain: _____

Schedule G (Form 990 or 990-EZ) 2016 **EAST BAY INNOVATION ACADEMY**

46-2428863 Page **3**

- 11 Does the organization conduct gaming activities with nonmembers? Yes No
- 12 Is the organization a grantor, beneficiary or trustee of a trust, or a member of a partnership or other entity formed to administer charitable gaming? Yes No
- 13 Indicate the percentage of gaming activity conducted in:
- | | | |
|-------------------------------|------------|---|
| a The organization's facility | 13a | % |
| b An outside facility | 13b | % |
- 14 Enter the name and address of the person who prepares the organization's gaming/special events books and records:

Name ▶ _____

Address ▶ _____

15a Does the organization have a contract with a third party from whom the organization receives gaming revenue? Yes No

- b If "Yes," enter the amount of gaming revenue received by the organization ▶ \$ _____ and the amount of gaming revenue retained by the third party ▶ \$ _____
- c If "Yes," enter name and address of the third party:

Name ▶ _____

Address ▶ _____

16 Gaming manager information:

Name ▶ _____

Gaming manager compensation ▶ \$ _____

Description of services provided ▶ _____

Director/officer Employee Independent contractor

17 Mandatory distributions:

- a Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? Yes No
- b Enter the amount of distributions required under state law to be distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year ▶ \$ _____

Part IV **Supplemental Information.** Provide the explanations required by Part I, line 2b, columns (iii) and (v); and Part III, lines 9, 9b, 10b, 15b, 15c, 16, and 17b, as applicable. Also provide any additional information. See instructions

Part IV Supplemental Information *(continued)*

Lined area for supplemental information with a large diagonal 'DRAFT' watermark.

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Information about Schedule O (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2016

Open to Public
Inspection

Name of the organization

EAST BAY INNOVATION ACADEMY

Employer identification number

46-2428863

FORM 990, PART I, LINE 1, DESCRIPTION OF ORGANIZATION MISSION:

DEDICATED TO COLLEGE PREPARATION FOR STUDENTS IN GRADES 6-12.

FORM 990, PART VI, SECTION B, LINE 11B:

THE EXECUTIVE DIRECTOR/HEAD OF SCHOOL WILL PROVIDE A COPY OF THE FORM 990 TO ALL BOARD MEMBERS FOR REVIEW AND COMMENT. ANY NECESSARY EDITS WILL BE RELAYED TO THE TAX PREPARER. UPON FINAL APPROVAL BY THE HEAD OF SCHOOL, THE TAX PREPARER WILL FILE THE FORM 990 WITH THE IRS ON BEHALF OF THE ORGANIZATION

FORM 990, PART VI, SECTION B, LINE 12C:

ALL BOARD MEMBERS AND KEY EMPLOYEES OF THE ORGANIZATION ARE REQUIRED TO FILE AN ANNUAL STATEMENT (FORM 700 STATEMENT OF ECONOMIC INTEREST) IN ACCORDANCE WITH CALIFORNIA CODE OF REGULATIONS. THE ORGANIZATION WILL REVIEW THE CONFLICT OF INTEREST POLICY AND STATEMENTS ANNUALLY AND WHEN ANY BOARD MEMBER JOINS.

FORM 990, PART VI, SECTION B, LINE 15:

THE BOARD OF DIRECTORS WILL APPROVE COMPENSATION BASED ON COMPARABLE DATA AVAILABLE FROM OTHER PUBLIC CHARTER SCHOOLS AND SCHOOL DISTRICTS FOR INDIVIDUALS WITH SIMILAR RESPONSIBILITIES.

FORM 990, PART VI, SECTION C, LINE 19:

ALL ORGANIZATIONAL DOCUMENTS ARE AVAILABLE UPON REQUEST WITH SOME DOCUMENTS ALSO AVAILABLE ON THE ORGANIZATION'S WEBSITE.

Name of the organization EAST BAY INNOVATION ACADEMY	Employer identification number 46-2428863
----------------------------------------------------------------	-----------------------------------------------------

FORM 990, PART IX, LINE 11G, OTHER FEES:

OTHER FEES FOR SERVICES:

PROGRAM SERVICE EXPENSES	182,515.
MANAGEMENT AND GENERAL EXPENSES	14,839.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	197,354.

BUSINESS SERVICES:

PROGRAM SERVICE EXPENSES	0.
MANAGEMENT AND GENERAL EXPENSES	130,669.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	130,669.

SPECIAL ED SERVICES:

PROGRAM SERVICE EXPENSES	383,998.
MANAGEMENT AND GENERAL EXPENSES	0.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	383,998.

SUBSTITUTES:

PROGRAM SERVICE EXPENSES	44,797.
MANAGEMENT AND GENERAL EXPENSES	0.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	44,797.

TOTAL OTHER FEES ON FORM 990, PART IX, LINE 11G, COL A 756,818.

TAXABLE YEAR

2016

California Exempt Organization Annual Information Return

628941 11-30-16
FORM

199

Calendar Year 2016 or fiscal year beginning (mm/dd/yyyy) **07/01/2016**, and ending (mm/dd/yyyy) **06/30/2017**

Corporation/Organization name EAST BAY INNOVATION ACADEMY		California corporation number 3564103	
Additional information. See instructions.		FEIN 46-2428863	
Street address (suite or room) 3400 MALCOLM AVENUE		PMB no.	
City OAKLAND		State CA	ZIP code 94605
Foreign country name		Foreign province/state/country	
		Foreign postal code	

<p>A First Return <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>B Amended Return <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>C IRC Section 4947(a)(1) trust <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>D Final Information Return? <input type="checkbox"/> Dissolved <input type="checkbox"/> Surrendered (Withdrawn) <input type="checkbox"/> Merged/Reorganized Enter date: (mm/dd/yyyy) _____</p> <p>E Check accounting method: (1) <input type="checkbox"/> Cash (2) <input checked="" type="checkbox"/> Accrual (3) <input type="checkbox"/> Other</p> <p>F Federal return filed? (1) <input type="checkbox"/> 990T (2) <input type="checkbox"/> 990-PF (3) <input type="checkbox"/> Sch H (990) (4) <input checked="" type="checkbox"/> Other 990 series</p> <p>G Is this a group filing? See instructions <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>H Is this organization in a group exemption <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," what is the parent's name?</p> <p>I Did the organization have any changes to its guidelines not reported to the FTB? See instructions <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>J If exempt under R&TC Section 23701d, has the organization engaged in political activities? See instructions. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>K Is the organization exempt under R&TC Section 23701g? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," enter the gross receipts from nonmember sources \$ _____</p> <p>L If organization is exempt under R&TC Section 23701d and meets the filing fee exception, check box. No filing fee is required. <input checked="" type="checkbox"/></p> <p>M Is the organization a Limited Liability Company? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>N Did the organization file Form 100 or Form 109 to report taxable income? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>O Is the organization under audit by the IRS or has the IRS audited in a prior year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>P Is a federal Form 1023/1024 pending? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date filed with IRS _____</p>
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Part I Complete Part I unless not required to file this form. See General Instructions B and C.

Receipts and Revenues	1 Gross sales or receipts from other sources. From Side 2, Part II, line 8	1	99,400.00
	2 Gross dues and assessments from members and affiliates	2	00
	3 Gross contributions, gifts, grants, and similar amounts received STMT 1	3	4,602,544.00
	4 Total gross receipts for filing requirement test. Add line 1 through line 3. This line must be completed. If the result is less than \$50,000, see General Instruction B	4	4,701,944.00
	5 Cost of goods sold	5	00
	6 Cost or other basis, and sales expenses of assets sold	6	00
	7 Total costs. Add line 5 and line 6	7	00
	8 Total gross income. Subtract line 7 from line 4	8	4,701,944.00
Expenses	9 Total expenses and disbursements. From Side 2, Part II, line 18	9	4,678,067.00
	10 Excess of receipts over expenses and disbursements. Subtract line 9 from line 8	10	23,877.00
Filing Fee	11 Total payments	11	00
	12 Use tax. See General Instruction K	12	00
	13 Payment balance. If line 11 is more than line 12, subtract line 12 from line 11	13	00
	14 Use tax balance. If line 12 is more than line 11, subtract line 11 from line 12	14	00
	15 Filing fee \$10 or \$25. See General Instruction F	15	N/A 00
	16 Penalties and Interest. See General Instruction J	16	00
	17 Balance due. Add line 12, line 15, and line 16. Then subtract line 11 from the result	17	00

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer	Title EXECUTIVE DIRE	Date	• Telephone
Paid Preparer's Use Only	Preparer's signature	DERRICK DEBRUYNE, CPA	05/08/18	• PTIN P00591016
	Firm's name (or yours, if self-employed) and address	CLIFTONLARSONALLEN LLP 2210 EAST ROUTE 66 GLEN DORA, CA 91740		• FEIN 41-0746749
				• Telephone 626-857-7300

May the FTB discuss this return with the preparer shown above? See instructions Yes No

022

3651164

Form 199 C1 2016 Side 1

EAST BAY INNOVATION ACADEMY

46-2428863

Part II Organizations with gross receipts of more than \$50,000 and private foundations regardless of amount of gross receipts - complete Part II or furnish substitute information.

628951 11-30-16

Receipts from Other Sources	1	Gross sales or receipts from all business activities. See instructions	•	1	50,773.00	
	2	Interest	•	2	1.00	
	3	Dividends	•	3	00	
	4	Gross rents	•	4	00	
	5	Gross royalties	•	5	00	
	6	Gross amount received from sale of assets (See Instructions)	•	6	00	
	7	Other income	•	7	48,626.00	
	8	Total gross sales or receipts from other sources. Add line 1 through line 7. Enter here and on Side 1, Part I, line 1	•	8	99,400.00	
	9	Contributions, gifts, grants, and similar amounts paid	•	9	00	
	10	Disbursements to or for members	•	10	00	
	11	Compensation of officers, directors, and trustees	•	11	165,737.00	
	12	Other salaries and wages	•	12	2,264,229.00	
	13	Interest	•	13	443.00	
	14	Taxes	•	14	92,767.00	
	15	Rents	•	15	342,608.00	
	16	Depreciation and depletion (See instructions)	•	16	00	
	Expenses and Disbursements	17	Other Expenses and Disbursements	•	17	1,812,283.00
		18	Total expenses and disbursements. Add line 9 through line 17. Enter here and on Side 1, Part I, line 9	•	18	4,678,067.00

Schedule L Balance Sheet

Beginning of taxable year

End of taxable year

Assets	(a)	(b)	(c)	(d)
1 Cash		391,575.	•	399,539.
2 Net accounts receivable		550,638.	•	487,081.
3 Net notes receivable			•	
4 Inventories			•	
5 Federal and state government obligations			•	
6 Investments in other bonds			•	
7 Investments in stock			•	
8 Mortgage loans			•	
9 Other investments			•	
10 a Depreciable assets				
b Less accumulated depreciation	()	()		
11 Land			•	
12 Other assets		28,217.	•	45,740.
13 Total assets		970,430.		932,360.
Liabilities and net worth				
14 Accounts payable		129,792.	•	317,843.
15 Contributions, gifts, or grants payable			•	
16 Bonds and notes payable			•	
17 Mortgages payable			•	
18 Other liabilities		400,002.		150,004.
19 Capital stock or principal fund			•	
20 Paid-in or capital surplus. Attach reconciliation			•	
21 Retained earnings or income fund		440,636.	•	464,513.
22 Total liabilities and net worth		970,430.		932,360.

Schedule M-1 Reconciliation of income per books with income per return

Do not complete this schedule if the amount on Schedule L, line 13, column (d), is less than \$50,000.

1 Net income per books	•	23,877.	7 Income recorded on books this year not included in this return.	•
2 Federal income tax	•		8 Deductions in this return not charged against book income this year	•
3 Excess of capital losses over capital gains	•		9 Total. Add line 7 and line 8	
4 Income not recorded on books this year	•		10 Net income per return.	
5 Expenses recorded on books this year not deducted in this return	•		Subtract line 9 from line 6	
6 Total. Add line 1 through line 5		23,877.		23,877.

EAST BAY INNOVATION ACADEMY

46-2428863

FORM 199	CASH CONTRIBUTIONS INCLUDED ON PART I, LINE 3	STATEMENT	1
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CONTRIBUTOR'S NAME	CONTRIBUTOR'S ADDRESS	DATE OF GIFT	AMOUNT
LAURIE FOY	3400 MALCOLM AVE OAKLAND, CA 94605	06/30/17	20,000.
TOTAL INCLUDED ON LINE 3			20,000.

FORM 199	OTHER INCOME	STATEMENT	2
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DESCRIPTION	AMOUNT
LOCAL REVENUE	15,833.
OTHER REVENUE	25,291.
FOOD SERVICES SALES	7,160.
MERCHANDISE SALES	342.
TOTAL TO FORM 199, PART II, LINE 7	48,626.

DRAFT

EAST BAY INNOVATION ACADEMY

46-2428863

FORM 199 COMPENSATION OF OFFICERS, DIRECTORS AND TRUSTEES STATEMENT 3

NAME AND ADDRESS	TITLE AND AVERAGE HRS WORKED/WK	COMPENSATION
ROCHELLE BENNING 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD CHAIR 5.00	0.
LAURIE JACOBSON JONES 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
KELLY GARCIA 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD VICE CHAIR 5.00	0.
KEN BERRICK 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
GARY BORDEN 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
TOM PRYOR 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
KATE DOYLE 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
JULIA GITIS 3400 MALCOLM AVENUE OAKLAND, CA 94605	BOARD MEMBER 5.00	0.
DEVIN KRUGMAN 3400 MALCOLM AVENUE OAKLAND, CA 94605	EXECUTIVE DIRECTOR 40.00	165,737.
TOTAL TO FORM 199, PART II, LINE 11		165,737.

STATEMENT(S) 3

FORM 199	OTHER EXPENSES	STATEMENT	4
DESCRIPTION		AMOUNT	
INSTRUCTIONAL MATERIALS		237,315.	
OTHER EXPENSES		149,791.	
DIRECT EXPENSES OF FUNDRAISING EVENTS		10,565.	
PENSION PLAN CONTRIBUTIONS		205,965.	
OTHER EMPLOYEE BENEFITS		195,071.	
LEGAL FEES		80,453.	
ACCOUNTING FEES		8,240.	
OTHER PROFESSIONAL FEES		756,818.	
ADVERTISING AND PROMOTION		2,963.	
OFFICE EXPENSES		68,585.	
INFORMATION TECHNOLOGY		60,619.	
TRAVEL		889.	
INSURANCE		35,009.	
TOTAL TO FORM 199, PART II, LINE 17		1,812,283.	

FORM 199	OTHER ASSETS	STATEMENT	5
DESCRIPTION		BEG. OF YEAR	END OF YEAR
PLEDGES AND GRANTS RECEIVABLE		337.	0.
PREPAID EXPENSES AND DEFERRED CHARGES		27,880.	45,740.
TOTAL TO FORM 199, SCHEDULE L, LINE 12		28,217.	45,740.

FORM 199	OTHER LIABILITIES	STATEMENT	6
DESCRIPTION		BEG. OF YEAR	END OF YEAR
DEFERRED REVENUE		200,000.	0.
UNSECURED NOTES AND LOANS PAYABLE		200,002.	150,004.
TOTAL TO FORM 199, SCHEDULE L, LINE 18		400,002.	150,004.

FORM 199	FUND BALANCES	STATEMENT	7
DESCRIPTION		BEG. OF YEAR	END OF YEAR
UNRESTRICTED ASSETS		390,258.	464,513.
TEMPORARILY RESTRICTED ASSETS		50,378.	0.
TOTAL TO FORM 199, SCHEDULE L, LINE 21		440,636.	464,513.

DRAFT



Educator Effectiveness Final Expenditure Report for Expenditures Between July 1, 2015 and June 30, 2018

Submission Record

Submission Date: 4/27/2018 2:56:58 PM PT
Submission ID: 561

This is only a print version of your report.

Agency: East Bay Innovation Academy

Section 1: Contact Information

*First Name: Michelle
*Last Name: Cho
*E-mail: michelle.cho@eastbayia.org
*Telephone: (i.e. 916-555-1212) 510-577-9557

Section 2: Beginning Teacher and Administrator Support and Mentoring

Beginning teacher and administrator support and mentoring, including, but not limited to, programs that support new teacher and administrator ability to teach or lead effectively and to meet induction requirements adopted by the Commission on Teacher Credentialing and pursuant to Section 44259 of the *Education Code*.

Number of Teachers: 4
Number of Administrators: N/A
Total Expenditures: \$ 14,000
Of these expenditures, how much was spent on induction programs? \$ 14,000

Section 3: Professional Development, Coaching, and Support Services for Teachers

Professional development, coaching, and support services for teachers who have been identified as needing improvement or additional support.

Number of Teachers: N/A
Number of Administrators: N/A
Total Expenditures: \$ 0

Section 4: Professional Development for Teachers and Administrators Aligned with California Common Core State Standards

Professional development for teachers and administrators that is aligned to the state content standards adopted pursuant to Sections 51226, 60605, 60605.31, 60605.2, 60605.3, 60608.8, 60605.11, 60605.85, as that section read on June 30, 2014, and 60811.3, as that section read on June 30, 2013, of the *Education Code*

Content Standards	Number of Teachers	Number of Administrators
Mathematics	N/A	N/A

English Language Arts/Development	N/A	N/A
Science	N/A	N/A
History/Social Science	N/A	N/A
Visual/Performing Arts	N/A	N/A
Career Technical	N/A	N/A
World Language	N/A	N/A
Physical Education	N/A	N/A

Total Expenditures: \$ 0

Section 5: Activities Promoting Educator Quality and Effectiveness

Activities to promote educator quality and effectiveness including, but not limited to, training on mentoring and coaching certificated staff and training certificated staff to support effective teaching and learning.

Number of Teachers: 11

Number of Administrators: 1

Number of Paraprofessionals: 2

Total Expenditures: \$ 673

Section 6: Reporting Local Educational Agency Entitlement Amount and Total Expenditures

LEA Entitlement: \$ 14,665

Total Expenditures: \$ 14,673

Unspent funds that must be returned to CDE: \$ 0

Questions: Educator Excellence Office | educatorexcellence@cde.ca.gov | 916-445-7331

California Department of Education
1430 N Street
Sacramento, CA 95814

Web Policy

TENTATIVE AGREEMENT

EBIA/ETA

April 24, 2018

ARTICLE 10 – BENEFITS

EBIA shall make available to full-time unit members full health and welfare benefits coverage in accordance with the applicable plan(s) as set forth in **Appendix B**. Eligibility for and duration of health and welfare benefits shall be in accordance with the applicable health benefits plan(s) and applicable law. For full-time unit members continuing in employment year-to-year, ~~or~~ teaching summer school, or who provide notice by May 15 of their intent to not return for the following school year consistent with Article 15.2.1, health and welfare benefits coverage extends through the summer break. However, absent extenuating circumstances as determined by EBIA, a unit member who resigns between May 16 and September 1 will be required to reimburse EBIA for the health and welfare benefits premiums paid during the summer break.

Unit members may pay for health and welfare benefits coverage with pre-tax contributions.

