AIMS K-12 College Prep Charter District

Facility Committee Monthly Meeting

Date and Time

Thursday February 11, 2021 at 5:00 PM PST

Location

Zoom - https://zoom.us/j/95820994307

AIMS does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Marisol Magana has been designated to receive requests for disability-related modifications or accommodations in order to enable individuals with disabilities to participate in open and public meetings at AIMS. Please notify Marisol Magana at (510) 220-9985 at least 24 hours in advance of any disability accommodations being needed in order to participate in the meeting. **Comments and questions should be entered into the chat feature of the Zoom meeting.**

Agenda

		Purpose	Presenter	Time
I.	**Opening Items**			**5:00 PM**
	Opening Items			
	A. Call the Meeting to Order			
	B. Record Attendance and Guests			
	C. Public comments on Non-action items	Discuss		5 m

		Purpose	Presenter	Time
	Public Comment on Non-Action Items is set aside for members of the Public to address the items on the Committee's agenda prior to each agenda item. The Committee will not respond or take action in response to Public Comment, except that the Committee may ask clarifying questions or direct staff. Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not exceed twenty (20) minutes (10 minutes per section)			
D.	Public comments on Action items	Discuss		5 m
	Public Comment on Non-Action Items is set aside for members of the Public to address the items on the Committee's agenda prior to each agenda item. The Committee will not respond or take action in response to Public Comment, except that the Committee may ask clarifying questions or direct staff. Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not exceed twenty (20) minutes (10 minutes per section)			
II.	**Non-action Items**			**5:10 PM**
A.	Facilities Update	FYI	Marisol Magana	5 m
B.	Prop 39 - Preliminary Offer Letters 2021-2022 for AIPCS/AIPCS II/AIPHS	Vote	Marisol Magana	5 m
III.	**Closed Session**			**5:20 PM**
A.	Public comments on Closed Session items	FYI		5 m
	Public Comment on Closed Session Items is set aside for members of the Public to address the items in this section prior to closed session. The Committee will not respond or take action in response to Public Comment, except that the Committee may ask clarifying questions or direct staff. Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not exceed twenty (20) minutes (10 minutes per section).			
B.	Recess to closed session	FYI		5 m
	Closed Session Items:			

1. Conference with Real Property Negotiators
   (Gov. Code Section 54956.9)

		Purpose	Presenter	Time
	2. Conference with Legal Counsel - Anticipated Litigation (Gov. Code Section 54956.9)			
C.	Reconvene from closed session	FYI		5 m

IV. Report from closed session

V. Closing Items — 5:35 PM

A.	Items for next agenda	Discuss		5 m
B.	Adjourn Meeting	Vote		
C.	Notes	FYI		5 m

The next regular meeting of the Board of Directors is scheduled to be held on February 25, 2021, at 6:30 pm. AIMS does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Marisol Magana has been designated to receive requests for disability-related modifications or accommodations in order to enable individuals with disabilities to participate in open and public meetings at AIMS. Please notify Marisol Magana at (510)220-9985 at least 24 hours in advance of any disability accommodations being needed in order to participate in the meeting.

I, Kellie Minor, hereby certify that I posted this agenda on the AIMS website at https://www.aimsk12.org/board-directors on, February 8, 2021, at 4:55 PM. Certification of Posting

Coversheet

Facilities Update

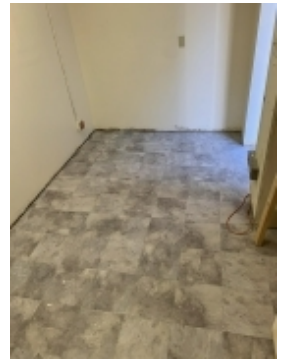
Section: II. Non-action Items
Item: A. Facilities Update
Purpose: FYI
Submitted by:
Related Material: Facilities 2-11-21.pptx

AIMS K-12 Facilities Update

Facilities

12th Street

- Clearing out garage
- Moving items to storage
- Nurse's office. Remaining work - windows, painting wall where windows will be installed
- Continue to set up classrooms for in person instruction



Lakeview

- Maintenance at the school site
- Continue to set up classrooms for in person instruction
- Classrooms floors were waxed



Facilities Grant

- Mid year certification for AIPCS/AIPCS II due 2/26/21
- There is a possibility that we might receive a 19 month grant for AIPHS. Documents requested have been submitted.

Prop 39 Update

Prop 39 Timeline

- **11/1/2020 -** Facilities Request forms were submitted for American Indian Public Charter, American Indian Public Charter School II and American Indian Public High School.

- **12/1/2020 -** Received letter from OUSD regarding no objection to enrollment projection for American Indian Public Charter, American Indian Public Charter School II and American Indian Public High School.

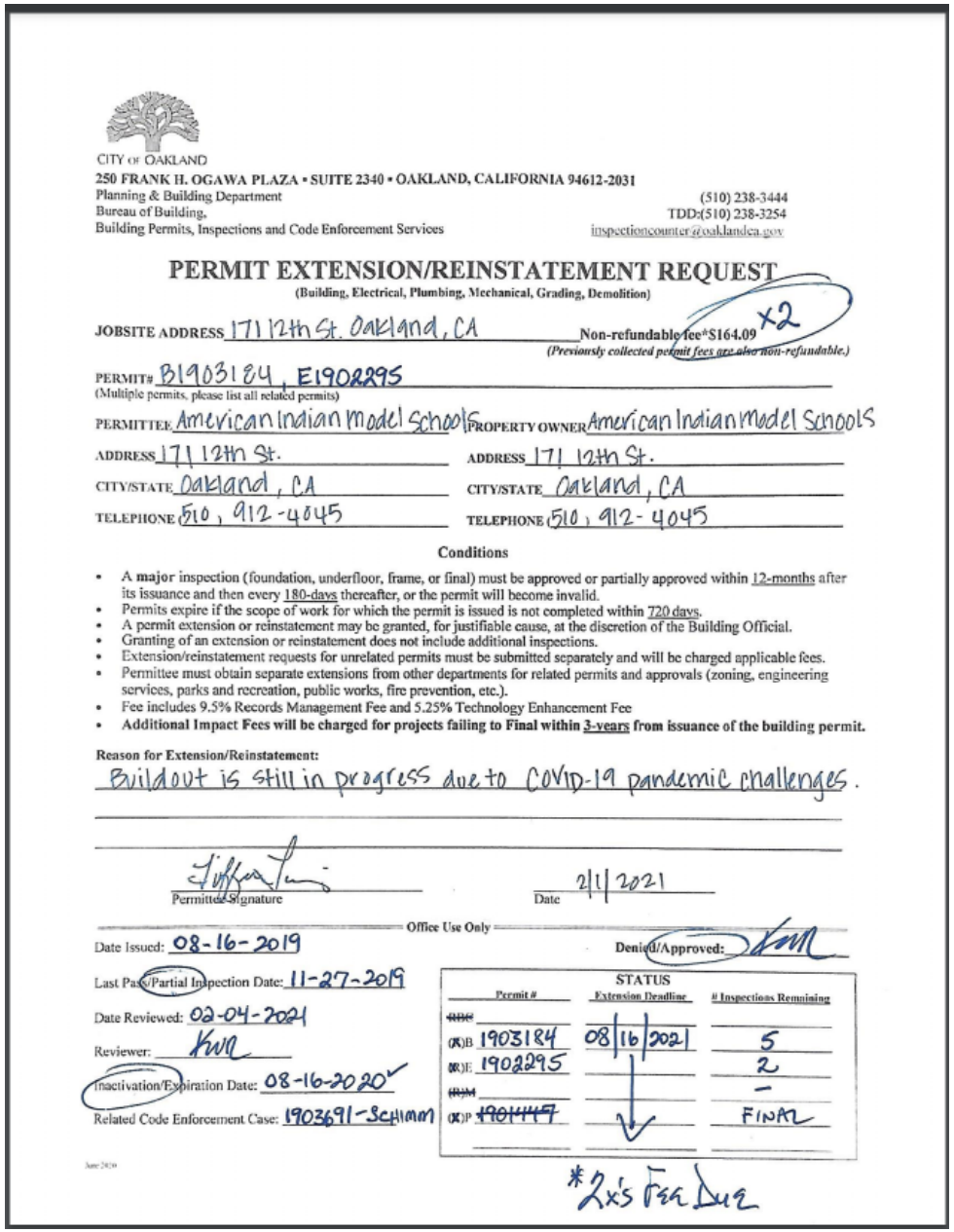
- **2/1/2021**
- Received Prop 39 Preliminary Offer Letters

School	AIPCS	AIPCS II	AIPHS
Location	Franklin Elementary School 915 Foothill Blvd, Oakland, CA 94606	McClymonds 2607 Myrtle St, Oakland, CA 94607 Montera 5555, Oakland, CA 94611	Lakeview 746 Grand St, Oakland, CA 94610
Classrooms	9 classrooms	12 classrooms 14 classrooms	15 classrooms

12th Street Permit Status

Construction Permit Expires 8/16/21

- Need to finish the 3rd floor buildout
- Currently applying to get an extension



CITY OF OAKLAND
250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
Planning & Building Department
Bureau of Building,
Building Permits, Inspections and Code Enforcement Services
(510) 238-3444
TDD:(510) 238-3254
inspectioncounter@oaklandca.gov

PERMIT EXTENSION/REINSTATEMENT REQUEST
(Building, Electrical, Plumbing, Mechanical, Grading, Demolition)

JOBSITE ADDRESS 171 12th St. Oakland, CA — Non-refundable fee*$164.09 x2
(Previously collected permit fees are also non-refundable.)

PERMIT# B1903184, E1902295
(Multiple permits, please list all related permits)

PERMITTEE American Indian Model Schools — PROPERTY OWNER American Indian Model Schools
ADDRESS 171 12th St. — ADDRESS 171 12th St.
CITY/STATE Oakland, CA — CITY/STATE Oakland, CA
TELEPHONE (510) 912-4045 — TELEPHONE (510) 912-4045

Conditions

- A **major** inspection (foundation, underfloor, frame, or final) must be approved or partially approved within 12-months after its issuance and then every 180-days thereafter, or the permit will become invalid.
- Permits expire if the scope of work for which the permit is issued is not completed within 720 days.
- A permit extension or reinstatement may be granted, for justifiable cause, at the discretion of the Building Official.
- Granting of an extension or reinstatement does not include additional inspections.
- Extension/reinstatement requests for unrelated permits must be submitted separately and will be charged applicable fees.
- Permittee must obtain separate extensions from other departments for related permits and approvals (zoning, engineering services, parks and recreation, public works, fire prevention, etc.).
- Fee includes 9.5% Records Management Fee and 5.25% Technology Enhancement Fee
- **Additional Impact Fees will be charged for projects failing to Final within 3-years from issuance of the building permit.**

Reason for Extension/Reinstatement:
Buildout is still in progress due to COVID-19 pandemic challenges.

Permittee Signature — Date 2/1/2021

Office Use Only

Date Issued: 08-16-2019
Denied/Approved:
Last Pass/Partial Inspection Date: 11-27-2019
Date Reviewed: 02-04-2021
Reviewer: KWA
Inactivation/Expiration Date: 08-16-2020
Related Code Enforcement Case: 1903691-Schimm

STATUS		
Permit #	Extension Deadline	# Inspections Remaining
~~AHU~~		
(X)B 1903184	08/16/2021	5
(X)E 1902295		2
~~(B)M~~		–
(X)P ~~1901447~~		FINAL

*2x's Fee Due

Coversheet

Prop 39 - Preliminary Offer Letters 2021-2022 for AIPCS/AIPCS II/AIPHS

Section: II. Non-action Items
Item: B. Prop 39 - Preliminary Offer Letters 2021-2022 for AIPCS/AIPCS II/AIPHS
Purpose: Vote
Submitted by:
Related Material: AIPHS Prelim Offer 2021-22.pdf
AIPCS II Prelim Offer 2021-22.pdf
AIPCS I Prelim Offer 2021-22.pdf

OFFICE OF CHARTER SCHOOLS

February 1, 2021

Maya Woods-Cadiz and Marisol Magana
American Indian Public High School
171 12th Street
Oakland, CA 94607

Re: Proposition 39 Facilities Request for 2021-22
Preliminary Offer of Facilities, 2021-22

Dear Maya Woods-Cadiz and Marisol Magana:

The Oakland Unified School District ("OUSD" or "District") makes this Preliminary Offer of Facilities to American Indian Public High School ("AIPHS" or "Charter School") for the 2021-22 school year.

The District has considered the Charter School's request for facilities under the criteria set forth in Proposition 39 and its implementing regulations ("Proposition 39"),[1] as well as the policies and procedures of the District and the Office of Charter Schools.[2]

A. 2021-22 PRELIMINARY OFFER TO THE CHARTER SCHOOL

The District's allocation of space is based on a projected in-District Average Daily Attendance ("ADA") of **401.46**.

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

Lakeview
746 Grand St, Oakland, CA 94610

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

B. COMPARISON GROUP

The Charter School's facilities space entitlement is based on space provided to students at a set of District-operated comparison schools.[3] The District must first identify the high school attendance area in which the largest number of in-District charter school students reside, which for the Charter School is Oakland High attendance area. Details about the determination of the Charter School's high school attendance area can be found in Table 1 below.

Table 1: High School Attendance Area

High School Attendance Area	# of Students
CASTLEMONT/CCPA/MADISON	52
FREMONT	76

[1] Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq*.
[2] The District also abided by the terms of the Proposition 39 Settlement Agreement and Specific Release of All Claims ("Settlement Agreement") between the California Charter School Association ("CCSA") and OUSD from September 2020 (https://www.ousdcharters.net/uploads/1/2/1/3/121378744/ccsa-ousd_settlement_agreement.pdf)
[3] Cal. Admin. Code, title 5, § 11969.3

MCCLYMONDS	58
Outside of Oakland	59
OAKLAND HIGH	**78**
OAKLAND TECH	73
SKYLINE	49

The District then identified "the district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside."[4] Using the methodology in the regulations, the District determined that the comparison group schools for the Charter School are as follows:

- **9-12:**
  - Oakland High School
  - MetWest High School

C. REASONABLE EQUIVALENCE EVALUATION

In order to meet Proposition 39 standards that proposed facilities are "reasonably equivalent," the District compares the proposed facilities to District-operated schools constituting the comparison school group. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above.[5]

With respect to "capacity", the District allocates facilities to the Charter School that are reasonably equivalent to the comparison group as follows in the categories of facilities listed below:

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

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

C1a. Classroom Entitlement

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

The District complied with Cal. Admin. Code tit. 5, § 11969.3(b)(1) by consulting the "classroom inventory pursuant to Sections 1859.31 and 1859.32 … on the Form SAB 50-02."[6] A copy of Form SAB 50-02 is linked as Exhibit D. The District notes that Form SAB 50-02 only lists the aggregate number of classrooms by grade range within each high school attendance area, without breaking down and identifying the number of classrooms by District school. Therefore, Form SAB 50-02 does not, by itself, disclose the number of classrooms "provided to" District students at individual District schools. To determine the number of classrooms "provided to" District students at District schools, the District has created an updated inventory of actual classroom utilization at each comparison group school. This inventory was compiled primarily by a

[4] Cal. Admin. Code tit. 5, § 11969.3(a)(2)
[5] Cal. Admin. Code tit. 5, §11969.3(c)
[6] Cal. Admin. Code tit. 2, s 1859.30

contracted third party vendor (MKThink) to OUSD, and also reflects updates from OUSD staff including recent changes to District sites (such as renovations).

Based on the number of classrooms (non-specialized) "provided to" District students at the comparison group schools, the District determined the ADA-to-classroom ratio at the comparison group schools as 28.57 per classroom for grades 9-12, as demonstrated in the table(s) below.

Table 2: Classroom Entitlement Calculation for Grades 9-12

Comparison School(s) Serving 9-12						
High School Attendance Area: OAKLAND HIGH						
A. Comparison School Name	**B. Projected ADA** (Non-SDC)	**C. Total Number of Classrooms** (Non-Specialized)	**D. Number of Classrooms *Not* Provided to K-12 Students**	**E. Number of SDC Classrooms** [7]	**F. Number of Classrooms Provided to K-12 Students** (C-D-E)	**G. ADA per Classroom** (B/F)
Oakland High School	1,599.93	54	0	12	42	38.09
MetWest High School	266.67	17	2	1	14	19.05
H. District Comparison School Average ADA per Classroom: (Average of Column G)						28.57
I. Charter School's Projected Gr. 9-12 ADA:			401.46			
Number of Gr. 9-12 classrooms charter is entitled to: (Row I / Row H)			**14.1**			

The District's calculation of the Charter School's classroom entitlement shows that the Charter School is entitled to an allocation of 15 (rounded up from 14.1) classrooms.

C1b. Classroom Allocation

The Charter School's allocation of exclusive-use classrooms is summarized in Table 3 and Table 4 below. The location of the exclusive-use classrooms offered to the Charter School in this Preliminary Offer is depicted in the diagrams attached as Exhibit A. This Preliminary Offer is based on preliminary District enrollment projections. As such, the exclusive-use space to which the Charter School is entitled, including the number of allocated classrooms, may change slightly in the Final Offer that will be based on the District's final enrollment projections.

Table 3: Exclusive-Use Classroom (Non-Specialized) Allocation Summary

School Site	Total Classrooms
Lakeview	15
Total	**15**

[7] SDC=Special Day Classroom. Per the Settlement Agreement, when determining the number of classrooms provided to District students at each comparison school, the District may subtract the number of classrooms that are projected to be used for Special Day Classroom instruction.

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Table 4: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
Lakeview	A-2-1
Lakeview	A-2-9
Lakeview	A-2-25
Lakeview	A-2-29
Lakeview	A-3-1
Lakeview	A-3-2
Lakeview	A-3-10
Lakeview	A-3-20
Lakeview	A-3-25
Lakeview	Portable B
Lakeview	Portable C
Lakeview	Portable 3
Lakeview	Portable 4
Lakeview	Portable 5
Lakeview	Portable 6

C2. Capacity – Specialized Classroom Space

The Proposition 39 regulations[8] require access to specialized classroom space based on three factors:

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

Specialized Classroom Space (SCS) has been divided into three categories: science lab, art, and technology, per the CCSA Settlement Agreement.

C2a. Specialized Classroom Space (SCS) Entitlement

The District has determined the amount of Specialized Classroom Space (SCS) the Charter School is entitled to, based on the amount of SCS provided to District students at the comparison group schools. From that list, the District determined the SCS sq ft-to-ADA ratios at the comparison schools as demonstrated in the table(s) below.

Table 5: SCS Entitlement Calculation for Grades 9-12

Comparison School(s) Serving Gr. 9-12							
High School Attendance Area: OAKLAND HIGH							
Comparison School Name	Projected ADA (Non-SDC)	Arts Specialized Classroom Space		Science Lab Specialized Classroom Space		Tech Specialized Classroom Space	
		(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)
Oakland High School	1,599.93	5,455	3.41	13,900	8.69	7,639	4.77

[8] Cal. Admin. Code title 5, § 11969.3(b)(2)

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MetWest High School	266.67	1,346	5.05	1,271	4.77	1,081	4.05
A. District Comparison School Average Sq Ft/ADA:		4.23		6.73		4.41	
B. Charter School's Projected Gr. 9-12 ADA:		401.46		401.46		401.46	
Gr. 9-12 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		**1,697**		**2,701**		**1,772**	

The District's calculation of the Charter School's SCS entitlement shows that the Charter School is entitled to access to approximately 1,697 sq ft of Arts SCS, 2,701 sq ft of Science Lab SCS, and 1,772 sq ft of Technology SCS. This space may be shared with another school or exclusive use.

C2b. Specialized Classroom Space Allocation

The amount of SCS available on the offered school site(s) for shared access is summarized in Table 6 below. There is no designated Arts, Science Lab, or Technology SCS at the offered site; however, the offered site was explicitly requested by the Charter School and has been the location of the Charter School's operations for several years.

