



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



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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)



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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 <i>Not</i> 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.



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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 regulations⁹ require access to specialized classroom space based on three factors:

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



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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.



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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.



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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



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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 OFFER¹⁴

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. Overalllocation 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 overallocated¹⁵ 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



OFFICE OF CHARTER SCHOOLS

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



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

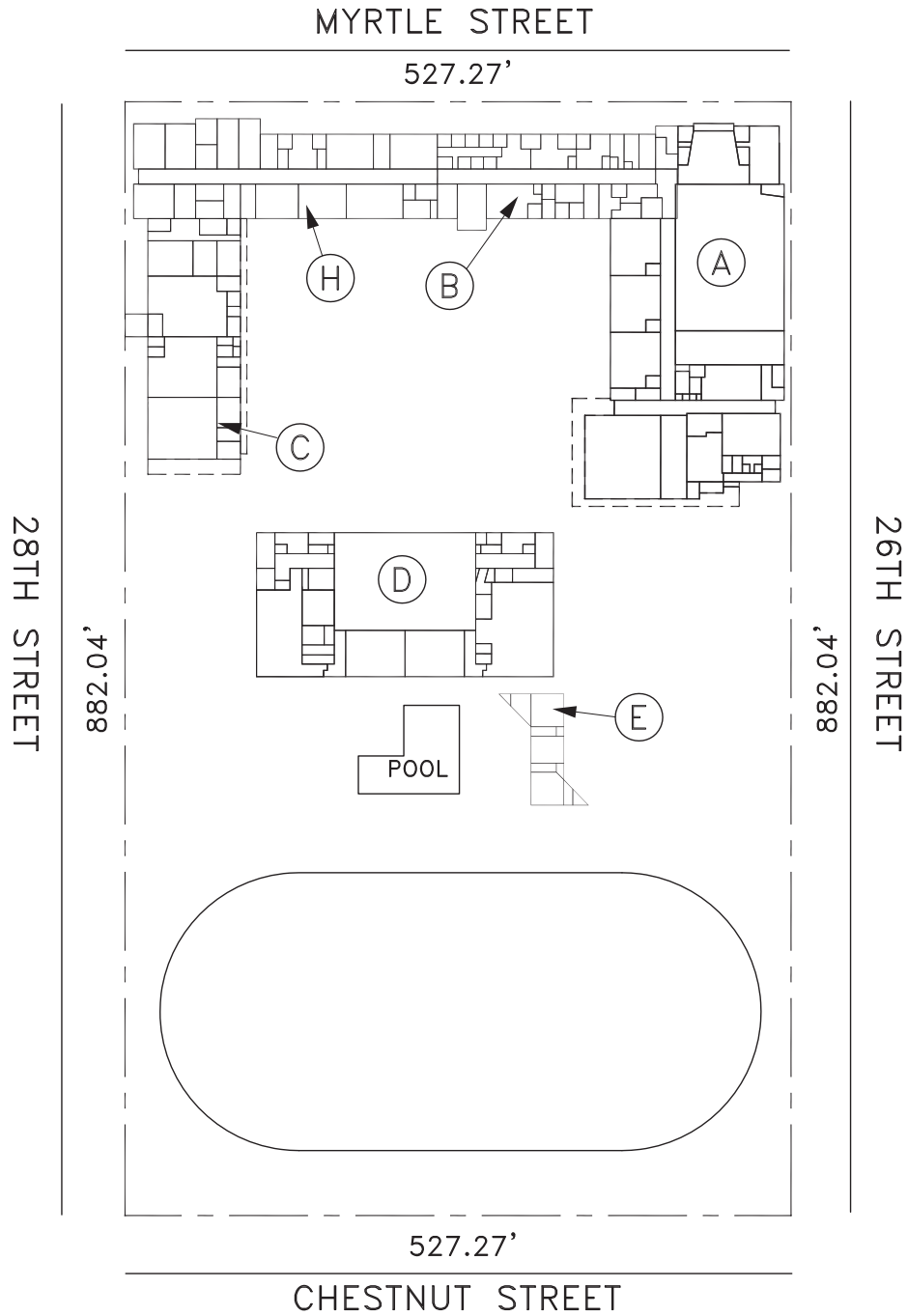
Exhibit F – Fees and Payment Schedule [see below]

[Exhibit G](#) – Sample Facilities Use Agreement

[Exhibit H](#) – Multi-Site Resolution

Appendix A

For Charter School's exclusive use



Not drawn to scale

303 - McClymonds High School - Site Plan

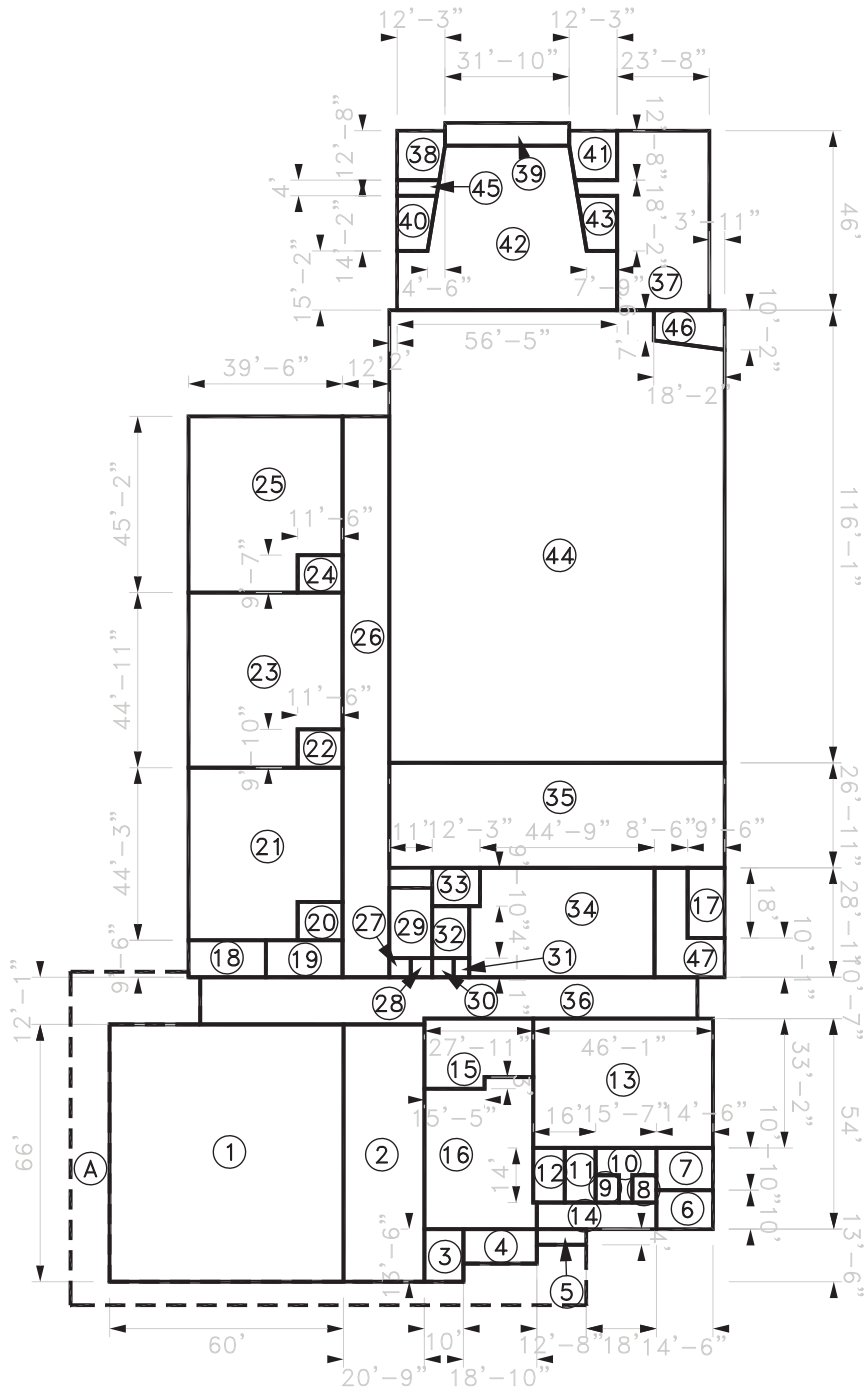
2607 Myrtle Street - Oakland, CA 94607-3415

