



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



OFFICE OF CHARTER SCHOOLS

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



OFFICE OF CHARTER SCHOOLS

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.



OFFICE OF CHARTER SCHOOLS

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 regulations⁸ 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)



OFFICE OF CHARTER SCHOOLS

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.



OFFICE OF CHARTER SCHOOLS

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



OFFICE OF CHARTER SCHOOLS

		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)



OFFICE OF CHARTER SCHOOLS

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.



OFFICE OF CHARTER SCHOOLS

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 l'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 overallocated¹² 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



OFFICE OF CHARTER SCHOOLS

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



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

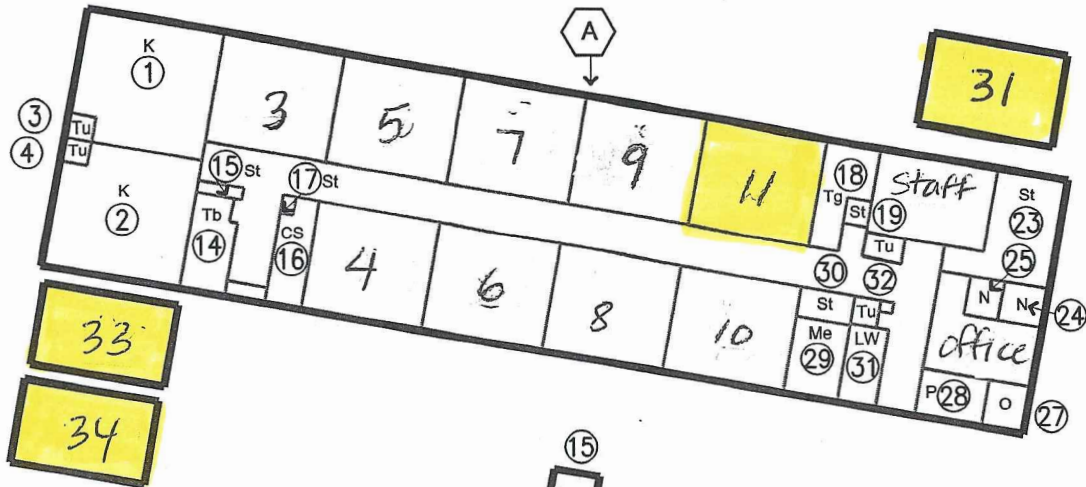
Exhibit F – Fees and Payment Schedule [see below]

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

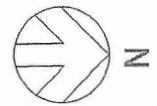
[Exhibit H](#) – Multi-Site Resolution

Appendix A

Exclusive use for charter school



29	28
27	26
25	
23	24
21	22



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



Date: 1/18/2013

Scale: 1"=50'-0"

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.