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

Table 6: Specialized Classroom Space (SCS) Existing at Offer Site(s)

School Site	Arts SCS (sq ft)	Science Lab SCS (sq ft)	Tech SCS (sq ft)
Lakeview	0	0	0

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table(s) below, the District calculated the total amount of non-classroom space, as defined in the regulations, to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools.[9] A table showing the calculation of non-classroom space at District sites is included in Exhibit C.[10]

Table 7: Non-Classroom Space (NCS) Sq ft/ADA Entitlement for Grades 9-12

Comparison School(s) Serving Gr. 9-12
High School Attendance Area: OAKLAND HIGH

[9] Cal. Admin. Code title 5, § 11969.3(b)(3).

[10] These categories of non-classroom space were established under the CCSA Settlement Agreement.

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Comparison School Name	Projected ADA	Assembly		Dining		Athletic		Library		Operational		Interior Room		Exterior	
		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Oakland High School	1,679.88	8,461	5.04	585	0.35	14,262	8.49	5,220	3.11	44,580	26.54	31,470	18.73	389,167	231.66
MetWest High School	266.67	3,133	11.75	0	0.00	2,909	10.91	1,059	3.97	14,070	52.76	5,855	21.96	75,765	284.11
A. District Comparison School Average Sq Ft/ADA:		8.39		0.17		9.70		3.54		39.65		20.35		257.89	
B. Charter School's Projected Gr. 9-12 ADA:		401.46		401.46		401.46		401.46		401.46		401.46		401.46	
Gr. 9-12 non-classroom space (sq ft) charter is entitled to: (Row A x Row B)		**3,369**		**70**		**3,893**		**1,421**		**15,917**		**8,168**		**103,532**	

Note: NCS allocated proportionally based on site enrollment if more than one school occupies the site. NCS added together across sites if school is located across multiple sites. Numbers in tables may not add up precisely due to rounding.

C3b. Non-Classroom Space Allocation

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

Table 8: Non-Classroom Space (NCS) Allocation Summary

Site	Projected Charter ADA at Site	Space Type	NCS Type						
			Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)
Lakeview	401.46	Total NCS Existing at Site	2,347	1,714	0	0**	17,214	3,291	132,858
		Exclusive-Use NCS Allocation	2,347	0	0	0	8,438	1,742	40,188
		Shared Use NCS Allocation	0	0	0	0	1,078	0	33,572
		Total NCS Allocation at Site*	**2,347**	**0**	**0**	**0**	**9,516**	**1,742**	**73,760**

*Exclusive-Use and Shared NCS space allocations are shown in Exhibit A. Shared areas are calculated based on 50% of the total shared area square footage for each NCS category.

** Although one 1,266 sq ft room was categorized as a Library in the data used for NCS calculations, this room was also included as a classroom in the Classrooms data. To avoid double-counting, this room is being considered as a classroom in this offer.

Table 9 below summarizes the Charter School's non-classroom space sq ft/ADA allocation at the site(s) offered, compared to the non-classroom space sq ft/ADA ratios to which the Charter School is entitled.

Table 9: Non-Classroom Space (NCS) Allocation vs. Entitlement

	Assembly (sq ft)	**Dining** (sq ft)	**Athletic** (sq ft)	**Library** (sq ft)	**Operational** (sq ft)	**Interior Room** (sq ft)	**Exterior** (sq ft)
Total NCS Allocation	2,347	0	0	0	9,516	1,742	73,760
Total NCS Entitlement	3,369	70	3,893	1,421	15,917	8,168	103,532

The District calculates the sq ft/ADA for non-classroom space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school's allocation is considered to fall within reasonable equivalence standards if it is commensurate with the average of the sq ft/ADA ratios at the comparison group schools. As shown in the table above, the Charter School's allocation is below the comparison group average in several categories; however, the offered site was explicitly requested by the Charter School and has been the location of the Charter School's operations for several years.

Upon request, the District also will offer the Charter School reasonably equivalent furnishings and equipment for 401.46 ADA.

C4. Condition

With respect to "condition", the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics outlined in Table 10 below.

Table 10: Facility Characteristics to Determine Reasonable Equivalence of Condition

Facility Characteristic	**Reasonable Equivalence Category**	**Regulatory Authority**
School site size	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(A)
Condition of interior and exterior surfaces	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(B)
Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(C)
Availability and condition of technology resources	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(D)
Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(E)
Furnishings and equipment	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(F)

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Condition of athletic fields and/or play area space	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(G)

The District has evaluated the offered site(s) against the comparison school group based on site size (acreage) as well as data on the condition of the facilities based on information available from the Facilities Condition Index and Educational Adequacy Score, as part of the Jacobs Study provided in Exhibit B per the CCSA Settlement Agreement.

Per the Jacobs study, the Facility Condition Index (FCI) is an industry-accepted indicator that measures a relative scale of the overall condition of a given facility or group of facilities within a portfolio. The FCI evaluates each building's overall condition, including its site, roof, structural integrity, the exterior building envelope, the interior, and the mechanical, electrical, and plumbing systems. The index is derived by dividing the total repair cost, including educational adequacy and site-related repairs, by the total replacement cost of the facility.

The Educational Adequacy Score (EAS) is intended to measure the degree to which OUSD facilities support the instructional mission and modern instruction methods. The EAS is based on District specifications and Jacobs best practices and standards from previous experience, which are both informed by national standards developed by or observed by the Jacobs team. There are eight educational adequacy categories: instructional support, technology, security and supervision, capacity, support for programs, physical characteristics, learning environment, and relationship of spaces. The study gave special consideration and review to the District's instructional technology infrastructure.

The District's analysis is found in the table below. The offered site does not have available data on the condition index and the educational adequacy score; however, the offered site was explicitly requested by the Charter School and has been the location of the Charter School's operations for several years. Therefore, based on the data available to the District, the District has concluded that the facilities offered to the Charter School meet the reasonable equivalence standards under the category of "condition."

Table 11: School Site Condition Analysis, Comparison Sites vs Offer Site(s)

School Name	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Oakland High School	10.76	37%	57.2
MetWest High School (Westlake Campus)	5.73	39%	56.0
MetWest High School (La Escuelita Campus)	2.30	N/A	N/A
Comparison School Average	6.26	38%	56.6
Offer Site: Lakeview	3.05	N/A	N/A

* A higher FCI is indicative of a lower quality condition.

** A higher EAS score is indicative of a higher level of educational adequacy.

D. DIFFERENCES BETWEEN FACILITIES REQUEST AND PRELIMINARY OFFER

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The District identifies any differences between this Preliminary Offer and the Charter School's Request for Facilities:[11]

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections.

Site Location: The Charter School stated "we request facilities at the following campus: Lakeview." The District provided the Charter School a Preliminary Offer at its current location at the Lakeview campus, which the Charter School listed as their preferred location.

E. PRELIMINARY FACILITIES OFFER – OTHER TERMS AND CONDITIONS

E1. Pro-Rata Share

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

E2. Overallocation Fee

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

Space is considered overallocated[12] if:

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

The penalty for overallocation is calculated as follows:

> The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA.

Please be advised that, in the event that the District overallocates facilities based upon the Charter School's overprojection of ADA, the District will exercise its rights under the Proposition 39 regulations to collect the overallocation fee from the Charter School.

F. CONCLUSION:

[11] Per Cal. Admin. Code, title 5, §11969.9(f)

[12] Cal. Admin. Code tit. 5, § 11969.8

OAKLAND UNIFIED SCHOOL DISTRICT
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OFFICE OF CHARTER SCHOOLS

The Charter School has until March 1, 2021 to deliver a response to this letter to charteroffice@ousd.org. Please do not mail or hand deliver a response to this letter.

A Final Offer of Facilities will be provided to the Charter School by April 1, 2021. The Final Offer of Facilities may differ from the Preliminary Offer, based on any response received from the Charter School (by March 1) or other factors, including changes in the District's final enrollment projections. Should the Charter School accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement (sample agreement linked as Exhibit G), containing the terms and conditions of the District's facilities allocation. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Sincerely,

Kelly Krag-Arnold
Policy Specialist, Office of Charter Schools

Sonali Murarka
Director, Office of Charter Schools

OFFICE OF CHARTER SCHOOLS

OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Proposition 39 Preliminary Offer Exhibits

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

Exhibit B – Facilities Condition Data

Exhibit C – Facilities Space Data

Exhibit D – Form SAB 50-02

Exhibit E – Calculation of Pro Rata Share

Exhibit F – Fee and Payment Schedule [see below]

Exhibit G – Sample Facilities Use Agreement

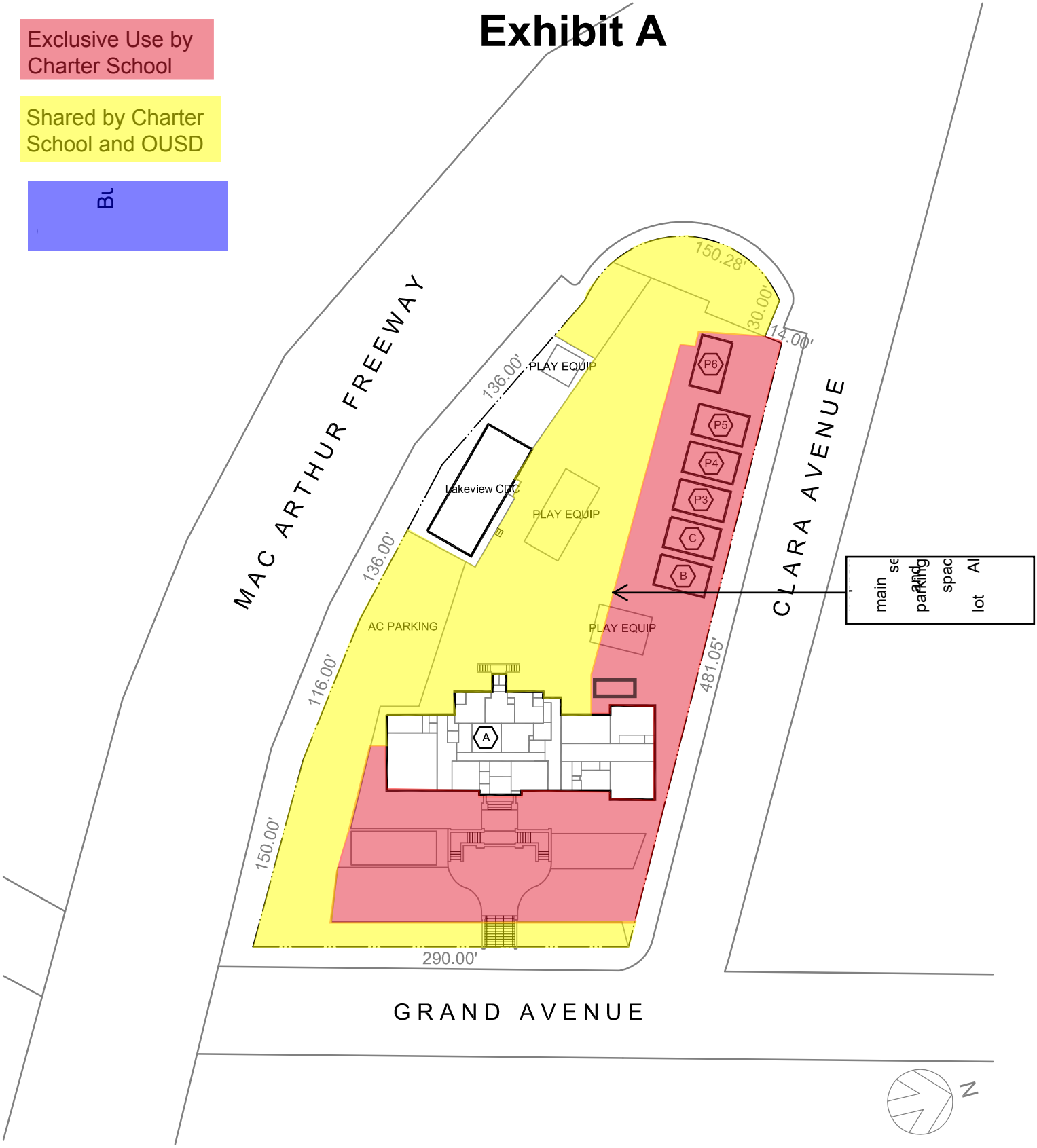
Exhibit H – Multi-Site Resolution

Exhibit A

Exclusive Use by Charter School

Shared by Charter School and OUSD

Bu



SITE PLAN

130 - LAKEVIEW ELEMENTARY SCHOOL

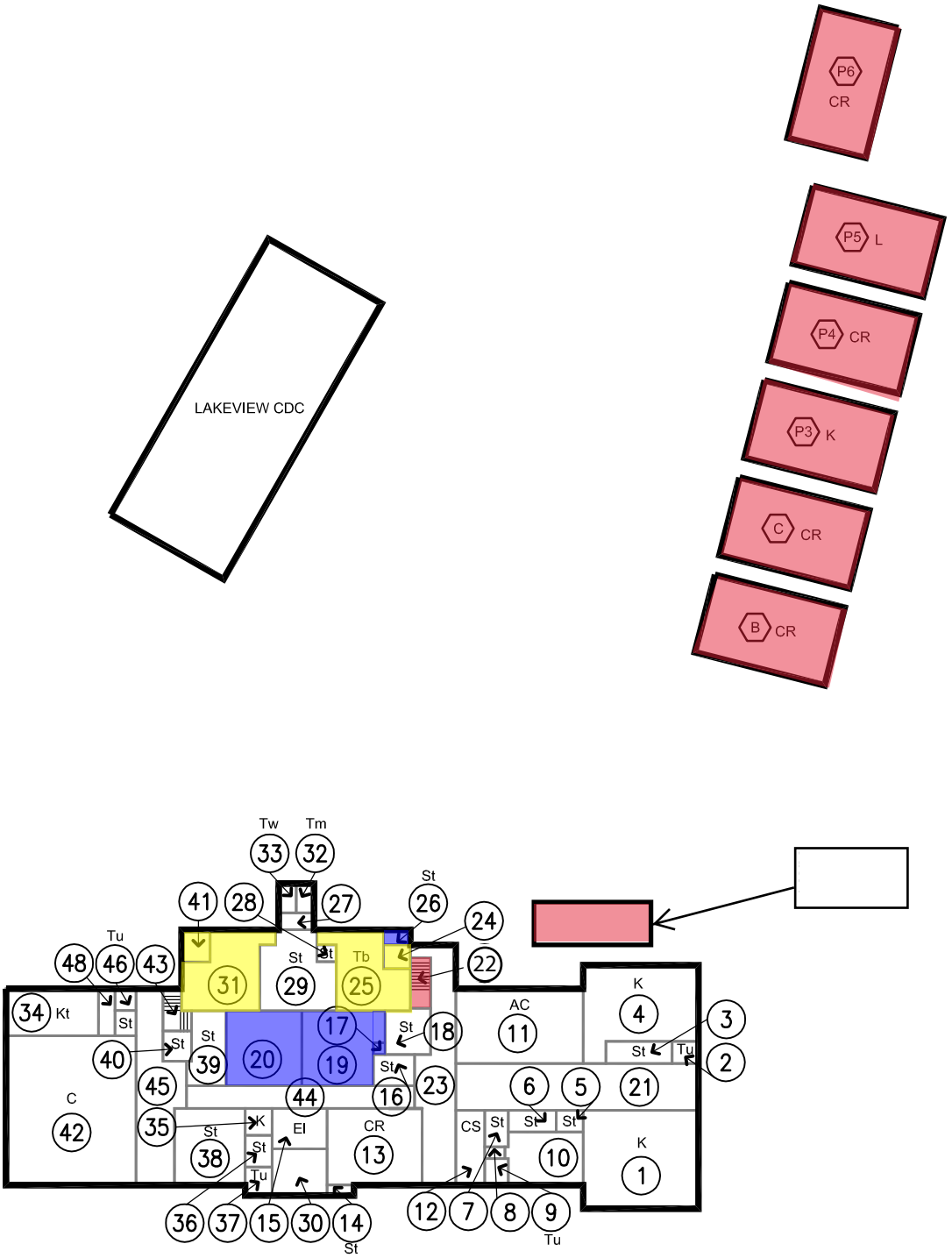
746 GRAND AVENUE, OAKLAND, CA 94610-2714

BYRENS KIM DESIGN WORKS
361 17TH STREET OAKLAND CA 94612 510-452-3324

OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Date: 1/18/2013

Scale: 1"100'-0"



BLDG A, B, C & PORT 3-6 - 1ST FLOOR PLAN

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BYRENS KIM DESIGN WORKS
361 17TH STREET OAKLAND CA 94612 510-452-3324

BLDG A, B, C & PORT 3-6 - 1ST FLOOR PLAN

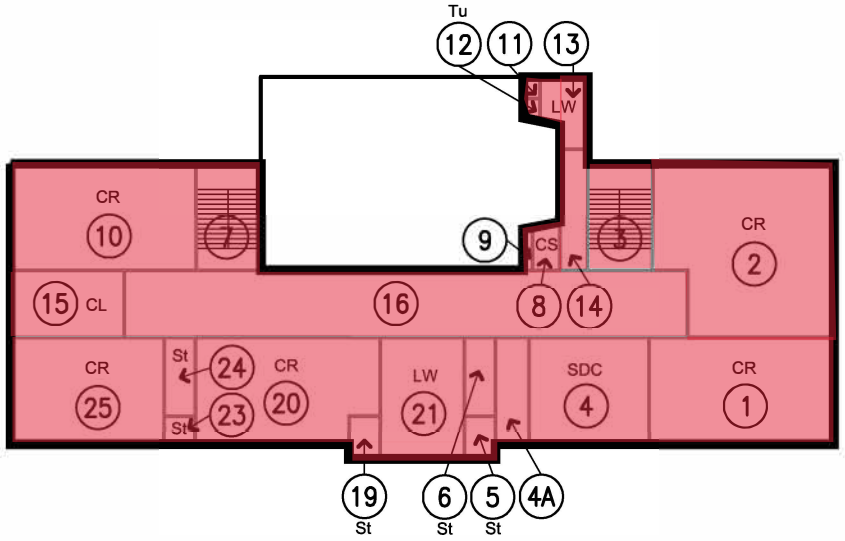
130 - LAKEVIEW ELEMENTARY SCHOOL

746 GRAND AVENUE, OAKLAND, CA 94610-2714

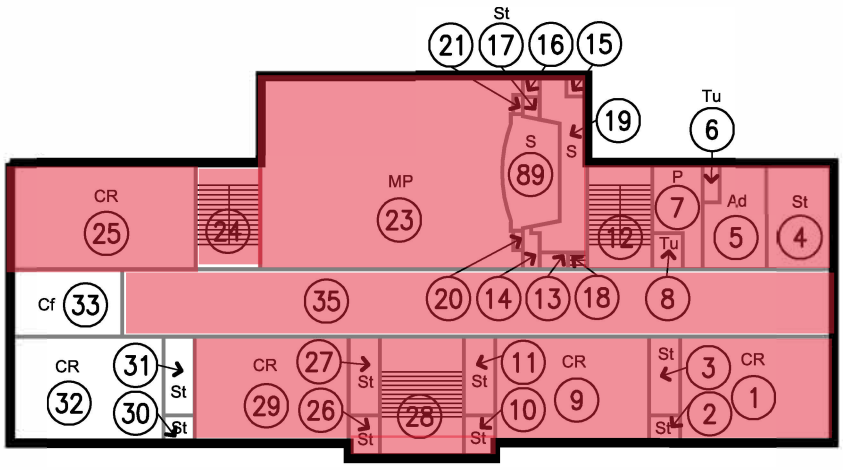
OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Date: 1/18/2013

Scale: 1"=50'-0"



BLDG A - 3RD FLOOR PLAN



BLDG A - 2ND FLOOR PLAN

BYRENS KIM DESIGN WORKS
361 17TH STREET OAKLAND CA 94612 510-452-3224

BLDG A - 2ND & 3RD FLOOR PLAN

130 - LAKEVIEW ELEMENTARY SCHOOL

746 GRAND AVENUE, OAKLAND, CA 94610-2714

OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Date: 1/18/2013

Scale: 1"=40'-0"

3 of 3

Exhibit F

Fee and Payment Schedule

Contract Term (Fiscal Year):	2021-22
Charter School Name:	**AIPHS**
Campus Name:	**Lakeview**
Address:	**746 Grand Ave**
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	12,748
Specialized Classroom Space Allocation (sqft)	0
+ Non-Classroom Space Allocation (sqft)	13,605
Total Space Allocation at Site (sqft)*	**26,353**
x Facility Fee Sqft Rate (includes custodial and utilities)	$8.95
Facility Use Fee	**$235,859.35**
PAYMENT SCHEDULE	
25% by October 1, 2021 25% by December 1, 2021 25% by March 1, 2022 25% by June 1, 2022	

Note: All calculations subject to change. The Specialized Classroom and Non-Classroom Allocation square footage numbers above represent the Charter School's share of these spaces based on its entitlement and proportion of total ADA at the campus.