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Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
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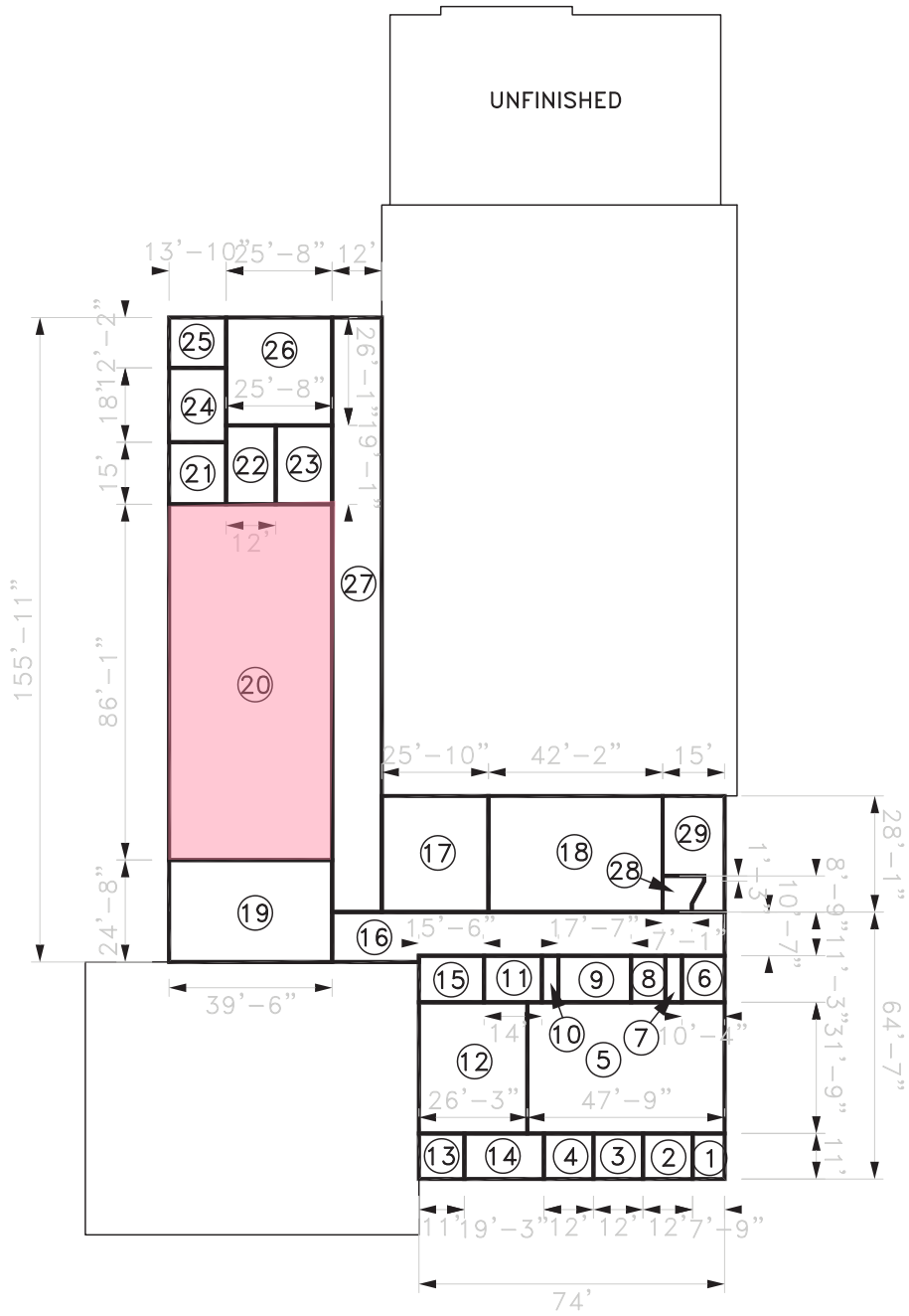




Not drawn to scale

303 - McClymonds High School - Unit A1

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303 - McClymonds High School - Unit A2

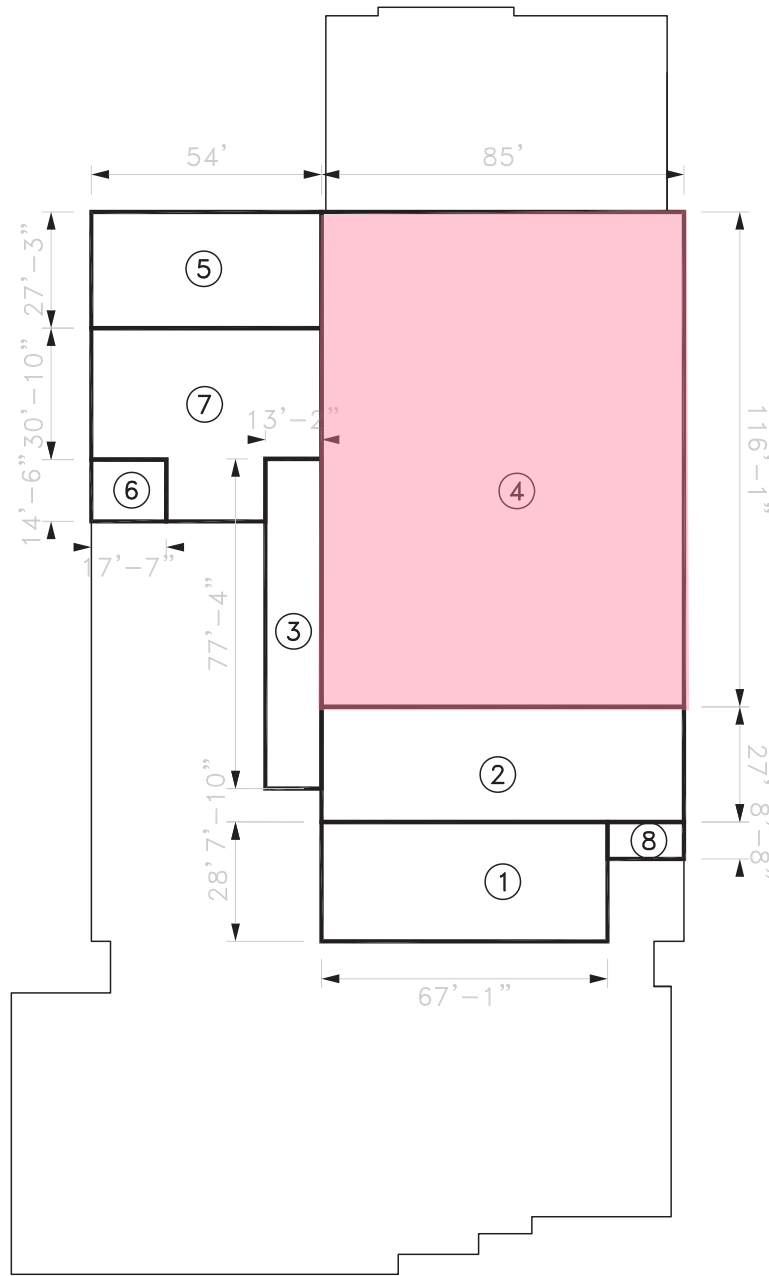
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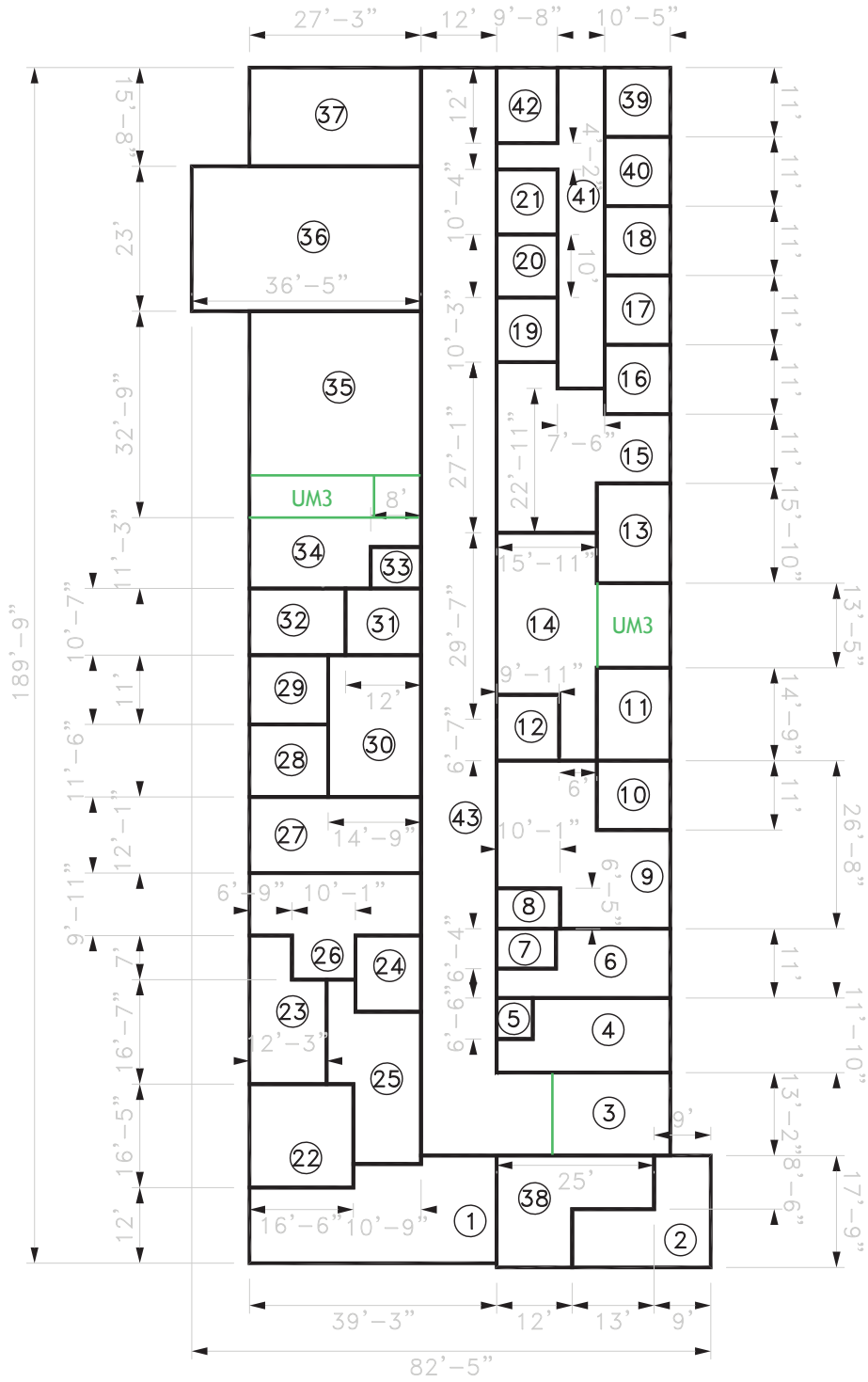