Unit members who can provide written proof of alternate health and welfare benefits coverage as required by applicable law through their spouse/registered domestic partner shall receive a “cash in lieu of benefits” stipend of \$3,000 annually in exchange for declining EBIA coverage.

At least once annually, prior to the open enrollment period, EBIA will schedule a staff-wide presentation by the insurance provider to provide information and answer questions about plan options, costs and benefits.

Health benefits shall go into effect no later than the first contractual work day for all bargaining unit members.

EBIA shall make available a 403(b) plan.

EBIA shall provide retirement benefits through CalSTRS, subject to applicable law.¹

SUBJECT TO FINAL RATIFICATION BY THE PARTIES:

EBIA Representative

Date:

5-3-2018

ETA Representative

Date:

5-2-2018

ARTICLE 8 – LAYOFFS AND REEMPLOYMENT

8.1 Layoffs

Layoffs may occur due to programmatic needs, declining enrollment or a reduction in funds. Notice of layoff for the subsequent year will be sent to employees by May 15. For layoffs occurring during the school year, unit members will receive thirty (30) day notice of lay-off and a two (2) week severance payment. This benefit does not apply to employees provided with a lay-off notice by May 15 for the following school year.

If layoffs take place the following criteria shall be considered:

- Legal requirements and qualifications
- Performance evaluations
- Expertise and relevant experience

In the absence of substantial distinguishing differences in the above criteria, length of service at EBIA shall be the determining factor.

The decision of the Executive Director is final and not subject to the grievance procedure.

8.2 Reemployment

Unit members may be reemployed to a subject area/program for which they hold certification in reverse order of layoff when a vacancy occurs for up to six (6) months from the day of layoff. In the event a unit member on the reemployment list refuses an employment offer twice, they will be removed from the list.

Each unit member on the reemployment list shall be required to provide EBIA in writing with a current address to which a letter of reemployment may be sent.

If a reemployment opportunity exists, EBIA shall mail such a letter to the unit member, certified mail, return receipt requested.

A unit member offered a reemployment opportunity must notify EBIA in writing of their decision within five (5) days of receipt of EBIA's offer.

Check Register



East Bay Innovation Academy
April 2018

Grand Total 208,124.07

Vendor	Check Number	Void	Date	Description	Check Amount
Matt Irvin	5260		4/2/2018	Intersession: February '18	1,300.00
American Council of Teachers Inc.	5261		4/2/2018	Svc: Week: 03/26 - 03/29/18	144.25
OUSD Buildings & Grounds	5262		4/2/2018	2017/18 Facility Use Fee	31,393.02
Office Depot	5263		4/2/2018	Acct# 16610744; Office Supplies	244.62
Swing Education	5264		4/2/2018	Substitute Svcs: 02/26 - 03/02/18	1,000.00
Teachers on Reserve	5265		4/2/2018	Cust: EASTB0001; Substitute Svc: 03/16/18	867.02
Lansine Toure	5266		4/2/2018	Reimb: Food for Afterschool Cooking & Soccer Balls Acct# 30 050552 0001; Insurance Premium: April	152.97
Vision Service Plan - (CA)	5267		4/2/2018	2018	410.86
Waste Management of Alameda County	5268		4/2/2018	Cust# 00513-38904; Waste Svc: Mar 2018	152.26
Charter Safe	DB040618		4/6/2018	DB040618; CA Charter School JPA-Inv 24041	5,350.00
Kaiser Foundation Health Plan	5269		4/9/2018	Cust ID: 000709549-0000; Billing# 681343504; Insurance Premium: May 2018	21,061.86
Marlin Business Bank	5270		4/9/2018	Acct# 1480401; Contract# 401-1480401-001/002; Contract Payment: Cres Cor Cook n Hold Oven & Insurance Fee	477.67
Studio One Arts Center	5271		4/9/2018	Receipt# 1048616.029; Studio One Activity Fee	1,750.00
Swing Education	5272		4/9/2018	Substitute Svcs: 03/07 - 03/09/18	500.00
Teachers on Reserve	5273		4/9/2018	Cust: EASTB0003; Substitute Svc: 03/23/18 Tuition Expenses & Counselling and Guidance	241.06
The Phillips Academy	5274		4/9/2018	Therapy: Feb '18 for E. Sanderson	3,510.00
Comcast	5275	Voided	4/10/2018	Account: 930911022; Early Termination Fee	0.00
Comcast		Voided	4/10/2018	Account: 930911022; Early Termination Fee	0.00
Wells Fargo	DB041218		4/12/2018	DB041218; Online pymt - acct 2030	5,631.09
Wells Fargo	DB041218A		4/12/2018	DB041218A; Online pymt - acct 2022	681.48
American Council of Teachers Inc.	5276		4/13/2018	Svc: Week: 04/09 - 04/12/18	193.00
CFI	5277		4/13/2018	HP 4345 Toner Cartridge	131.10
Copower	5278		4/13/2018	ID# 902360; Premium: May 2018	2,496.51
EdTec	5279		4/13/2018	Monthly Svcs: March 2018	7,000.00
Play-Well TEKnologies	5280		4/13/2018	Reimb: LiveScan for Intersession vendor	52.00
Revolution Foods, Inc.	5281		4/13/2018	Cust# C001339; Food Service: Feb '18	5,121.45
STARLINE SUPPLY COMPANY	5282		4/13/2018	Cust# 0001249; Janitorial Supplies	357.62

Note: Multiple expenses or "Itemized/Invoice Amounts" may be paid by one check. The total "Check Amount" will appear for each "Itemized/Invoice Amount" paid by the check.
Payroll checks are not included on this register.

Vendor	Check Number	Void	Date	Description	Check Amount
COMMISSION ON TEACHER CREDENTIALING	5283		4/18/2018	Short Term Staffing Permit: Nate Goodman, Teacher	100.00
COMMISSION ON TEACHER CREDENTIALING	5284		4/18/2018	Waiver Request: Tiara Patterson, Teacher Program Oversight, Classroom time & Admin	100.00
ARC Oakland	5285		4/18/2018	Support: 10/15 - 11/14/17	1,328.50
Kim Frankel	5286		4/18/2018	Reimb: Game for Class	40.08
Golden Gate Academy	5287		4/24/2018	Monthly Rent: May 2018	14,391.00
Bloomerang	DB042418		4/24/2018	DB042418; Bloomerang	297.00
American Council of Teachers Inc.	5288		4/25/2018	Svc: Week: 04/15 - 04/18/18	193.00
BambooHR	5289		4/25/2018	Professional Monthly Plan: 04/16 - 05/15/18	250.00
East Bay Speech Pathology, Inc.	5290		4/25/2018	Teach Speech Hours: March '18	7,601.75
Elite Translingo	5291		4/25/2018	PO# 3406 & 3407; Spanish Translation Svcs Tuition, Transportation & MH Family/Grup/Individual	126.00
Esther B. Clark School at CHC	5292		4/25/2018	Therapy	13,600.59
Law Offices of Young, Minney & Corr, LLP	5293		4/25/2018	Legal Svcs through: 03/31/18	3,486.52
PG&E	5294		4/25/2018	Acct#4052865603-2; Gas & Elec Svcs: due 04/27/18 Acct# 0035832427; Water for Malcolm Campus - due:	3,497.47
Ready Refresh	5295		4/25/2018	04/28/18	33.90
Ready Refresh	5296		4/25/2018	Acct# 0035832435; Water for Mtn Campus - due: 04/28/18	33.90
RingCentral Inc.	5297		4/25/2018	Cust# 1184099019; Phone Svcs Upper school: April 2018	1,099.43
San Joaquin County Office of Education	5298		4/25/2018	Acct# 01-0000-0-8689-500-5026; EDJOIN Account Fees 1Yr Term	750.00
SchoolMint, Inc	5299		4/25/2018	SchoolMint Annual License	3,000.00
Sergio's Janitorial & Yard Services	5300		4/25/2018	Cleaning Svcs Cust# NH5980; Health & Nursing, Individual	6,300.00
Solacium New Haven, LLC	5301		4/25/2018	Counseling, Room & Education	8,625.00
Swing Education	5302		4/25/2018	Substitute Svcs: 03/26 - 03/29/18	1,000.00
Teachers on Reserve	5303		4/25/2018	Cust: EASTB0003; Substitute Svcs Tution Expenses, Counselling and Guidance Therapy:	680.51
The Phillips Academy	5304		4/25/2018	March '18 for E. Sanderson	4,095.00
Waste Management	5305		4/25/2018	Cust# 15-00043-73002; Waste Svc: April '18	1,332.37
American Council of Teachers Inc.	5306		4/30/2018	Svc: Week: 04/23 - 04/26/18	193.00
AP Seminars Silicon Valley	5307		4/30/2018	Confirmation# PQNH7FCT2TH; AP Training for Tory Pettitt - 07/30 - 08/02/18	815.00

Note: Multiple expenses or "Itemized/Invoice Amounts" may be paid by one check. The total "Check Amount" will appear for each "Itemized/Invoice Amount" paid by the check.
Payroll checks are not included on this register.

Vendor	Check Number	Void	Date	Description	Check Amount
ARC Oakland	5308		4/30/2018	Program Oversight, Classroom time & Admin Support: 03/15 - 04/15/18	419.25
Elana Feinberg	5309		4/30/2018	Consultanting Svc: Project Plan, Documents, Call with Devin & Review: 03/23 - 04/18/18	1,300.00
Lesleigh Franklin, PhD	5310		4/30/2018	Psychological/Assessments w/ Academic Testing: March 2018	6,363.63
Seneca Family of Agencies	5311		4/30/2018	Svc: Behavior Intervention - Implementation Jan '18 Acct# 30 050552 0001; Insurance Premium: May	36,231.21
Vision Service Plan - (CA)	5312		4/30/2018	2018	410.86
Waste Management of Alameda County	5313		4/30/2018	Cust# 00513-38904; Waste Svc: Apr 2018	152.26
Adeya Wyatt	5314		4/30/2018	Reimb: Live Scan	57.00

Note: Multiple expenses or "Itemized/Invoice Amounts" may be paid by one check. The total "Check Amount" will appear for each "Itemized/Invoice Amount" paid by the check. Payroll checks are not included on this register.



Credit Card Register

East Bay Innovation
Academy
April 2018

Grand Total 4,753.64

Credit Card	Vendor	Statement Date	Description	Transaction Amount
9515-2022	Thunder Data Systems	4/24/2018	03/26 - Thunder Data Systems	39.00
9515-2022	Catsone.com	4/24/2018	04/08 - Catsone.com	254.15
9515-2022	CampaignMonitor.com	4/24/2018	04/11 - CampaignMonitor.com	30.98
9515-2022	CampaignMonitor.com	4/24/2018	04/18 - CampaignMonitor.com	30.75
9515-2022	Dropbox	4/24/2018	04/21 - Dropbox	99.00
9515-2030	Amazon Mktplace Pmts	4/24/2018	03/24 - Amazon Mktplace Pmts	25.82
9515-2030	Amazon Mktplace Pmts	4/24/2018	03/24 - Amazon Mktplace Pmts	108.21
9515-2030	Amazon Mktplace Pmts	4/24/2018	03/24 - Amazon Mktplace Pmts	169.72
9515-2030	JetBlue	4/24/2018	03/29 - JetBlue	466.40
9515-2030	Amazon.com	4/24/2018	03/29 - Amazon.com	50.58
9515-2030	Amazon.com	4/24/2018	03/29 - Amazon.com	10.88
9515-2030	Vistapr*Vistaprint.com	4/24/2018	03/30 - VistApr*VistaPrint.com	156.74
9515-2030	Jumbula	4/24/2018	04/01 - Jumbula	40.00
9515-2030	Doordash	4/24/2018	04/03 - DoorDash	79.57
9515-2030	Dropbox	4/24/2018	04/08 - Dropbox	9.99
9515-2030	Amazon.com	4/24/2018	04/10 - Amazon.com	48.09
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/11 - AMAZON MKTPLACE PMTS	170.54
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/11 - AMAZON MKTPLACE PMTS	10.99
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/15 - Amazon Mktplace Pmts	62.89
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/17 - Amazon Mktplace Pmts	21.99
9515-2030	Amazon.com	4/24/2018	04/18 - Amazon.com	11.64
9515-2030	Amazon.com	4/24/2018	04/19 - Amazon.com	38.10
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/19 - Amazon Mktplace Pmts	89.07
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/19 - Amazon Mktplace Pmts	49.14
9515-2030	PS Print	4/24/2018	04/19 - PS Print	288.20
9515-2030	Amazon Mktplace Pmts	4/24/2018	04/19 - Amazon Mktplace Pmts	46.20
9515-2030	Marin on the Bay	4/24/2018	04/19 - Marin on the Bay	770.00
9515-2030	Marin on the Bay	4/24/2018	04/19 - Marin on the Bay	770.00
9515-2030	Marin on the Bay	4/24/2018	04/19 - Marin on the Bay	805.00

FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) DIRECTORY INFORMATION POLICY AND “OPT-OUT” NOTICE for East Bay Innovation Academy 2018 – 2019 School Year

“Directory information,” which is defined as set forth below, may be released to requestors in limited circumstances by East Bay Innovation Academy, without additional notice to you, unless you timely “opt out” of such disclosures, in writing.

State and federal law allow directory information to be disclosed to any requestors, except those who intend to use the information for commercial purposes. However, this school's policy is to not release directory information to any requestor, for any purpose, without specific prior parent/guardian consent in each situation, EXCEPT we will release such information to requestors that engage in political advocacy, lobbying, or information dissemination related to California charter schools.

If you do not want East Bay Innovation Academy to disclose your contact and other directory information from your child's records to such persons or entities without your prior written consent, you must notify us in writing by September 7, 2018

East Bay Innovation Academy has designated the following information as directory information:

- Parents'/guardians' names;
- Address;
- Electronic mail address;
- Phone number¹;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received; and
- The most recent educational agency or institution attended

¹ While California charter schools are generally exempt from laws governing school districts, Education Code section 49073.5(b) states that it is the “intent of the Legislature that school districts minimize the release of pupil telephone numbers, in the absence of express parental consent, to reduce the possibility of harassment of pupils and families by organizations that receive pupil directory information.”



What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law designed to protect the privacy of student education records. FERPA prohibits disclosure of education records without consent, except under certain circumstances. It also provides parents and eligible students with the right to review their educational records, and to seek to amend those records.

To Whom Does FERPA Apply?

FERPA applies to educational agencies and institutions, including charter schools, which receive federal funding under any program administered by the Department of Education.

FERPA protects the education records of students who are currently enrolled, or were formerly enrolled, at a school or school district that is subject to FERPA. It does not protect the records of students who have applied to, but have not enrolled in, a subject school.

FERPA rights transfer from the parent to the student at the age of 18, or when the student attends a postsecondary school. Students to whom FERPA rights have transferred are referred to as "eligible students."

What is an Education Record?

FERPA defines "education records" to include any records that are directly related to a student and that are maintained by a school or a party acting for or on behalf of the school. Examples include student-level contact and demographic information, grades, class lists, course schedules, health records, and student discipline files.

When Must a School Have Consent to Disclose Education Records?

Schools must have written consent from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose education records without consent to the following parties and under the following conditions:

- School officials and contractors with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Parties requesting directory information, when parents have received notice of the school's directory information policy and have not opted out of disclosure.

What is Directory Information?



Schools may disclose education records that have been appropriately designated as "directory information" without prior consent. Before doing so, a school must provide notice of the types of information it has designated as "directory information," the parent or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to opt out of disclosure of that information. If a parent or eligible student requests that directory information not be disclosed, the school must honor that request until otherwise notified.

FERPA defines directory information as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Examples of directory information include:

- Student's and parents'/guardians' names;
- Address;
- Electronic mail address;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Degrees, honors, and awards received; and
- The most recent educational agency or institution attended.

What Rights do Parents and Eligible Students Have to Access Education Records?

FERPA affords parents and eligible students with the right to inspect and review their education records maintained by the school. In cases where it is impossible for the parents or eligible students to review the records, FERPA requires schools to provide copies of the records, but permits schools to charge a reasonable fee for the copies.

Parents and eligible students also have the right to request that a school amend records which they believe to be inaccurate. If the school does not amend the record, the parent or eligible student then has the right to a hearing on the matter, and to include a statement with the record setting forth his or her view about the disputed information.

What Notices Must Schools Provide to Parents and Eligible Students?

Schools must annually notify parents and eligible students of their rights under FERPA. Annual notifications must include information about the rights of parents and eligible students to inspect and review education records and the procedures to do so; to seek amendment of records the parent or eligible student believes are inaccurate and the procedures to do so; to consent to disclosures of education records unless an exception applies, and to file a complaint concerning potential violations.

You may also visit the [U.S. Department of Education website](#) for more information about charter school's obligations under FERPA, including [frequently asked questions](#) and [sample notices](#).

Cover Sheet

Seneca Survey

Section: III. Academic Excellence
Item: B. Seneca Survey
Purpose: Discuss
Submitted by:
Related Material: May 2018 - BoardPacket.AcademicExcellence.pptx



EAST BAY
INNOVATION
ACADEMY

Academic Excellence

EBIA Team Updates, May 2018



EAST BAY
INNOVATION
ACADEMY

Seneca SCAI Survey

End of Year & Summer Activities

Responders

- **Students** – 413 across grades 6-10
- **Staff** – 39 employees across both campuses
- **Families** – 139 parents/guardians across both campuses

Seneca SCAI Survey

Overall Scores

Category	Strengths	Growth Areas
Physical Appearance	<ul style="list-style-type: none"> Pride in Student Work Welcoming to Outsiders 	<ul style="list-style-type: none"> Presence of Litter Maintenance of School Property
Faculty Relationships	<ul style="list-style-type: none"> Mutual Respect Faculty Collaboration 	<ul style="list-style-type: none"> Coordination of Teacher Leadership Attendance at School Events
Student Interactions	<ul style="list-style-type: none"> Equity & Connectedness of Groups Student Expectation of Authentic Learning 	<ul style="list-style-type: none"> Zero Tolerance of Put-Downs Impact of "Popular" Students
Leadership/Decisions	<ul style="list-style-type: none"> Understanding of School Climate Sense of Mission and Vision Trust and Respect for Leadership 	<ul style="list-style-type: none"> Shared Decision Making Faculty Leadership
Discipline	<ul style="list-style-type: none"> Supportive & Respectful Interactions with Students Use of Logical Consequences Over Punishment 	<ul style="list-style-type: none"> Clear Expectations for Behavior Consistent Discipline Practice
Learning/Assessment	<ul style="list-style-type: none"> Cooperative Learning Dynamic Learner Centered Instruction 	<ul style="list-style-type: none"> Attention to Varied Learning Styles Promotion of Internal Control
Attitude/Culture	<ul style="list-style-type: none"> Shared High Expectations Students Seek Support of Adults 	<ul style="list-style-type: none"> Student Responsibility for Others' Behavior Students Speak Proudly About School
Community Relationship	<ul style="list-style-type: none"> Communication with Community Welcoming to Parents 	<ul style="list-style-type: none"> Community Members invited to class Attendance at School Events
Special Education	<ul style="list-style-type: none"> Climate of Inclusion 	<ul style="list-style-type: none"> Effective Teaching/ Management



EAST BAY
INNOVATION
ACADEMY

End of Year & Summer Activities

End of Year & Summer Activities

June Intersession

- Juneth6- Capstone exhibition for all grades
- Juneth7 and th8- Teambuilding and field day for all grades

Summer School

- End of May - Summer school alert letters sent home
- Mid June - Summer school assignment letters sent home
- July - Half day summer school program throughout month



EAST BAY
INNOVATION
ACADEMY

SY 18.19

Financials & Programmatic Impact

SY 18.19 Finances and Programs

Challenge

- **Local Funding** – Under funded Oakland Measures (G, G1, N)
- **Growth Pattern** – Increased staffing for enrollment across two campuses
- **Facilities** – Increased need to start long range construction projects
- **Benefits** – High rate increase for STRS and health care

Resulting Need

- **Finances** - Minimized spending with maximized revenues
- **Programs** – Maintaining core, while cutting additional programming

SY 18.19 Finances and Programs

Option 1 – No Change

- **Overview** – Maintain all current programming that EBIA offers.