*Includes only interior space.

OFFICE OF CHARTER SCHOOLS

February 1, 2021

Maya Woods-Cadiz and Marisol Magana
American Indian Public Charter School
171 12th Street
Oakland, CA 94607

Re: Proposition 39 Facilities Request for 2021-22
Preliminary Offer of Facilities, 2021-22

Dear Maya Woods-Cadiz and Marisol Magana:

The Oakland Unified School District ("OUSD" or "District") makes this Preliminary Offer of Facilities to American Indian Public Charter School II ("AIPCS II" or "Charter School") for the 2021-22 school year.

The District has considered the Charter School's request for facilities under the criteria set forth in Proposition 39 and its implementing regulations ("Proposition 39"),[1] as well as the policies and procedures of the District and the Office of Charter Schools.[2]

A. 2021-22 PRELIMINARY OFFER TO THE CHARTER SCHOOL

The District's allocation of space is based on a projected in-District Average Daily Attendance ("ADA") of **573.71**.

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

McClymonds
2607 Myrtle St, Oakland, CA 94607

Montera
5555, Oakland, CA 94611

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

B. COMPARISON GROUP

The Charter School's facilities space entitlement is based on space provided to students at a set of District-operated comparison schools.[3] The District must first identify the high school attendance area in which the largest number of in-District charter school students reside, which for the Charter School is Oakland Tech attendance area. Details about the determination of the Charter School's high school attendance area can be found in Table 1 below.

[1] Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq*.
[2] The District also abided by the terms of the Proposition 39 Settlement Agreement and Specific Release of All Claims ("Settlement Agreement") between the California Charter School Association ("CCSA") and OUSD from September 2020 (https://www.ousdcharters.net/uploads/1/2/1/3/121378744/ccsa-ousd_settlement_agreement.pdf)
[3] Cal. Admin. Code, title 5, § 11969.3

OAKLAND UNIFIED SCHOOL DISTRICT
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OFFICE OF CHARTER SCHOOLS

Table 1: High School Attendance Area

High School Attendance Area	# of Students
CASTLEMONT/CCPA/MADISON	59
FREMONT	72
MCCLYMONDS	76
Outside of Oakland	116
OAKLAND HIGH	117
OAKLAND TECH	**182**
SKYLINE	36

The District then identified "the district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside."[4] Using the methodology in the regulations, the District determined that the comparison group schools for the Charter School are as follows:

- **TK-5:**
  - Chabot Elementary
  - Emerson Elementary
  - Hillcrest School
  - Lincoln Elementary
  - Peralta Elementary
  - Piedmont Avenue Elementary
  - Sankofa United Elementary
- **6-8:**
  - Hillcrest School
  - Claremont Middle School
  - Westlake Middle School

C. REASONABLE EQUIVALENCE EVALUATION

In order to meet Proposition 39 standards that proposed facilities are "reasonably equivalent," the District compares the proposed facilities to District-operated schools constituting the comparison school group. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above.[5]

With respect to "capacity", the District allocates facilities to the Charter School that are reasonably equivalent to the comparison group as follows in the categories of facilities listed below:

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

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

[4] Cal. Admin. Code tit. 5, § 11969.3(a)(2)
[5] Cal. Admin. Code tit. 5, §11969.3(c)

OAKLAND UNIFIED SCHOOL DISTRICT
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C1a. Classroom Entitlement

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

The District complied with Cal. Admin. Code tit. 5, § 11969.3(b)(1) by consulting the "classroom inventory pursuant to Sections 1859.31 and 1859.32 … on the Form SAB 50-02."[6] A copy of Form SAB 50-02 is linked as Exhibit D. The District notes that Form SAB 50-02 only lists the aggregate number of classrooms by grade range within each high school attendance area, without breaking down and identifying the number of classrooms by District school. Therefore, Form SAB 50-02 does not, by itself, disclose the number of classrooms "provided to" District students at individual District schools. To determine the number of classrooms "provided to" District students at District schools, the District has created an updated inventory of actual classroom utilization at each comparison group school. This inventory was compiled primarily by a contracted third party vendor (MKThink) to OUSD, and also reflects updates from OUSD staff including recent changes to District sites (such as renovations).

Based on the number of classrooms (non-specialized) "provided to" District students at the comparison group schools, the District determined the ADA-to-classroom ratio at the comparison group schools as 21.57 per classroom for grades TK-5 and 25.25 per classroom for grades 6-8 as demonstrated in the table(s) below.

Table 2a: Classroom Entitlement Calculation for Grades TK-5

Comparison School(s) Serving TK-5						
High School Attendance Area: OAKLAND TECH						
A. Comparison School Name	**B. Projected ADA** (Non-SDC)	**C. Total Number of Classrooms** (Non-Specialized)	**D. Number of Classrooms *Not* Provided to K-12 Students**	**E. Number of SDC Classrooms** [7]	**F. Number of Classrooms Provided to K-12 Students** (C-D-E)	**G. ADA per Classroom** (B/F)
Chabot Elementary	534.26	22	0	2	20	26.71
Emerson Elementary	296.46	22	4	2	16	18.53
Hillcrest School	386.32	13	0	0	13	29.72
Lincoln Elementary	737.05	29	0	0	29	25.42
Peralta Elementary	345.65	15	0	0	15	23.04
Piedmont Avenue Elementary	310.46	20	0	2	18	17.25
Sankofa United Elementary	144.44	18	2	2	14	10.32

[6] Cal. Admin. Code tit. 2, s 1859.30

[7] SDC=Special Day Classroom. Per the Settlement Agreement, when determining the number of classrooms provided to District students at each comparison school, the District may subtract the number of classrooms that are projected to be used for Special Day Classroom instruction. SDC classrooms are included as interior room non-classroom space.

OAKLAND UNIFIED SCHOOL DISTRICT
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H. District Comparison School Average ADA per Classroom: (Average of Column G)	21.57
I. Charter School's Projected TK-5 ADA:	388.96
Number of TK-5 classrooms charter is entitled to: (Row I / Row H)	**18.0**

Table 2b: Classroom Entitlement Calculation for Grades 6-8

Comparison School(s) Serving 6-8						
High School Attendance Area: OAKLAND TECH						
A. Comparison School Name	**B. Projected ADA** (Non-SDC)	**C. Total Number of Classrooms** (Non-Specialized)	**D. Number of Classrooms *Not* Provided to K-12 Students**	**E. Number of SDC Classrooms** [8]	**F. Number of Classrooms Provided to K-12 Students** (C-D-E)	**G. ADA per Classroom** (B/F)
Hillcrest School	386.32	13	0	0	13	29.72
Claremont Middle School	445.47	19	0	3	16	27.84
Westlake Middle School	309.47	20	0	3	17	18.20
H. District Comparison School Average ADA per Classroom: (Average of Column G)						25.25
I. Charter School's Projected Gr. 6-8 ADA:			184.75			
Number of Gr. 6-8 classrooms charter is entitled to: (Row I / Row H)			**7.3**			

Table 3: Total Classroom Entitlement Summary by Grade Span

Grade Span	Classroom Entitlement
TK-5	18.0
6-8	7.3
Total	**25.3**

The District's calculation of the Charter School's classroom entitlement shows that the Charter School is entitled to an allocation of 26 (rounded up from 18.0 +7.3 = 25.3) classrooms.

[8] SDC=Special Day Classroom. Per the Settlement Agreement, when determining the number of classrooms provided to District students at each comparison school, the District may subtract the number of classrooms that are projected to be used for Special Day Classroom instruction. SDC classrooms are included as interior room non-classroom space.

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C1b. Classroom Allocation

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

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

School Site	Total Classrooms
McClymonds	12
Montera	14
Total	**26**

Table 5: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
McClymonds	106
McClymonds	111
McClymonds	116
McClymonds	203
McClymonds	221
McClymonds	206
McClymonds	211
McClymonds	226
McClymonds	301
McClymonds	305
McClymonds	306
McClymonds	307
Montera	402
Montera	P12
Montera	P11
Montera	P4
Montera	P1
Montera	211
Montera	206
Montera	213
Montera	P9
Montera	303
Montera	100
Montera	216
Montera	P13
Montera	204

C2. Capacity – Specialized Classroom Space

The Proposition 39 regulations[9] require access to specialized classroom space based on three factors:

[9] Cal. Admin. Code title 5, § 11969.3(b)(2)

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

Specialized Classroom Space (SCS) has been divided into three categories: science lab, art, and technology, per the CCSA Settlement Agreement.

C2a. Specialized Classroom Space (SCS) Entitlement
The District has determined the amount of Specialized Classroom Space (SCS) the Charter School is entitled to, based on the amount of SCS provided to District students at the comparison group schools. From that list, the District determined the SCS sq ft-to-ADA ratios at the comparison schools as demonstrated in the table(s) below.

Table 6a: SCS Entitlement Calculation for Grades TK-5

Comparison School(s) Serving TK-5							
High School Attendance Area: OAKLAND TECH							
Comparison School Name	**Projected ADA** (Non-SDC)	**Arts Specialized Classroom Space**		**Science Lab Specialized Classroom Space**		**Tech Specialized Classroom Space**	
		(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)
Chabot Elementary	534.26	2,708	5.07	825	1.54	864	1.62
Emerson Elementary	296.46	0	0.00	0	0.00	0	0.00
Hillcrest School	386.32	0	0.00	897	2.32	0	0.00
Lincoln Elementary	737.05	0	0.00	0	0.00	852	1.16
Peralta Elementary	345.65	0	0.00	0	0.00	0	0.00
Piedmont Avenue Elementary	310.46	0	0.00	0	0.00	0	0.00
Sankofa United Elementary	144.44	0	0.00	0	0.00	0	0.00
A. District Comparison School Average Sq Ft/ADA:		0.72		0.55		0.40	
B. Charter School's Projected TK-5 ADA:		388.96		388.96		388.96	
TK-5 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		**282**		**215**		**154**	

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Table 6b: SCS Entitlement Calculation for Grades 6-8

Comparison School(s) Serving Gr. 6-8							
High School Attendance Area: OAKLAND TECH							
Comparison School Name	**Projected ADA** (Non-SDC)	**Arts Specialized Classroom Space**		**Science Lab Specialized Classroom Space**		**Tech Specialized Classroom Space**	
		(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)
Hillcrest School	386.32	0	0.00	897	2.32	0	0.00
Claremont Middle School	445.47	2,368	5.32	1,956	4.39	0	0.00
Westlake Middle School	309.47	3,123	10.09	2,193	7.09	1,677	5.42
A. District Comparison School Average Sq Ft/ADA:		5.14		4.60		1.81	
B. Charter School's Projected Gr. 6-8 ADA:		184.75		184.75		184.75	
Gr. 6-8 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		**949**		**850**		**334**	

Table 7: Total SCS Entitlement Summary by Grade Span

Grade Span	SCS Entitlement (sq ft)		
	Arts	**Science Lab**	**Tech**
TK-5	282	215	154
6-8	949	850	334
Total	**1,231**	**1,065**	**488**

The District's calculation of the Charter School's SCS entitlement shows that the Charter School is entitled to access to approximately 1,231 sq ft of Arts SCS, 1,065 sq ft of Science Lab SCS, and 488 sq ft of Technology SCS. This space may be shared with another school or exclusive use.

C2b. Specialized Classroom Space Allocation

The amount of SCS available on the offered school site(s) for shared access is summarized in Table 8 below. The co-located schools at the McClymonds and Montera campuses will develop a shared access schedule for the amount of SCS the Charter School is entitled to based on each co-located school's ADA.

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

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Table 8: Specialized Classroom Space (SCS) Existing at Offer Site(s)

School Site	Arts SCS (sq ft)	Science Lab SCS (sq ft)	Tech SCS (sq ft)
McClymonds	4,674	12,224	5,985
Montera	7,256	4,800	3,468

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table(s) below, the District calculated the total amount of non-classroom space, as defined in the regulations, to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools.[10] A table showing the calculation of non-classroom space at District sites is included in Exhibit C.[11]

Table 9a: Non-Classroom Space (NCS) Sq ft/ADA Entitlement for Grades TK-5

Comparison School(s) Serving Gr. TK-5														
High School Attendance Area: OAKLAND TECH														
Comparison School Name	Projected ADA	Assembly		Dining		Athletic		Library		Operational		Interior Room		Exterior	
		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Chabot Elementary	543.94	4,901	9.01	0	0.00	0	0.00	2,480	4.56	8,410	15.46	4,322	7.95	141,292	259.76
Emerson Elementary	315.28	3,754	11.91	0	0.00	0	0.00	1,140	3.62	8,066	25.58	5,112	16.21	185,443	588.19
Hillcrest School	386.32	2,165	5.60	0	0.00	0	0.00	1,242	3.21	6,116	15.83	1,988	5.15	72,696	188.18
Lincoln Elementary	737.05	3,150	4.27	0	0.00	0	0.00	899	1.22	12,089	16.40	3,281	4.45	25,297	34.32
Peralta Elementary	345.65	4,692	13.57	0	0.00	0	0.00	1,207	3.49	2,002	5.79	2,064	5.97	54,062	156.41
Piedmont Avenue Elementary	329.22	3,461	10.51	0	0.00	0	0.00	1,004	3.05	13,251	40.25	4,609	14.00	72,241	219.43
Sankofa United Elementary	163.20	3,591	22.00	2,758	16.90	0	0.00	975	5.97	13,936	85.39	7,797	47.78	315,781	1,934.93
A. District Comparison School Average Sq Ft/ADA:		10.98		2.41		0.00		3.59		29.24		14.50		483.03	

[10] Cal. Admin. Code title 5, § 11969.3(b)(3).

[11] These categories of non-classroom space were established under the CCSA Settlement Agreement.

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B. Charter School's Projected Gr. TK-5 ADA:	388.96	388.96	388.96	388.96	388.96	388.96	388.96
Gr. TK-5 non-classroom space (sq ft) charter is entitled to: (Row A x Row B)	**4,272**	**939**	**0**	**1,396**	**11,375**	**5,640**	**187,879**

Note: NCS allocated proportionally based on site enrollment if more than one school occupies the site. NCS added together across sites if school is located across multiple sites. Numbers in tables may not add up precisely due to rounding.

Table 9b: Non-Classroom Space (NCS) Sq ft/ADA Entitlement for Grades 6-8

Comparison School(s) Serving Gr. 6-8														
High School Attendance Area: OAKLAND TECH														
Comparison School Name	**Projected ADA**	**Assembly**		**Dining**		**Athletic**		**Library**		**Operational**		**Interior Room**		**Exterior**	
		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Hillcrest School	386.32	2,165	5.60	0	0.00	0	0.00	1,242	3.21	6,116	15.83	1,988	5.15	72,696	188.18
Claremont Middle School	477.22	1,440	3.02	1,920	4.02	5,770	12.09	1,203	2.52	8,765	18.37	8,709	18.25	116,987	245.14
Westlake Middle School	346.42	3,153	9.10	0	0.00	7,557	21.82	1,300	3.75	16,881	48.73	6,612	19.09	136,522	394.09
A. District Comparison School Average Sq Ft/ADA:		5.91		1.34		11.30		3.16		27.64		14.16		275.80	
B. Charter School's Projected Gr. 6-8 ADA:		184.75		184.75		184.75		184.75		184.75		184.75		184.75	
Gr. 6-8 non-classroom space (sq ft) charter is entitled to: (Row A x Row B)		**1,091**		**248**		**2,088**		**584**		**5,107**		**2,616**		**50,955**	

Note: NCS allocated proportionally based on site enrollment if more than one school occupies the site. NCS added together across sites if school is located across multiple sites. Numbers in tables may not add up precisely due to rounding.

OAKLAND UNIFIED SCHOOL DISTRICT
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Table 10: Total NCS Entitlement Summary by Grade Span

Grade Span	Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)
TK-5	4,272	939	0	1,396	11,375	5,640	187,879
6-8	1,091	248	2,088	584	5,107	2,616	50,955
Total for all grades	**5,364**	**1,187**	**2,088**	**1,980**	**16,482**	**8,256**	**238,834**

C3b. Non-Classroom Space Allocation

The Charter School's Non-Classroom Space (NCS) allocation is summarized below. The co-located schools at the McClymonds and Montera campuses will develop a shared access schedule for the amount of NCS the Charter School is entitled to based on each school's ADA.

Table 11: Non-Classroom Space (NCS) Allocation Summary

Site	Projected Charter ADA at Site[12]	Space Type	NCS Type						
			Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)
McClymonds	264.77	Existing at Site	15,737	3,960	19,933	3,400	64,992	22,355	363,737
		Shared Use Allocation*	3,504	1,187	964	1,094	7,606	4,631	110,222
Montera	308.94	Existing at Site	5,539	0	13,361	2,088	27,625	10,796	598,227
		Shared Use Allocation*	1,860	0	1,124	701	8,876	3,625	128,612
Total	**573.71**	**Total Allocation Across Both Sites**	**5,364**	**1,187**	**2,088**	**1,795**	**16,482**	**8,256**	**238,834**

*Calculated as Total Site NCS x AIPCS II's Proportion of Site In-District ADA. AIPCS II's Proportion of Total Site In-District ADA at McClymonds is calculated as 264.77 / (264.77 + 231.73 + 326.45) = 32.17% and its Proportion of Total Site In-District ADA at Montera is calculated as 308.94 / (308.94 + 611.06) = 33.58%.

Table 12 below summarizes the Charter School's non-classroom space sq ft/ADA allocation at the site(s) offered, compared to the non-classroom space sq ft/ADA ratios to which the Charter School is entitled.

Table 12: Non-Classroom Space (NCS) Allocation vs. Entitlement

	Assembly (sq ft)	Dining (sq ft)	Athletic (sq ft)	Library (sq ft)	Operational (sq ft)	Interior Room (sq ft)	Exterior (sq ft)

[12] For the purposes of the NCS allocation, the Charter School's total ADA (573.71) was split proportionally across the two offered sites based on the number of classrooms offered at each site.

Total NCS Allocation	5,364	1,187	2,088	1,795	16,482	8,256	238,834
Total NCS Entitlement	5,364	1,187	2,088	1,980	16,482	8,256	238,834

The District calculates the sq ft/ADA for non-classroom space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school's allocation is considered to fall within reasonable equivalence standards if it is commensurate with the average of the sq ft/ADA ratios at the comparison group schools. As shown in the table above, the Charter School's allocation equals or is close to the comparison group average in nearly all categories and therefore is reasonably equivalent.

Exclusive use NCS that may be used by the Charter School for administrative/office purposes will be identified in the Final Offer

Upon request, the District also will offer the Charter School reasonably equivalent furnishings and equipment for 573.71 ADA.

C4. Condition

With respect to "condition", the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics outlined in Table 13 below.

Table 13: Facility Characteristics to Determine Reasonable Equivalence of Condition

Facility Characteristic	Reasonable Equivalence Category	Regulatory Authority
School site size	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(A)
Condition of interior and exterior surfaces	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(B)
Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(C)
Availability and condition of technology resources	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(D)
Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(E)
Furnishings and equipment	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(F)
Condition of athletic fields and/or play area space	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(G)

The District has evaluated the offered site(s) against the comparison school group based on site size (acreage) as well as data on the condition of the facilities based on information available from the Facilities Condition Index and Educational Adequacy Score, as part of the Jacobs Study provided in Exhibit B per the CCSA Settlement Agreement.