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303 - McClymonds High School - Unit A3

2607 Myrtle Street - Oakland, CA 94607-3415



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303 - McClymonds High School - Unit B1

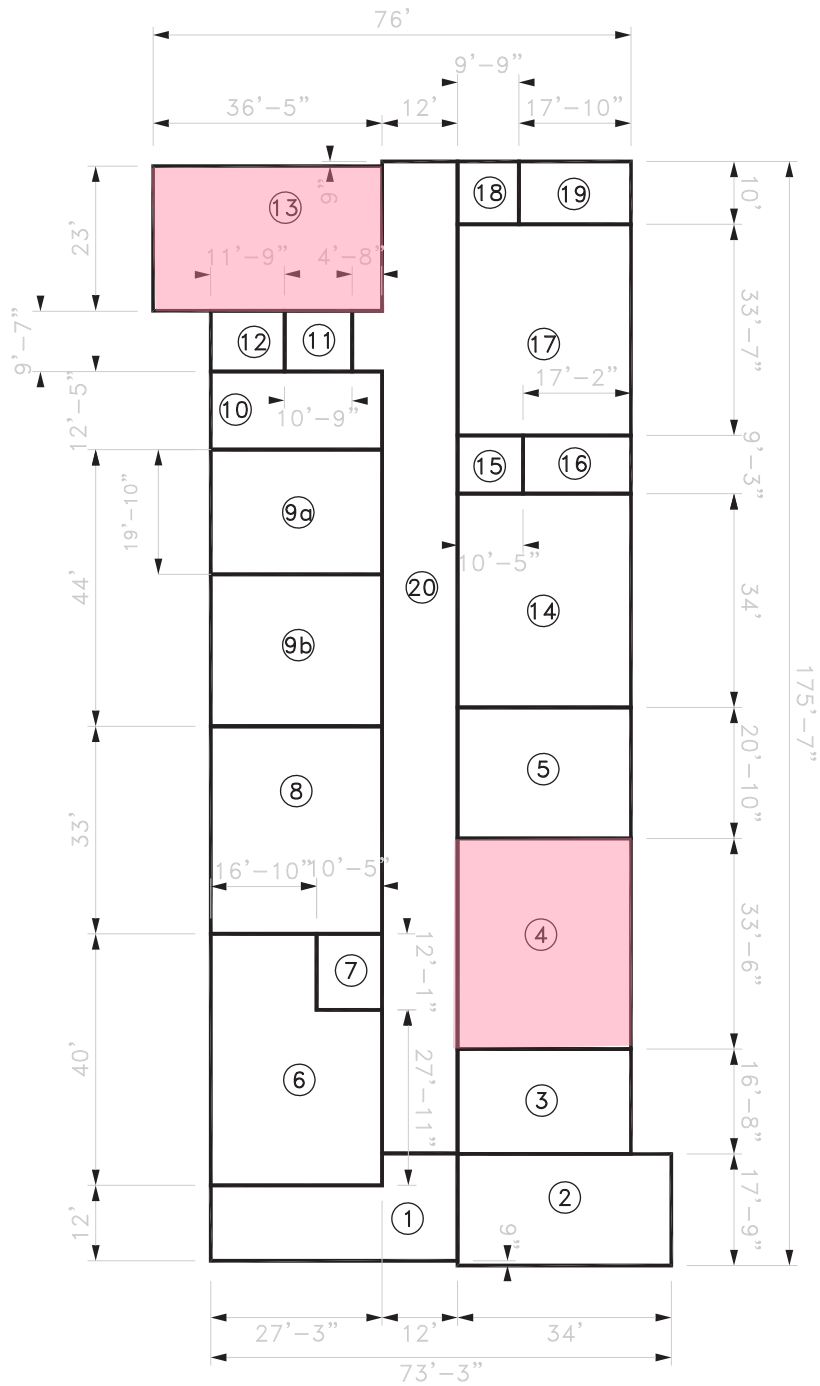
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303 - McClymonds High School - Unit B2

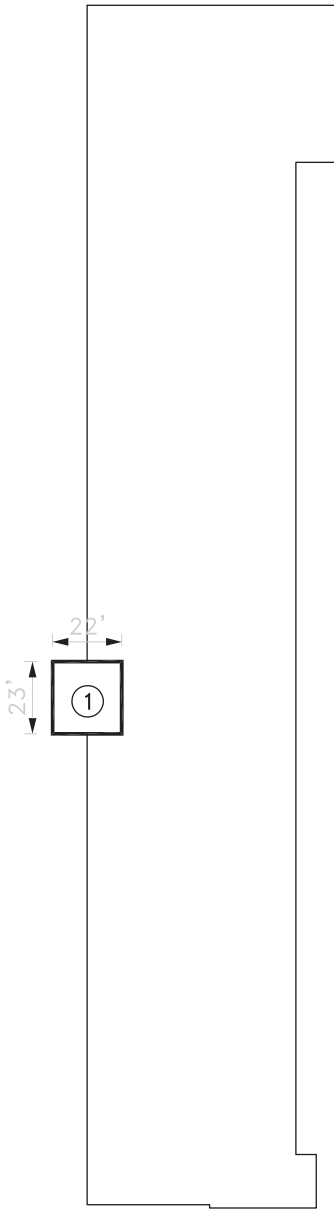
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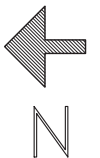
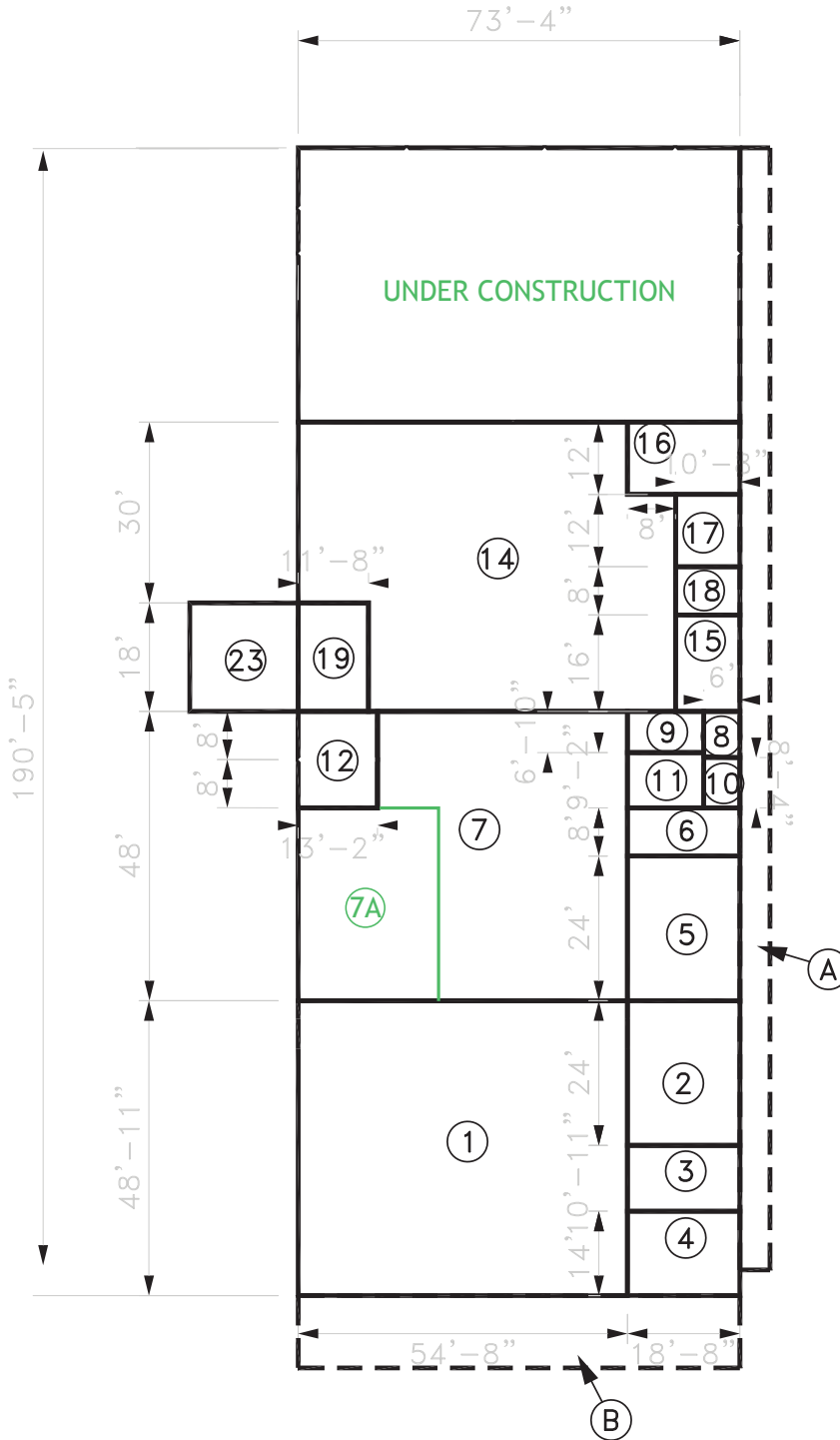