Opportunities

- Offering of free afterschool programming from 3:30-5:00pm Monday through Friday at the Lower School.
- Offering of free Intersession programming for all students three times a year.
- Low student to staff ratio
- Alignment to charter petition and school mission and vision.

Challenges

- Significant fundraising need for families, in addition to grant writing lift for staff.
- Large operational lift of afterschool and intersession programming.

SY 18.19 Finances and Programs

Option 2 – Intersession Reframing

- **Overview** – Hold intersession week as non-attendance days for student development days. Replace staff BIA Quest with third party provider at cost.

Opportunities

- Maintain professional development time for staff to respond to trimester academic and SEL data.
- Holds academic calendar for re-addition of intersession in future years.
- Leaves flexibility for college bootcamp time for Upper School students
- Maintaining core academic programming for students, along with electives and college readiness supports.
- Full administrative team present across both campuses.
- Potential to build 3rd party partner to provide intersession for students.

Challenges

- Decrease in instructional minutes for the school year (loss of 10 days)
Lower School – 65,550 min. to 62,100 min. (54,000 req)
Upper School – 74,100 min. to 70,200 min. (64,800 req)
- Material revision to charter petition
- Loss of intersession programming for Lower School students
- Loss of STEAM experiences for FRL and high needs students

SY 18.19 Finances and Programs

Option 3 – Intersession Removal

- **Overview** – Remove intersession from academic calendar, replacing with summer intersession. Replace EBIA Quest with third party provider at cost to families.

Opportunities

- Maintaining core academic programming for students, along with electives and college readiness supports.
- Full administrative team present across both campuses.

Challenges

- Renegotiation of CBA
- Material revision to charter petition
- Loss of college bootcamp time for Upper School Students
- Loss of intersession programming for Lower School students
- Loss of STEAM experiences for FRL and high needs students

Cover Sheet

Year to Date Finance Update

Section: IV. Finance and Development
Item: B. Year to Date Finance Update
Purpose: Discuss
Submitted by:
Related Material: EBIA-MYP DRAFT-2018.05.16.pdf
EBIA-financials-APR 2018-CF.pdf
EBIA-financials-APR 2018-YTD.pdf
EBIA_financial summary for the board_Apr 2018.pdf

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

	2017/18	2018/19	2018/19	2019/20	2020/21
	Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
SUMMARY					
Revenue					
LCFF Entitlement	3,840,467	4,604,202		5,896,785	6,617,128
Federal Revenue	142,862	114,840		133,101	160,288
Other State Revenues	767,770	943,878		889,349	951,714
Local Revenues	178,513	162,299		348,576	402,564
Fundraising and Grants	473,000	184,450		203,500	212,500
Total Revenue	5,402,612	6,009,669		7,471,312	8,344,194
Expenses					
Compensation and Benefits	3,383,674	4,283,494		5,429,073	6,077,614
Books and Supplies	243,925	344,325		354,155	387,211
Services and Other Operating Expenditures	1,774,809	1,558,205		1,618,871	1,691,967
Depreciation	-	-		-	-
Total Expenses	5,402,408	6,186,024		7,402,100	8,156,791
Operating Income	204	(176,355)		69,212	187,402
Fund Balance					
Beginning Balance (Unaudited)	497,956	464,716		288,361	357,573
Audit Adjustment	(33,445)	-		-	-
Beginning Balance (Audited)	464,512	464,716		288,361	357,573
Operating Income	204	(176,355)		69,212	187,402
Ending Fund Balance (including Depreciation)	464,716	288,361		357,573	544,975
Ending Fund Balance as a % of Expenses	9%	5%		5%	7%
Capital Outlay	-	-		-	-

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

Detail	2017/18	2018/19	2018/19	2019/20	2020/21
	Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
Enrollment Breakdown					
6	123	116	-	115	115
7	121	116	-	115	115
8	120	116	-	115	115
9	77	95	-	115	115
10	51	75	-	110	110
11	-	45	-	75	110
12	-	-	-	45	70
Enrollment Summary	-	-	-	-	-
4-6	123	116	-	115	115
7-8	241	232	-	230	230
9-12	128	215	-	345	405
Total Enrolled	492	563	-	690	750
ADA %					
4-6	96%	96%	-	96%	96%
7-8	96%	96%	-	96%	96%
9-12	93%	92%	-	92%	92%
Average	95%	94%	-	94%	94%
ADA					
4-6	117.9	111.4	-	110.4	110.4
7-8	231.7	222.7	-	220.8	220.8
9-12	120.1	197.8	-	317.4	372.6
Total ADA	469.7	531.9	-	648.6	703.8
Demographic Information					
Prior Year					
ADA (P-2)	403.91	470	-	532	649
CALPADS Enrollment (for unduplicated % calc)	419	497	-	563	690
# Unduplicated Count (CALPADS)	94	131	-	148	181
# Free & Reduced Lunch (FRL) (CALPADS)	58	69	-	78	96
# ELL (CALPADS)	21	25	-	28	34
Current Year					
CALPADS Enrollment (for unduplicated % calc)	497	563	-	690	750
# Unduplicated Count (CALPADS)	131	148	-	181	197
# Free & Reduced Lunch (FRL) (CALPADS)	69	78	-	96	104
# ELL (CALPADS)	25	28	-	34	37
New Students	73	71	-	127	60

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

		2017/18	2018/19	2018/19	2019/20	2020/21
		Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
LCFF Entitlement						
8011	Charter Schools LCFF - State Aid	2,664,815	3,272,859	Backfills State Aid	4,273,281	4,855,453
8012	Education Protection Account Entitlement	93,936	106,376	Greater of: \$200 per ADA or 24% of State Aid	129,720	140,760
8019	State Aid - Prior Years	-	-		-	-
8096	Charter Schools in Lieu of Property Taxes	1,081,715	1,224,968	In accordance with Local Property Tax of \$2303.09 per ADA	1,493,784	1,620,915
SUBTOTAL - LCFF Entitlement		3,840,467	4,604,202		5,896,785	6,617,128
8100 Federal Revenue						
8181	Special Education - Entitlement	54,156	62,125	\$125 per PY CBEDS Enrollment	70,375	86,250
8182	Special Education Reimbursement	39,610	-	Level 3 NPS reimbursed at 80%	-	-
8220	Child Nutrition Programs	16,232	23,942	Estimated reimbursement at 35% of total Food Service Cost.	29,342	31,894
8291	Title I	26,474	23,598	\$342 per Title I eligible student	27,378	34,560
8292	Title II	6,391	5,175	\$75 per Title I eligible student	6,006	7,584
SUBTOTAL - Federal Income		142,862	114,840		133,101	160,288
8300 Other State Revenues						
8319	Other State Apportionments - Prior Years	6,904	-		-	-
8381	Special Education - Entitlement (State)	241,416	277,641	\$522 per CY ADA	347,270	386,887
8382	Special Education Reimbursement (State)	245,615	176,000	80% of \$3K per service count for L2. L3 NPS and in house SDC reimb at 80%	176,000	176,000
8520	Child Nutrition - State	1,443	3,420	Estimated reimbursement at 5% of total Food Service Cost.	4,192	4,556
8545	School Facilities Apportionments	113,329	218,700	\$750 per ADA or 0.675 of rent, lesser of the two	223,074	229,766
8550	Mandated Cost Reimbursements	67,945	164,931	\$14 per PY 6-8 ADA, \$42 per 9-12 ADA, one-time funding of \$330 per	12,985	17,968
8560	State Lottery Revenue	91,118	103,185	\$194 per ADA per SSC	125,828	136,537
SUBTOTAL - Other State Income		767,770	943,878		889,349	951,714
8600 Other Local Revenue						
8634	Food Service Sales	13,770	13,681	Estimated reimbursement at 20% of total Food Service Cost.	16,767	18,225
8660	Interest	1	1		1	1
8690	Other Local Revenue	18,776	11,260	\$20 per Students Total	14,076	15,606
8699	All Other Local Revenue	9,283	-		-	-
8701	Oakland Measure N	112,200	112,875	\$525 per grades 9-12 student, but probation	293,250	344,250
8702	Oakland Measure G	-	-	\$1M for charters, allocated by ADA% among OUSD charters	-	-
8703	Oakland Measure G1	24,482	24,482	Grades 6-8 enrollment, multiplied by 80% oakland resident, 20% LCFF %. Per pupil allocation (\$190 for staff, \$450 for art)	24,482	24,482
SUBTOTAL - Local Revenues		178,513	162,299		348,576	402,564
8800 Donations/Fundraising						
8801	Donations - Parents	98,000	84,450	\$150 per Students Total	103,500	112,500
8802	Donations - Private	369,000	50,000	NGLC	50,000	50,000
8803	Fundraising	6,000	50,000	SpringFest, other	50,000	50,000
SUBTOTAL - Fundraising and Grants		473,000	184,450		203,500	212,500
TOTAL REVENUE		5,402,612	6,009,669		7,471,312	8,344,194

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

		2017/18	2018/19	2018/19	2019/20	2020/21
		Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
EXPENSES						
Compensation & Benefits						
1000	Certificated Salaries					
1100	Teachers Salaries	1,463,700	1,759,275	26 FTE (5 each ELA, math, history, science; 2 Comp Sci, 2 Spanish, 1 art, 1 PE)	2,371,587	2,749,828
1103	Teacher - Substitute Pay	4,988	20,000	1 FTE	41,400	42,849
1111	Teacher - Bonus	28,998	35,186	0 FTE	47,292	54,857
1148	Teacher - Special Ed	183,811	337,782	5 FTE, RSP	349,499	361,627
1150	Teacher - Summer School	-	14,520	0.1 FTE	15,972	17,569
1300	Certificated Supervisor & Administrator Salaries	145,355	137,917	1 FTE, Head of School	142,744	147,740
1311	Cert Admin - DESEL, Curr. Instr.	254,677	373,750	4 FTE, 1 DESEL, 2 Curr. Instr., 1 Dir of Sp Pop	466,832	483,171
1322	Cert Admin - Bonus	12,297	15,350	0 FTE	18,287	18,927
1980	Other Cert - Counselor	-	95,000	1 FTE	98,325	101,766
SUBTOTAL - Certificated Employees		2,093,825	2,788,780	-	3,551,938	3,978,334
2000	Classified Salaries					
2104	Classified - SPED	156,569	149,160	3.9 FTE, including RJ Coordinator	193,156	199,916
2105	Classified - Intersession	59,186	-		-	-
2300	Classified Supervisor & Administrator Salaries	181,783	211,150	2 FTE, Back Office	218,540	226,189
2311	Classified Admin - Bonus	3,750	10,558	0 FTE	11,085	11,640
2400	Classified Clerical & Office Salaries	99,682	120,960	3 FTE (2 Office Managers, tech/facilities manager)	130,385	134,948
2401	Classified Clerical & Office Salaries - Bonus	6,120	9,364	0 FTE	9,832	10,323
2402	Classified Clerical & Office Salaries - Community En	60,138	72,873	1 FTE	75,423	78,063
2905	Other Classified - After School	57,960	-		-	-
2928	Other Classified - Food	14,160	18,900	0 FTE	19,562	20,246
SUBTOTAL - Classified Employees		639,347	592,964	-	657,982	681,325
3000	Employee Benefits					
3100	STRS	300,486	454,013	16.28% of certificated payroll	643,966	759,862
3300	OASDI-Medicare-Alternative	80,352	86,184		102,294	110,290
3400	Health & Welfare Benefits	215,498	269,486	\$6124.68 per FTE per year. Growing at 8% per year.	363,806	429,830
3500	Unemployment Insurance	21,368	23,779	4.30% per first ~\$7K of pay per person	27,692	30,100
3600	Workers Comp Insurance	32,798	40,581	1.20% of payroll, per insurance quote for similarly sized school	50,519	55,916
3900	Other Employee Benefits	-	27,707	5% of applicable payroll	30,875	31,956
SUBTOTAL - Employee Benefits		650,502	901,750	-	1,219,152	1,417,954

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

		2017/18	2018/19	2018/19	2019/20	2020/21
		Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
4000	Books & Supplies					
4100	Approved Textbooks & Core Curricula Materials	11,550	11,260	\$20 per Student	14,076	15,606
4200	Books & Other Reference Materials	2,240	2,583	\$99 per Teacher	3,445	4,031
4300	Materials & Supplies	15,507	16,890	\$30 per Student	21,114	23,409
4320	Educational Software	45,000	56,300	Achieve3K, Apex, CPM pilot, NWEA, WeVideo, Overgrad, other	70,380	78,030
4330	Office Supplies	17,712	20,268	\$36 per Student	25,337	28,091
4352	Quest (After School)	7,070	-		-	-
4400	Noncapitalized Equipment	3,854	10,000	printer, safety equip	10,200	10,404
4410	Classroom Furniture, Equipment & Supplies	14,364	10,000	new classrooms	11,028	11,028
4420	Computers (individual items less than \$5k)	56,958	128,600	Replacing 6th and 7th CBs (270 at \$320 ea), new 9th (100 at \$400 ea)	93,600	103,774
4423	Staff Computers	1,543	8,000	New and replacements	15,000	15,450
4430	Non Classroom Related Furniture, Equipment & Sup	8,275	11,000	lunch tables, 10 CB carts	5,100	5,202
4710	Student Food Services	58,852	68,405	Assumes that 60% of total Food Service Cost is reimbursed	83,835	91,125
4720	Other Food	1,000	1,020	BTSN, other events	1,040	1,061
SUBTOTAL - Books and Supplies		243,925	344,325		-	354,155

East Bay Innovation Academy
 Multiyear Budget Summary DRAFT

		2017/18	2018/19	2018/19	2019/20	2020/21
		Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
5000	Services & Other Operating Expenses					
5220	Travel and Lodging	2,333	2,690	\$103 per Teacher	3,589	4,199
5300	Dues & Memberships	7,672	12,025	CCSA, Board on Track, Overgrad, other	12,266	12,511
5450	Insurance - Other	32,497	39,046	\$69 per Student	48,811	54,117
5515	Janitorial, Gardening Services & Supplies	90,000	105,600	Sergio at \$8.8k/mo	107,712	109,866
5535	Utilities - All Utilities	68,793	74,108	2 sites	105,590	107,702
5610	Rent	151,106	324,000	\$27000 per Monthly Rate	330,480	340,394
5611	Prop 39 Related Costs	125,952	105,598	\$106K for Marshall (\$3.85/sq ft)	133,301	149,239
5615	Repairs and Maintenance - Building	23,525	11,509	\$959 per Monthly Rate	11,740	11,974
5616	Repairs and Maintenance - Computers	22,315	12,000	Safeware, Acer	12,240	12,485
5803	Accounting Fees	10,000	10,200		10,404	10,612
5809	Banking Fees	834	851		868	885
5810	Intersession	85,300	-		-	-
5812	Business Services	84,000	35,000	Flat Fee \$35K	-	-
5815	Consultants - Instructional	25,000	25,000	Measure N, other	25,500	26,010
5820	Consultants - Non Instructional - Custom 1	14,200	32,200	Includes charter renewal support, facility project studies	10,404	10,612
5821	Consultants - Non Instructional - Custom 2	-	55,000	Climate coaching	-	-
5824	District Oversight Fees	38,405	46,042	1.0% of LCFF General Purpose Grant	58,968	66,171
5836	Fingerprinting	1,552	2,996	\$62 per FTE	3,763	4,163
5839	Fundraising Expenses	17,076	15,378		15,685	15,999
5843	Interest - Loans Less than 1 Year	360	-		-	-
5845	Legal Fees	82,800	52,800	\$4400 per Monthly Rate	53,856	54,933
5851	Marketing and Student Recruiting	4,978	1,847	\$26 per New Student	3,369	1,624
5857	Payroll Fees	5,200	4,896	\$408 per Monthly Rate	4,994	5,094
5860	Printing and Reproduction	189	193		196	200
5863	Professional Development	28,913	29,491		30,081	30,683
5866	SPED MH Day/NPS Services	335,876	160,000	1 out of state NPS \$160K	163,200	150,000
5869	Special Education Contract Instructors	348,462	198,745	Includes psych, speech, OT	248,449	275,454
5872	Special Education Encroachment	11,823	13,591		16,706	18,925
5875	Staff Recruiting	4,402	4,490		4,580	4,672
5878	Student Assessment	10,000	12,643	AP, CELDT	15,495	16,842
5880	Student Health Services	396	404		412	421
5881	Student Information System	17,000	37,000	Illuminate with master scheduling and School Messenger and Echo (\$17K, \$20K)	37,740	38,495
5884	Substitutes	60,320	56,300	\$100 per Student	70,380	78,030
5887	Technology Services	32,536	33,000	Need ACOE internet service (\$12.5K), web filtering/Google Securly	33,660	34,333
5899	Miscellaneous Operating Expenses	1,103	-		-	-
5900	Communications	28,360	42,000	AT&T fiber at two sites (\$1500/mo), phone (\$1500/mo)	42,840	43,697
5915	Postage and Delivery	1,530	1,561		1,592	1,624
	SUBTOTAL - Services & Other Operating Exp.	1,774,809	1,558,205		1,618,871	1,691,967

East Bay Innovation Academy
Multiyear Budget Summary DRAFT

		2017/18	2018/19	2018/19	2019/20	2020/21
		Current Forecast	Preliminary Budget	Notes	Preliminary Budget	Preliminary Budget
6000	Capital Outlay					
6100	Sites & Improvement of Sites	-	-		-	-
6200	Buildings & Improvement of Buildings	-	-		-	-
6300	School Libraries	-	-		-	-
6400	Equipment	-	-		-	-
6410	Computers (capitalizable items)	-	-		-	-
6420	Furniture (capitalizable items)	-	-		-	-
6430	Other Equipment (capitalizable items)	-	-		-	-
6500	Equipment Replacement	-	-		-	-
0000	(School Defined)	-	-		-	-
0000	(School Defined)	-	-		-	-
	SUBTOTAL - Capital Outlay	-	-		-	-
TOTAL EXPENSES		5,402,408	6,186,024		7,402,100	8,156,791
6900	Total Depreciation (includes Prior Years)	-	-		-	-
TOTAL EXPENSES including Depreciation		5,402,408	6,186,024		7,402,100	8,156,791