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Per the Jacobs study, the Facility Condition Index (FCI) is an industry-accepted indicator that measures a relative scale of the overall condition of a given facility or group of facilities within a portfolio. The FCI evaluates each building's overall condition, including its site, roof, structural integrity, the exterior building envelope, the interior, and the mechanical, electrical, and plumbing systems. The index is derived by dividing the total repair cost, including educational adequacy and site-related repairs, by the total replacement cost of the facility.

The Educational Adequacy Score (EAS) is intended to measure the degree to which OUSD facilities support the instructional mission and modern instruction methods. The EAS is based on District specifications and Jacobs best practices and standards from previous experience, which are both informed by national standards developed by or observed by the Jacobs team. There are eight educational adequacy categories: instructional support, technology, security and supervision, capacity, support for programs, physical characteristics, learning environment, and relationship of spaces. The study gave special consideration and review to the District's instructional technology infrastructure.

The District's analysis, found in the table below, shows that both sites offered to the Charter School are much larger (in terms of acreage) than the comparison school average. One offered site (McClymonds) has a worse condition index than the comparison school average, but that same site also has a better educational adequacy score than the comparison school average. The other offered site (Montera) has a similar condition index to the comparison school average and a better educational adequacy score. Therefore, based on the data available to the District, the District has concluded that the facilities offered to the Charter School meet the reasonable equivalence standards under the category of "condition."

Table 14: School Site Condition Analysis, Comparison Sites vs Offer Site(s)

School Name	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Chabot Elementary	4.20	16%	59.7
Emerson Elementary	5.12	24%	55.0
Hillcrest School	2.14	71%	43.8
Lincoln Elementary	1.38	57%	43.3
Peralta Elementary	1.76	10%	42.5
Piedmont Avenue Elementary	2.44	39%	52.2
Sankofa United Elementary	7.18	78%	53.1
Claremont Middle School	3.79	22%	54.0
Westlake Middle School	5.73	39%	56.0
Comparison School Average	3.75	40%	51.1
Offer Site: McClymonds	10.67	78%	59.9
Offer Site: Montera	15.89	44%	61.3

* A higher FCI is indicative of a lower quality condition.

** A higher EAS score is indicative of a higher level of educational adequacy.

D. DIFFERENCES BETWEEN FACILITIES REQUEST AND PRELIMINARY OFFER

The District identifies any differences between this Preliminary Offer and the Charter School's Request for Facilities:[13]

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections.

Site Location: The Charter School stated "Our Charter School wishes to be located within the Laurel/Downtown/Chinatown neighborhood." The District's findings with respect to the Charter School's location preference are found in the January 27, 2021 resolution adopted by the OUSD Board (Exhibit H). Here, the District exercised its discretion in determining that none of the schools in the Charter School's preferred locations had capacity to accommodate the Charter School's entire projected ADA. The District's determination is subject to deference. (See, e.g., *Westchester Secondary Charter School v. Los Angeles Unified School District* (2015) 237 Cal.App.4th 1226; *Sequoia Union High Sch. Dist. v. Aurora Charter High School* (2003) 112 Cal.App.4th 185, 194-5.)

E. MULTI-SITE OFFER[14]

On January 27, 2021, the District's Governing Board passed a Resolution "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding" ("Resolution"). The Resolution contains findings supporting the conclusion that the Charter School cannot be accommodated on one site, minimizing the number of sites offered, and considering student safety (Exhibit H).

F. PRELIMINARY FACILITIES OFFER – OTHER TERMS AND CONDITIONS

F1. Pro-Rata Share

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

F2. Overallocation Fee

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

Space is considered overallocated[15] if:

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

The penalty for overallocation is calculated as follows:

> The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the

[13] Per Cal. Admin. Code, title 5, §11969.9(f)
[14] Per Cal. Code Regs., tit. 5, section § 11969.2(d)
[15] Cal. Admin. Code tit. 5, § 11969.8

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CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA.

Please be advised that, in the event that the District overallocates facilities based upon the Charter School's overprojection of ADA, the District will exercise its rights under the Proposition 39 regulations to collect the overallocation fee from the Charter School.

G. CONCLUSION:

The Charter School has until March 1, 2021 to deliver a response to this letter to charteroffice@ousd.org. Please do not mail or hand deliver a response to this letter.

A Final Offer of Facilities will be provided to the Charter School by April 1, 2021. The Final Offer of Facilities may differ from the Preliminary Offer, based on any response received from the Charter School (by March 1) or other factors, including changes in the District's final enrollment projections. Should the Charter School accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement (sample agreement linked as Exhibit G), containing the terms and conditions of the District's facilities allocation. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Sincerely,

Kelly Krag-Arnold
Policy Specialist, Office of Charter Schools

Sonali Murarka
Director, Office of Charter Schools

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Proposition 39 Preliminary Offer Exhibits

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

Exhibit B – Facilities Condition Data

Exhibit C – Facilities Space Data

Exhibit D – Form SAB 50-02

Exhibit E – Calculation of Pro Rata Share

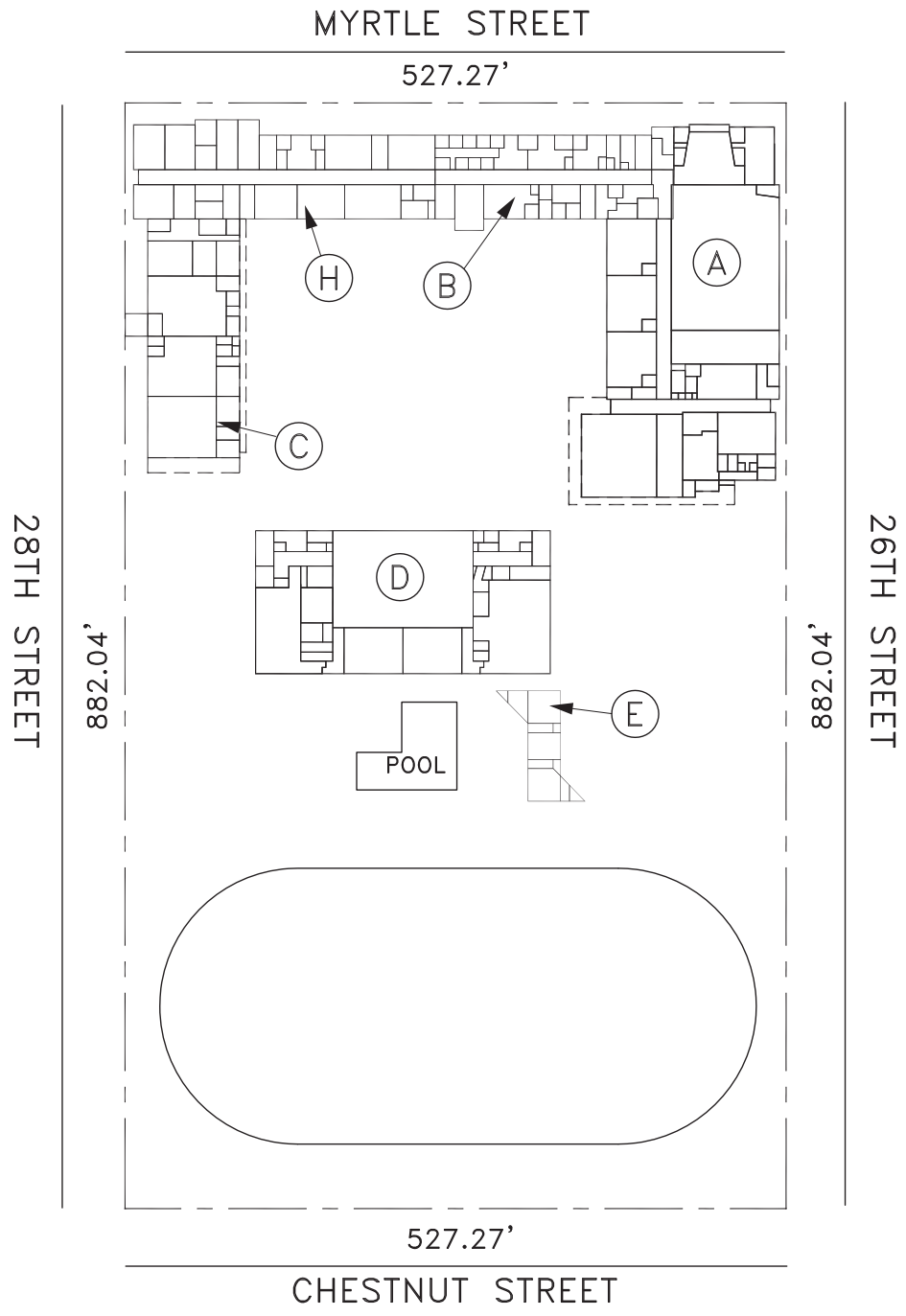
Exhibit F – Fees and Payment Schedule [see below]

Exhibit G – Sample Facilities Use Agreement

Exhibit H – Multi-Site Resolution

Appendix A

For Charter School's exclusive use



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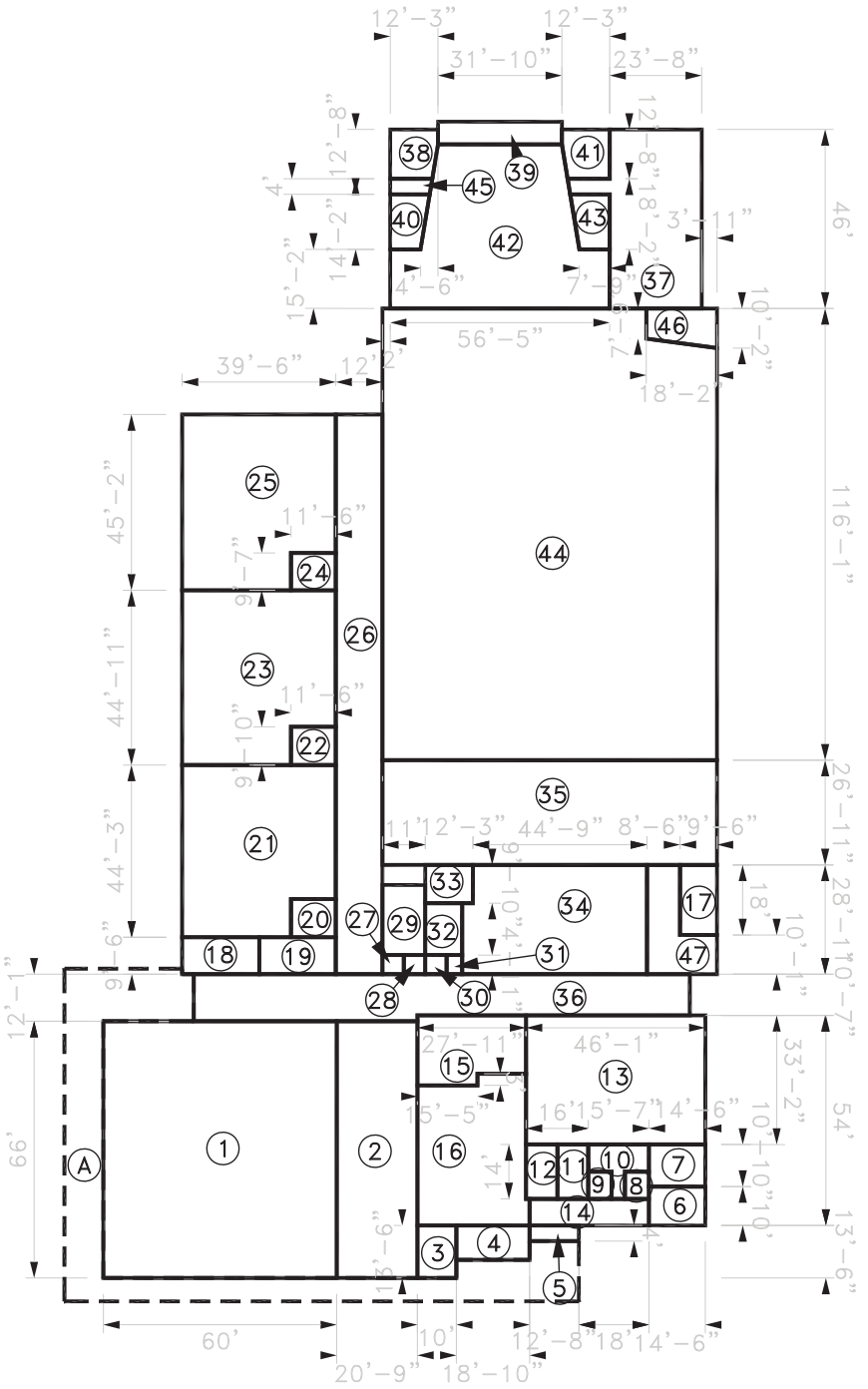
303 - McClymonds High School - Site Plan

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303 - McClymonds High School - Unit A1

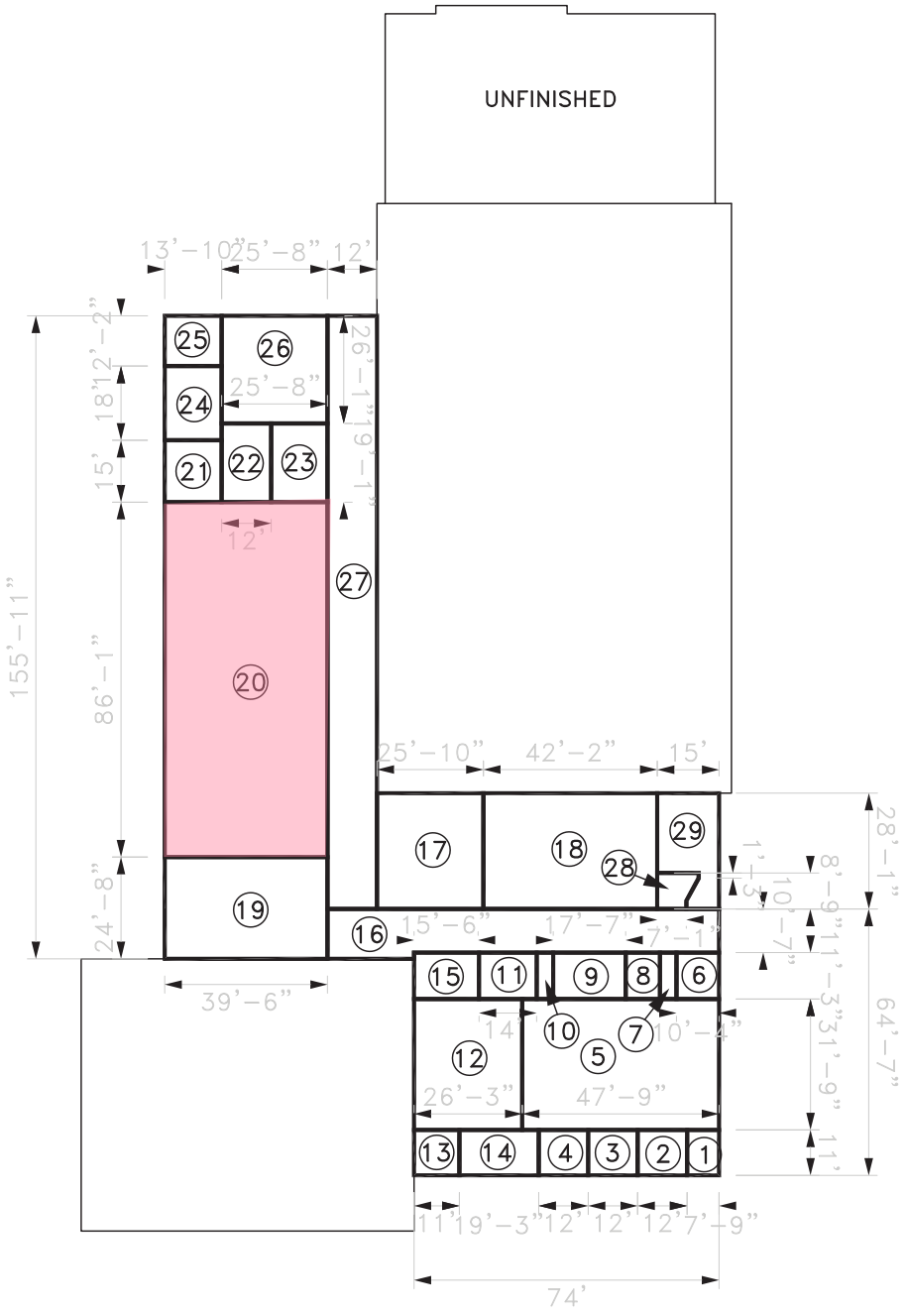
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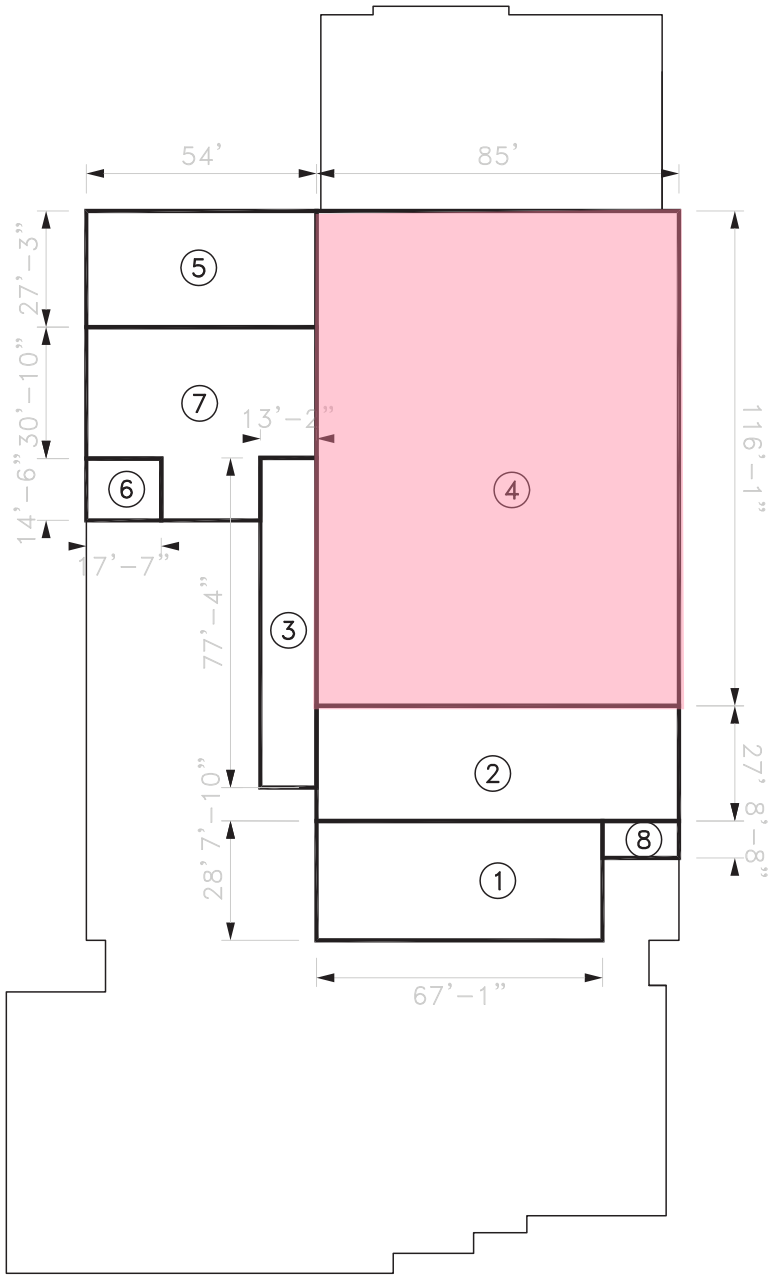
303 - McClymonds High School - Unit A2