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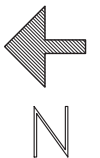
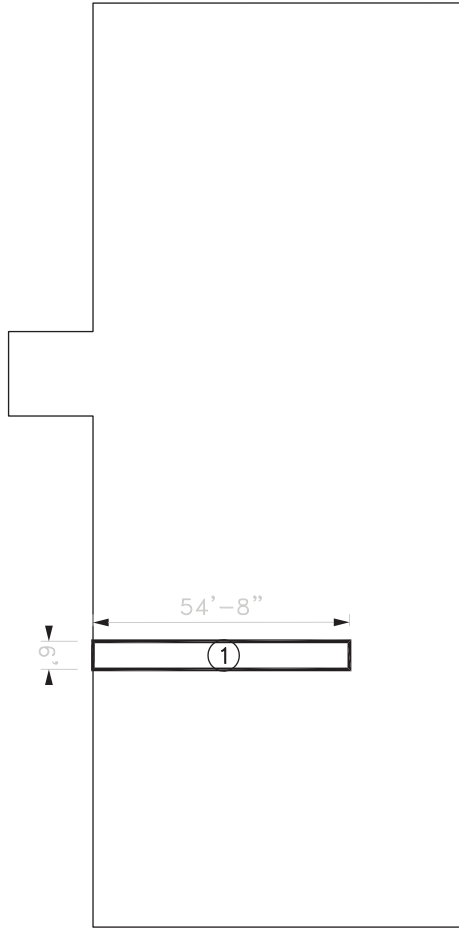
2607 Myrtle Street - Oakland, CA 94607-3415



Not drawn to scale

303 - McClymonds High School - Unit C1

2607 Myrtle Street - Oakland, CA 94607-3415



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303 - McClymonds High School - Unit C2

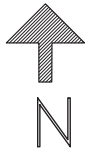
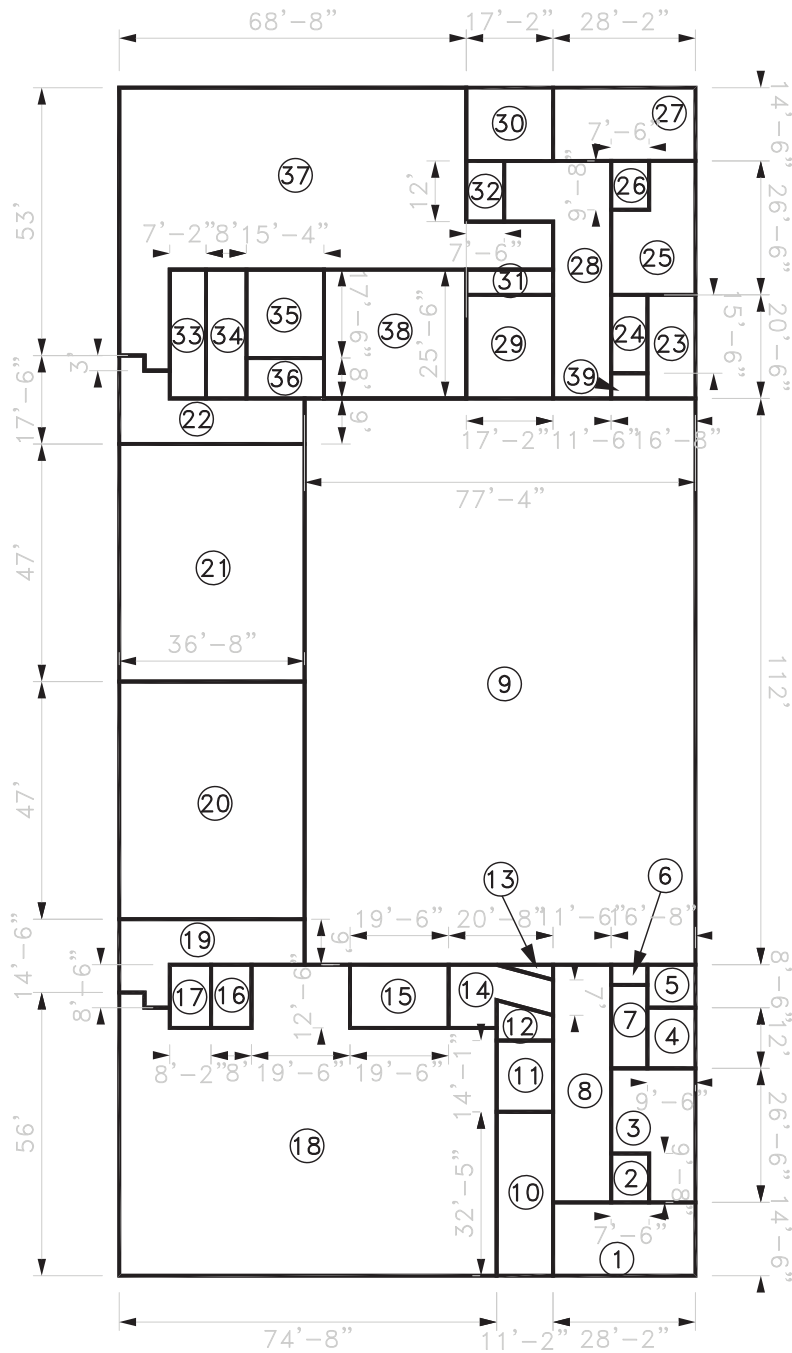
2607 Myrtle Street - Oakland, CA 94607-3415

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303 - McClymonds High School - Unit D1

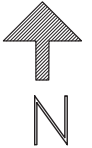
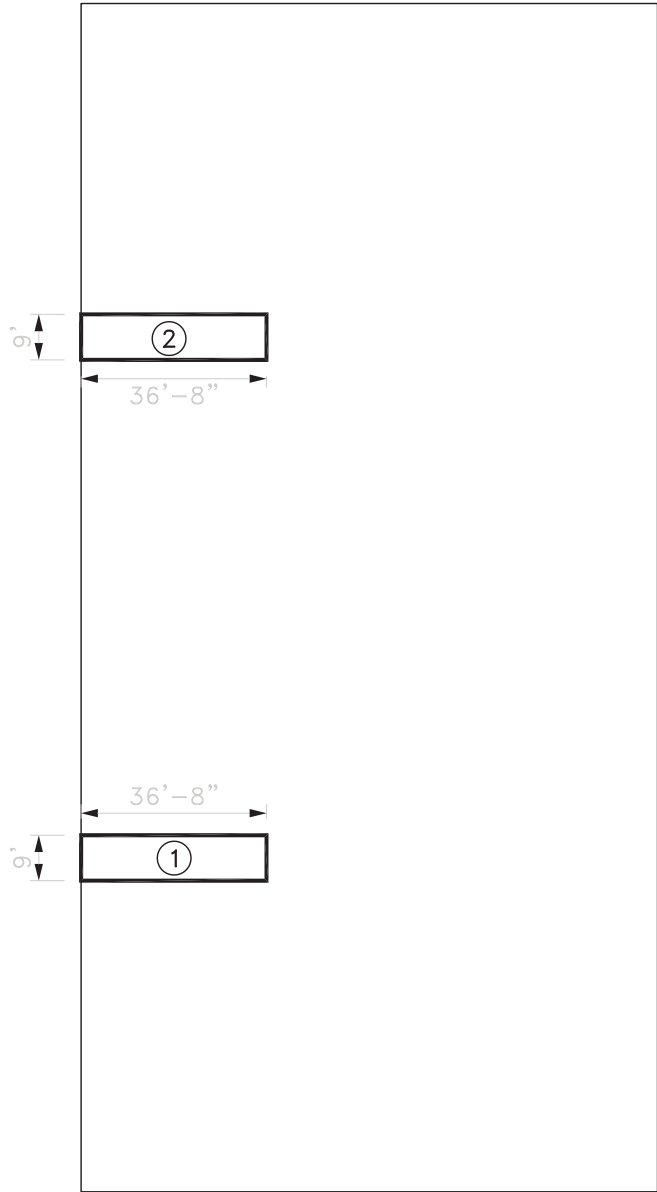
2607 Myrtle Street - Oakland, CA 94607-3415