East Bay Innovation Academy

Monthly Cash Forecast
As of April close

	2017/18												Forecast	AP/AR
	Actual & Projected													
	Jul Actual	Aug Actual	Sep Actual	Oct Actual	Nov Actual	Dec Actual	Jan Actual	Feb Actual	Mar Actual	Apr Actual	May Projected	Jun Projected		
Beginning Cash	399,540	387,492	215,785	275,562	174,378	131,435	134,763	178,358	252,361	247,493	305,372	454,405		
Revenue														
LCFF Entitlement	-	166,586	368,789	330,427	273,869	273,869	332,119	272,891	431,576	377,330	357,587	353,272	3,840,467	302,152
Federal Income	-	-	2,227	8,217	1,941	5,796	21,429	-	5,772	18,585	30,452	15,162	142,862	33,281
Other State Income	10,026	9,925	18,091	17,879	17,990	82,347	122,086	57,843	29,982	97,839	90,025	26,336	767,770	187,400
Local Revenues	0	10,892	43,086	(504)	72,854	807	37	20,134	1,348	13,538	13,706	2,614	178,513	-
Fundraising and Grants	1,101	16,496	7,152	26,327	34,743	26,672	7,467	207,391	9,094	15,235	60,661	60,661	473,000	-
Total Revenue	11,128	203,899	439,345	382,346	401,397	389,491	483,139	558,259	477,772	522,528	552,430	458,046	5,402,612	522,832
Expenses														
Compensation & Benefits	108,763	298,002	326,531	300,654	302,260	287,420	314,224	292,655	294,734	295,480	315,239	247,713	3,383,674	-
Books & Supplies	60,408	56,713	10,994	3,988	21,372	6,442	15,461	10,442	11,965	8,208	19,526	18,405	243,925	-
Services & Other Operating Expenses	66,157	95,251	90,721	189,023	175,132	103,914	169,073	135,748	247,308	120,854	104,972	184,904	1,774,809	91,751
Capital Outlay	-	12,175	1,236	(13,411)	267	-	(267)	-	-	-	-	-	-	-
Total Expenses	235,328	462,142	429,482	480,254	499,031	397,777	498,491	438,845	554,007	424,543	439,737	451,022	5,402,408	91,751
Operating Cash Inflow (Outflow)	(224,200)	(258,242)	9,863	(97,908)	(97,633)	(8,285)	(15,352)	119,414	(76,234)	97,985	112,694	7,023	204	431,082
Revenues - Prior Year Accruals	329,290	99,493	686	17,501	-	-	40,112	(32,766)	6,553	6,553	19,974	-	-	-
Expenses - Prior Year Accruals	(838)	(0)	-	(1,882)	(31,563)	-	(31,778)	33,744	-	-	-	-	-	-
Accounts Receivable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Accounts Payable - Current Year	(88,497)	(25,579)	37,397	(19,010)	82,920	8,451	47,317	(50,142)	52,488	(50,448)	-	-	-	-
Summerholdback for Teachers	(73,542)	12,622	11,832	8,448	11,666	11,494	11,630	12,086	12,325	12,122	16,366	16,366	-	-
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Loans Payable (Long Term)	-	-	-	(8,333)	(8,333)	(8,333)	(8,333)	(8,333)	-	(8,333)	-	-	-	-
Capital Leases Payable	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Long Term Debt	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure & Depreciation	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Balance Sheet Changes	45,740	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Cash	387,492	215,785	275,562	174,378	131,435	134,763	178,358	252,361	247,493	305,372	454,405	477,794		

East Bay Innovation Academy

Budget vs. Actuals
As of April close

	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast			
SUMMARY												
Revenue												
LCFF Entitlement	272,891	431,576	377,330	2,827,456	2,815,945	11,511	3,840,102	3,835,086	3,840,467	5,380	1,013,011	74%
Federal Revenue	-	5,772	18,585	63,967	37,634	26,333	299,520	141,082	142,862	1,781	78,895	45%
Other State Revenues	57,843	29,982	97,839	464,009	405,579	58,430	602,853	764,295	767,770	3,475	303,761	60%
Local Revenues	20,134	1,348	13,538	162,193	42,822	119,371	166,498	178,513	178,513	0	16,320	91%
Fundraising and Grants	207,391	9,094	15,235	351,678	213,320	138,358	612,900	507,000	473,000	(34,000)	121,322	74%
Total Revenue	558,259	477,772	522,528	3,869,304	3,515,300	354,003	5,521,872	5,425,976	5,402,612	(23,364)	1,533,308	72%
Expenses												
Compensation and Benefits	292,655	294,734	295,480	2,820,722	2,915,337	94,615	3,477,487	3,402,867	3,383,674	19,193	550,655	83%
Books and Supplies	10,442	11,965	8,208	205,993	222,078	16,085	243,086	243,925	243,925	-	37,931	84%
Services and Other Operating Expenditures	135,748	247,308	120,854	1,393,182	1,448,880	55,697	1,800,448	1,768,159	1,774,809	(6,650)	381,626	78%
Depreciation	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenses	438,845	554,007	424,543	4,419,898	4,586,295	166,397	5,521,021	5,414,951	5,402,408	12,543	970,213	82%
Operating Income	119,414	(76,234)	97,985	(550,594)	(1,070,995)	520,401	851	11,025	204	(10,821)	563,095	
Fund Balance												
Beginning Balance (Unaudited)	(193,802)	(74,388)	(150,623)	497,956	497,956	-	459,820	497,956	497,956	-	-	-
Audit Adjustment	-	-	-	(33,445)	(33,445)	-	-	(33,445)	(33,445)	-	-	-
Beginning Balance (Audited)	-	-	-	464,512	464,512	-	459,820	464,512	464,512	-	-	-
Operating Income	119,414	(76,234)	97,985	(550,594)	(1,070,995)	520,401	851	11,025	204	(10,821)	563,095	
Ending Fund Balance	(74,388)	(150,623)	(52,637)	(86,082)	(606,483)	460,671	460,671	475,537	464,716	(10,821)	563,095	
Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	

East Bay Innovation Academy

Budget vs. Actuals
As of April close

Detail	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast			
Enrollment Breakdown	M7	M8	M9									
6		121	119	114			124	123	123	-		
7		118	117	116			121	121	121	-		
8		119	118	123			119	120	120	-		
9		77	76	60			78	77	77	-		
10		45	33				52	51	51	-		
Enrollment Summary							-	-	-	-		
4-6		121	119	114			124	123	123	-		
7-8		237	235	239			240	241	241	-		
9-12		122	109	60			130	128	128	-		
Total Enrolled		480	463	413			494	492	492	-		
ADA %												
4-6		94.0%	95.9%	96.7%			97%	96%	96%			
7-8		95.4%	96.7%	97.7%			96%	96%	96%			
9-12		88.7%	92.6%	94.3%			93%	93%	93%			
Average		93.3%	95.5%				95%	95%	95%			
ADA												
4-6		113.7	114.45	110.2			120.3	118.1	117.9			
7-8		226.8	226.75	233.9			230.4	231.4	231.7			
9-12		108.8	111.25	56.6			120.9	119.0	120.1			
Total ADA		449.2	452.5	400.6			471.6	468.5	469.7			
Demographic Information	P-2	469.456										
Prior Year												
ADA (P-2)							404	404	404			
CALPADS Enrollment (for unduplicated % calc)							419	419	419			
# Unduplicated Count (CALPADS)							94	94	94			
# Free & Reduced Lunch (FRL) (CALPADS)							58	58	58			
# ELL (CALPADS)							21	21	21			
Current Year							-	-	-			
CALPADS Enrollment (for unduplicated % calc)							494	497	497			
# Unduplicated Count (CALPADS)							103	131	131			
# Free & Reduced Lunch (FRL) (CALPADS)							68	69	69			
# ELL (CALPADS)							25	25	25			
New Students							75	73	73			

East Bay Innovation Academy

Budget vs. Actuals
As of April close

	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast			
REVENUE												
LCFF Entitlement												
8011 Charter Schools LCFF - State Aid	199,624	261,252	261,252	1,926,873	1,906,077	20,796	2,669,169	2,530,875	2,664,815	133,940	737,942	72%
8012 Education Protection Account Entitlement	-	-	30,916	71,567	71,621	(54)	94,316	93,696	93,936	240	22,369	76%
8019 State Aid - Prior Years	(978)	-	-	(978)	-	(978)	-	5,575	-	(5,575)	978	
8096 Charter Schools in Lieu of Property Taxes	74,245	170,324	85,162	829,994	838,247	(8,253)	1,076,617	1,204,940	1,081,715	(123,225)	251,721	77%
SUBTOTAL - LCFF Entitlement	272,891	431,576	377,330	2,827,456	2,815,945	11,511	3,840,102	3,835,086	3,840,467	5,380	1,013,011	74%
8100 Federal Revenue												
8181 Special Education - Entitlement	-	-	-	-	-	-	52,375	52,375	54,156	1,781	54,156	0%
8182 Special Education Reimbursement	-	-	15,246	26,775	-	26,775	198,048	39,610	39,610	-	12,835	68%
8220 Child Nutrition Programs	-	-	3,339	11,224	12,986	(1,761)	16,232	16,232	16,232	-	5,008	69%
8291 Title I	-	3,870	-	20,871	19,856	1,016	26,474	26,474	26,474	-	5,603	79%
8292 Title II	-	1,902	-	5,097	4,793	304	6,391	6,391	6,391	-	1,294	80%
SUBTOTAL - Federal Income	-	5,772	18,585	63,967	37,634	26,333	299,520	141,082	142,862	1,781	78,895	45%
8300 Other State Revenues												
8319 Other State Apportionments - Prior Years	(25)	-	-	6,879	153	6,726	191	6,904	6,904	-	25.00	100%
8381 Special Education - Entitlement (State)	24,868	24,868	24,868	183,774	163,489	20,285	242,392	240,799	241,416	617	57,642	76%
8382 Special Education Reimbursement (State)	33,000	5,114	32,509	142,609	-	142,609	71,280	241,490	245,615	4,125	103,006	58%
8520 Child Nutrition - State	-	-	222	745.75	1,400	(655)	2,001	2,943	1,443	(1,500)	697	52%
8545 School Facilities Apportionments	-	-	19,163	57,489	96,373	(38,884)	128,498	113,329	113,329	-	55,840	51%
8550 Mandated Cost Reimbursements	-	-	-	28,020	69,362	(41,342)	69,362	67,945	67,945	-	39,925	41%
8560 State Lottery Revenue	-	-	21,077	44,492	19,084	25,408	89,129	90,885	91,118	233	46,626	49%
8590 All Other State Revenue	-	-	-	-	55,717	(55,717)	-	-	-	-	-	
SUBTOTAL - Other State Income	57,843	29,982	97,839	464,009	405,579	58,430	602,853	764,295	767,770	3,475	303,761	60%
8600 Other Local Revenue												
8634 Food Service Sales	2,252	700	148	8,542	6,402	2,140	8,003	13,770	13,770	-	5,228	62%
8660 Interest	0	0	0	1	1	0	1	1	1	0	0.00	100%
8690 Other Local Revenue	17,291	648	-	18,776	9,880	8,896	14,820	18,776	18,776	-	-	100%
8699 All Other Local Revenue	591	-	-	9,283	6,953	2,330	8,692	9,283	9,283	-	-	100%
8701 Oakland Measure N	-	-	-	112,200	-	112,200	110,500	112,200	112,200	-	-	100%
8703 Oakland Measure G1	-	-	-	-	19,586	(19,586)	24,482	24,482	24,482	-	24,482	0%
8999 Uncategorized Revenue	-	-	13,390	13,390	-	13,390	-	-	-	-	(13,390.00)	
SUBTOTAL - Local Revenues	20,134	1,348	13,538	162,193	42,822	119,371	166,498	178,513	178,513	0	16,320	91%
8800 Donations/Fundraising												
8801 Donations - Parents	2,749	12,885	8,902	95,534	138,320	(42,786)	172,900	93,000	98,000	5,000	2,466	97%
8802 Donations - Private	204,642	(3,791)	6,234	255,915	35,000	220,915	390,000	394,000	369,000	(25,000)	113,085	69%
8803 Fundraising	-	-	99	230	40,000	(39,770)	50,000	20,000	6,000	(14,000)	5,770	4%
SUBTOTAL - Fundraising and Grants	207,391	9,094	15,235	351,678	213,320	138,358	612,900	507,000	473,000	(34,000)	121,322	74%
TOTAL REVENUE	558,259	477,772	522,528	3,869,304	3,515,300	354,003	5,521,872	5,425,976	5,402,612	(23,364)	1,533,308	72%

East Bay Innovation Academy

Budget vs. Actuals
As of April close

	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent		
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast					
EXPENSES														
Compensation & Benefits														
1000	Certificated Salaries													
1100	Teachers Salaries	136,569	140,571	140,900	1,271,694	1,314,516	42,822	1,538,352	1,463,700	1,463,700	-	192,006	87%	
1103	Teacher - Substitute Pay	400	770	1,231	3,841	7,983	4,142	10,645	5,988	4,988	1,000	1,146	77%	
1111	Teacher - Bonus	-	-	-	-	-	-	28,998	28,998	28,998	-	28,998	0%	
1148	Teacher - Special Ed	18,127	18,127	18,127	155,041	134,561	(20,480)	153,450	183,811	183,811	-	28,770	84%	
1150	Teacher - Summer School	-	-	-	-	13,200	13,200	13,200	13,200	-	13,200	-	-	-
1300	Certificated Supervisor & Administrator Salaries	11,158	11,158	11,158	123,150	132,202	9,051	159,100	145,355	145,355	-	22,204	85%	
1311	Cert Admin - DESEL, Curr. Instr.	19,398	20,321	22,424	217,152	215,008	(2,144)	258,010	254,677	254,677	-	37,525	85%	
1322	Cert Admin - Bonus	-	-	-	-	-	-	12,297	12,297	12,297	-	-	0%	
	SUBTOTAL - Certificated Employees	185,653	190,948	193,841	1,770,878	1,817,470	46,592	2,174,051	2,108,025	2,093,825	14,200	310,649	85%	
2000	Classified Salaries													
2104	Classified - SPED	9,996	9,739	9,331	110,818	107,970	(2,849)	132,352	156,569	156,569	-	45,750	71%	
2105	Classified - Intersession	5,833	5,833	5,833	47,866	47,520	(347)	59,186	59,186	59,186	-	11,320	81%	
2300	Classified Supervisor & Administrator Salaries	17,083	17,083	17,083	145,678	149,750	4,072	181,783	181,783	181,783	-	36,105	80%	
2311	Classified Admin - Bonus	-	-	-	-	-	-	3,750	3,750	3,750	-	3,750	0%	
2400	Classified Clerical & Office Salaries	8,805	9,532	7,559	87,775	87,906	131	106,060	99,682	99,682	-	11,906	88%	
2401	Classified Clerical & Office Salaries - Bonus	-	-	-	-	-	-	6,120	6,120	6,120	-	6,120	0%	
2402	Classified Clerical & Office Salaries - Community Engag	2,177	2,449	2,449	47,530	58,958	11,429	70,750	60,138	60,138	-	12,608	79%	
2905	Other Classified - After School	5,163	4,329	3,882	44,259	46,368	2,109	57,960	57,960	57,960	-	13,701	76%	
2928	Other Classified - Food	1,535	1,616	1,293	11,635	12,928	1,293	16,160	16,160	14,160	2,000	2,525	82%	
	SUBTOTAL - Classified Employees	50,594	50,580	47,430	495,561	511,400	15,838	634,122	641,347	639,347	2,000	143,786	78%	
3000	Employee Benefits													
3100	STRS	26,202	26,642	27,312	244,859	253,129	8,270	302,792	302,535	300,486	2,049	55,627	81%	
3300	OASDI-Medicare-Alternative	6,631	6,757	6,494	68,575	70,811	2,236	85,091	80,718	80,352	366	11,777	85%	
3400	Health & Welfare Benefits	17,587	19,175	17,533	197,154	207,937	10,783	226,840	215,498	215,498	-	18,344	91%	
3500	Unemployment Insurance	1,848	661	210	17,547	20,892	3,346	20,892	21,752	21,368	384	3,821	82%	
3600	Workers Comp Insurance	5,351	(30)	2,661	26,147	33,698	7,551	33,698	32,992	32,798	194	6,651	80%	
3700	Retiree Benefits	(1,211)	-	-	-	-	-	-	-	-	-	-	-	
	SUBTOTAL - Employee Benefits	56,408	53,206	54,209	554,282	586,467	32,185	669,314	653,495	650,502	2,993	96,220	85%	

East Bay Innovation Academy

Budget vs. Actuals
As of April close

	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast			
4000 Books & Supplies	-	-	-									
4100 Approved Textbooks & Core Curricula Materials	-	1,945	-	5,444	11,089	5,645	11,605	11,550	11,550	-	6,106	47%
4200 Books & Other Reference Materials	105	-	-	1,281	2,337	1,056	2,337	2,240	2,240	-	959	57%
4300 Materials & Supplies	446	204	-	13,351	15,570	2,219	15,570	15,507	15,507	-	2,156	86%
4320 Educational Software	-	-	-	39,707	47,778	8,071	50,000	45,000	45,000	-	5,293	88%
4326 Art & Music Supplies	-	(47)	-	(47)	-	47	-	-	-	-	47	
4330 Office Supplies	1,115	1,811	1,297	14,328	14,820	492	17,784	17,712	17,712	-	3,384	81%
4352 Quest (After School)	1,692	1,270	1,095	6,435	2,125	(4,310)	2,550	7,070	7,070	-	635	91%
4400 Noncapitalized Equipment	-	264	-	922	9,878	8,957	11,854	3,854	3,854	-	2,932	24%
4410 Classroom Furniture, Equipment & Supplies	-	-	-	11,739	15,637	3,898	16,364	14,364	14,364	-	2,625	82%
4420 Computers (individual items less than \$5k)	-	625	-	56,722	54,902	(1,820)	57,190	56,958	56,958	-	236	100%
4423 Staff Computers	-	-	-	519	8,201	7,682	8,543	1,543	1,543	-	1,024	34%
4430 Non Classroom Related Furniture, Equipment & Supplies	1,631	294	-	6,637	6,896	259	8,275	8,275	8,275	-	1,638	80%
4710 Student Food Services	5,453	5,599	5,816	48,336	32,011	(16,325)	40,014	58,852	58,852	-	10,516	82%
4720 Other Food	-	-	-	619	833	215	1,000	1,000	1,000	-	381	62%
SUBTOTAL - Books and Supplies	10,442	11,965	8,208	205,993	222,078	16,085	243,086	243,925	243,925	-	37,931	84%