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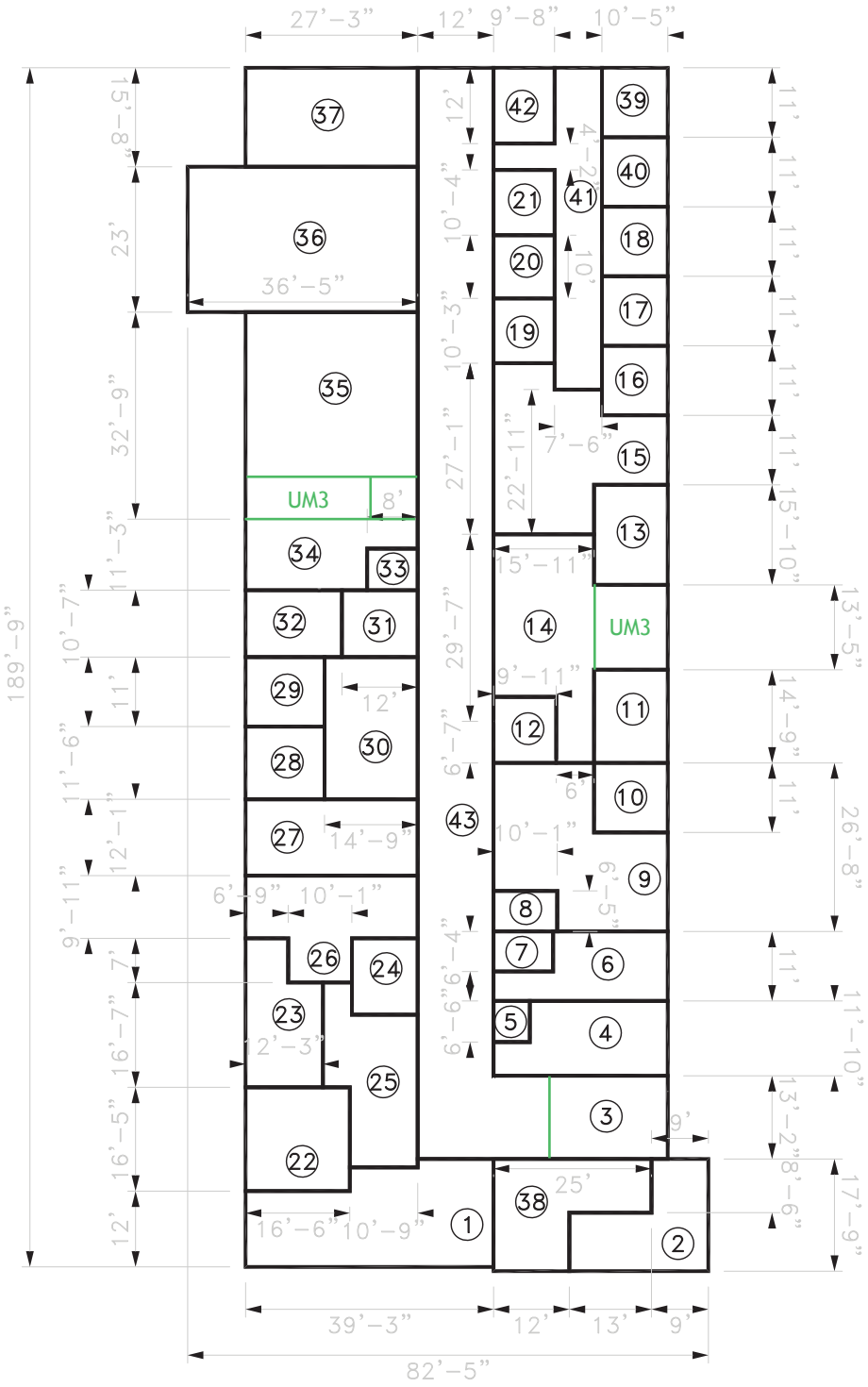
303 - McClymonds High School - Unit A3

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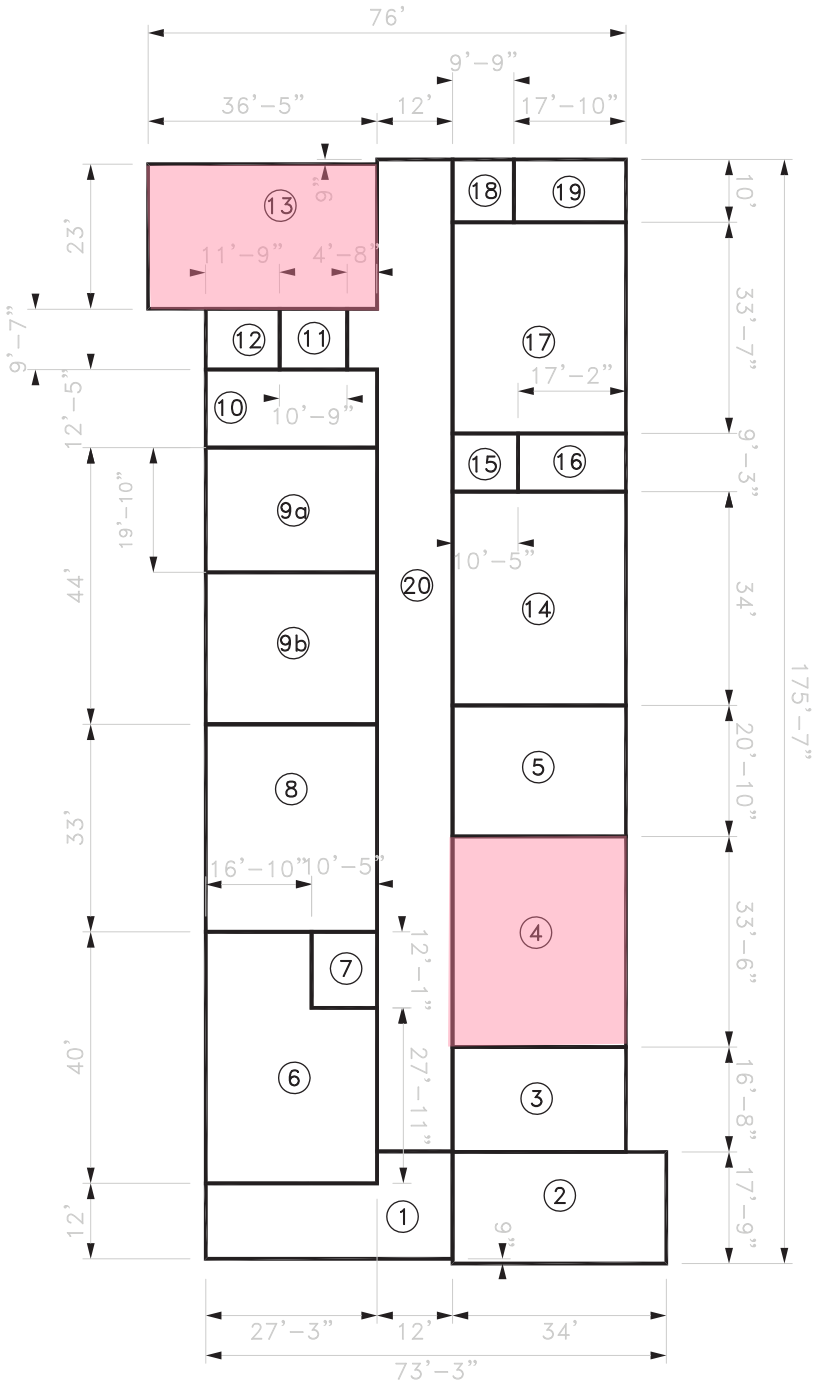
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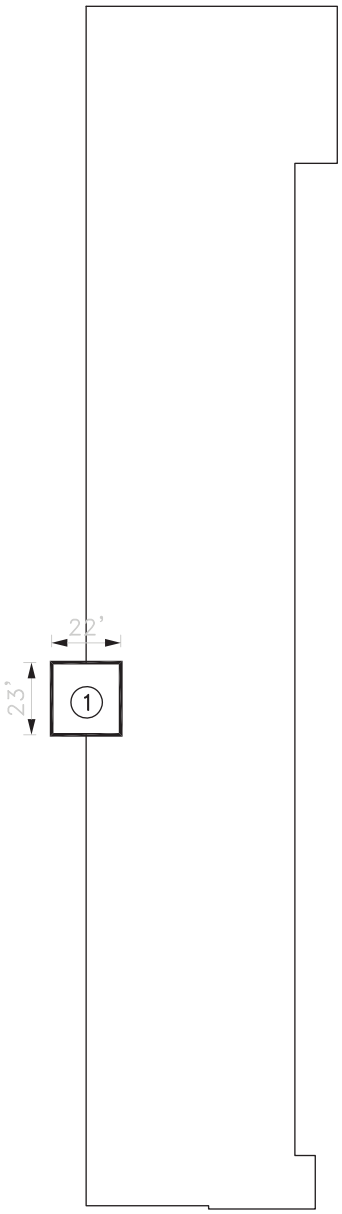
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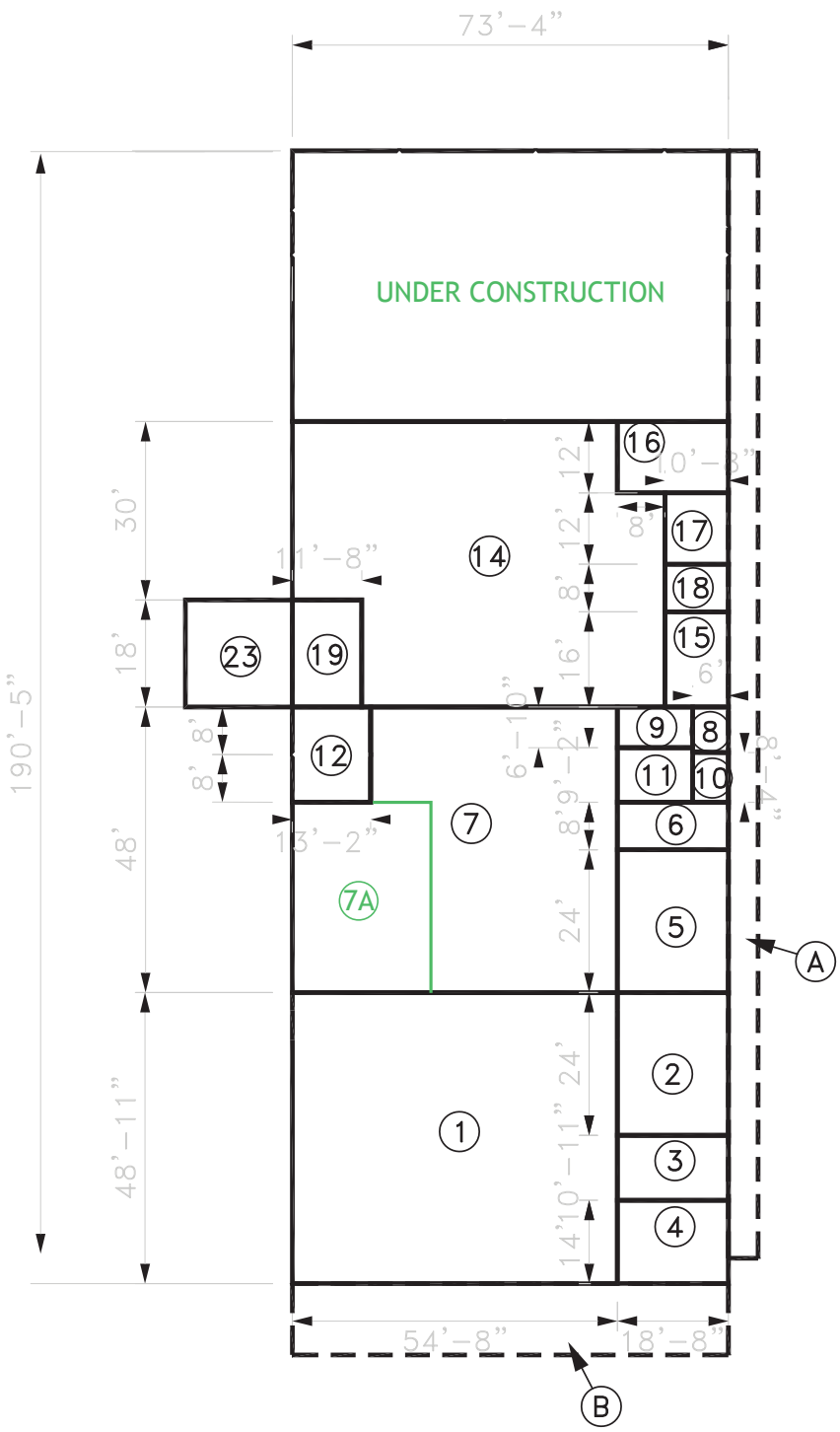
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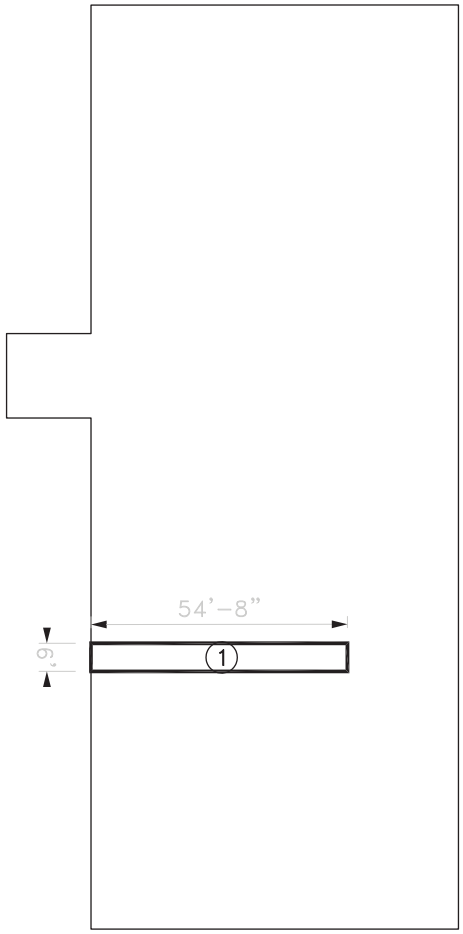
303 - McClymonds High School - Unit C1

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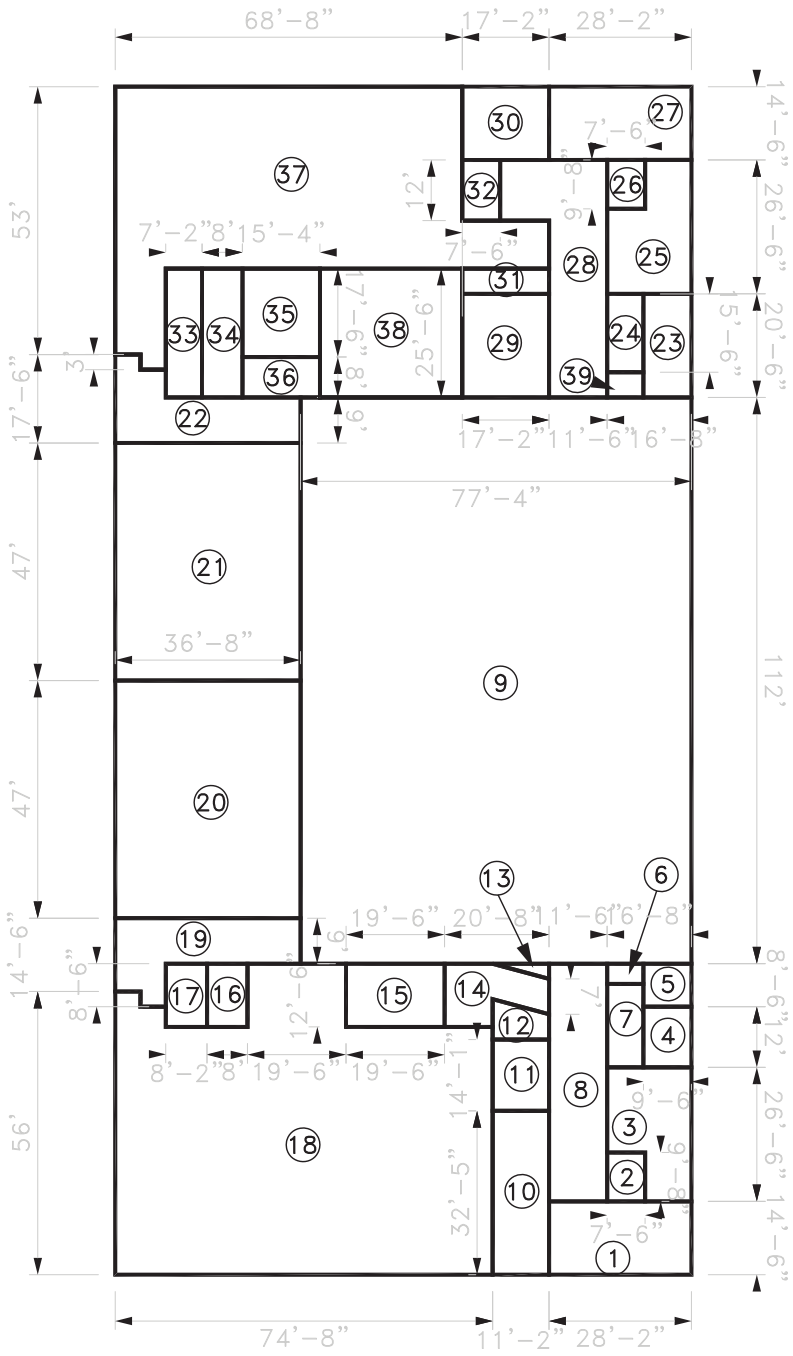
303 - McClymonds High School - Unit C2

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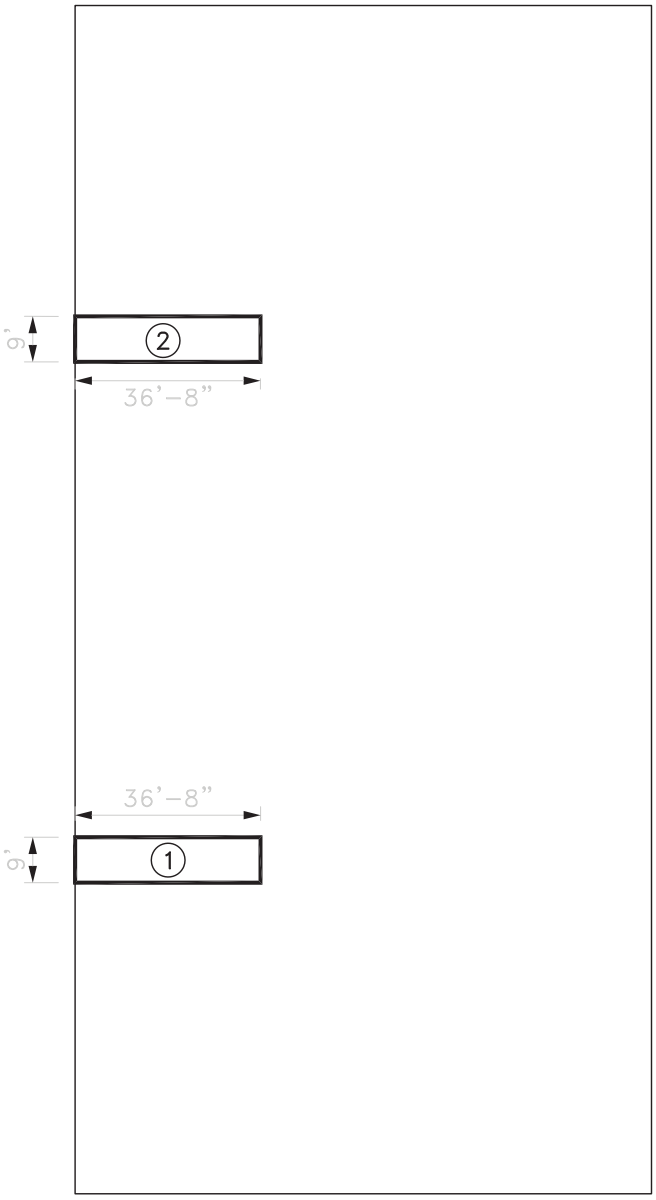
303 - McClymonds High School - Unit D1