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303 - McClymonds High School - Unit D2

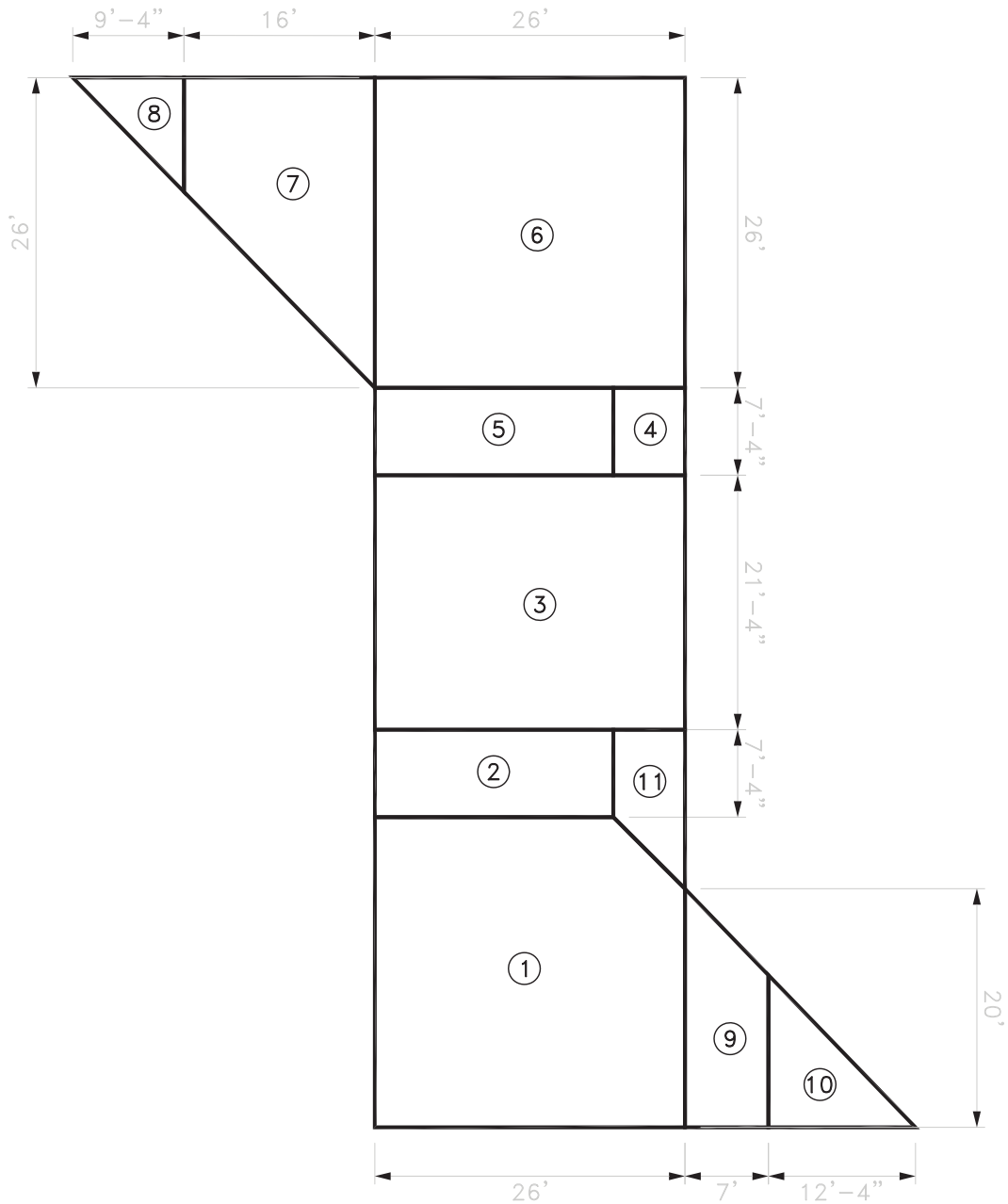
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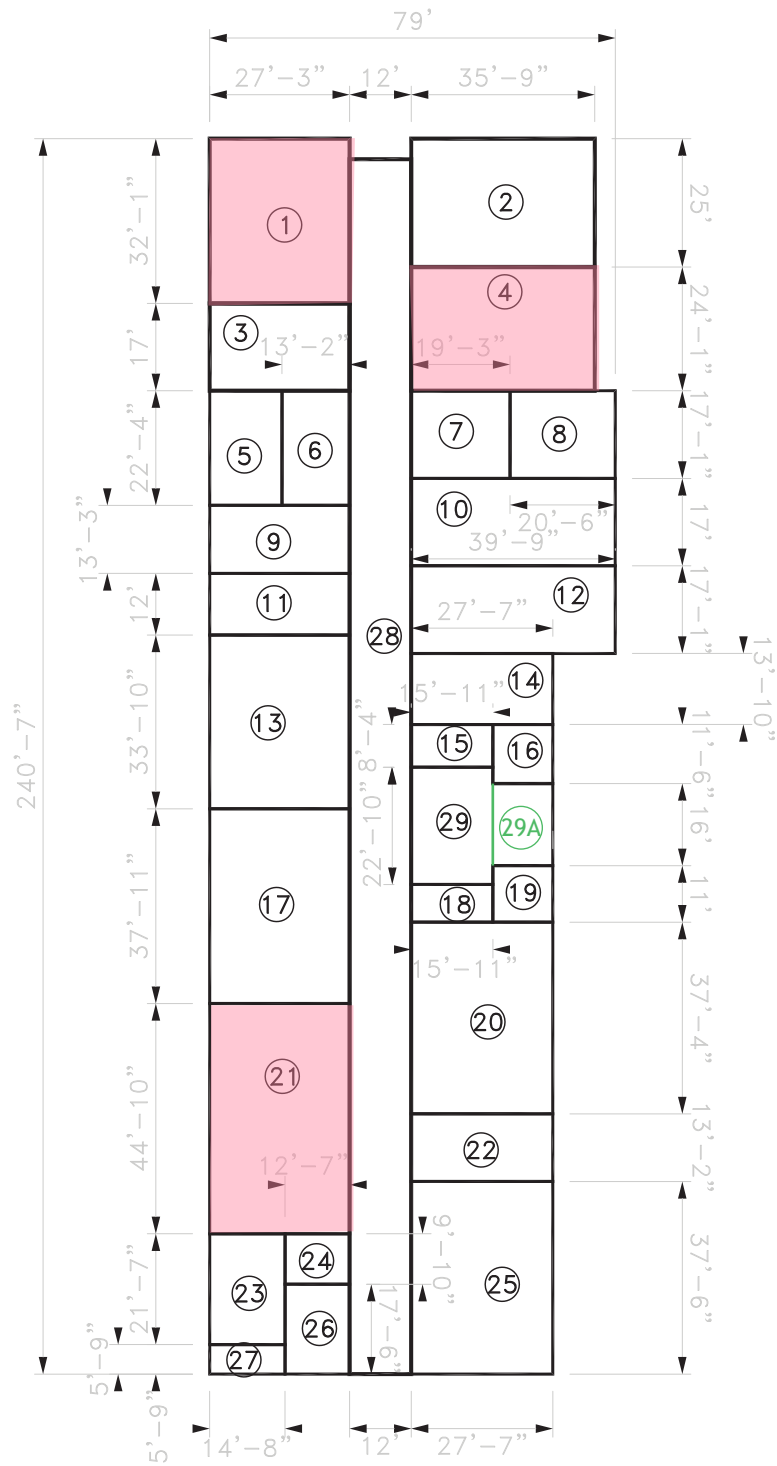