East Bay Innovation Academy

Budget vs. Actuals
As of April close

	Actual			Budget vs. Actual				Budget			% of Forecast Spent	
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast	(Previous vs. Current Forecast)		Forecast Remaining
5000 Services & Other Operating Expenses												
5220 Travel and Lodging	-	-	-	1,001	1,948	947	2,435	2,333	2,333	-	1,332	43%
5300 Dues & Memberships	250	255	250	7,139	4,938	(2,202)	6,172	7,672	7,672	-	533	93%
5450 Insurance - Other	-	5,380	2,689	32,278	32,629	351	32,629	32,497	32,497	-	219	99%
5515 Janitorial, Gardening Services & Supplies	8,375	6,658	8,165	66,857	92,000	25,143	115,000	87,000	90,000	(3,000)	23,143	74%
5535 Utilities - All Utilities	3,916	9,631	4,982	58,057	86,494	28,438	103,793	68,793	68,793	-	10,736	84%
5610 Rent	14,391	14,391	14,391	136,715	125,921	(10,793)	151,106	151,106	151,106	-	14,391	90%
5611 Prop 39 Related Costs	31,393	31,393	-	94,179	94,848	669	126,464	125,952	125,952	-	31,773	75%
5615 Repairs and Maintenance - Building	118	-	108	23,347	16,180	(7,167)	20,225	23,525	23,525	-	178	99%
5616 Repairs and Maintenance - Computers	-	-	-	22,014	14,667	(7,348)	22,000	22,315	22,315	-	301	99%
5803 Accounting Fees	-	-	-	7,207	4,202	(3,005)	8,405	10,000	10,000	-	2,793	72%
5809 Banking Fees	16	35	7	657	695	38	834	834	834	-	177	79%
5810 Intersession	779	32,011	1,802	75,052	79,388	4,336	105,850	105,300	85,300	20,000	10,248	88%
5812 Business Services	-	14,000	7,000	70,000	70,000	-	84,000	84,000	84,000	-	14,000	83%
5815 Consultants - Instructional	-	-	-	10,779	35,000	24,221	35,000	30,000	25,000	5,000	14,221	43%
5820 Consultants - Non Instructional - Custom 1	-	-	1,300	11,476	8,000	(3,476)	10,000	10,200	14,200	(4,000)	2,724	81%
5824 District Oversight Fees	-	-	-	-	28,801	28,801	38,401	38,351	38,405	(54)	38,405	0%
5836 Fingerprinting	-	59	-	1,552	1,260	(291)	1,319	1,552	1,552	-	0.00	100%
5839 Fundraising Expenses	-	39	969	2,283	12,061	9,778	15,076	15,076	17,076	(2,000)	14,793.25	13%
5843 Interest - Loans Less than 1 Year	22	-	42	319	-	(319)	360	360	360	-	41	89%
5845 Legal Fees	4,955	1,574	3,487	71,369	54,240	(17,129)	67,800	82,800	82,800	-	11,431	86%
5851 Marketing and Student Recruiting	55	-	3,000	4,978	1,530	(3,448)	1,913	1,978	4,978	(3,000)	-	100%
5857 Payroll Fees	354	373	354	3,861	3,468	(393)	4,162	5,200	5,200	-	1,339	74%
5860 Printing and Reproduction	-	-	-	-	151	151	189	189	189	-	189	0%
5863 Professional Development	1,228	1,372	3,851	24,923	24,094	(828)	28,913	28,913	28,913	-	3,990	86%
5866 SPED MH Day/NPS Services	32,962	30,134	26,321	238,858	279,897	41,039	335,876	335,876	335,876	-	97,018	71%
5869 Special Education Contract Instructors	21,065	90,157	42,194	298,209	258,769	(39,440)	323,462	323,462	348,462	(25,000)	50,252	86%
5872 Special Education Encroachment	-	-	-	-	-	-	11,791	11,727	11,823	(96)	11,823	0%
5875 Staff Recruiting	54	254	1,004	4,356	3,522	(835)	4,402	4,402	4,402	-	45.89	99%
5878 Student Assessment	22	-	-	5,797	8,000	2,203	10,000	10,000	10,000	-	4,203	58%
5880 Student Health Services	-	-	-	396	317	(79)	396	396	396	-	-	100%
5881 Student Information System	-	-	-	16,926	15,000	(1,926)	20,000	17,000	17,000	-	74	100%
5884 Substitutes	14,411	6,728	4,905	51,487	29,640	(21,847)	37,050	52,820	60,320	(7,500)	8,833	85%
5887 Technology Services	349	213	-	27,085	38,029	10,944	47,536	32,536	32,536	-	5,451	83%
5899 Miscellaneous Operating Expenses	-	-	-	1,103	-	(1,103)	-	1,103	1,103	-	-	100%
5900 Communications	1,034	2,663	(5,965)	21,626	21,967	341	26,360	41,360	28,360	13,000	6,734	76%
5915 Postage and Delivery	-	(11)	-	1,297	1,224	(73)	1,530	1,530	1,530	-	233	85%
SUBTOTAL - Services & Other Operating Exp.	135,748	247,308	120,854	1,393,182	1,448,880	55,697	1,800,448	1,768,159	1,774,809	(6,650)	381,626	78%

East Bay Innovation Academy

Budget vs. Actuals

As of April close

	Actual			Budget vs. Actual			Budget			(Previous vs. Current Forecast)	Forecast Remaining	% of Forecast Spent
	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)	Revised Budget	Previous Month's Forecast	Current Forecast			
6000 Capital Outlay												
6100 Sites & Improvement of Sites	-	-	-	-	-	-	-	-	-	-	-	-
6200 Buildings & Improvement of Buildings	-	-	-	-	-	-	-	-	-	-	-	-
6300 School Libraries	-	-	-	-	-	-	-	-	-	-	-	-
6400 Equipment	-	-	-	-	-	-	-	-	-	-	-	-
6410 Computers (capitalizable items)	-	-	-	-	-	-	-	-	-	-	-	-
6420 Furniture (capitalizable items)	-	-	-	-	-	-	-	-	-	-	-	-
6430 Other Equipment (capitalizable items)	-	-	-	-	-	-	-	-	-	-	-	-
6500 Equipment Replacement	-	-	-	-	-	-	-	-	-	-	-	-
SUBTOTAL - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL EXPENSES	438,845	554,007	424,543	4,419,898	4,586,295	166,397	5,521,021	5,414,951	5,402,408	12,543	970,213	82%
6900 Total Depreciation (includes Prior Years)	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL EXPENSES including Depreciation	438,845	554,007	424,543	4,419,898	4,586,295	166,397	5,521,021	5,414,951	5,402,408	12,543	970,213	82%



Financial Update SY 2017-18

EBIA, May 2018

Agenda

- YTD actuals
- Current forecast for FY 2017-18
- May Revise of State Budget
- MYP draft

Net positive in April

- Revenues: \$522K in April, including SPED reimbursements, lottery, facility funding (YTD: 72% of forecast received)
- Expenses: 82% of forecast spent

	Feb	Mar	Apr	Actual YTD	Budget YTD	Variance (YTD less Budget)
SUMMARY						
Revenue						
LCFF Entitlement	272,891	431,576	377,330	2,827,456	2,815,945	11,511
Federal Revenue	-	5,772	18,585	63,967	37,634	26,333
Other State Revenues	57,843	29,982	97,839	464,009	405,579	58,430
Local Revenues	20,134	1,348	13,538	162,193	42,822	119,371
Fundraising and Grants	207,391	9,094	15,235	351,678	213,320	138,358
Total Revenue	558,259	477,772	522,528	3,869,304	3,515,300	354,003
Expenses						
Compensation and Benefits	292,655	294,734	295,480	2,820,722	2,915,337	94,615
Books and Supplies	10,442	11,965	8,208	205,993	222,078	16,085
Services and Other Operating Expenditures	135,748	247,308	120,854	1,393,182	1,448,880	55,697
Depreciation	-	-	-	-	-	-
Total Expenses	438,845	554,007	424,543	4,419,898	4,586,295	166,397
Operating Income	119,414	(76,234)	97,985	(550,594)	(1,070,995)	520,401



FY 17-18 Forecast: Close finish anticipated

- P2 ADA: 469.46
- SB740 restored
- Higher SPED costs (NPS travel, psych assessments)
- Higher fundraising expenses (EBIA Innovation Celebration)

	Revised Budget	Previous Month's Forecast	Current Forecast	(Previous vs. Current Forecast)	Forecast Remaining
SUMMARY					
Revenue					
LCFF Entitlement	3,840,102	3,835,086	3,840,467	5,380	1,013,011
Federal Revenue	299,520	141,082	142,862	1,781	78,895
Other State Revenues	602,853	764,295	767,770	3,475	303,761
Local Revenues	166,498	178,513	178,513	0	16,320
Fundraising and Grants	612,900	507,000	473,000	(34,000)	121,322
Total Revenue	5,521,872	5,425,976	5,402,612	(23,364)	1,533,308
Expenses					
Compensation and Benefits	3,477,487	3,402,867	3,383,674	19,193	550,655
Books and Supplies	243,086	243,925	243,925	-	37,931
Services and Other Operating Expenditures	1,800,448	1,768,159	1,774,809	(6,650)	381,626
Depreciation	-	-	-	-	-
Total Expenses	5,521,021	5,414,951	5,402,408	12,543	970,213
Operating Income	851	11,025	204	(10,821)	563,095



May Revise of 18-19 California Budget

- Impact: about +\$200K in rev
 - COLA increase: 2.51% to 2.71%
 - LCFF base increase by 3%
 - One-time funding for 18-19: \$330-47 per prior ADA
 - SB740 facility funding: largely backfilled for 17-18, some increase still planned for 18-19

MYP: Enrollment Projections

- FY 2019: Enrolling 120 each 6th-8th; 9th shy of 120
- FY 2021 will also be below capacity (12th grade)
- Attendance: 96% for lower, 92% for upper
- FRL: 26%

BUDGET	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
6 th	135	116	114	119	116	115	115	115	115
7 th	75	131	116	117	116	115	115	115	115
8 th		95	125	118	116	115	115	115	115
9 th			61	77	95	115	115	115	115
10 th				46	75	110	110	115	115
11 th					45	70	110	110	110
12 th						45	70	110	110
TOTAL	210	342	416	477	563	690	750	795	795



MYP: Staffing Projections

- Adding a cohort of teachers over next 3 years at upper school
 - Scaling up challenges
- Admin structure needed for both campuses
- Staffing reaches capacity in FY 2021
- SPED needs projected to grow with enrollment
- Benefit costs increasing

	17-18	18-19	19-20	20-21
Teachers	24 FTE	29 FTE	34 FTE	39 FTE
Admin	3 FTE (DII, DESEL)	7 FTE (DII, DESEL, Sp Pop, College Readiness)	7 FTE	7 FTE
SPED	8 FTE	9-10 FTE (with SDC)	9-10 FTE	10.5 FTE
Programs	1.5 FTE (Quest, Intersession)	1 FTE	1 FTE	1 FTE
Operations	5.5 FTE	6 FTE (in lieu of contractor)	6 FTE	6 FTE

Scaling up: considering options

- Right-sizing elective staffing: \$200K
- Admin structure stretched across both campuses in FY 2019
- Intersession budget impact: \$250-300K
- Quest budget impact: \$60K
- Quest with fee or through third party could be net neutral in impact

	17-18	18-19	19-20	20-21
Teachers	24 FTE	26 FTE	34 FTE	39 FTE
Admin	3 FTE (DII, DESEL)	6 FTE (DII, DESEL, Sp Pop, College Readiness)	7 FTE	7 FTE
SPED	8 FTE	9 FTE (with SDC)	9-10 FTE	10.5 FTE
Programs	1.5 FTE (Quest, Intersession)			
Operations	5.5 FTE	6 FTE (in lieu of contractor)	6 FTE	6 FTE

- Current gap with options, updates to rates: -\$176K

FY 2019: currently projecting gap

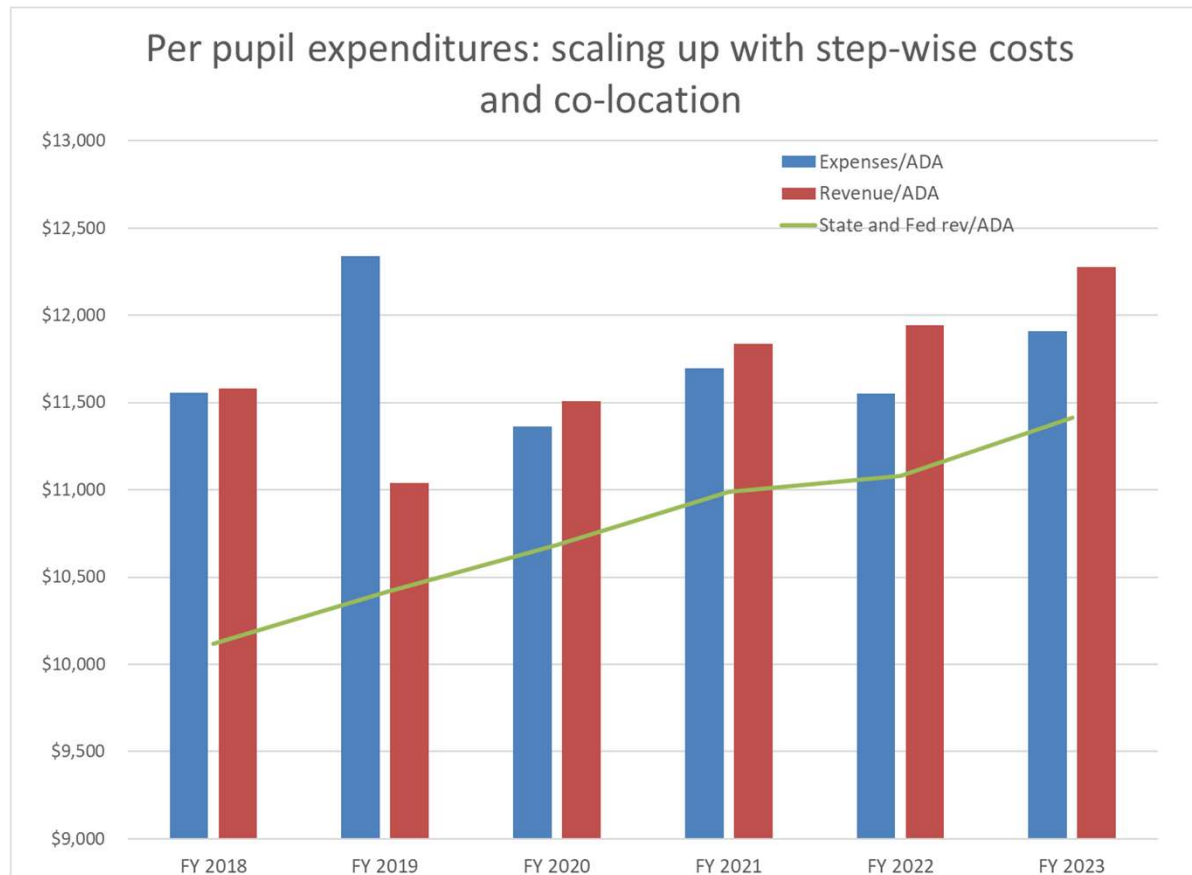
- Upside potential
 - ADA (+20 would increase rev by \$200K)
 - Additional funding sources
- Downside potential
 - ADA
 - SPED unknown; no SDC (~\$200K)
 - Building project impact and timeline

Appendix

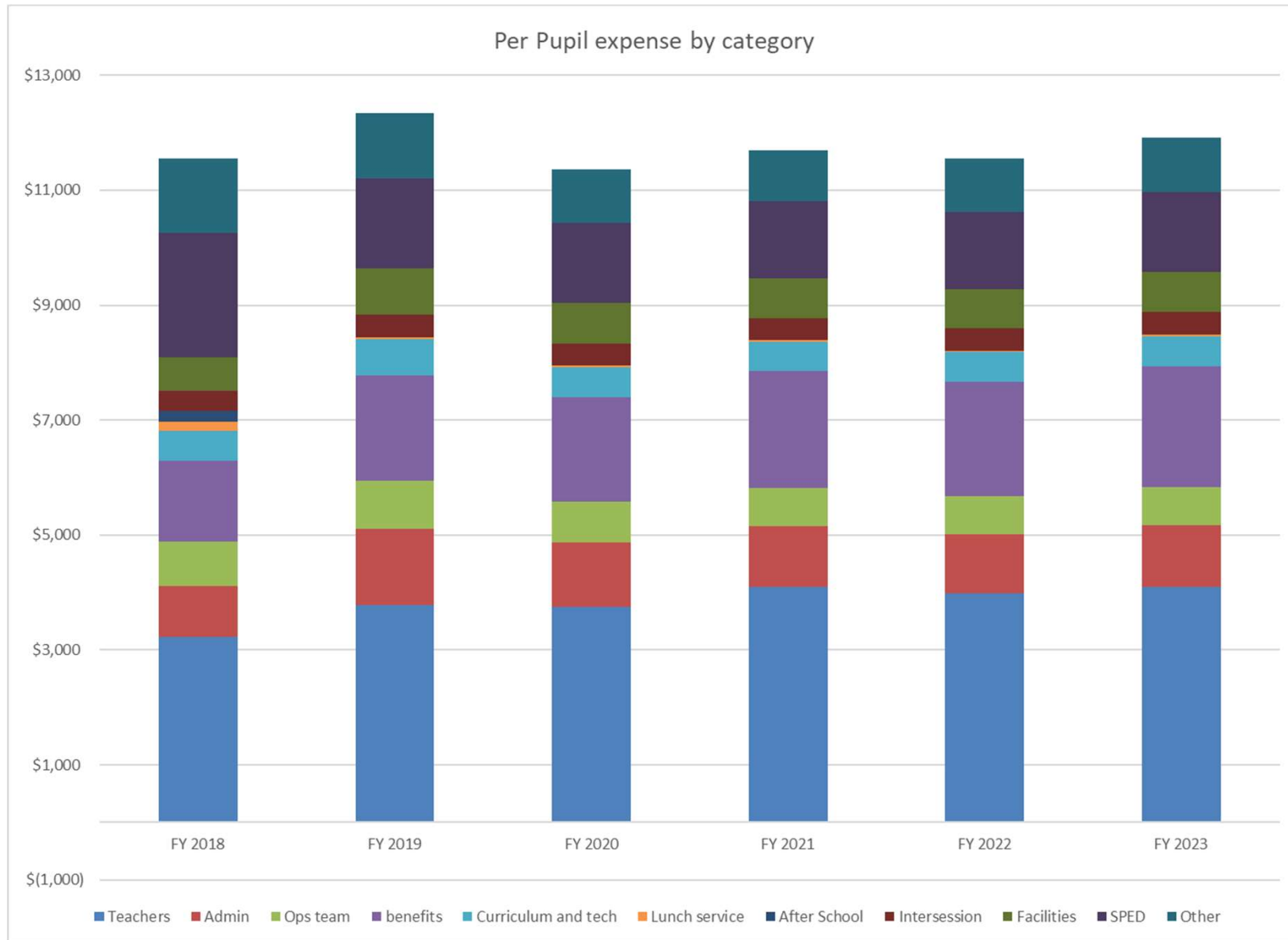


Tight Balance: Relying on ADA while building Upper School

- Near-full commitment of resources in advance is challenging with non-variable costs
- Funding growth and facilities will require solid program and extra cash
- Expenses at capacity in FY 2021; revenues at capacity in FY 2022



Shifting expenditures: SPED, admin, ops, facilities, benefits



Cover Sheet

Facility Update

Section: V. Facility

Item: A. Facility Update

Purpose: Discuss

Submitted by:

Related Material:

EBIA Prop 51 Certification Letter for Program Advance Funding.pdf

EBIA-Prop39-Response-Final-Offer-2018-19 - FINAL 4-29-2018.pdf

Oakland USD (54-61259-09-006) GA - UNSIGNED (1).pdf

Oakland USD (54-61259-09-007) GA - UNSIGNED - New Construction.pdf



May 12, 2018

Ms. Erin Cunneen
 Project Manager
 Department of General Services
 Office of Public School Construction
 707 Third Street, 6th Floor
 West Sacramento, CA 95605

RE: Priority Funding Certification for Charter School Facilities Program Advance Release of Funds

Dear Ms. Cunneen:

East Bay Innovation Academy (The Applicant) requests to receive an approved advance release of funds for the following project(s):

<u>Project Name</u>	<u>Application Number</u>	<u>Type of Advance</u>
East Bay Innovation Academy – Rehabilitation	54/61259-09-006	Project Design
East Bay Innovation Academy – New Construction	54/61259-09-007	Project Design

- The Applicant acknowledges that a valid, original signature Form SAB 50-05 must be submitted and physically received by the Office of Public School Construction (OPSC) within 90 calendar days from the date of approved advance release of design funds request and 180 calendar days from the date of approved advance release of site acquisition funds request.
- The Applicant acknowledges that failure to submit a completed Form SAB 50-05 within the 90-day/180-day period will result in the advance being rescinded without further action by the State Allocation Board (SAB). A rescinded advance will revert back to an unfunded approval at the bottom of the unfunded list. The advance will receive a new unfunded approval date equivalent to the due date of the Form SAB 50-05. In the case that multiple rescissions are made by the SAB, each separate advance will be placed at the bottom of the unfunded approvals list in the order of the original unfunded approval date.
- The Applicant acknowledges that by participating in the priority funding round, the Applicant is waiving its right to a standard 18-month timeline for fund release submittal.
- The Applicant acknowledges that a valid, original signature Grant Agreement for each project and each type of advance must be submitted pursuant to School Facility Program Regulation Section 1859.90.4 and physically received by OPSC prior to or concurrently with the Form SAB 50-05.
- In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, The Applicant acknowledges that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

If further information or clarification is required, please contact me at shelley@eastbayia.org.