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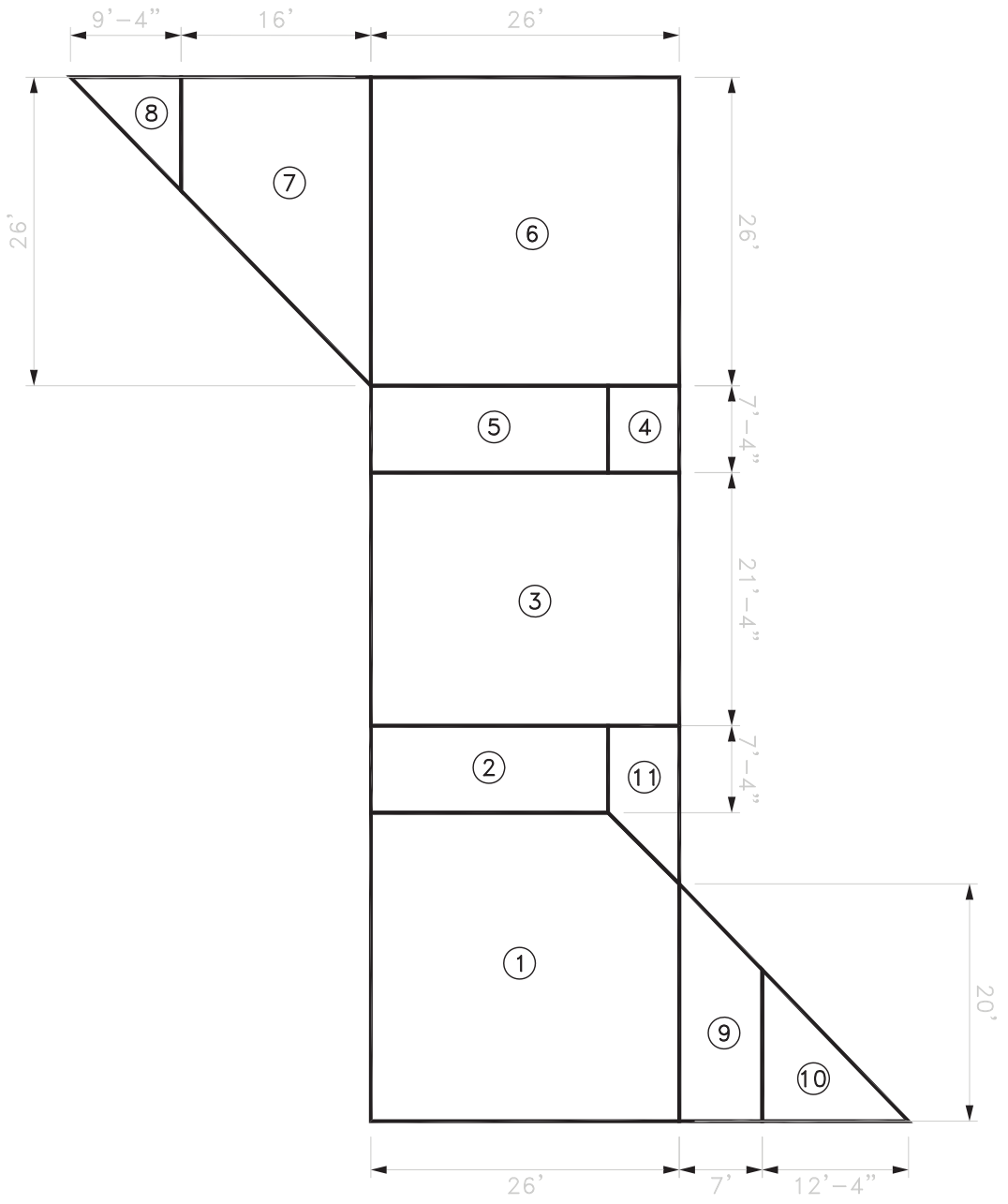
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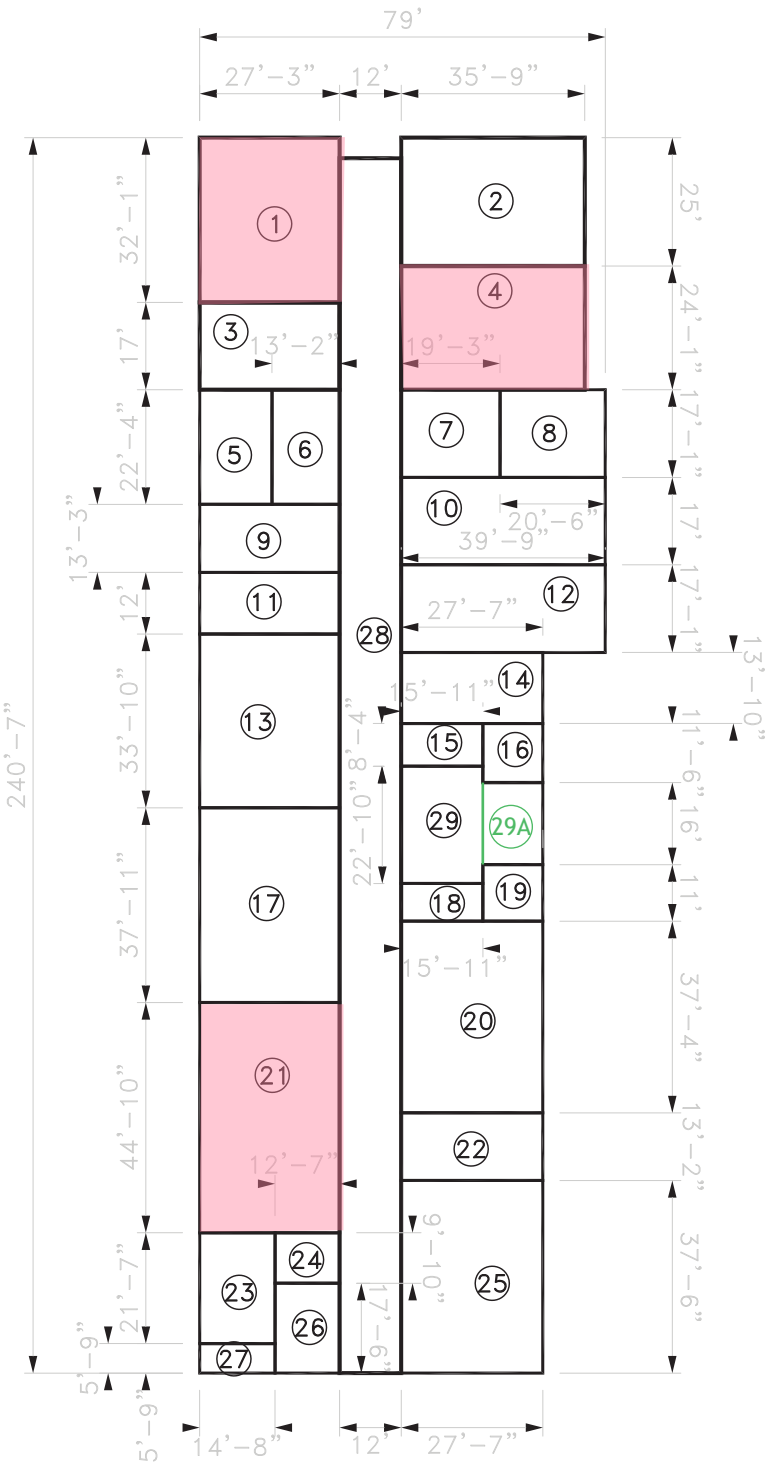
303 - McClymonds High School - Unit E

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303 - McClymonds High School - Unit H1

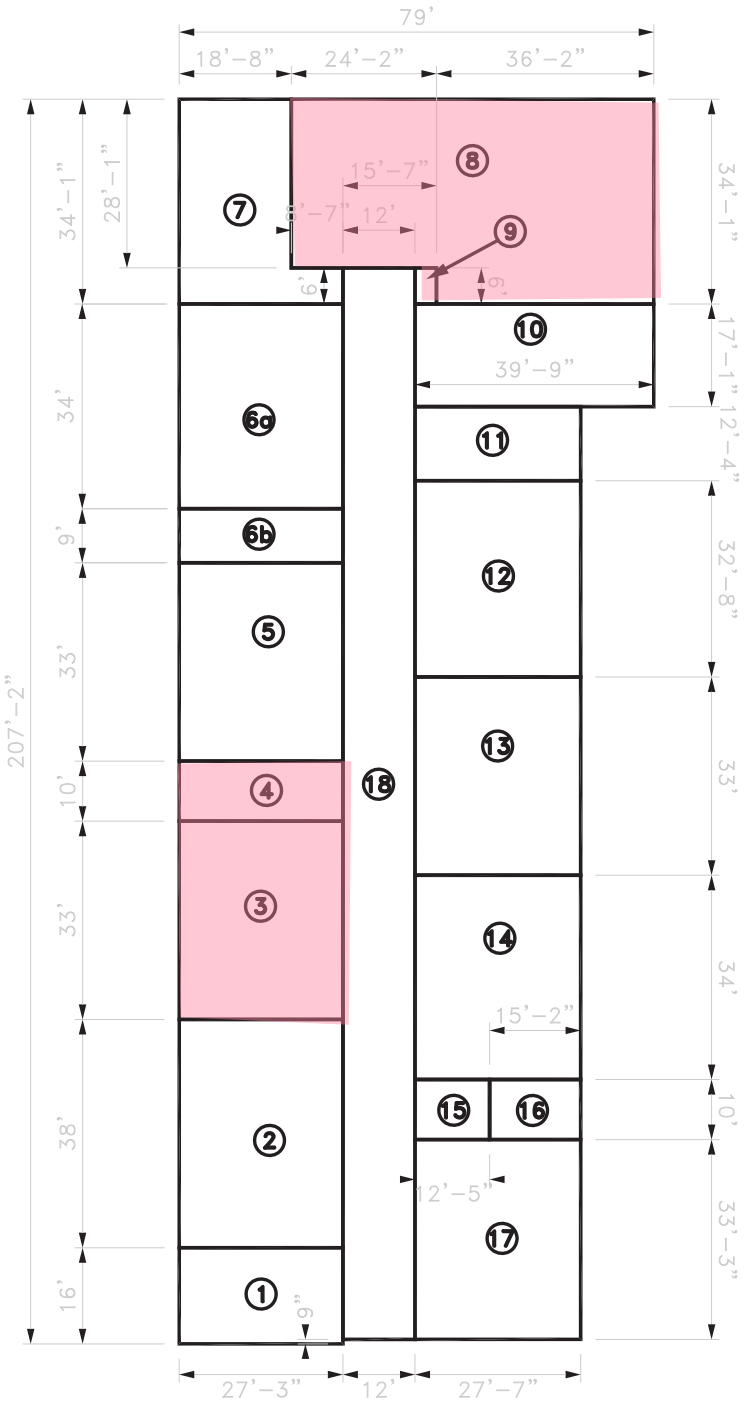
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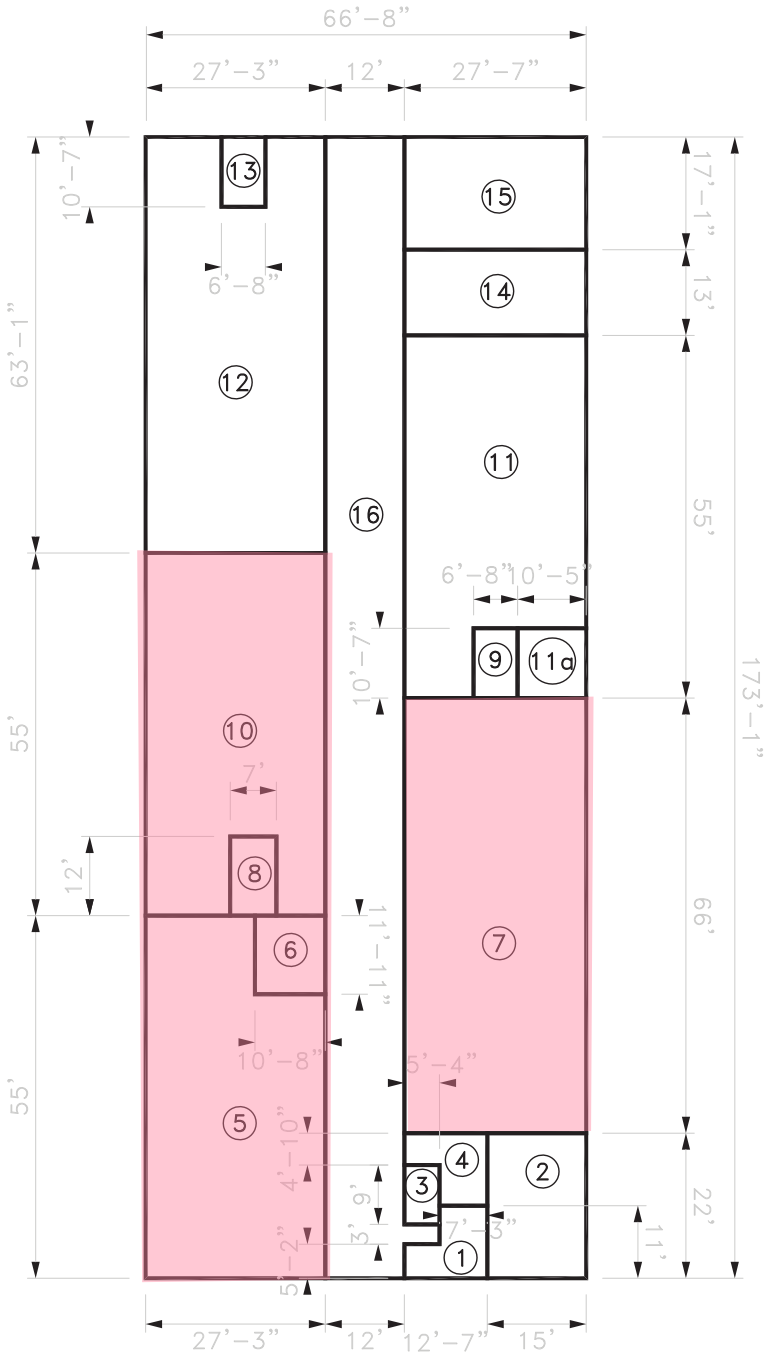
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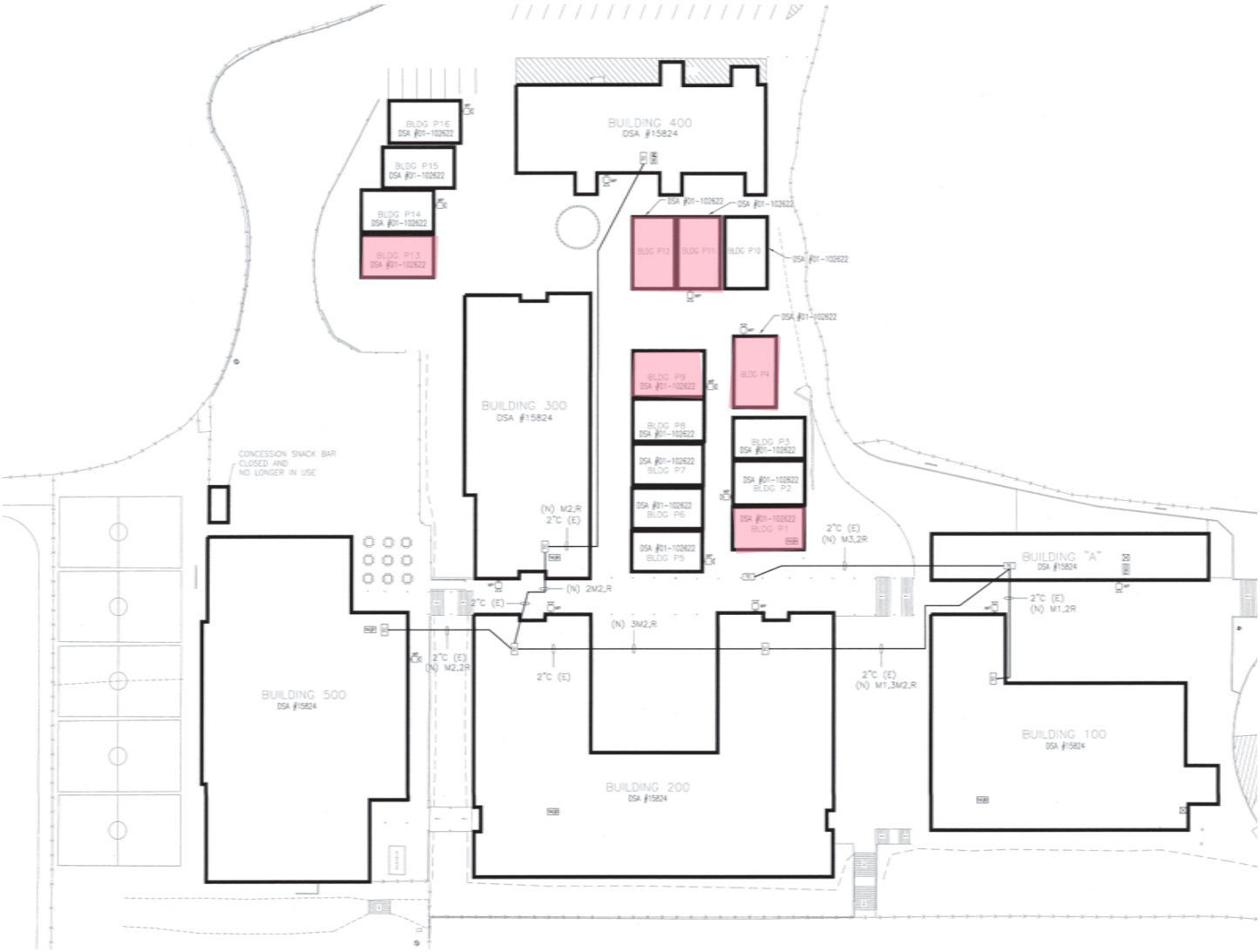
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Appendix A

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211 - Montera Middle School - Site Plan

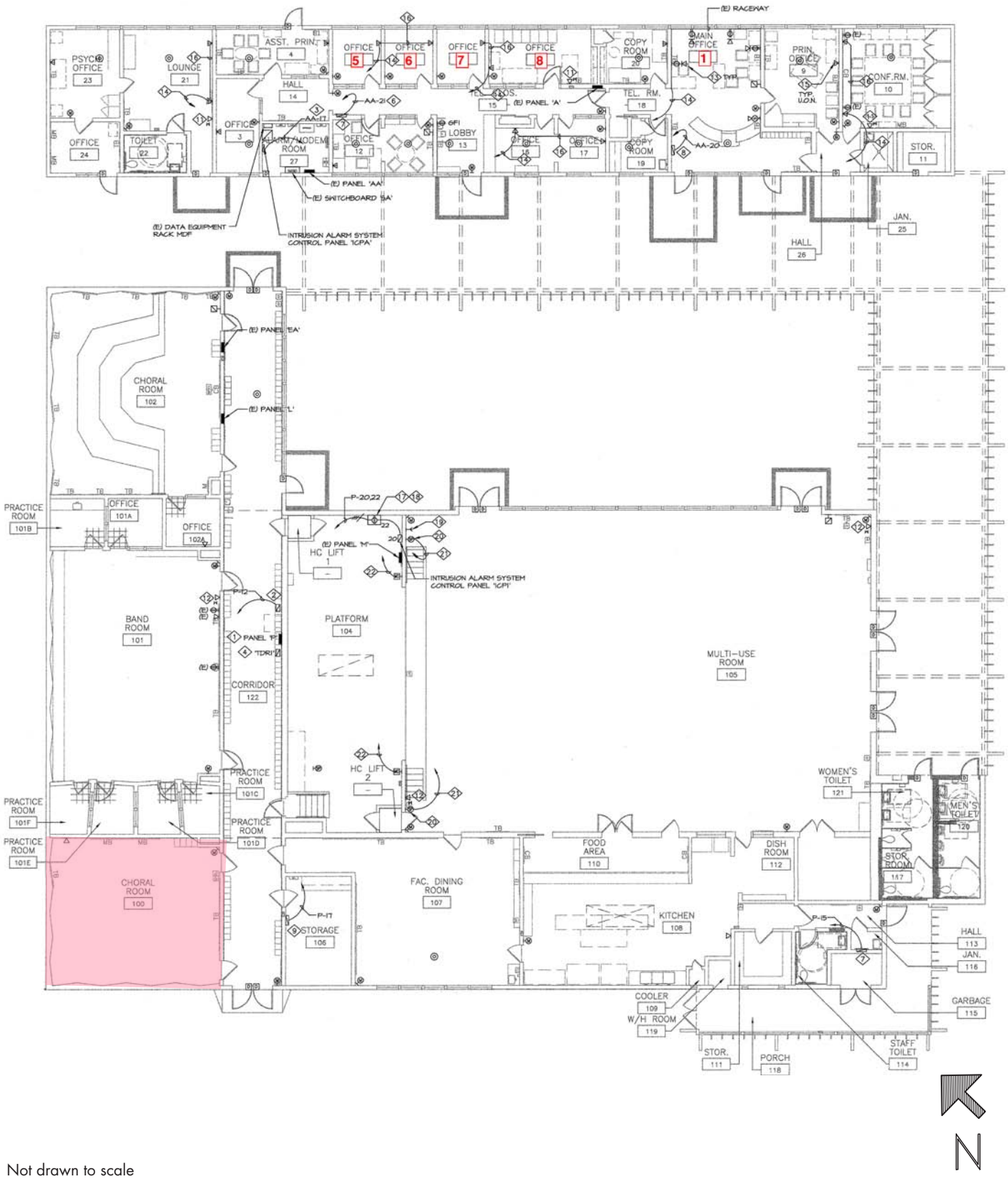
5555 Ascot Drive - Oakland, CA 94611-3001