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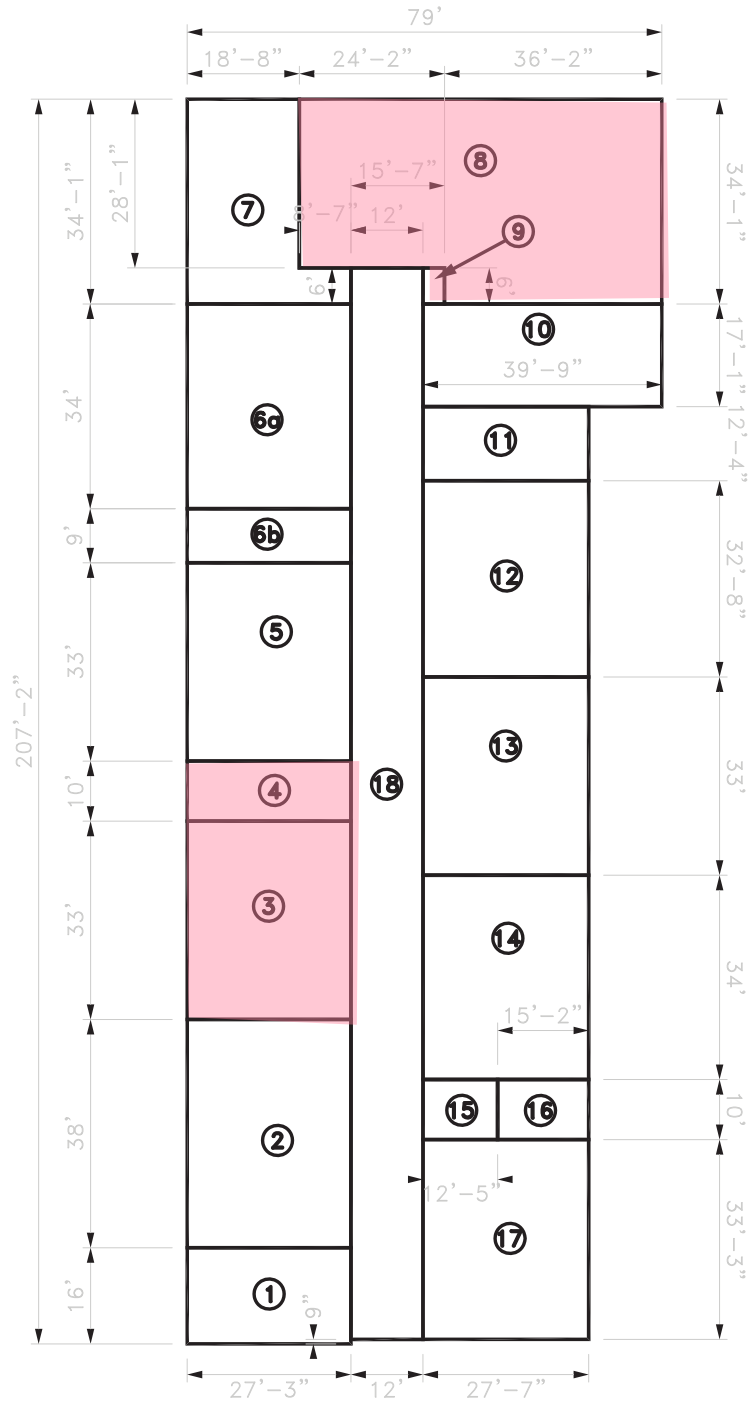
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303 - McClymonds High School - Unit H1

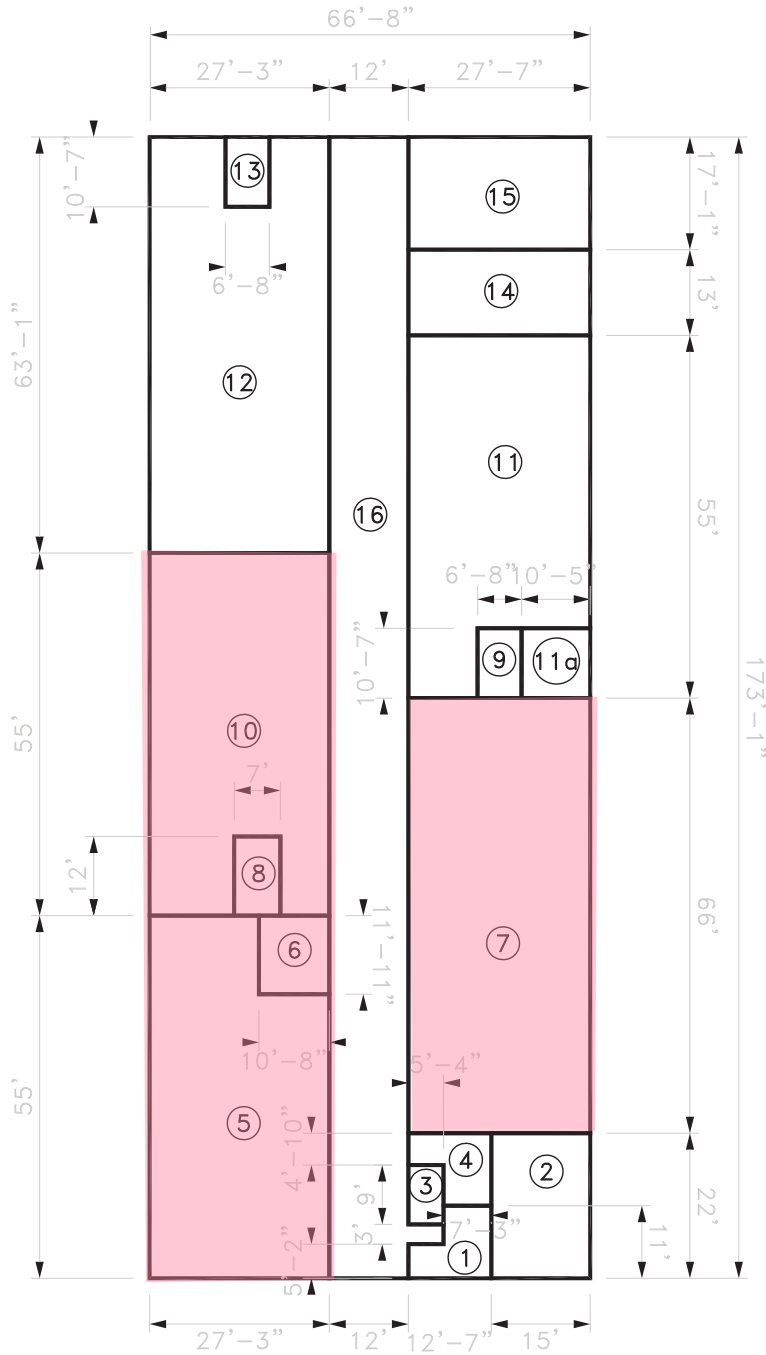
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303 - McClymonds High School - Unit H2

2607 Myrtle Street - Oakland, CA 94607-3415



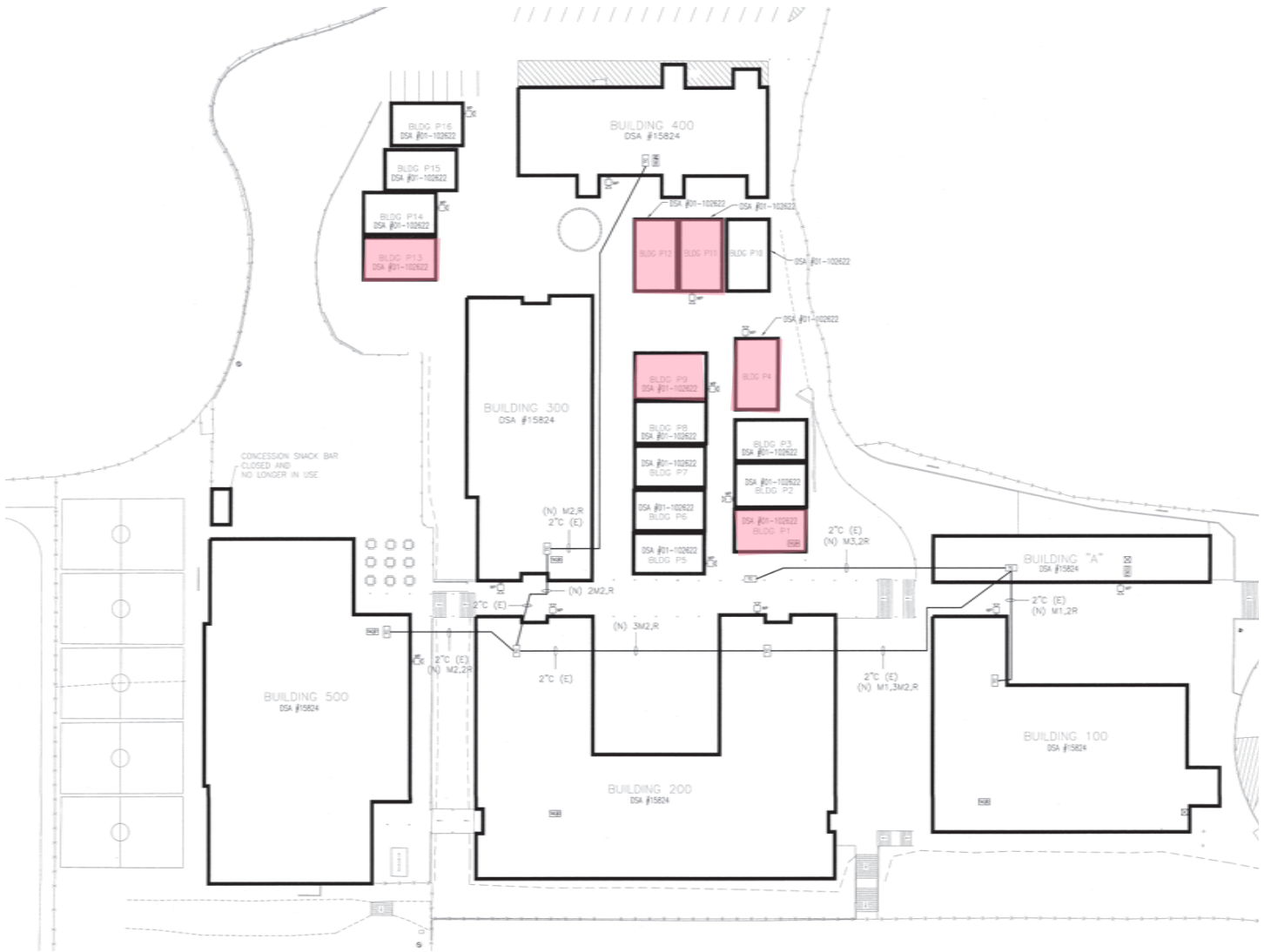
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303 - McClymonds High School - Unit H3