Yours Truly,

Rochelle (Shelley) Benning
 Board Chairman and Co-founder, East Bay Innovation Academy

3400 Malcolm Ave • Oakland, CA 94605 • Phone: 510-577-9557 • E-Mail: info@eastbayia.org • Web: www.eastbayia.org



**EAST BAY INNOVATION
ACADEMY**

April 29, 2018

By Hand Delivery and Email: leslie.jimenez@ousd.org

Leslie Jimenez
Office of Charter Schools
Oakland Unified School District
1000 Broadway, Suite 639
Oakland, CA 94607

***Re: East Bay Innovation Academy
Response to District's Final Offer
Proposition 39 2018-2019***

Dear Ms. Jimenez:

East Bay Innovation Academy ("EBIA" or "Charter School") is in receipt of the Oakland Unified School District's ("District") April 1, 2018 letter ("Final Offer") regarding EBIA's request for facilities under Proposition 39 ("Prop. 39") for the 2018-2019 school year.

The District's Final Offer is for exclusive use of a total of twenty-seven (27) "teaching stations/specialized classrooms," consisting of seven (7) classrooms at Frick Impact Academy, twelve (12) classrooms at Thurgood Marshall Elementary School, and eight (8) classrooms at Webster. The Final Offer also allocates EBIA exclusive use of two (2) office/storage spaces (623 sq. ft.) along with shared use of 20,679 sq. ft. of interior non-teaching space and 82,474 sq. ft. of exterior non-teaching station space at Frick, plus exclusive use of one (1) office (897 sq. ft.) along with shared use of 8,538 sq. ft. of interior non-teaching space and 105,810 sq. ft. of exterior non-teaching station space at Webster, and exclusive use of the non-teaching station space at Marshall. The Preliminary Proposal is based on a projected in-District ADA of 495.73.

Section 11969.9(i) of the Prop. 39 Implementing Regulations (the "Implementing Regulations") requires EBIA to notify the District whether or not EBIA intends to occupy the offered space. Accordingly, despite the deficiencies in the Final Offer (which are identified herein to the extent practicable, with all rights reserved) and as set forth in EBIA's response to the Preliminary Proposal, which is incorporated herein by reference, EBIA accepts and intends to occupy the offered space at Marshall only, without acknowledging the legal sufficiency of the Final Offer under applicable local, state, or federal law and without waiving any of its legal rights under applicable local, state, or federal law, including Proposition 39 rights and remedies. Consistent with EBIA's recent conversation with you, the District has agreed that EBIA will accept the allocated space at Marshall and reject the allocated space at Webster and Frick.

As EBIA is accepting the District's offer of space at Marshall and intends to occupy the space offered by the District at Marshall during the 2018-2019 school year, the remainder of this letter will focus on EBIA's concerns regarding the legal deficiencies of the District's offer of space at Frick and Webster, while continuing to reserve all rights and remedies.

While EBIA appreciates the District's efforts to provide additional information regarding the facilities that exist at the comparison schools, the Final Offer fails to meet the legal requirements of Prop. 39 in several respects, as summarized below and as set forth in EBIA's response to the Preliminary Proposal, which is incorporated herein.

Allocation of Non-Contiguous Facilities

In its Request, EBIA indicated its preference to be located on a single site large enough to accommodate its entire projected in-District ADA. The express provisions of Proposition 39 require that the District allocate facilities to the Charter School that are "contiguous, furnished, and equipped." (Education Code Section 47614(b).) This requirement exists irrespective of the grade level configuration of a charter school. (5 CCR Section 11969.3(a).) The Court in *Ridgecrest* noted that "all else being equal, a charter school should be housed at a single site if one exists with the capacity to handle all the school's students." (*Ridgecrest Charter School v. Sierra Sands Unified School Dist.* (2005) 130 Cal. App. 4th 986, 1000, emphasis added.) There is absolutely no evidence that the District has done so here. Rather, it appears that after looking at the extra space available at its District sites, the District decided to locate EBIA across three separate sites.

The District's Findings do not indicate the District considered redrawing District attendance boundaries, increasing District class sizes or the negative impact on the safety of EBIA's students that would occur if they are required to travel between three separate school sites in one day. Instead, the District's Findings focus primarily on the impact to District students of allocating to EBIA a single District school site – with no analysis of the safety issues facing EBIA's students. EBIA believes there are several District sites in EBIA's requested geographical area that are large enough to accommodate EBIA's entire in-District enrollment in reasonably equivalent facilities. Thus, the District's failure to offer EBIA a contiguous site violates Prop. 39 and its Implementing Regulations.

Allocation of Teaching Station Space

EBIA is concerned that the District has not properly calculated the Average ADA to teaching station ratio at the comparison schools. The Final Offer fails to include the number of teaching stations used to determine the ADA to teaching station ratio and the District's Exhibit C suggests the District is in fact using class size averages in violation of *California Charter Schools Association v. Los Angeles Unified School District* (2015) 60 Cal. 4th 1221, rather than the actual number of teaching stations to ADA at the comparison schools to determine the ADA to teaching station ratio at the comparison schools.

Moreover, as empty classrooms are not accounted for anywhere else in the District's offer, those rooms must be included in the teaching station to ADA ratio analysis. In addition, now that the information in the Jacobs report is available, this data makes clear that there are

many classrooms on the comparison school campuses that have not been included in the teaching station to ADA ratio calculation, but are not accounted for anywhere else. As an example, the District claims a teaching station to ADA ratio of 25.14 for Montera Middle School, with an ADA of 721.44. This ratio requires 29 classrooms on the site. Yet the Jacobs report reveals there are at least 30 classrooms on the site, for a corrected teaching station to ADA ratio of 24.04. Similarly, the District claims a teaching station to ADA ratio of 26.30 for Skyline, with an ADA of 1626.19. This ratio requires 62 classrooms on the site. Yet the Jacobs report reveals there are at least 63 classrooms on the site – and an additional ten (10) rooms for special education which are not accounted for elsewhere in the District’s calculation, despite the requirement that the District allocation special education space commensurate with the space available at the comparison schools. Including these special education teaching stations in the ratio calculation results in a ratio of 22.27.

As stated in EBIA’s response to the Preliminary Proposal, based on EBIA’s review of publicly available information, EBIA determined it is entitled to at least twenty-five (25) teaching stations, i.e., four (4) more teaching stations than the District allocated to EBIA.

Allocation of Specialized Classroom and Non-Teaching Station Space

EBIA is entitled to reasonably equivalent allocations of specialized classroom and non-teaching station space commensurate with its in-District ADA and the per-student amount of specialized classroom/non-teaching station space in the comparison group schools. (5 CCR § 11969.3(b)(2)-(3).)

The Final Offer allocated EBIA six (6) more classrooms than were allocated in the Preliminary Proposal as a result of the District’s determination that EBIA was entitled to approximately 4,320 sq. ft. of additional specialized classroom space. The District claims the 4,320 sq. ft. of additional classroom space is “more than covered in the allocation of 6 teaching space classrooms to the Charter School.” However, as stated in EBIA’s response to the Preliminary Proposal, the District may not combine different types and sizes of specialized classroom space and then allocate non-specialized classrooms to EBIA. If there are science labs, computer labs, music rooms, weight rooms, art rooms, and the like available at the comparison schools, then the District must allocate reasonably equivalent, fully furnished and equipped kinds of these spaces space and/or access to EBIA. A standard classroom does not have, for example, the risers in a choral classroom, the gas and water stations in a science classroom, or the computers in a computer classroom. Further, allocation of regular classrooms is not an acceptable manner to allocate specialized classrooms; often these spaces have unique furnishings, larger sizes and equipment or other design elements that cannot be replicated in a standard classroom. The District cannot force EBIA to create its own fully furnished and equipped specialized classroom space in a standard teaching station space. “[A] school district does not have the discretion to employ practices that are contrary to the very intent of Proposition 39 that school district facilities be “shared fairly among all public school pupils, including those in charter schools.” (*Bullis, supra*, at p. 336.)

EBIA is entitled to reasonably equivalent allocations of specialized spaces, and of furnishings and equipment that accompany those spaces in the comparison schools, and it anticipates receiving its full complement of the specialized space and the reasonably equivalent

furnishings and equipment therein.

The District's allocation of non-teaching space to EBIA in the Final Offer also fails to comply with Prop. 39 or its Implementing Regulations including its failure to identify the specific non-teaching station spaces to be allocated to EBIA and its allocation of non-teaching station space based on the percentage of EBIA's enrollment on the sites, none of which are comparison schools, as determined by the District. Furthermore, the District has ensured that its calculation misstates the actual per ADA amount of non-teaching station space by deducting the total "classroom space"¹ from the "total site area".² By using this formula, the District has assumed that all classrooms larger than 600 square feet are accounted for in its teaching station to ADA ratio – but by its own admission, the District's teaching station to ADA ratio calculation only includes rooms staffed by a teacher – not empty rooms, not classrooms used for storage or counseling or restorative justice or any other purposes. This space is also not necessarily captured by the specialized classroom allocation, as this is also based only on the number of classrooms larger than 600 square feet on the site, but does not actually determine the use of each space, or whether the proportion actually captures usage at each comparison school site.

Moreover, the District's calculations of the space to be allocated to EBIA are opaque and unverifiable and appear to exclude the following non-teaching spaces from its analysis and allocation to EBIA even though such spaces are available at the comparison schools: kitchen/servery, nurse/health clinic space, special day class/resource, and parent centers/community use rooms. Furthermore, while the Charter School appreciates the access to the significant additional data provided by the Jacobs report, as the District acknowledges, the Jacobs data is "approximate" and not as precise as the MKThink data. There also appears to be material differences in the square footage information provided by the Jacobs report and the MKThink reports from several years prior. The District has relied on the older MKThink information for the entire non-teaching station space analysis; even a comparison between Exhibits D, E, and F of the square footage of specific rooms and specific campuses demonstrates many differences in square footage for individual spaces. This makes it difficult for the Charter School to understand, verify and corroborate the square footage calculations performed by the District.

Critically, the District's Final Offer fails to allocate any special education space to EBIA. Instead, it states that the District will provide special education space upon EBIA providing evidence of serving in-District special education students. However, Prop. 39 and the Implementing Regulations do not require charter schools to provide evidence of serving special education students to receive the same ratio of special education/resource space per unit of ADA that exists at the comparison schools; rather, the District is required by law to provide an allocation of special education space that is reasonably equivalent to that existing at the comparison schools.

Pro Rata Share

¹ Defined as the square footage of all classrooms that are equal to or larger than 600 square feet "and any attached classroom storage space included in the Prop. 39 preliminary offers."

² The total square feet of outdoor and building square feet on the campus, including non-ground level building square footage.

As stated in EBIA's response to the Preliminary Proposal, EBIA prefers to perform its own custodial services and EBIA is willing to pay the actual utilities costs for the site separate from the pro rata share. As such, the pro rata share will need to be revised to provide for this arrangement and reduced proportionately if any of the allocated spaces are unavailable during the year due to construction. EBIA reiterates its previously stated objections concerning the District's inappropriate inclusion of its costs related to police services, emergency debt services, and insurance in the pro rata share.

Facilities Use Agreement

We are reviewing the draft FUA and look forward to negotiating the terms of the FUA over the next several weeks, as required by the Implementing Regulations. (5 CCR Section 11969.9(k).) EBIA's objections to the draft FUA are set forth in EBIA's response to the Preliminary Proposal and are incorporated herein. We note that our failure to mention a concern in this letter or in the response to the Preliminary Proposal should not be interpreted as acceptance of that term.

* * *

EBIA looks forward to the opportunity to discuss and negotiate the FUA with the District, along with EBIA's other above-referenced concerns, moving forward.

Sincerely,



Rochelle Benning

cc: EBIA's Board Members
Sarah Kollman, Young, Minney & Corr, LLP

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
NEW (06/17)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 1 of 29

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

GENERAL INFORMATION

Grantee Name: **East Bay Innovation Academy**

School Name: **East Bay Innovation Academy**

Grant Amount:¹ **\$475,414.60** of which **\$237,707.30** is a loan in lieu of the Grantee's matching share

Authority: **Proposition 51**

SFP Program Funding Source: **Charter School Facilities Program**

Future Priority Funding Rounds: **May 9, 2018 – June 7, 2018 and November 14, 2018 – December 13, 2018**

PROJECT DESCRIPTION

Type of Work: **Charter – Rehabilitation, including 26,339 sq. ft.**

New School or Addition to an Existing Site: **Not Applicable**

Number of Classrooms: **12**

Financial Hardship Approval Date: **Not Applicable**

Financial Hardship Status is valid until: **Not Applicable**

Agreement includes Grants for: **Not Applicable** (Site Acquisition; Department of Toxic Substances Control fees and hazardous waste removal; etc.)

Agreement includes Grants for: **Not Applicable** (Site Development, if appropriate)

Other Facilities being newly constructed, modernized, replaced, or rehabilitated:
To Be Determined

Square Footage being replaced: **Not Applicable** Toilet Area sq. ft.
Not Applicable Other Area sq. ft. (all non-toilet area)
(include for Facility Hardship replacement or Seismic Mitigation Program replacement projects)

¹ Loan repayment shall commence no later than one year after project occupancy (pursuant to Education Code Section 17078.57(a)(1)(D)), or 60 days after Board adoption of audit findings (pursuant to SFP Regulation Section 1859.106) unless a repayment schedule has been established as provided by SFP Regulation Section 1859.106.1.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

For purposes of Facility Hardship and Seismic Mitigation Program projects, shower/locker area is considered "toilet area."

Approved rehabilitation cost estimate: **Not Applicable**
 (include for Facility Hardship rehabilitation or Seismic Mitigation Program rehabilitation projects)

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- **Not Applicable** The Funding Application (Form SAB 50-04), executed by the District Representative on _____
- The Application for Charter School Preliminary Apportionment (Form SAB 50-09), executed by the District Representative on **January 22, 2018**
- **Not Applicable** The Application for Career Technical Education Facilities Funding (Form SAB 50-10), executed by the District Representative on _____
- **Not Applicable** Site Approval letter from the California Department of Education dated _____
- **Not Applicable** Plan Approval letter from the California Department of Education dated _____
- **Not Applicable** Division of the State Architect Approval letter(s) dated _____ for DSA Application Number(s) _____
- **Not Applicable** Financial Hardship Approval Letter from the Office of Public School Construction dated _____
- **Not Applicable** Bridge Financing Approval Letter from the Office of Public School Construction dated _____
- **Not Applicable** The industry specialist report prepared by _____ (insert name of specialist or firm), dated _____ that details the minimum work necessary to mitigate the _____ (health and safety or seismic) threat in this _____ (rehabilitation or replacement) application
- **Not Applicable** Written concurrence dated _____ from _____ (enter name of governmental agency) agreeing with the _____ (health and safety or seismic) threat and the minimum work to mitigate the threat in the industry specialist report

A copy of the documentation listed here is available as part of the project file maintained by OPSC, and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 2, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Application" means a request pursuant to the Act to receive funding for a school project.

"Apportionment" shall have the meaning set forth in Education Code Section 17070.15(a).

"Audit report" means the annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"Capital Outlay," for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

"Charter School Agreements" mean a memorandum of understanding, a funding agreement, and a use agreement as established by the California School Finance Authority.

"Classroom" means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).

"Expenditure Report" means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

"Financial Hardship" means State funding for all or a portion of the Grantee's matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

"Funding Application" means the Form SAB 50-04, *Application for Funding*, or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding*, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

"Fund Release Application" means the Form SAB 50-05, *Fund Release Authorization*, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

“Grants” means all eligible program grants provided by the Board to the Grantee in this Agreement.

“Grantee” means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Hazardous Material/Waste Removal Fund” shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).

“In Escrow, Governmental Entities” means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“In Escrow, Non-Governmental Entities” means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“Ineligible Expenditure” means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.

“Local auditor” means an auditor hired at the Grantee’s expense who conducts annual compliance reviews and fiscal reviews of the Grantee’s finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

“Material Inaccuracy” means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82(a)(1)(C) and is one of the following building types:

C1 – Concrete Moment Frame

C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms

C2A - Concrete Shear Wall with Flexible Diaphragms

C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms

PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms

PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms

PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms

URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms

RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms

URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms

S1B – Steel Cantilever Columns with Flexible Diaphragms

S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or

M – Mixed construction containing at least one of the above structure types.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

“New Construction” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

“Occupancy” means the point at which pupils occupy a classroom as evident by district documents such as the school board’s adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.

“Office of Public School Construction (OPSC)” means the office within the California Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director of General Services.

“Other Sources of Funds” means cash, the Grantee’s matching funds, or in-kind contributions that are required or used to complete the project beyond the Grants provided by this Agreement.

“Preliminary Funding Application” means the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, and all required supplementary documentation pursuant to the Act and the Regulations.