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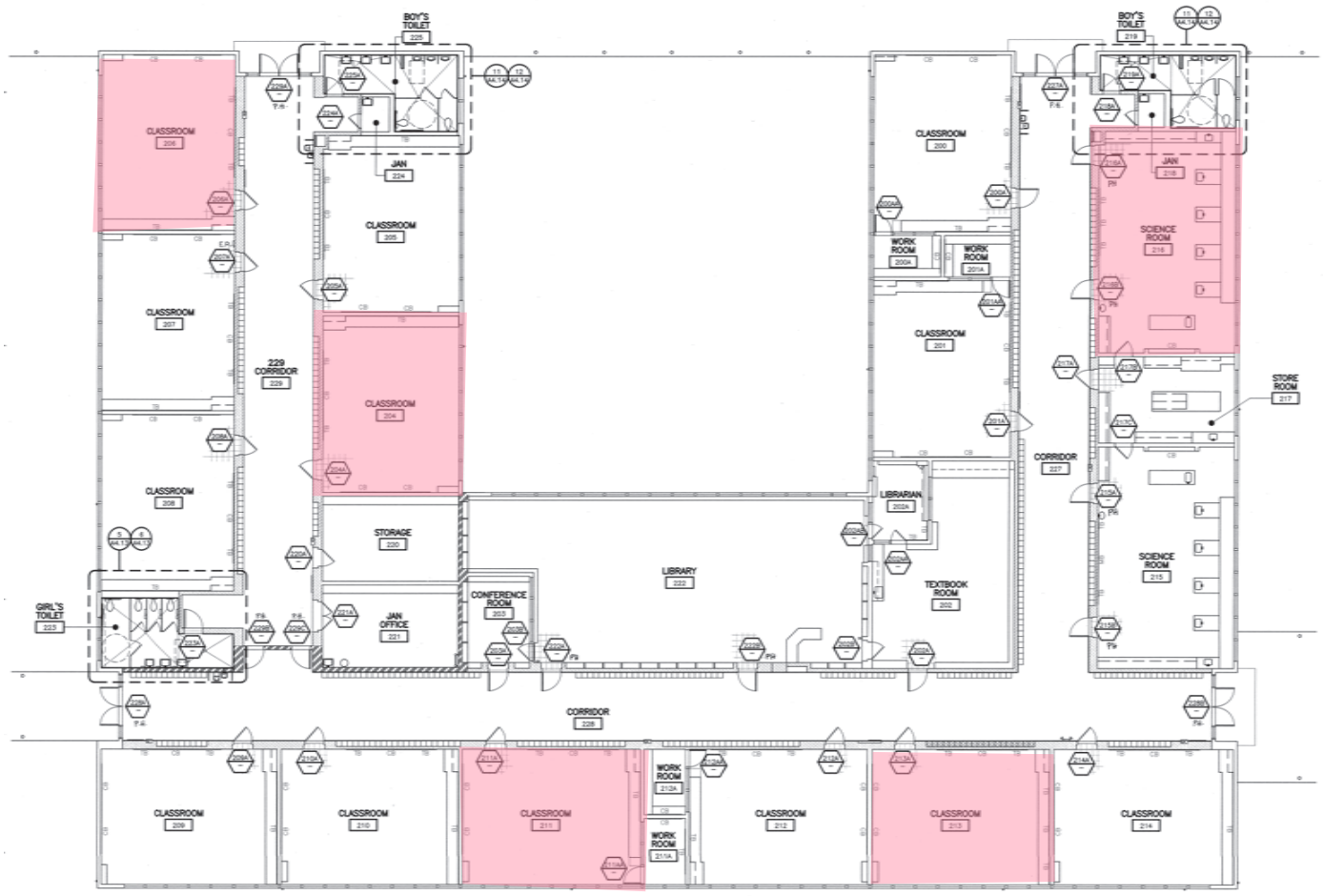
211 - Montera Middle School - Unit A + 100

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211 - Montera Middle School - Unit 200

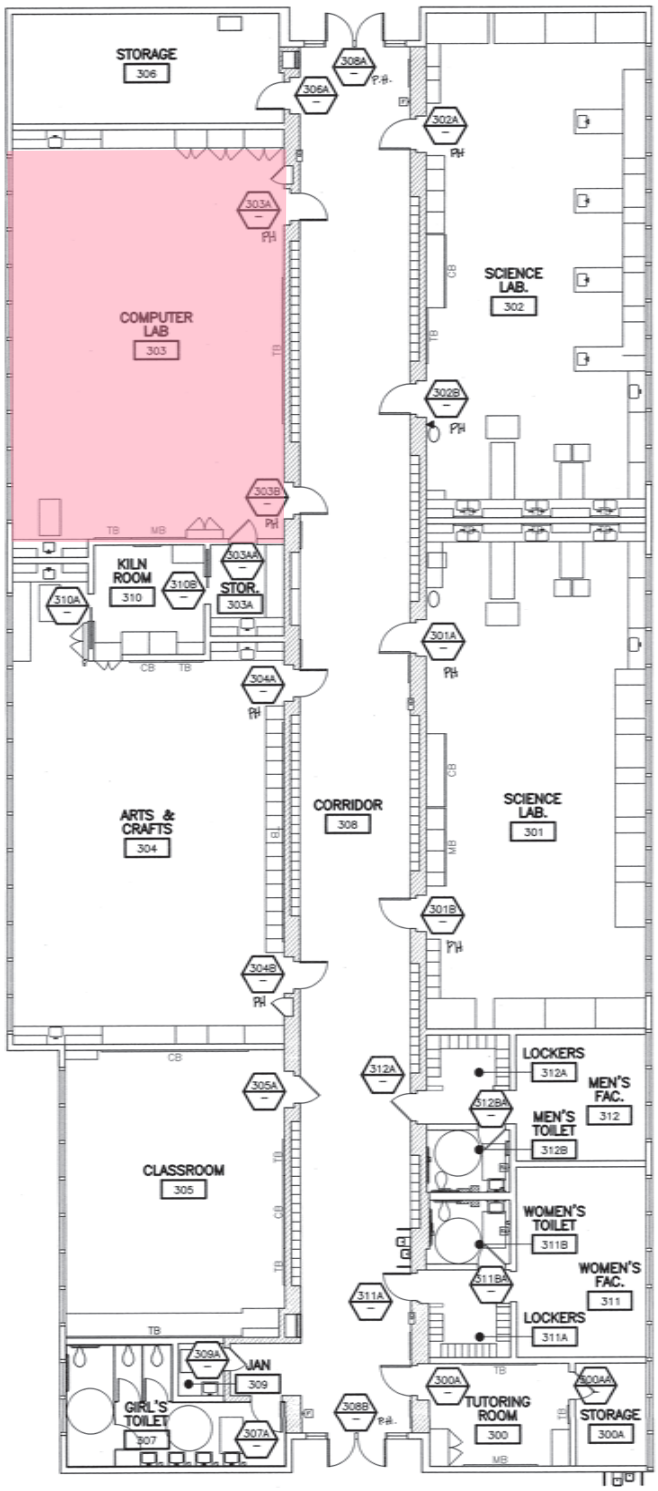
5555 Ascot Drive - Oakland, CA 94611-3001

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OAKLAND UNIFIED SCHOOL DISTRICT



Not drawn to scale

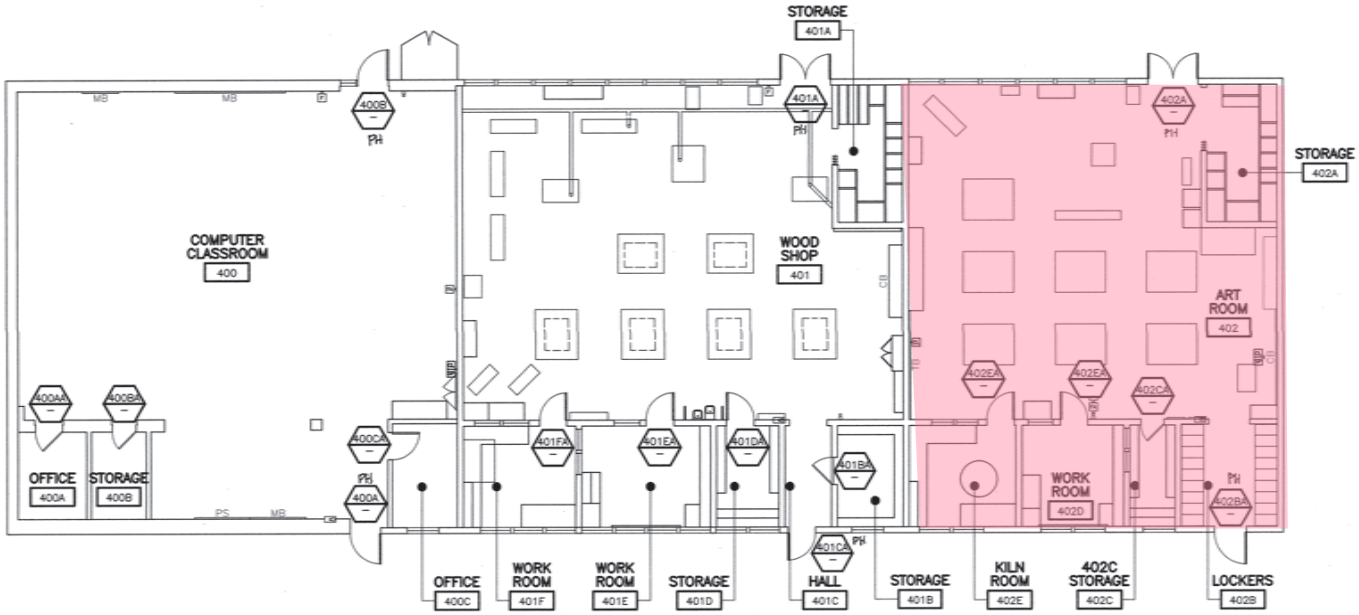
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211 - Montera Middle School - Unit 400

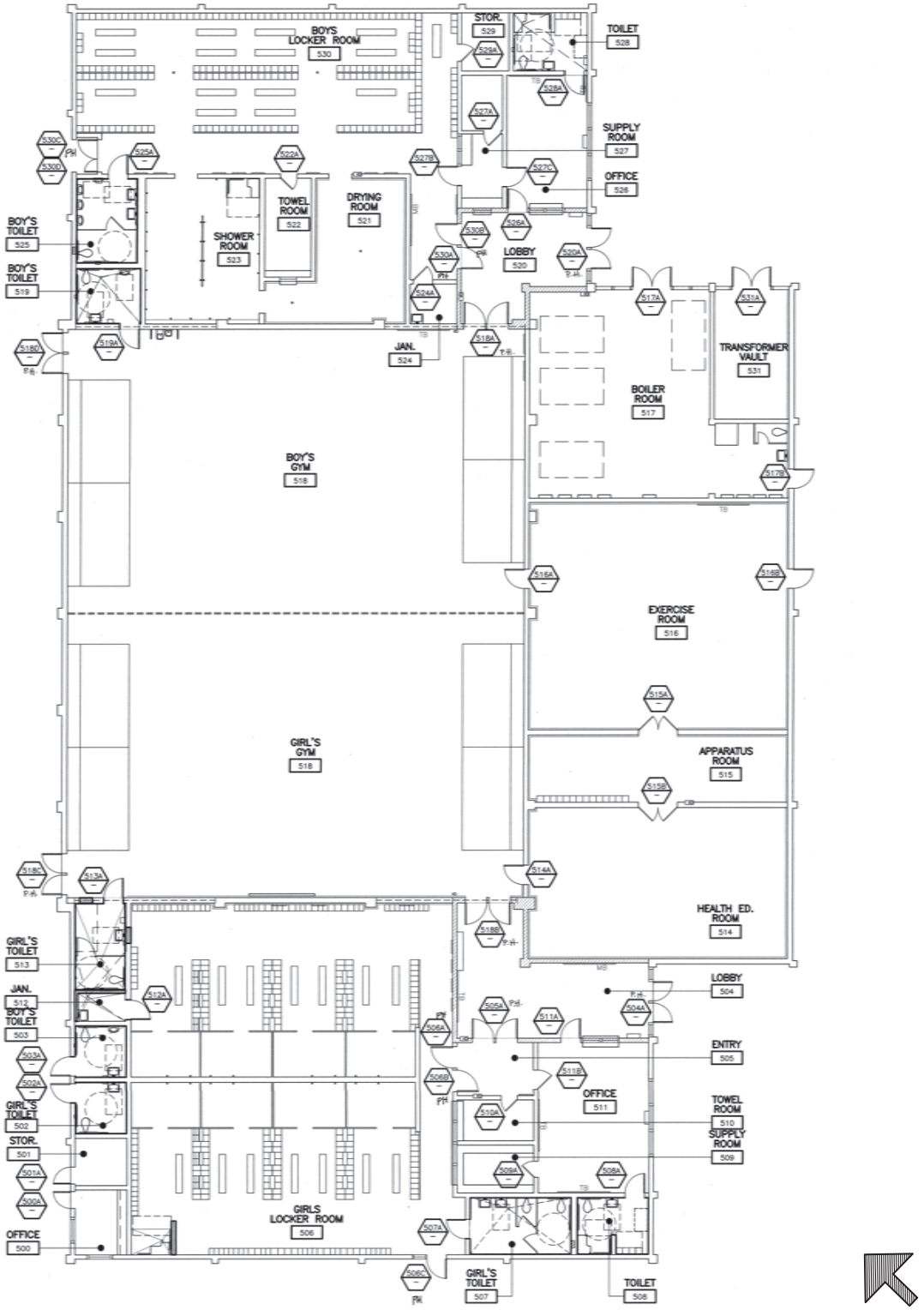
5555 Ascot Drive - Oakland, CA 94611-3001

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211 - Montera Middle School - Unit 500

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Exhibit F

Fee and Payment Schedule

Contract Term (Fiscal Year):	2021-22
Charter School Name:	**AIPCS II**
Campus Name:	**Montera**
Address:	**5555 Ascot Dr**
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	13,469
Specialized Classroom Space Allocation (sqft)	5,246
+ Non-Classroom Space Allocation (sqft)	16,186
Total Space Allocation at Site (sqft)*	**34,901**
x Facility Fee Sqft Rate (includes custodial and utilities)	$8.95
Facility Use Fee	**$312,363.95**
PAYMENT SCHEDULE	
25% by October 1, 2021 25% by December 1, 2021 25% by March 1, 2022 25% by June 1, 2022	

Note: All calculations subject to change. The Specialized Classroom and Non-Classroom Allocation square footage numbers above represent the Charter School's share of these spaces based on its entitlement and proportion of total ADA at the campus.

*Includes only interior space.

Contract Term (Fiscal Year):	2021-22
Charter School Name:	**AIPCS II**
Campus Name:	**McClymonds**
Address:	**2607 Myrtle St**
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	11,617
Specialized Classroom Space Allocation (sqft)	8,112
+ Non-Classroom Space Allocation (sqft)	18,986
Total Space Allocation at Site (sqft)*	**38,715**
x Facility Fee Sqft Rate (includes custodial and utilities)	$8.95
Facility Use Fee	**$346,499.25**
PAYMENT SCHEDULE	
25% by October 1, 2021 25% by December 1, 2021 25% by March 1, 2022 25% by June 1, 2022	

Note: All calculations subject to change. The Specialized Classroom and Non-Classroom Allocation square footage numbers above represent the Charter School's share of these spaces based on its entitlement and proportion of total ADA at the campus.
*Includes only interior space.

OFFICE OF CHARTER SCHOOLS

February 1, 2021

Maya Woods-Cadiz and Marisol Magana
American Indian Public Charter School
171 12th Street
Oakland, CA 94607

Re: Proposition 39 Facilities Request for 2021-22
Preliminary Offer of Facilities, 2021-22

Dear Maya Woods-Cadiz and Marisol Magana:

The Oakland Unified School District ("OUSD" or "District") makes this Preliminary Offer of Facilities to American Indian Public Charter School ("AIPCS" or "Charter School") for the 2021-22 school year.

The District has considered the Charter School's request for facilities under the criteria set forth in Proposition 39 and its implementing regulations ("Proposition 39"),[1] as well as the policies and procedures of the District and the Office of Charter Schools.[2]

A. 2021-22 PRELIMINARY OFFER TO THE CHARTER SCHOOL

The District's allocation of space is based on a projected in-District Average Daily Attendance ("ADA") of **215.01**.

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

Franklin Elementary School
915 Foothill Blvd, Oakland, CA 94606

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

B. COMPARISON GROUP

The Charter School's facilities space entitlement is based on space provided to students at a set of District-operated comparison schools.[3] The District must first identify the high school attendance area in which the largest number of in-District charter school students reside, which for the Charter School is Oakland Tech attendance area. Details about the determination of the Charter School's high school attendance area can be found in Table 1 below.

Table 1: High School Attendance Area

High School Attendance Area	# of Students
CASTLEMONT/CCPA/MADISON	19
FREMONT	29

[1] Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq*.
[2] The District also abided by the terms of the Proposition 39 Settlement Agreement and Specific Release of All Claims ("Settlement Agreement") between the California Charter School Association ("CCSA") and OUSD from September 2020 (https://www.ousdcharters.net/uploads/1/2/1/3/121378744/ccsa-ousd_settlement_agreement.pdf)
[3] Cal. Admin. Code, title 5, § 11969.3

MCCLYMONDS	33
Outside of Oakland	29
OAKLAND HIGH	40
OAKLAND TECH	**71**
SKYLINE	20

The District then identified "the district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside."[4] Using the methodology in the regulations, the District determined that the comparison group schools for the Charter School are as follows:

- **6-8:**
  - Hillcrest School
  - Claremont Middle School
  - Westlake Middle School

C. REASONABLE EQUIVALENCE EVALUATION

In order to meet Proposition 39 standards that proposed facilities are "reasonably equivalent," the District compares the proposed facilities to District-operated schools constituting the comparison school group. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above.[5]

With respect to "capacity", the District allocates facilities to the Charter School that are reasonably equivalent to the comparison group as follows in the categories of facilities listed below:

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

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

C1a. Classroom Entitlement

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

The District complied with Cal. Admin. Code tit. 5, § 11969.3(b)(1) by consulting the "classroom inventory pursuant to Sections 1859.31 and 1859.32 … on the Form SAB 50-02."[6] A copy of Form SAB 50-02 is linked as Exhibit D. The District notes that Form SAB 50-02 only lists the aggregate number of classrooms by grade range within each high school attendance area, without breaking down and identifying the number of classrooms by District school. Therefore, Form SAB 50-02 does not, by itself, disclose the number of classrooms "provided to" District students at individual District schools. To determine the number of classrooms "provided to" District students at District schools, the District has created an updated inventory

[4] Cal. Admin. Code tit. 5, § 11969.3(a)(2)
[5] Cal. Admin. Code tit. 5, §11969.3(c)
[6] Cal. Admin. Code tit. 2, s 1859.30

of actual classroom utilization at each comparison group school. This inventory was compiled primarily by a contracted third party vendor (MKThink) to OUSD, and also reflects updates from OUSD staff including recent changes to District sites (such as renovations).