2607 Myrtle Street - Oakland, CA 94607-3415

Appendix A

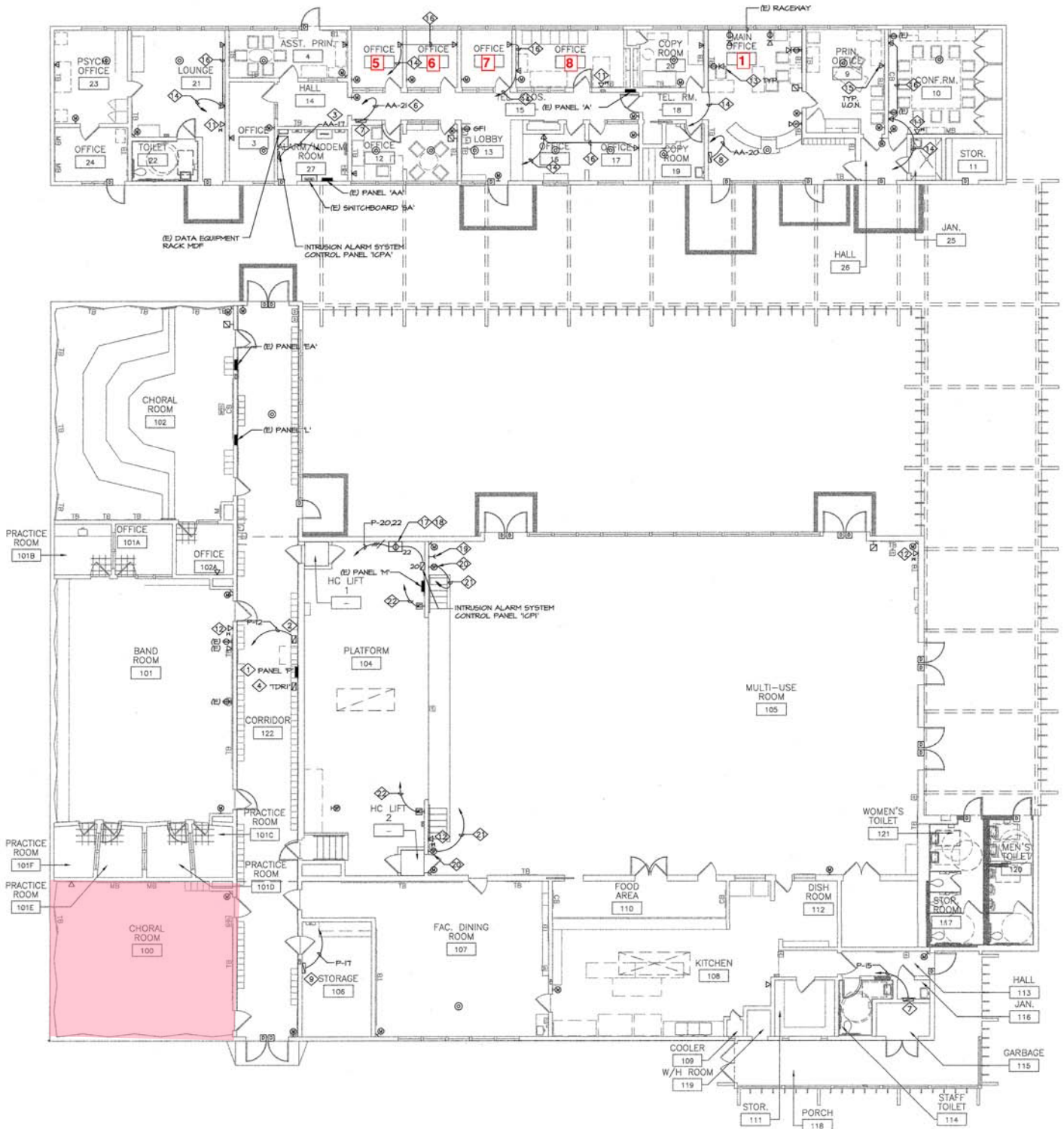
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211 - Montera Middle School - Site Plan

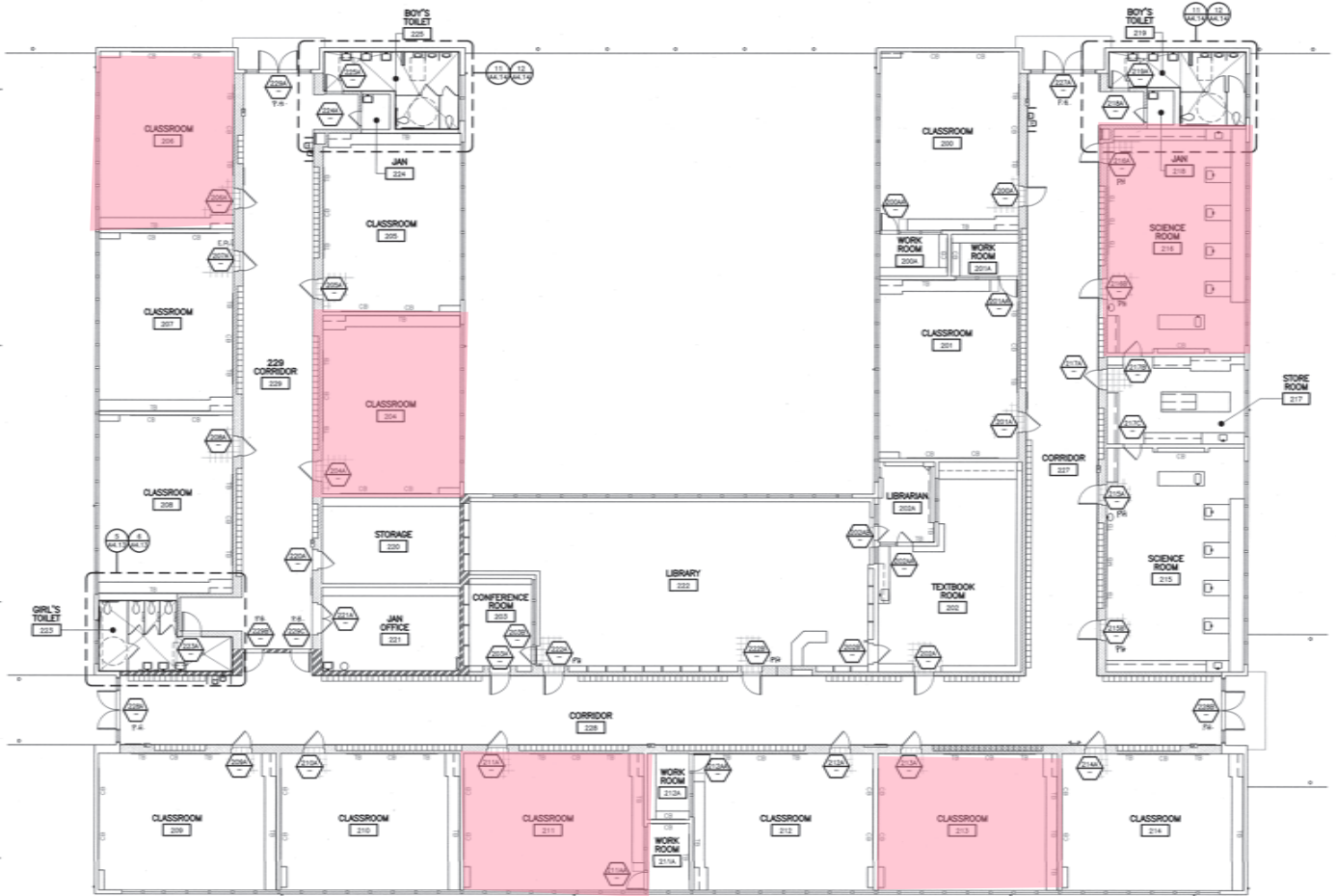
5555 Ascot Drive - Oakland, CA 94611-3001