“Project” means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

“Regulations” means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).

“Relocation/DTSC Fee Fund” shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

“School District” shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the state of California.

“Unfunded List (Lack of AB 55 Loans)” means an information list of unfunded projects that was created due to the state’s inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: *SFP Regulation 1859.2*)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee’s matching funds, including interest generated by the Grants, is expended, and when all of the Parties’ obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Funding Application.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants) **\$475,414.60** in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement. Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70; Charter School Facilities Program: Article 14 commencing with Section 1859.160; Career Technical Education Facilities Program: Article 16 commencing with Section 1859.190)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Funding Application was accepted on **June 5, 2017** and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.
- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.
- iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.
- iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-09 certifications)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:
 - i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.
 - ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).
 - iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.
 - iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

Project Execution Signature	
All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.	
X _____	Date _____

(Authority: Form SAB 50-09 certifications)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

D. Receiving Board Approval

- 1.² Grantee must have (1) title, (2) leasehold, or (3) other interest to Project lands. Title may include an order for pre-judgement possession issued by a court in an eminent domain proceeding.

(Authority: Education Code Section 17070.70; SFP Regulation Sections 1859.74 and 1859.74.1)

2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.

(Authority: Education Code Section 17070.63(a))

3. The Grantee has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

(Authority: SFP Regulation Section 1859.100 and Form SAB 50-09 certifications)

4. The Grantee has or will comply with Education Code Section 17076.11 regarding at least a three (3) percent expenditure goal for disabled veteran business enterprises.

(Authority: Form SAB 50-09 certifications)

5. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for both New Construction and Charter School Facilities Program projects, and (2) Grants not used by the Grantee that failed to meet substantial progress and (3) unspent Financial Hardship Grants, (4) unspent Charter School Facilities Program Grants, or (5) unspent Career Technical Education Facilities Program Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17076.10 and Education Code Section 41024, as applicable.

6. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the California Department of Education, and if no repayment plan has been approved pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

² For purposes of the Charter School Facilities Program, Grantee may be a district, charter school or local governmental entity and title may be held in accordance with Education Code Section 17078.63.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

7. If the Grants will be used for the construction or modernization of school facilities on leased land, the Grantee has entered into a lease agreement for the leased property that meets the requirements of School Facility Program Regulation Section 1859.22.

8. The Grantee has established a facilities inspection system to ensure that each of its schools is maintained in good repair.

[Authority: Education Code Section 17070.75(f)]

9. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the project.

(Authority: Education Code Sections 17072.30, 17074.16, 17078.72(g)(1), 17078.54(d), and 17075.10(b)(2); Form SAB 50-04 certifications)

10. The Grantee has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process **Not Applicable**

i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid (Financial Hardship approvals are valid for 180 days) on the date the Approved Funding Application was received by the Office of Public School Construction.

[Authority: SFP Regulation Section 1859.81(e)]

ii.

a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place, or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.

b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

iii. If the Project remained on the Unfunded List (Lack of AB 55 Loans) for more than 180 days, the Grantee understands and agrees that the Office of Public School Construction shall conduct a review to determine if the Grantee has additional funds available to contribute to the Grantee's matching funds.

[Authority: SFP Regulation Section 1859.81(e) and (f)]

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

- iv. If the additional Office of Public School Construction review, pursuant to Section (iii) above, determined that the amount of the Financial Hardship Grant required an adjustment, pursuant to Financial Hardship rules detailed in SFP Regulation Section 1859.81, the amount of the Grants detailed in this Agreement will be amended.

[Authority: SFP Regulation Section 1859.81(a)]

12. [Instructions: The following sections only apply to the program, or other circumstance, that is detailed in this Agreement.]

New Construction **Not Applicable:**

- i. The Grantee has received approval of the site and the plans from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment.

(Authority: SFP Regulation Section 1859.81.1)

- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Seismic Mitigation Program Replacement or Facility Hardship Replacement
Not Applicable:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the “Most Vulnerable Category 2 Buildings”.

Site Acquisition **Not Applicable:**

The Grantee has complied with Sections 1859.74 through 1859.75.1, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (increase or decrease) to the Grant amount based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

Modernization of Portable Classrooms **Not Applicable:**

If this Agreement includes the modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the Grantee certifies that either:

- i. The Grants will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
- ii. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.

(Authority: SFP Regulation Section 1859.78.8)

Modernization or Charter School Facilities Program Rehabilitation **Not Applicable:**

If this Agreement includes the modernization or Charter School Facilities Program Rehabilitation funding, the Grantee has received approval of the plans for the project from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment or advance release of funds for design from a Preliminary Charter School Apportionment.

(Authority: Modernization: SFP Regulation Section 1859.81.1; Charter: SFP Regulation Section 1859.163)

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation
Not Applicable:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

The Project must have the approval letter from DSA indicating that the work in the project plans is the minimum work required to mitigate the _____ (health and safety or seismic) threat, which includes any other work triggered by the _____ (health and safety or seismic) mitigation work and that is required in order to obtain DSA approval.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

Charter:

- i. Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.
- ii. **Not Applicable** The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Charter- Preliminary Charter School Apportionment:

- i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
 (Authority: SFP Regulation Section 1859.166)

- ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
 (Authority: SFP Regulation Section 1859.167)

- iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
 (Authority: SFP Regulation Section 1859.163)

- iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
 (Authority: SFP Regulation Section 1859.90.2)

*Career Technical Education Facilities Program **Not Applicable**:*

The Grantee has complied with the Career Technical Education Facilities Program (CTEFP) eligibility criteria as outlined in Section 1859.192; and,

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):

- i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.
- ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
NEW (06/17)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 13 of 29

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education.

- iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.
(Authority: SFP Regulation Section 1859.197)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.

(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

- 1.³ The Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
 - i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
 - ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
 - iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
 - iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.

2. Any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a complete Fund Release Application, and shall not exceed **\$475,414.60** except for **Not Applicable**. (site-related exceptions)

(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)

3. Supplementary documentation submitted with, or prior to, a Fund Release Application must include this Agreement as well as documentation that proves the following:
 - i. **Not Applicable** The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
 - ii. **Not Applicable** Notice to Proceed dates.
 - iii. **Not Applicable** For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.

(Authority: Form SAB 50-05 certifications)

³ Priority Funding procedures for the Charter School Facilities Program advance design and site fund release are outlined in SFP Regulation Section 1859.90.2.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

- 4.⁴ If the Office of Public School Construction finds that the Fund Release Application is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Application within 90 days of Apportionment. However, if the Grantee does not submit a valid Fund Release Application within 90 days of the Apportionment the Grantee will receive a non-participation occurrence as described in (1.)(ii) above. The Grantee will not receive Grants at that time. Furthermore, any penalties imposed on the Grantee by a contractor, or other consequence, because of delays in payment will be paid by the Grantee and is not reimbursable under this Agreement.
(Authority: proposed amendment to School Facility Program Regulations)

⁴ Priority Funding procedures for the Charter School Facilities Program advance design and site fund release are outlined in SFP Regulation Section 1859.90.2.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Reports required pursuant to Education Code Section 17076.10, over the course of the project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.

(Authority: Education Code Section 17076.10)

2. Annual Expenditure Reports⁵

Pursuant to Education Code 17076.10, beginning 12 months from the first fund release, and continuing annually for a period of up to **four** years after the final fund release, as described in SFP Regulation Section 1859.104, the Grantee shall submit an Expenditure Report to the Office of Public School Construction.

3. Substantial Progress Compliance Reviews

- i.⁶ Pursuant to Education Code Section 17076.10, the Grantee shall be subject to a substantial progress review by the Office of Public School Construction under this Agreement with respect to all matters connected with this Agreement. The Grantee shall provide substantial progress documentation 18 months from the latest fund release. The Office of Public School Construction will consider the requirements of substantial progress met if the Grantee submits its Expenditure Report for a completed project up to 18 months from the latest fund release. The Office of Public School Construction must notify the Grantee within 60 days of receiving the documentation if a review and analysis of the information will be conducted.

(Authority: SFP Regulation Section 1859.105)

- ii. For Grantees That Have Received Grants for Construction **Not Applicable:**

The substantial progress documentation required shall include evidence that either 75 percent of the site development work is complete, or 90 percent of the building work is under contract, or 50 percent of all construction activities are complete.

(Authority: SFP Regulation Section 1859.105)

The documentation that the Grantee shall provide shall include, but is not limited to:

- a) The fund source indicated, for each project cost,
- b) Assessor's parcel number, for site acquisition costs,
- c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
- d) Architect/Engineer/Construction Management Agreement(s),
- e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
- f) Construction Contract Agreements to date,

⁵ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

⁶ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

- g) Construction Bid Summaries,
- h) Construction Delivery Method,
- i) Project expenditures, to date, submitted on Detailed Listing of Project Expenditures (DLOPE) worksheet or in an equivalent format [the Office of Public School Construction will review expenditure totals for purposes of determining compliance with substantial progress requirements but will not review expenditures to determine eligibility under the program (this will be done by the local auditor)],
- j) General ledger report that details project expenditures to date
- k) Submittal of written policy and procedures that documents processes for accounting of School Facility Program project activities.
- l) Construction schedule of values or Continuation Sheet
- m) Project cost estimate

(Authority: Education Code Section 17071.10 and SFP Regulation Section 1859.105)

iii. For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants **Not Applicable:**

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) The final site appraisal,
- b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
- c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

(Authority: SFP Regulation Section 1859.105 or 1859.105.1, as applicable)

iv. For Grantees That Have Received Advanced Financial Hardship Grants for Design **Not Applicable:**

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) An Approved New Construction or Modernization Adjusted Grant Application; or,
- b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

v.⁷

- a) Should the Office of Public School Construction determine that the Grantee has not made substantial progress as described in (F)(3)(i), (ii), (iii), and (iv), it will inform the Grantee of its findings and require the Grantee to submit a final expenditure report within 60 days of notification, pursuant to SFP Regulation Section 1859.105. If no Grants have been expended by the Grantee, then the Office of Public School Construction will recommend to the Board that the project be rescinded.
- b) If Grants have been expended by the Grantee, then

⁷ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

- I. The Project shall be subject to an audit pursuant to Section 41024 of the Education Code and the applicable provisions outlined in Section (F)(4) of this Agreement. The audit shall identify Grants expended in accordance with program requirements and the amount of any unspent Grants and the amount of any Ineligible Expenditures.
- II. Once the amount of unspent Grants has been determined in the audit report described in (i) to be repaid and the Grantee repays the Grants, the Office of Public School Construction shall take an item to the State Allocation Board make a corresponding baseline eligibility adjustment, when applicable.

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

- i. Upon Project completion pursuant to SFP Regulation Section 1859.104, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.

[Authority: proposed amendment to SFP Regulation Section 1859.104(a)]

- ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) Proof of acreage purchased
 - b) Proof of site costs and adjusted site grants, where applicable
 - c) Copy of Form SAB 50-04
 - d) Copy of SAB Board item(s) (Approval of project Apportionment)
 - e) DSA Approval Letter
 - f) Final CDE Approval Letter
 - g) Architect Final Billing
 - h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
 - i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
 - j) Final construction billing and invoices,
 - k) Any and all change orders
 - l) Proof of date of Occupancy
 - m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

fund that the proceeds from the COP were originally deposited into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the project is completed, as described complete pursuant to SFP Regulation Section 1859.104. If the Grantee has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.
- iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to SFP Regulation Section 1859.104, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17076.10)

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with the Board-approved project scope, including a final inspection for a Project deemed complete pursuant to SFP Regulation Section 1859.104.

(Authority: Education Code Section 17076.10)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

5. Savings Audit(s)

Grantees may retain Savings for expenditure for other high priority Capital Outlay with the exception of when Savings are generated:

- (1) in the Charter School Facilities Program, or
- (2) in the Career Technical education Facilities Program, or
- (3) in advance of a site adjustment, or
- (4) for Financial Hardship Grants.

(Authority: Education Code Section 17070.63 and SFP Regulation Section 1859.103)

If the Grantee uses Savings to contribute to the Grantee's matching share on other SFP projects, then those SFP projects may only be funded from the same program (e.g. New Construction, Modernization), that this Project is funded from.

(Authority: SFP Regulation Section 1859.103)

The Grantee understands and agrees to the following:

- i. Upon the Grantee declaring Savings pursuant to SFP Regulation Section 1859.103, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.

[Authority: proposed amendment to SFP Section 1859.104(a)]

- ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) The Grantee's final expenditure report submitted to the Office of Public School Construction, and
 - b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
 - c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds for high priority Capital Outlay, and
 - d) Construction billing and related invoices.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

- iv. The Grantee understands and agrees that:
- (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17076.10.

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with eligible uses of Savings.

(Authority: Education Code Section 17076.10)

6. Site Adjustments **Not Applicable**

Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

7. Charter School Facilities Program and Career Technical Education Facilities Program Unspent Grants, plus Interest

Should the audit report determine that the Grantee completed either the Charter Schools Facilities Program Project or the Career Technical Education Facilities Program Project without using all the Grants provided for eligible expenditures, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

8. Financial Hardship **Not Applicable**

Should the audit report determine that there are unspent Financial Hardship Grants, then the Grantee agrees to either (1) repay the unspent Financial Hardship Grants pursuant to Education Code Section 41024(c)(2) or (2) use the unspent Financial Hardship Grants on a future project(s), provided the Grantee qualifies for Financial Hardship Grants when it applies for funding for the future project(s).

- i. Upon receipt of the audit report, the Office of Public School Construction will notify the Grantee to determine whether the Grantee will repay the unspent Financial Hardship Grants immediately or use them for a future project(s). The Grantee will have 30 days to respond to the request.
- ii. If the Grantee intends to use unspent Financial Hardship Grants on a future project(s), it must do so within three years of the audit report's determination that not all Financial Hardship Grants were expended for this Project or from the date that Savings was declared by the Grantee, whichever comes first. Failure to use unspent Financial Hardship Grants on a future project(s) within that time will result in the Grantee repaying the unspent amount plus interest.

(Authority: Education Code Section 41024 and SFP Regulation Section 1859.81)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the School Facility Program.*

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment
(Authority: Education Code Section 41024)
- The expenditures are expended or encumbered prior to the time a project is deemed complete, pursuant to SFP Regulation Section 1859.104
(Authority: Education Code Section 17076.10)

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development work pursuant to SFP Regulation Section 1859.76.

(Authority: SFP Regulation Section 1859.76)

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

**4. Modernization - Separate Apportionment for Design Costs
 Or Adjusted Grant
 Charter School Facilities Program – Rehabilitation –
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25
b.	Architect’s Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25
g.	Energy Analysis Fee	Ed Code Section 17074.25*
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	
j.	Preliminary Site Tests	Ed Code Section 17074.25
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

H. Advisory Listing Detailing Common Ineligible Project Expenditures

The following tables are intended to provide advisory listings of common, but not exhaustive, ineligible Project expenditures.

In addition to the ineligible Project expenditures listed on the following tables, any costs associated with the Grantee's local debt issuance or interest on the Grantee's local bond(s) are also ineligible Project expenditures.

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

**4. Modernization – Separate Apportionment for Design Costs
 Or Adjusted Grant
 Charter School Facilities Program – Rehabilitation –
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Ineligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25
b.	For projects that received Design funds only any construction related expenditures are not eligible	

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

I. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Project, at a Project-specific level of detail. Grantee shall also retain such financial accounts, documents, and records necessary for an audit, pursuant to Education Code Section 41024(a)(4).

Financial accounts, documents, and records may be retained electronically.
(Authority: Government Code Section 12275(a) and (b), and Education Code Section 41024)

J. Material Inaccuracy

If a failure by the Grantee to comply with the terms of this Agreement, or an audit report determination that the Grantee has violated applicable state or federal law as it relates to this Project, stems from falsely certified information on the Funding Application or Fund Release Application (including certifications made by architects or other design professionals), then Material Inaccuracy findings and penalties, as described in Education Code 17070.51 and SFP Regulation Section 1859.104.1, may apply.

K. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

L. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

M. Disputes

1. Any claim that the Grantee may have regarding performance of this agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the Office of Public School Construction. The Office of Public School Construction and Grantee shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
2. Any claim that the Grantee may have regarding the audit report's project expenditure determination shall be adjudicated by the Education Audit Appeals Panel, consistent with Education Code Section 41344.

N. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

O. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Project. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Project, even if those laws and regulations are not specifically cited in this Agreement.

P. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
NEW (06/17)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 29 of 29

Office of Public School Construction Application Number: **54/61259-09-006(Design)**

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF GRANTEE REPRESENTATIVE	DATE
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
NEW (06/17)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 1 of 29

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

GENERAL INFORMATION

Grantee Name: **East Bay Innovation Academy**

School Name: **East Bay Innovation Academy**

Grant Amount:¹ **\$1,024,585.40** of which **\$512,292.70** is a loan in lieu of the Grantee's matching share

Authority: **Proposition 51**

SFP Program Funding Source: **Charter Schools Facilities Program**

Future Priority Funding Rounds: **May 9, 2018 – June 7, 2018 and November 14, 2018 – December 13, 2018**

PROJECT DESCRIPTION

Type of Work: **Charter – New Construction**

New School or Addition to an Existing Site: **Addition to an Existing Site**

Number of Classrooms: **16**

Financial Hardship Approval Date: **Not Applicable**

Financial Hardship Status is valid until: **Not Applicable**

Agreement includes Grants for: **Not Applicable** (Site Acquisition; Department of Toxic Substances Control fees and hazardous waste removal; etc.)

Agreement includes Grants for: **Not Applicable** (Site Development, if appropriate)

Other Facilities being newly constructed, modernized, replaced, or rehabilitated:
To Be Determined

Square Footage being replaced: **Not Applicable** Toilet Area sq. ft.
Not Applicable Other Area sq. ft. (all non-toilet area)
(include for Facility Hardship replacement or Seismic Mitigation Program replacement projects)

¹ Loan repayment shall commence no later than one year after project occupancy (pursuant to Education Code Section 17078.57(a)(1)(D)), or 60 days after Board adoption of audit findings (pursuant to SFP Regulation Section 1859.106) unless a repayment schedule has been established as provided by SFP Regulation Section 1859.106.1.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

For purposes of Facility Hardship and Seismic Mitigation Program projects, shower/locker area is considered "toilet area."

Approved rehabilitation cost estimate: **Not Applicable**
 (include for Facility Hardship rehabilitation or Seismic Mitigation Program rehabilitation projects)

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- **Not Applicable** The Funding Application (Form SAB 50-04), executed by the District Representative on _____
- The Application for Charter School Preliminary Apportionment (Form SAB 50-09), executed by the District Representative on **January 8, 2018**
- **Not Applicable** The Application for Career Technical Education Facilities Funding (Form SAB 50-10), executed by the District Representative on _____
- **Not Applicable** Site Approval letter from the California Department of Education dated _____
- **Not Applicable** Plan Approval letter from the California Department of Education dated _____
- **Not Applicable** Division of the State Architect Approval letter(s) dated _____ for DSA Application Number(s) _____
- **Not Applicable** Financial Hardship Approval Letter from the Office of Public School Construction dated _____
- **Not Applicable** Bridge Financing Approval Letter from the Office of Public School Construction dated _____
- **Not Applicable** The industry specialist report prepared by _____ (insert name of specialist or firm), dated _____ that details the minimum work necessary to mitigate the _____ (health and safety or seismic) threat in this _____ (rehabilitation or replacement) application
- **Not Applicable** Written concurrence dated _____ from _____ (enter name of governmental agency) agreeing with the _____ (health and safety or seismic) threat and the minimum work to mitigate the threat in the industry specialist report

A copy of the documentation listed here is available as part of the project file maintained by OPSC, and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 2, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Application" means a request pursuant to the Act to receive funding for a school project.