Based on the number of classrooms (non-specialized) "provided to" District students at the comparison group schools, the District determined the ADA-to-classroom ratio at the comparison group schools as 25.25 per classroom for grades 6-8 as demonstrated in the table(s) below.

Table 2: Classroom Entitlement Calculation for Grades 6-8

Comparison School(s) Serving 6-8						
High School Attendance Area: OAKLAND TECH						
A. Comparison School Name	**B. Projected ADA** (Non-SDC)	**C. Total Number of Classrooms** (Non-Specialized)	**D. Number of Classrooms *Not* Provided to K-12 Students**	**E. Number of SDC Classrooms** [7]	**F. Number of Classrooms Provided to K-12 Students** (C-D-E)	**G. ADA per Classroom** (B/F)
Hillcrest School	386.32	13	0	0	13	29.72
Claremont Middle School	445.47	19	0	3	16	27.84
Westlake Middle School	309.47	20	0	3	17	18.20
H. District Comparison School Average ADA per Classroom: (Average of Column G)						25.25
I. Charter School's Projected Gr. 6-8 ADA:			215.01			
Number of Gr. 6-8 classrooms charter is entitled to: (Row I / Row H)			**8.5**			

The District's calculation of the Charter School's classroom entitlement shows that the Charter School is entitled to an allocation of 9 (rounded up from 8.5) classrooms.

C1b. Classroom Allocation

The Charter School's allocation of exclusive-use classrooms is summarized in Table 3 and Table 4 below. The location of the exclusive-use classrooms offered to the Charter School in this Preliminary Offer is depicted in the diagrams attached as Exhibit A. This Preliminary Offer is based on preliminary District enrollment projections. As such, the exclusive-use space to which the Charter School is entitled, including the number of allocated classrooms, may change slightly in the Final Offer that will be based on the District's final enrollment projections.

[7] SDC=Special Day Classroom. Per the Settlement Agreement, when determining the number of classrooms provided to District students at each comparison school, the District may subtract the number of classrooms that are projected to be used for SDC instruction. SDC classrooms are included as interior room non-classroom space.

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Table 3: Exclusive-Use Classroom (Non-Specialized) Allocation Summary

School Site	Total Classrooms
Franklin	9
Total	**9**

Table 4: Exclusive-Use Classroom Allocation

School Site	Room # (See location on Exhibit A)
Franklin	11
Franklin	20
Franklin	23
Franklin	31
Franklin	33
Franklin	34
Franklin	36
Franklin	37
Franklin	Salon

C2. Capacity – Specialized Classroom Space

The Proposition 39 regulations[8] require access to specialized classroom space based on three factors:

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

Specialized Classroom Space (SCS) has been divided into three categories: science lab, art, and technology, per the CCSA Settlement Agreement.

C2a. Specialized Classroom Space (SCS) Entitlement

The District has determined the amount of Specialized Classroom Space (SCS) the Charter School is entitled to, based on the amount of SCS provided to District students at the comparison group schools. From that list, the District determined the SCS sq ft-to-ADA ratios at the comparison schools as demonstrated in the table(s) below.

Table 5: SCS Entitlement Calculation for Grades 6-8

Comparison School(s) Serving Gr. 6-8							
High School Attendance Area: OAKLAND TECH							
Comparison School Name	**Projected ADA** (Non-SDC)	**Arts Specialized Classroom Space**		**Science Lab Specialized Classroom Space**		**Tech Specialized Classroom Space**	
		(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)	(sq ft)	(sq ft/ ADA)
Hillcrest School	386.32	0	0.00	897	2.32	0	0.00

[8] Cal. Admin. Code title 5, § 11969.3(b)(2)

Claremont Middle School	445.47	2,368	5.32	1,956	4.39	0	0.00
Westlake Middle School	309.47	3,123	10.09	2,193	7.09	1,677	5.42
A. District Comparison School Average Sq Ft/ADA:		5.14		4.60		1.81	
B. Charter School's Projected Gr. 6-8 ADA:		215.01		215.01		215.01	
Gr. 6-8 specialized classroom space (sq ft) charter is entitled to: (Row A x Row B)		**1,104**		**989**		**388**	

The District's calculation of the Charter School's SCS entitlement shows that the Charter School is entitled to access to approximately 1,104 sq ft of Arts SCS, 989 sq ft of Science Lab SCS, and 388 sq ft of Technology SCS. This space may be shared with another school or exclusive use.

C2b. Specialized Classroom Space Allocation

The amount of SCS available on the offered school site(s) for shared access is summarized in Table 6 below. There is no designated Science or Technology SCS at the offered site; however, the offered site is located in the Charter School's requested area, and adding Science and Technology SCS to the preliminary offer would require adding a second site to the offer. If the Charter School is interested in access to specialized space at a secondary site, they should include that information in their response to the preliminary offer. The co-located schools at the Franklin Campus will develop a shared access schedule for the available shared Arts SCS based on each school's ADA.

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

Table 6: Specialized Classroom Space (SCS) Existing at Offer Site(s)

School Site	**Arts SCS** (sq ft)	**Science Lab SCS** (sq ft)	**Tech SCS** (sq ft)
Franklin	805	0	0

C3. Capacity – Non-Classroom Space

C3a. Non-Classroom Space Entitlement

As shown in the table(s) below, the District calculated the total amount of non-classroom space, as defined in the regulations, to which the Charter school is entitled based on the non-classroom square footage per ADA at each of the comparison group schools.[9] A table showing the calculation of non-classroom space at District sites is included in Exhibit C.[10]

[9] Cal. Admin. Code title 5, § 11969.3(b)(3).

[10] These categories of non-classroom space were established under the CCSA Settlement Agreement.

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Table 7: Non-Classroom Space (NCS) Sq ft/ADA Entitlement for Grades 6-8

Comparison School(s) Serving Gr. 6-8															
High School Attendance Area: OAKLAND TECH															
Comparison School Name	**Projected ADA**	**Assembly**		**Dining**		**Athletic**		**Library**		**Operational**		**Interior Room**		**Exterior**	
		(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)	(sq ft)	(sq ft/ADA)
Hillcrest School	386.32	2,165	5.60	0	0.00	0	0.00	1,242	3.21	6,116	15.83	1,988	5.15	72,696	188.18
Claremont Middle School	477.22	1,440	3.02	1,920	4.02	5,770	12.09	1,203	2.52	8,765	18.37	8,709	18.25	116,987	245.14
Westlake Middle School	346.42	3,153	9.10	0	0.00	7,557	21.82	1,300	3.75	16,881	48.73	6,612	19.09	136,522	394.09
A. District Comparison School Average Sq Ft/ADA:		5.91		1.34		11.30		3.16		27.64		14.16		275.80	
B. Charter School's Projected Gr. 6-8 ADA:		215.01		215.01		215.01		215.01		215.01		215.01		215.01	
Gr. 6-8 non-classroom space (sq ft) charter is entitled to: (Row A x Row B)		**1,270**		**288**		**2,430**		**680**		**5,944**		**3,045**		**59,301**	

Note: NCS allocated proportionally based on site enrollment if more than one school occupies the site. NCS added together across sites if school is located across multiple sites. Numbers in tables may not add up precisely due to rounding.

C3b. Non-Classroom Space Allocation

The Charter School's Non-Classroom Space (NCS) allocations are summarized below. The co-located schools at the Franklin campus will develop a shared access schedule for the amount of NCS the Charter School is entitled to based on each school's ADA.

Table 8: Non-Classroom Space (NCS) Allocation Summary

Site	Projected Charter ADA at Site	Space Type	NCS Type						
			Assembly (sq ft)	**Dining** (sq ft)	**Athletic** (sq ft)	**Library** (sq ft)	**Operational** (sq ft)	**Interior Room** (sq ft)	**Exterior** (sq ft)
Franklin	215.01	Total Existing at Site	668	2,416	-	2,367	14,630	5,218	145,710

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		Shared Use Allocation*	191	288	0	677	4,186	1,493	41,688

*Calculated as Total Site NCS x AIPCS's Proportion of Site In-District ADA. AIPCS's Proportion of Total Site In-District ADA at Franklin is calculated as 215.01/ (215.01 + 536.63) = 28.61%.

Table 9 below summarizes the Charter School's non-classroom space sq ft/ADA allocation at the site(s) offered, compared to the non-classroom space sq ft/ADA ratios to which the Charter School is entitled.

Table 9: Non-Classroom Space (NCS) Allocation vs. Entitlement

	Assembly (sq ft)	**Dining** (sq ft)	**Athletic** (sq ft)	**Library** (sq ft)	**Operational** (sq ft)	**Interior Room** (sq ft)	**Exterior** (sq ft)
Total NCS Allocation	191	288	0	677	4,186	1,493	41,688
Total NCS Entitlement	1,270	288	2,430	680	5,944	3,045	59,301

The District calculates the sq ft/ADA for non-classroom space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school's allocation is considered to fall within reasonable equivalence standards if it is commensurate with the average of the sq ft/ADA ratios at the comparison group schools. The Charter School's allocation of NCS is below its entitlement in several categories; however, the offer site is near the geographic area that the charter school requested and consists of a single-site offer. Adding additional NCS to the preliminary offer would require adding a second site to the offer. If the Charter School is interested in access to additional NCS at a secondary site, they should include that information in their response to the preliminary offer.

Exclusive use NCS that may be used by the Charter School for administrative/office purposes will be identified in the Final Offer.

Upon request, the District also will offer the Charter School reasonably equivalent furnishings and equipment for 215.01 ADA.

C4. Condition

With respect to "condition", the District allocates facilities to the Charter School that are comparable to the comparison group considering the characteristics outlined in Table 10 below.

Table 10: Facility Characteristics to Determine Reasonable Equivalence of Condition

Facility Characteristic	**Reasonable Equivalence Category**	**Regulatory Authority**
School site size	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(A)
Condition of interior and exterior surfaces	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(B)
Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(C)

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Availability and condition of technology resources	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(D)
Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(E)
Furnishings and equipment	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(F)
Condition of athletic fields and/or play area space	Condition	C.C.R., tit. 5, § 11969.3(c)(1)(G)

The District has evaluated the offered site(s) against the comparison school group based on site size (acreage) as well as data on the condition of the facilities based on information available from the Facilities Condition Index and Educational Adequacy Score, as part of the Jacobs Study provided in Exhibit B per the CCSA Settlement Agreement.

Per the Jacobs study, the Facility Condition Index (FCI) is an industry-accepted indicator that measures a relative scale of the overall condition of a given facility or group of facilities within a portfolio. The FCI evaluates each building's overall condition, including its site, roof, structural integrity, the exterior building envelope, the interior, and the mechanical, electrical, and plumbing systems. The index is derived by dividing the total repair cost, including educational adequacy and site-related repairs, by the total replacement cost of the facility.

The Educational Adequacy Score (EAS) is intended to measure the degree to which OUSD facilities support the instructional mission and modern instruction methods. The EAS is based on District specifications and Jacobs best practices and standards from previous experience, which are both informed by national standards developed by or observed by the Jacobs team. There are eight educational adequacy categories: instructional support, technology, security and supervision, capacity, support for programs, physical characteristics, learning environment, and relationship of spaces. The study gave special consideration and review to the District's instructional technology infrastructure.

The District's analysis, found in the table below, shows that the site offered to the Charter School is similar to the comparison school group on the condition index and the educational adequacy score. The offered site is larger (in terms of acreage) than the comparison school average. Therefore, based on the data available to the District, the District has concluded that the facilities offered to the Charter School meet the reasonable equivalence standards under the category of "condition."

Table 11: School Site Condition Analysis, Comparison Sites vs Offer Site(s)

School Name	School Site Size (acreage)	Facilities Condition Index*	Educational Adequacy Score**
Hillcrest	2.14	71%	43.8
Claremont	3.79	22%	54.0
Westlake	5.73	39%	56.0
Comparison School Average	3.89	44%	51.3
Offer Site: Franklin	4.47	41%	48.9

* A higher FCI is indicative of a lower quality condition.

** A higher EAS score is indicative of a higher level of educational adequacy.

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OAKLAND UNIFIED SCHOOL DISTRICT
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D. DIFFERENCES BETWEEN FACILITIES REQUEST AND PRELIMINARY OFFER

The District identifies any differences between this Preliminary Offer and the Charter School's Request for Facilities:[11]

Charter School's ADA Projections: The District is allocating space in accordance with the Charter School's ADA projections.

Site Location: The Charter School stated "Our Charter School wishes to be located within the Laurel/Downtown/Chinatown/Temescal neighborhood."

The District provided the Charter School a Preliminary Offer at Franklin Elementary in the Eastlake neighborhood of Oakland, which is approximately 1.5 miles from Chinatown and 1.7 miles from Downtown, both of which were neighborhoods the school requested. Additionally, Franklin Elementary is approximately one mile from AIPCS I's current location at 171 12th St. The District's determination is subject to deference. (See, e.g., *Westchester Secondary Charter School v. Los Angeles Unified School District* (2015) 237 Cal.App.4th 1226; *Sequoia Union High Sch. Dist. v. Aurora Charter High School* (2003) 112 Cal.App.4th 185, 194-5.) The District did not abuse its discretion by considering the cost to the District, or the impact upon District pupils, of granting the Charter School's location preference.

E. PRELIMINARY FACILITIES OFFER – OTHER TERMS AND CONDITIONS

E1. Pro-Rata Share

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

E2. Overallocation Fee

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

Space is considered overallocated[12] if:

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

The penalty for overallocation is calculated as follows:

> The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted

[11] Per Cal. Admin. Code, title 5, §11969.9(f)
[12] Cal. Admin. Code tit. 5, § 11969.8

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on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA.

Please be advised that, in the event that the District overallocates facilities based upon the Charter School's overprojection of ADA, the District will exercise its rights under the Proposition 39 regulations to collect the overallocation fee from the Charter School.

F. CONCLUSION:

The Charter School has until March 1, 2021 to deliver a response to this letter to charteroffice@ousd.org. Please do not mail or hand deliver a response to this letter.

A Final Offer of Facilities will be provided to the Charter School by April 1, 2021. The Final Offer of Facilities may differ from the Preliminary Offer, based on any response received from the Charter School (by March 1) or other factors, including changes in the District's final enrollment projections. Should the Charter School accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement (sample agreement linked as Exhibit G), containing the terms and conditions of the District's facilities allocation. The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Sincerely,

Kelly Krag-Arnold
Policy Specialist, Office of Charter Schools

Sonali Murarka
Director, Office of Charter Schools

OFFICE OF CHARTER SCHOOLS

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Community Schools, Thriving Students

Proposition 39 Preliminary Offer Exhibits

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

Exhibit B – Facilities Condition Data

Exhibit C – Facilities Space Data

Exhibit D – Form SAB 50-02

Exhibit E – Calculation of Pro Rata Share

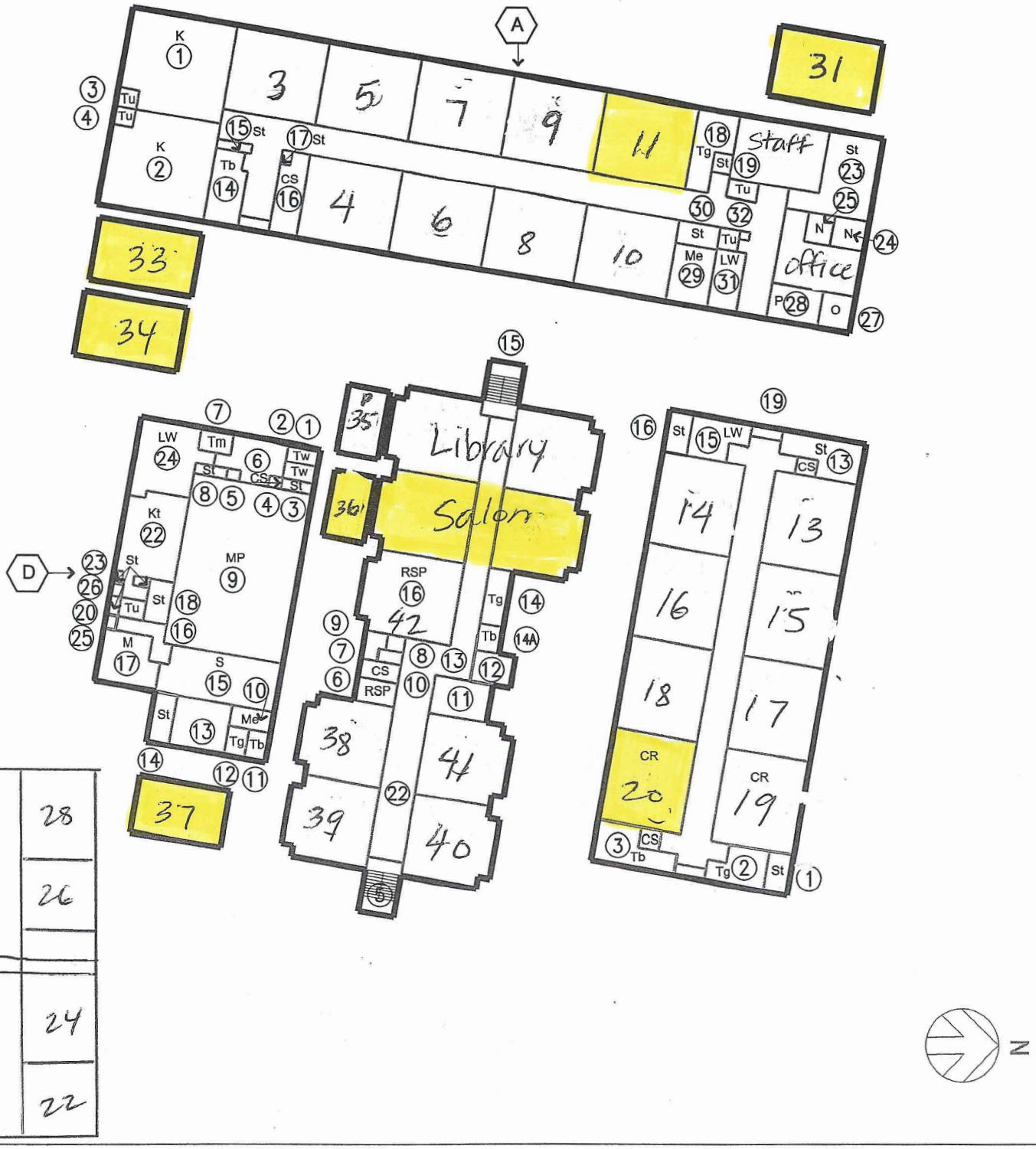
Exhibit F – Fees and Payment Schedule [see below]

Exhibit G – Sample Facilities Use Agreement

Exhibit H – Multi-Site Resolution

Appendix A

Exclusive use for charter school



BYRENS KIM DESIGN WORKS

116 - FRANKLIN ELEMENTARY SCHOOL
915 FOOTHILL BOULEVARD, OAKLAND, CA 94606-3013

OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Date: 1/18/2013

Scale: 1"=50'-0"

2 of 3

Exhibit F

Fee and Payment Schedule

Contract Term (Fiscal Year):	2021-22
Charter School Name:	**AIPCS**
Campus Name:	**Franklin**
Address:	**915 Foothill Blvd**
FACILITY USE FEE CALCULATION	
Classroom Space Allocation (sqft)	6,420
Specialized Classroom Space Allocation (sqft)	238
+ Non-Classroom Space Allocation (sqft)	6,835
Total Space Allocation at Site (sqft)*	**13,493**
x Facility Fee Sqft Rate (includes custodial and utilities)	$8.95
Facility Use Fee	**$120,762.35**
PAYMENT SCHEDULE	
25% by October 1, 2021 25% by December 1, 2021 25% by March 1, 2022 25% by June 1, 2022	

Note: All calculations subject to change. The Specialized Classroom and Non-Classroom Allocation square footage numbers above represent the Charter School's share of these spaces based on its entitlement and proportion of total ADA at the campus.

*Includes only interior space.