Not drawn to scale

211 - Montera Middle School - Unit A + 100

5555 Ascot Drive - Oakland, CA 94611-3001

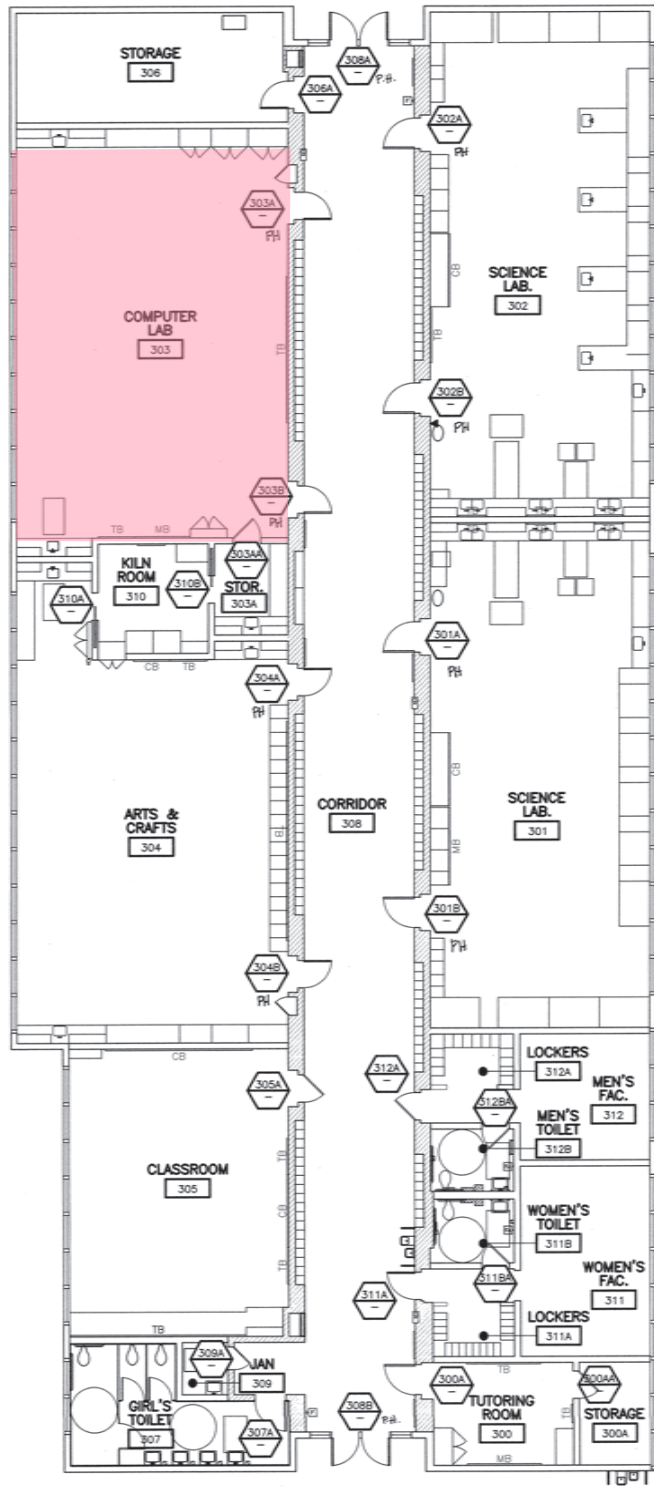


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211 - Montera Middle School - Unit 200

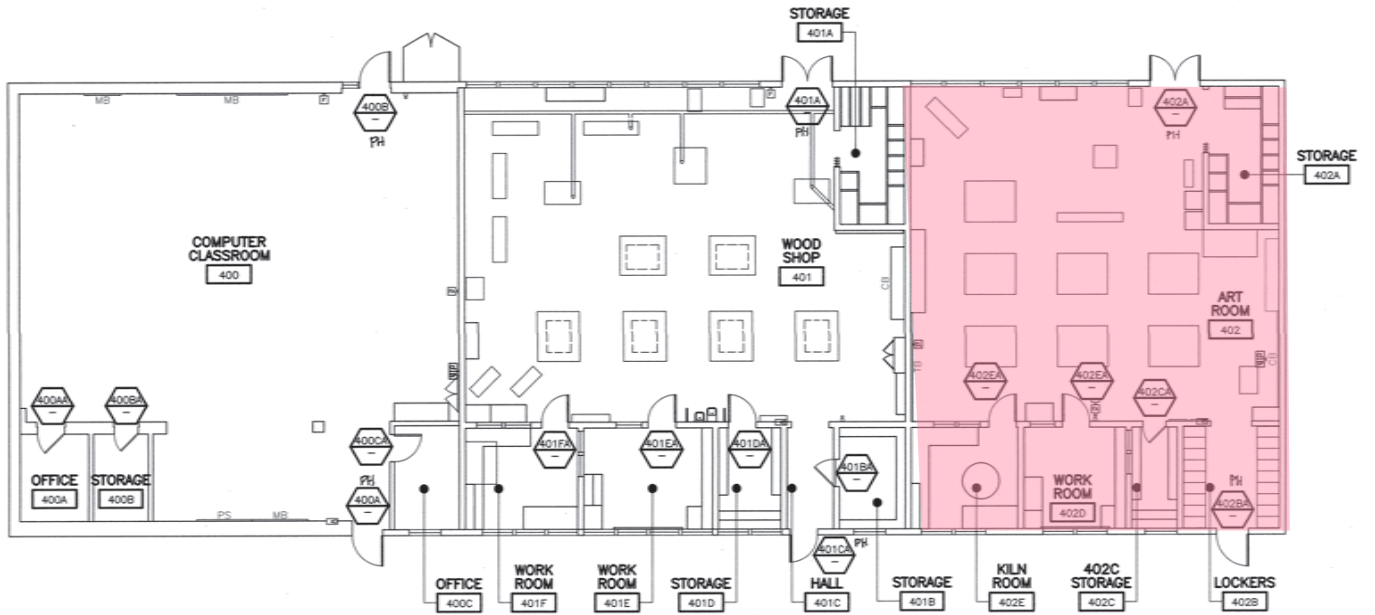
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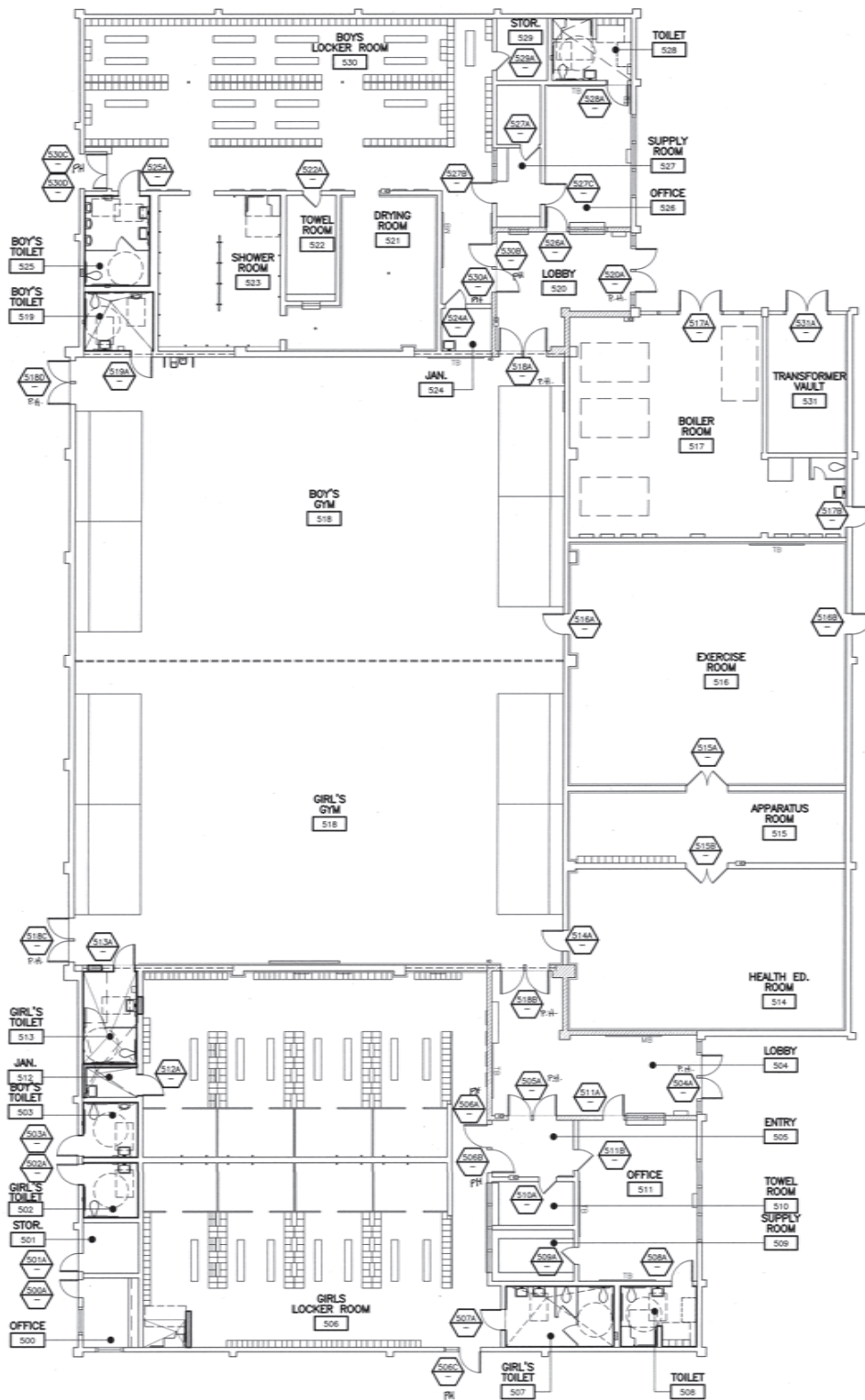
211 - Montera Middle School - Unit 300

5555 Ascot Drive - Oakland, CA 94611-3001



Not drawn to scale

211 - Montera Middle School - Unit 400
 5555 Ascot Drive - Oakland, CA 94611-3001



Not drawn to scale

211 - Montera Middle School - Unit 500

5555 Ascot Drive - Oakland, CA 94611-3001

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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.