"Apportionment" shall have the meaning set forth in Education Code Section 17070.15(a).

"Audit report" means the annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"Capital Outlay," for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

"Charter School Agreements" mean a memorandum of understanding, a funding agreement, and a use agreement as established by the California School Finance Authority.

"Classroom" means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).

"Expenditure Report" means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

"Financial Hardship" means State funding for all or a portion of the Grantee's matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

"Funding Application" means the Form SAB 50-04, *Application for Funding*, or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding*, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

"Fund Release Application" means the Form SAB 50-05, *Fund Release Authorization*, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

“Grants” means all eligible program grants provided by the Board to the Grantee in this Agreement.

“Grantee” means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Hazardous Material/Waste Removal Fund” shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).

“In Escrow, Governmental Entities” means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“In Escrow, Non-Governmental Entities” means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“Ineligible Expenditure” means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.

“Local auditor” means an auditor hired at the Grantee’s expense who conducts annual compliance reviews and fiscal reviews of the Grantee’s finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

“Material Inaccuracy” means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82(a)(1)(C) and is one of the following building types:

C1 – Concrete Moment Frame

C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms

C2A - Concrete Shear Wall with Flexible Diaphragms

C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms

PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms

PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms

PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms

URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms

RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms

URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms

S1B – Steel Cantilever Columns with Flexible Diaphragms

S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or

M – Mixed construction containing at least one of the above structure types.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

“New Construction” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

“Occupancy” means the point at which pupils occupy a classroom as evident by district documents such as the school board’s adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.

“Office of Public School Construction (OPSC)” means the office within the California Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director of General Services.

“Other Sources of Funds” means cash, the Grantee’s matching funds, or in-kind contributions that are required or used to complete the project beyond the Grants provided by this Agreement.

“Preliminary Funding Application” means the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, and all required supplementary documentation pursuant to the Act and the Regulations.

“Project” means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

“Regulations” means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).

“Relocation/DTSC Fee Fund” shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

“School District” shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the state of California.

“Unfunded List (Lack of AB 55 Loans)” means an information list of unfunded projects that was created due to the state’s inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: *SFP Regulation 1859.2*)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee’s matching funds, including interest generated by the Grants, is expended, and when all of the Parties’ obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Funding Application.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants) **\$1,024,585.40** in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement. Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70; Charter School Facilities Program: Article 14 commencing with Section 1859.160; Career Technical Education Facilities Program: Article 16 commencing with Section 1859.190)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Funding Application was accepted on **June 5, 2017** and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.
- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.
- iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.
- iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- 4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:
 - i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.
 - ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).
 - iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.
 - iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

<p>Project Execution Signature</p> <p>All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.</p> <p>X _____ Date _____</p>

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

D. Receiving Board Approval

- 1.² Grantee must have (1) title, (2) leasehold, or (3) other interest to Project lands. Title may include an order for pre-judgement possession issued by a court in an eminent domain proceeding.

(Authority: Education Code Section 17070.70; SFP Regulation Sections 1859.74 and 1859.74.1)

2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.

(Authority: Education Code Section 17070.63(a))

3. The Grantee has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

(Authority: SFP Regulation Section 1859.100 and Form SAB 50-04 certifications)

4. The Grantee has or will comply with Education Code Section 17076.11 regarding at least a three (3) percent expenditure goal for disabled veteran business enterprises.

(Authority: Form SAB 50-04 certifications)

5. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for both New Construction and Charter School Facilities Program projects, and (2) Grants not used by the Grantee that failed to meet substantial progress and (3) unspent Financial Hardship Grants, (4) unspent Charter School Facilities Program Grants, or (5) unspent Career Technical Education Facilities Program Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17076.10 and Education Code Section 41024, as applicable.

6. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the California Department of Education, and if no repayment plan has been approved pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

² For purposes of the Charter School Facilities Program, Grantee may be a district, charter school or local governmental entity and title may be held in accordance with Education Code Section 17078.63.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

7. If the Grants will be used for the construction or modernization of school facilities on leased land, the Grantee has entered into a lease agreement for the leased property that meets the requirements of School Facility Program Regulation Section 1859.22.

8. The Grantee has established a facilities inspection system to ensure that each of its schools is maintained in good repair.

[Authority: Education Code Section 17070.75(f)]

9. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the project.

(Authority: Education Code Sections 17072.30, 17074.16, 17078.72(g)(1), 17078.54(d), and 17075.10(b)(2); Form SAB 50-04 certifications)

10. The Grantee has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process **Not Applicable**

i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid (Financial Hardship approvals are valid for 180 days) on the date the Approved Funding Application was received by the Office of Public School Construction.

[Authority: SFP Regulation Section 1859.81(e)]

ii.

a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place, or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.

b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

iii. If the Project remained on the Unfunded List (Lack of AB 55 Loans) for more than 180 days, the Grantee understands and agrees that the Office of Public School Construction shall conduct a review to determine if the Grantee has additional funds available to contribute to the Grantee's matching funds.

[Authority: SFP Regulation Section 1859.81(e) and (f)]

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- iv. If the additional Office of Public School Construction review, pursuant to Section (iii) above, determined that the amount of the Financial Hardship Grant required an adjustment, pursuant to Financial Hardship rules detailed in SFP Regulation Section 1859.81, the amount of the Grants detailed in this Agreement will be amended.

[Authority: SFP Regulation Section 1859.81(a)]

12. [Instructions: The following sections only apply to the program, or other circumstance, that is detailed in this Agreement.]

New Construction **Not Applicable:**

- i. The Grantee has received approval of the site and the plans from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment.

(Authority: SFP Regulation Section 1859.81.1)

- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Seismic Mitigation Program Replacement or Facility Hardship Replacement

Not Applicable:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

Site Acquisition **Not Applicable:**

The Grantee has complied with Sections 1859.74 through 1859.75.1, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (increase or decrease) to the Grant amount based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

Modernization of Portable Classrooms **Not Applicable:**

If this Agreement includes the modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the Grantee certifies that either:

- i. The Grants will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
- ii. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.

(Authority: SFP Regulation Section 1859.78.8)

Modernization or Charter School Facilities Program Rehabilitation **Not Applicable:**

If this Agreement includes the modernization or Charter School Facilities Program Rehabilitation funding, the Grantee has received approval of the plans for the project from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment or advance release of funds for design from a Preliminary Charter School Apportionment.

(Authority: Modernization: SFP Regulation Section 1859.81.1; Charter: SFP Regulation Section 1859.163)

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation
Not Applicable:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

The Project must have the approval letter from DSA indicating that the work in the project plans is the minimum work required to mitigate the _____ (health and safety or seismic) threat, which includes any other work triggered by the _____ (health and safety or seismic) mitigation work and that is required in order to obtain DSA approval.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

Charter:

- i. **Not Applicable** Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.
- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Charter- Preliminary Charter School Apportionment:

- i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
 (Authority: SFP Regulation Section 1859.166)

- ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
 (Authority: SFP Regulation Section 1859.167)

- iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
 (Authority: SFP Regulation Section 1859.163)

- iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
 (Authority: SFP Regulation Section 1859.90.2)

*Career Technical Education Facilities Program **Not Applicable**:*

The Grantee has complied with the Career Technical Education Facilities Program (CTEFP) eligibility criteria as outlined in Section 1859.192; and,

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):

- i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.
- ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
NEW (06/17)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 13 of 29

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education.

- iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.
(Authority: SFP Regulation Section 1859.197)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.

(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

- 1.³ The Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
 - i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
 - ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
 - iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
 - iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.

2. Any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a complete Fund Release Application, and shall not exceed **\$1,024,585.40** except for **Not Applicable**. (site-related exceptions)

(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)

3. Supplementary documentation submitted with, or prior to, a Fund Release Application must include this Agreement as well as documentation that proves the following:
 - i. **Not Applicable** The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
 - ii. **Not Applicable** Notice to Proceed dates.
 - iii. **Not Applicable** For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.

(Authority: Form SAB 50-05 certifications)

³ Priority Funding procedures for the Charter School Facilities Program advance design and site fund release are outlined in SFP Regulation Section 1859.90.2.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- 4.⁴ If the Office of Public School Construction finds that the Fund Release Application is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Application within 90 days of Apportionment. However, if the Grantee does not submit a valid Fund Release Application within 90 days of the Apportionment the Grantee will receive a non-participation occurrence as described in (1.)(ii) above. The Grantee will not receive Grants at that time. Furthermore, any penalties imposed on the Grantee by a contractor, or other consequence, because of delays in payment will be paid by the Grantee and is not reimbursable under this Agreement.
(Authority: proposed amendment to School Facility Program Regulations)

⁴ Priority Funding procedures for the Charter School Facilities Program advance design and site fund release are outlined in SFP Regulation Section 1859.90.2.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Reports required pursuant to Education Code Section 17076.10, over the course of the project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.

(Authority: Education Code Section 17076.10)

2. Annual Expenditure Reports⁵

Pursuant to Education Code 17076.10, beginning 12 months from the first fund release, and continuing annually for a period of up to **four** years after the final fund release, as described in SFP Regulation Section 1859.104, the Grantee shall submit an Expenditure Report to the Office of Public School Construction.

3. Substantial Progress Compliance Reviews

- i.⁶ Pursuant to Education Code Section 17076.10, the Grantee shall be subject to a substantial progress review by the Office of Public School Construction under this Agreement with respect to all matters connected with this Agreement. The Grantee shall provide substantial progress documentation 18 months from the latest fund release. The Office of Public School Construction will consider the requirements of substantial progress met if the Grantee submits its Expenditure Report for a completed project up to 18 months from the latest fund release. The Office of Public School Construction must notify the Grantee within 60 days of receiving the documentation if a review and analysis of the information will be conducted.

(Authority: SFP Regulation Section 1859.105)

- ii. For Grantees That Have Received Grants for Construction **Not Applicable:**

The substantial progress documentation required shall include evidence that either 75 percent of the site development work is complete, or 90 percent of the building work is under contract, or 50 percent of all construction activities are complete.

(Authority: SFP Regulation Section 1859.105)

The documentation that the Grantee shall provide shall include, but is not limited to:

- a) The fund source indicated, for each project cost,
- b) Assessor's parcel number, for site acquisition costs,
- c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
- d) Architect/Engineer/Construction Management Agreement(s),
- e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
- f) Construction Contract Agreements to date,

⁵ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

⁶ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- g) Construction Bid Summaries,
- h) Construction Delivery Method,
- i) Project expenditures, to date, submitted on Detailed Listing of Project Expenditures (DLOPE) worksheet or in an equivalent format [the Office of Public School Construction will review expenditure totals for purposes of determining compliance with substantial progress requirements but will not review expenditures to determine eligibility under the program (this will be done by the local auditor)],
- j) General ledger report that details project expenditures to date
- k) Submittal of written policy and procedures that documents processes for accounting of School Facility Program project activities.
- l) Construction schedule of values or Continuation Sheet
- m) Project cost estimate

(Authority: Education Code Section 17071.10 and SFP Regulation Section 1859.105)

iii. For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants **Not Applicable:**

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) The final site appraisal,
- b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
- c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

(Authority: SFP Regulation Section 1859.105 or 1859.105.1, as applicable)

iv. For Grantees That Have Received Advanced Financial Hardship Grants for Design **Not Applicable:**

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) An Approved New Construction or Modernization Adjusted Grant Application; or,
- b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

v.⁷

- a) Should the Office of Public School Construction determine that the Grantee has not made substantial progress as described in (F)(3)(i), (ii), (iii), and (iv), it will inform the Grantee of its findings and require the Grantee to submit a final expenditure report within 60 days of notification, pursuant to SFP Regulation Section 1859.105. If no Grants have been expended by the Grantee, then the Office of Public School Construction will recommend to the Board that the project be rescinded.
- b) If Grants have been expended by the Grantee, then

⁷ Applies to Charter School Facilities Program projects that have received a final charter school apportionment.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- I. The Project shall be subject to an audit pursuant to Section 41024 of the Education Code and the applicable provisions outlined in Section (F)(4) of this Agreement. The audit shall identify Grants expended in accordance with program requirements and the amount of any unspent Grants and the amount of any Ineligible Expenditures.
- II. Once the amount of unspent Grants has been determined in the audit report described in (i) to be repaid and the Grantee repays the Grants, the Office of Public School Construction shall take an item to the State Allocation Board make a corresponding baseline eligibility adjustment, when applicable.

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

- i. Upon Project completion pursuant to SFP Regulation Section 1859.104, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.

[Authority: proposed amendment to SFP Regulation Section 1859.104(a)]

- ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) Proof of acreage purchased
 - b) Proof of site costs and adjusted site grants, where applicable
 - c) Copy of Form SAB 50-04
 - d) Copy of SAB Board item(s) (Approval of project Apportionment)
 - e) DSA Approval Letter
 - f) Final CDE Approval Letter
 - g) Architect Final Billing
 - h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
 - i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
 - j) Final construction billing and invoices,
 - k) Any and all change orders
 - l) Proof of date of Occupancy
 - m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

fund that the proceeds from the COP were originally deposited into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the project is completed, as described complete pursuant to SFP Regulation Section 1859.104. If the Grantee has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.
- iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to SFP Regulation Section 1859.104, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17076.10)

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with the Board-approved project scope, including a final inspection for a Project deemed complete pursuant to SFP Regulation Section 1859.104.

(Authority: Education Code Section 17076.10)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

5. Savings Audit(s)

Grantees may retain Savings for expenditure for other high priority Capital Outlay with the exception of when Savings are generated:

- (1) in the Charter School Facilities Program, or
- (2) in the Career Technical education Facilities Program, or
- (3) in advance of a site adjustment, or
- (4) for Financial Hardship Grants.

(Authority: Education Code Section 17070.63 and SFP Regulation Section 1859.103)

If the Grantee uses Savings to contribute to the Grantee's matching share on other SFP projects, then those SFP projects may only be funded from the same program (e.g. New Construction, Modernization), that this Project is funded from.

(Authority: SFP Regulation Section 1859.103)

The Grantee understands and agrees to the following:

- i. Upon the Grantee declaring Savings pursuant to SFP Regulation Section 1859.103, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.

[Authority: proposed amendment to SFP Section 1859.104(a)]

- ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) The Grantee's final expenditure report submitted to the Office of Public School Construction, and
 - b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
 - c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds for high priority Capital Outlay, and
 - d) Construction billing and related invoices.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

- iv. The Grantee understands and agrees that:
- (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17076.10.

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with eligible uses of Savings.

(Authority: Education Code Section 17076.10)

6. Site Adjustments **Not Applicable**

Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

7. Charter School Facilities Program and Career Technical Education Facilities Program Unspent Grants, plus Interest

Should the audit report determine that the Grantee completed either the Charter Schools Facilities Program Project or the Career Technical Education Facilities Program Project without using all the Grants provided for eligible expenditures, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

8. Financial Hardship **Not Applicable**

Should the audit report determine that there are unspent Financial Hardship Grants, then the Grantee agrees to either (1) repay the unspent Financial Hardship Grants pursuant to Education Code Section 41024(c)(2) or (2) use the unspent Financial Hardship Grants on a future project(s), provided the Grantee qualifies for Financial Hardship Grants when it applies for funding for the future project(s).

- i. Upon receipt of the audit report, the Office of Public School Construction will notify the Grantee to determine whether the Grantee will repay the unspent Financial Hardship Grants immediately or use them for a future project(s). The Grantee will have 30 days to respond to the request.
- ii. If the Grantee intends to use unspent Financial Hardship Grants on a future project(s), it must do so within three years of the audit report's determination that not all Financial Hardship Grants were expended for this Project or from the date that Savings was declared by the Grantee, whichever comes first. Failure to use unspent Financial Hardship Grants on a future project(s) within that time will result in the Grantee repaying the unspent amount plus interest.

(Authority: Education Code Section 41024 and SFP Regulation Section 1859.81)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the School Facility Program.*

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment
(Authority: Education Code Section 41024)
- The expenditures are expended or encumbered prior to the time a project is deemed complete, pursuant to SFP Regulation Section 1859.104
(Authority: Education Code Section 17076.10)

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development work pursuant to SFP Regulation Section 1859.76.

(Authority: SFP Regulation Section 1859.76)

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

**1. New Construction - Separate Apportionment for Design Costs
 Or Adjusted Grant
 Charter Schools Facilities Program - Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35
b.	Architect’s Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35
g.	Energy Analysis Fee	Ed. Code Section 17072.35*
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

H. Advisory Listing Detailing Common Ineligible Project Expenditures

The following tables are intended to provide advisory listings of common, but not exhaustive, ineligible Project expenditures.

In addition to the ineligible Project expenditures listed on the following tables, any costs associated with the Grantee's local debt issuance or interest on the Grantee's local bond(s) are also ineligible Project expenditures.

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

1. **New Construction – Separate Apportionment for Design Costs
 Or Adjusted Grant
 Charter Schools Facilities Program – Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Ineligible Project Expenditures**

DESIGN COSTS		
	Type of Ineligible Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17072.35
b.	For projects that received Design funds only any site and/or construction related expenditures are not eligible	

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

I. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Project, at a Project-specific level of detail. Grantee shall also retain such financial accounts, documents, and records necessary for an audit, pursuant to Education Code Section 41024(a)(4).

Financial accounts, documents, and records may be retained electronically.
(*Authority: Government Code Section 12275(a) and (b), and Education Code Section 41024*)

J. Material Inaccuracy

If a failure by the Grantee to comply with the terms of this Agreement, or an audit report determination that the Grantee has violated applicable state or federal law as it relates to this Project, stems from falsely certified information on the Funding Application or Fund Release Application (including certifications made by architects or other design professionals), then Material Inaccuracy findings and penalties, as described in Education Code 17070.51 and SFP Regulation Section 1859.104.1, may apply.

K. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

L. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

M. Disputes

1. Any claim that the Grantee may have regarding performance of this agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the Office of Public School Construction. The Office of Public School Construction and Grantee shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
2. Any claim that the Grantee may have regarding the audit report's project expenditure determination shall be adjudicated by the Education Audit Appeals Panel, consistent with Education Code Section 41344.

N. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

O. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Project. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Project, even if those laws and regulations are not specifically cited in this Agreement.

P. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

STATE OF CALIFORNIA
GRANT AGREEMENT
 SCHOOL FACILITY PROGRAM
 NEW (06/17)

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION
 Page 29 of 29

Office of Public School Construction Application Number: **54/61259-09-007(Design)**

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF GRANTEE REPRESENTATIVE	DATE
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE