



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

April 1, 2018

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

Re: Oakland Unified School District
Final Offer of Facilities, 2018-2019

Dear Maya Woods-Cadiz:

Oakland Unified School District (“District”) makes this Final Offer of Facilities to **American Indian Public High School** (“Charter School”) for the 2018-2019 school year.

The District has carefully considered the Charter School’s request for facilities under the criteria set forth in Proposition 39 and its implementing regulations. (Cal. Ed. Code § 47614; Cal. Admin. Code, title 5, §§ 11969.1, *et seq.*) This Final Offer complies with all of the requirements of Proposition 39 and Cal. Admin. Code, title 5, §11969.9(h).

A. Procedural History

The Charter School submitted a Request for Facilities under Proposition 39 pursuant to Cal. Admin. Code, title 5, § 11969.9(c) on or before November 1, 2017. The Charter School’s Request for Facilities was based upon a projected in-District ADA of **368.50**.

B. 2018-2019 Final Offer to the Charter School

Education Code § 47614 and its implementing regulations only obligate the District to offer space sufficient to accommodate the Charter School’s in-District students. The District’s allocation of space is therefore based on the Charter School’s projected in-District ADA of **368.50**.

1. Methodology

Cal. Admin. Code, title 5, § 11969.3 governs the identification of the comparison group sites. Subsection (a)(1) states as follows:

Comparison Group:

The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students

would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of district-operated schools with similar grade levels. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.

Cal. Admin. Code, title 5, § 11969.3(a)(2) governs the determination of the comparison group schools for districts whose students live in high school attendance areas:

The comparison group shall be the school 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. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

The District must first identify the high school attendance area in which the largest number of in-District Charter School students reside. Education Code §17070.15(b) defines “attendance area” as “the geographical area serving an existing high school and those junior high schools and elementary schools included therein.” Based on the information provided in the Charter School’s facilities request, the District has determined that the greatest number of Charter School students live within the **Oakland High School** attendance area.

Table 1: High School Attendance Area

Grade Span	Attendance Area	# of Students	% of Students in Grade Span
9-12	Oakland High	73	20.2%
	Fremont	68	18.8%
	Skyline	59	16.3%
	Outside of Oakland	50	13.9%
	Oakland Tech	47	13.0%
	Castlemont/CCPA/Madison	37	10.2%
	McClymonds	27	7.5%

Therefore, the comparison group schools for the Charter School are as follows:

- Oakland High School

The Charter School’s March 1, 2018 letter does not dispute the District’s methodology used to identify the comparison group schools.

2. Facilities Offered:

The District offers the Charter School facilities at the following school sites:

Lakeview Elementary School
746 Grand Avenue, Oakland, CA 94610

Westlake Middle School
2629 Harrison Street, Oakland, CA 94612

The Charter School’s allocation of space is as follows:

Table 2a: Allocation of Exclusive Use Teaching Station Space to Charter School by School Site

School Site	# of Teaching Stations/ Specialized Classrooms	Total Sqft
Lakeview	15	12,600
Westlake	4	3,112
TOTAL	19	15,712

Table 2b: Allocation of Exclusive Use Teaching Station Space to Charter School by Room

School Site	Room # (per MKThink site plan)	Sqft
Lakeview	A-2-1	709
Lakeview	A-2-9	709
Lakeview	A-2-29	709
Lakeview	A-3-1	853
Lakeview	A-3-2	1266
Lakeview	A-3-4, 4a	709
Lakeview	A-3-10	857
Lakeview	A-3-20	815

Lakeview	A-3-25	709
Lakeview	B-1-1	864
Lakeview	C-1-1	864
Lakeview	P3-1-1	884
Lakeview	P4-1-1	884
Lakeview	P5-1-1	884
Lakeview	P6-1-1	884
Westlake	C-2-202	772
Westlake	C-2-203	772
Westlake	C-2-204	796
Westlake	C-2-205	772

Table 2c: Allocation of Exclusive Use Non-Teaching Space to Charter School at Shared Sites by Room

School Site	Room # (per MKThink site plan)	Sqft	Room Type
Lakeview	A-2-2, 3, 4, 10, 11, 17, 19, 26, 27; A -3-5, 6, 15, 19, 23, 25a	1,685	storage
Lakeview	A-2-5, 5a, 5b, 7	746	admin/office
Lakeview	A-2-6, 8; A-3-13; PRR	702	restroom
Lakeview	A-2-12, 18, 20, 28; A-3-3, 7, 14, 16, 24	3,255	circulation
Lakeview	A-2-22, 23	2,347	multipurpose
Lakeview	A-3-21	442	lounge/staff dining
Lakeview	A-2-21	8	mechanical
Westlake	C-2-201	864	admin/office (classroom)
Westlake	C-2-210, 218	184	storage
Lakeview Exclusive Use NTS Total	-	9,185	-
Westlake Exclusive Use NTS Total	-	1,048	-

Table 2d: Allocation of Non-Teaching Space (NTS) to Charter School by School Site

American Indian Public High School

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Site Name	Projected ADA at Site			AIPHS Projected ADA as % of Total Site ADA	Total Site NTS	AIPHS NTS Allocation	Interior Exclusive NTS Allocation	Shared NTS Allocation ¹	
	District-Run	Other Charter	AIPHS					Interior	Exterior
Westlake	303.16	87.57	73.70	15.87%	235,672	37,398	1,048	6,348	30,002
Lakeview	(See tables below for allocation of NTS at Lakeview)								

Table 2e: Allocation of Shared Interior Non-Teaching Space (NTS) to Charter School at Lakeview

Room # (per MKThink site plan)	Room Type	Total Sqft	AIPHS Share %	AIPHS Allocation (Sqft)
A-1-17, 19, 20, 26, 34, 40; A-2-13, 14, 15, 16; A-3-8, 9, 11	building utilities	1,688	50%	844
A-1-25, 31	restroom	963	50%	481
A-2-24	circulation	299	50%	150
A-2-35	circulation	2,073	75%	1,555
Total	-	-	-	3,030

Table 2f: Allocation of Exterior Non-Teaching Space (NTS) to Charter School at Lakeview

Exterior NTS Space Type	Total Sqft ²	AIPHS Share %	AIPHS Allocation (Sqft)
Shared	67,144	50%	33,572
Exclusive Use - AIPHS	40,188	100%	40,188
Exclusive Use – OUSD	2,579	0%	0
Total Exterior NTS	109,911	-	73,760

Table 2g: Total Allocation of Non-Teaching Space (NTS) to Charter School

Site Name	Exclusive Use Interior NTS	Shared Interior NTS	Exclusive Use Exterior NTS	Shared Exterior NTS	Total NTS Allocation
Lakeview	9,185	3,030	40,188	33,572	85,975
Westlake	1,048	6,348	0	30,002	37,398
Total	10,233	9,378	40,188	63,574	123,373

¹ The Charter School's Shared NTS Allocation is subject to change if the other charter school offered space at Westlake does not accept the District's Proposition 39 offer.

² All exterior square footage measurements are approximate.

At Westlake, the Charter School's access to non-teaching space, such as auditoriums, gymnasiums, multi-purpose rooms, and cafeterias, is based upon the Charter School's per-student entitlement to each category of space at the comparison group schools, and calculated upon the proportion of in-district ADA to the total ADA at the site.

Additionally, the Charter School will be once again co-located with District offices at Lakeview. Shared non-teaching space at sites where a charter school co-locates with another school is generally allocated while considering each school's ADA at the site. Due to the unique circumstances at Lakeview, additional tables have been included above, which outline the allocation of non-teaching space at the site. Unless otherwise noted below, shared non-teaching space is split evenly between the Charter School and the District. Factors taken into consideration when allocating non-teaching space included the following:

- Spaces in Building A labeled as "building utilities" are assumed to be necessary for the proper functioning of the building. As such, allocation of these spaces is split evenly between the Charter School and District (i.e. 50% each)
- The Charter School does not have exclusive use of any space on the first floor of Building A. As previously mentioned, building utility spaces, including those located on the first floor are considered shared space. The only other first floor space shared by the Charter School and District are two restrooms (A-1-25 and A-1-31).
- The Charter School occupies slightly more than 75% of exclusive use square footage on the second floor. As such, 75% of the primary circulation area (A-2-35) are being allocated to the Charter School.
- The Charter School has exclusive use of the entire third floor. As such, 100% of non-teaching space on that floor (except aforementioned building utility spaces) is being allocated exclusively to the Charter School.
- The Charter School is being allocated exclusive use of the fenced in exterior area that extends from the portables along the Santa Clara and Grand Avenue side of the campus as shown in **Exhibit G**. The District has exclusive use of the exterior space on the northwest side of the CDC building, including the play structure located in that area. Allocation of the remaining exterior space is expected to be shared evenly between the Charter School and the District.

The specific allocation of specialized teaching space and non-teaching space to the Charter School is set forth in subsections 3(c) and 3(d) below.

3. Reasonable Equivalence Methodology:

In order to determine whether facilities are “reasonably equivalent,” the District compares the proposed facilities to District-operated schools constituting the comparison group school. The District has considered capacity, condition, location, and other relevant factors, using as a point of reference the comparison group schools identified above, to allocate a facility to the Charter School that meets Proposition 39 standards for “reasonable equivalence.”

a. Condition:

With respect to “condition,” the District may allocate facilities to the Charter School that are comparable to the comparison group in the following ways:

No.	Facility Characteristic – Capacity	Regulatory Authority
1.	Ratio of teaching stations to average daily attendance (“ADA”)	C.C.R., tit. 5, § 11969.3(b)(1)
2.	Specialized classroom space if such facilities are available to the district comparison group (e.g., science laboratories)	C.C.R., tit. 5, § 11969.3(b)(2)
3.	Non-teaching space, which the district can share with the charter school (e.g., administrative, kitchen, multi-purpose, and/or play area space)	C.C.R., tit. 5, § 11969.3(b)(3)
4.	School site size	C.C.R., tit. 5, § 11969.3(c)(1)(A)
5.	Condition of interior and exterior surfaces	C.C.R., tit. 5, § 11969.3(c)(1)(B)
6.	Mechanical, plumbing, electrical, and fire alarm systems in condition and conformity to applicable law	C.C.R., tit. 5, § 11969.3(c)(1)(C)
7.	Availability and condition of technology resources	C.C.R., tit. 5, § 11969.3(c)(1)(D)
8.	Overall learning environment qualities (e.g., lighting, noise mitigation, and/or size for intended use)	C.C.R., tit. 5, § 11969.3(c)(1)(E)
9.	Furnishings and equipment	C.C.R., tit. 5, § 11969.3(c)(1)(F)
10.	Condition of athletic fields and/or play area space	C.C.R., tit. 5, § 11969.3(c)(1)(G)

The District has also evaluated data on the condition of the facilities at the comparison school group based on site information available from the District’s Asset Management and Facilities Master Plan. A summary of this analysis, found in the table below, shows that the site offered to the Charter School is reasonably equivalent to the comparison school group in every facility characteristic category. Additional information regarding each facility can be found in [Exhibit A](#). 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 3: School Site Condition Analysis

School/Site Type		Offer Site		Comparison School Site
		Lakeview	Westlake	
School/Site				Oakland High
Size of Site (acres)		3.1	5.7	10.8
Surfaces*	Physical Condition (Interior)	G	E	E
	Circulation & Wayfaring (Interior)	G	G	G
	Physical Condition (Exterior)	G	E	E
	Circulation & Wayfaring (Exterior)	E	G	G
Mechanical, plumbing, electrical, and fire alarm systems conformity with applicable codes		Y	Y	Y
Tech Infrastructure		Y	Y	Y
Safe Learning Environment		Y	Y	Y
Furnishings/Equipment		Y	Y	Y
Athletic Fields/Play Area Space		Y	Y	Y

* Each site plan included surface condition information for each individual building at the site. For sites with multiple buildings, these ratings were averaged, taking into consideration the relative size of each building to determine the overall site surface condition (E=Excellent, G=Good, F=Fair, P=Poor)

The District conducted its analysis of the condition of the comparison group schools under the criteria set forth in the Proposition 39 regulations, supported by relevant data. Therefore, the District rejects the Charter School’s boilerplate contention in its March 1, 2018 letter that the District failed to conduct the comparison group school condition analysis in accordance with the Proposition 39 regulations.

b. Teaching Stations:

With respect to teaching stations, Cal. Admin. Code title 5, § 11969.3(b)(1) states that “[f]acilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations

(classrooms) to ADA as those provided to students in the school district attending comparison group schools.”

The District followed the methodology set forth by the Court in *California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 60 Cal.4th 1221 in determining the teaching station allocation to the Charter School. The District consulted, in accordance with Cal. Admin. Code tit. 5, § 11969.3(b)(1), the “classroom inventory pursuant to Sections 1859.31 and 1859.32 ... on the Form SAB 50-02.” (See, Cal. Admin. Code tit. 2, s 1859.30.) A copy of Form SAB 50-02 is linked as [Exhibit B](#). Although the Proposition 39 regulations require the District to reference the classroom inventory referenced on Form SAB 50-02, the District notes that Form SAB 50-02 lists the aggregate classroom inventory by grade range within each high school attendance area, without breaking down inventory by school. Therefore, the District has taken the additional step of creating an updated inventory of actual room utilization at each comparison group school. That inventory is linked as [Exhibit C](#).

The District is permitted to evaluate the utilization of classrooms at the comparison group schools under *California Charter Schools Association*, supra, as the California Supreme Court held in that case that:

According to the District, only classrooms in the inventory that are “provided to” noncharter public school K–12 students in the District must be counted. On this view, unbuilt classrooms, classrooms already used by charter schools, and classrooms dedicated to preschool, adult education, or other uses besides K–12 education are not “provided to” such K–12 students and thus need not be counted in determining the ADA/classroom ratio under section 11969.3(b)(1). [¶] We agree with this reading of section 11969.3(b)(1). (*Id.* at 1239.)

Therefore, the District not only met, but exceeded, the requirements for determining the teaching station-to-ADA ratio under Cal. Admin. Code tit. 5, § 11969.3(b)(1). The District went beyond the classroom inventory contained in Form SAB 50-02, and manually created an inventory of classroom utilization at each of the comparison group schools, to determine the number of classrooms “provided to” District students at the comparison group schools. From that list, the District determined the ADA to teaching station ratio at the comparison group school as **24.32 per teaching station**.

Table 4: Comparison Group Schools Serving Grades 9-12 Located in High School Attendance Area

School	ADA Teaching Station Ratio
Oakland High School	24.32
AVERAGE	24.32

Applying that ratio to the Charter School’s projected ADA of **368.50**, the District determined that the Charter School was entitled to an allocation of **16 (rounded up from 15.15)** teaching stations.

Table 5: Calculation of Exclusive Use General Education Classroom Allocation

Grade Span(s)	ADA (In-District)	Average ADA Teaching Station Ratio	General Education Classrooms (ADA / Average ADA Teaching Station Ratio)
9-12	368.50	24.32	16 (15.15)

The District created and utilized an updated inventory of actual room utilization at each comparison group school to determine the number of teaching stations “provided to” students in the comparison group schools, in accordance with the Proposition 39 regulations. Therefore, the District rejects the Charter School’s boilerplate contention in its March 1, 2018 letter that the District failed to follow the methodology set forth in the Proposition 39 regulations for determining the number of teaching stations to allocate to the Charter School. The District also based its ADA projections for request year 2018-2019 upon data provided by its enrollment office. The District rejects the Charter School’s contention in its March 1, 2018 letter that the Charter School is better able to project ADA at the District’s comparison group schools with CDE data from 2016-2017. Also, since the District relied upon its updated inventory of teaching spaces “provided to” District students at the comparison group schools, it relied upon more current information than the information cited in the Charter School’s March 1, 2018 letter.

c. Specialized Teaching Space:

Cal. Admin. Code title 5, § 11969.3(b)(2) states as follows with respect to the allocation of specialized teaching space to Charter Schools:

If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to paragraph (1) of subdivision (b) shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

- (A) the grade levels of the charter school's in-District students;
- (B) the charter school’s total in-District classroom ADA; and

(C) the per-student amount of specialized classroom space in the comparison group schools.

During the 2017-18 school year, OUSD contracted with a third party vendor to conduct an educational adequacy assessment at its facilities. As part of this assessment, the vendor collected updated specialized teaching space data, which included the approximate square footage of each space. Although this data has not yet been finalized, it was used to help determine the charter school’s specialized teaching space allocation based on “the per-student amount of specialized classroom space in the comparison group schools” as shown in the table below. Detailed data related to the specific specialized teaching space present at comparison sites and sites where the charter school has been offered space are provided in [Exhibit D](#).

Table 6: Calculation of Specialized Teaching Space (STS) Allocation³

STS Type	STS Existing at Offer Site(s) (Sqft)	STS Entitlement (Sqft)	Exclusive Use STS Already Included in Classrooms Offered (Sqft)	Over(+)/ Under(-) Allocation of STS Entitlement (Sqft)*
Art Classroom	2016	1378	0	-1378
Art Technology Lab	0	0	0	0
Computer Laboratory	2400	1475	0	-1475
CTE Classroom (Related to Lab Instruction)	0	0	0	0
CTE Family/Consumer Science Multipurpose Lab	1248	0	0	0
CTE Industrial Education Laboratory	0	0	0	0
CTE Technology Education Laboratory	0	0	0	0
CTE General Laboratory	0	0	0	0
Drama Classroom	0	0	0	0
Music Room (Elementary School)	0	0	0	0
Music Room, Band	1740	8	0	-8
Music Room, Choir	713	0	0	0
Science Classroom	3618	780	1728**	948

³ Square footage figures included in this table are approximate and were taken from the Jacobs data found in [Exhibit E](#), unless otherwise noted. All other square footage figures found in this document were taken from MKThink data ([Exhibit F](#)) and are more precise. Therefore, discrepancies in square footage figures may exist between this and other tables found in this letter.

Science Laboratory	0	1594	0	-1594
SpEd Life Skills Lab	0	516	0	-516
Total	11,735	5,751	1,728	4,023

* Calculated by subtracting STS Entitlement from Exclusive Use STS Already Included in Classrooms Offered

** Jacobs did not assess or provide data for classrooms at the Lakeview campus. OUSD staff conducted a walkthrough and determined that two portables included sinks, water stations, science tables and are therefore considered specialized science classroom space. The corresponding square footage was taken from the MKThink data for Portables B and C.

The District provides the Charter School with specialized teaching space in the form of an allocation of building space and, if necessary, shared space. The District’s updated calculation of the Charter School’s entitlement to specialized teaching space shows that, beyond the allocation of 1,728 sqft of specialized teaching space at the site(s), the Charter School is entitled to an additional 4,023 sqft of specialized teaching space. The Charter School is being allocated 3 additional teaching spaces (approximately 2,481⁴) to the Charter School, reducing the Charter School’s specialized teaching space entitlement to 1,542 sqft. This additional specialized teaching space will be allocated in the form of shared specialized teaching space. Details of the sharing arrangement will be negotiated between the two site leaders once it is known whether the other charter school offered space at Westlake accepts its offer. The Charter School may also be entitled to a self-contained special education classroom allocation if it can demonstrate its Oakland resident student population includes students with severe disabilities that require this type of classroom.

The District has used the updated information provided by its third-party vendor to obtain an updated inventory of the specialized teaching space at the comparison group schools and, where, necessary, has re-evaluated its calculation of the Charter School’s per-pupil entitlement to specialized teaching space. Therefore, the District rejects the Charter School’s boilerplate contention in its March 1, 2018 letter that the District’s offer is “completely void of any discussion of the different amounts (square footage) and types of specialized classroom space that exist at the comparison schools ...” The District’s methodology in inventorying, measuring and allocating specialized teaching space complies in all respects with the Proposition 39 regulations.

d. Non-Teaching Space:

With respect to non-teaching space, Cal. Admin. Code title 5, § 11969.3(b)(3) states as follows:

The school district shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-

⁴ Using the average square footage of allocated classrooms (827 SF) x 3 = 2,481 SF

student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

The District calculated the amount of non-teaching space at the comparison group schools (Table 7a) and determined this space as a function of Sqft/ADA as shown in Table 7b.

Table 7a: Calculation of Non-Teaching Space (NTS) at Comparison Group Schools

Comparison School(s)	Site Acreage (ground level) ¹	Ground Level Space (sqft) ²	Non-Ground Level Space (sqft) ³	Total Site Area (sqft) ⁴	Classroom Space (sqft) ⁵	Site NTS (sqft) ⁶
Oakland High	10.76	468,706	63,955	532,661	47,988	484,673

Sources: ¹ "Site List" [Exhibit F](#); ² Site Acreage x 43,560 (sqft/acre); ³ "Room List" [Exhibit F](#) (Sqft of all non-ground floor level rooms); ⁴ Ground Level + Non-Ground Level Space; ⁵ "Room List" [Exhibit F](#) (Sqft of all classrooms ≥600 sqft + attached classroom storage spaces included in Prop 39 final offers); ⁶ Total Site Area - Classroom Space

Table 7b: Non-Teaching Space (NTS) Sqft/ADA at Comparison Group Schools

Comparison School(s)	Total Site NTS (sqft)	Percent of Site Classrooms Occupied by District*	District Share of Site NTS (sqft)	18-19 Projected ADA	Total District NTS (sqft/ADA)
Oakland High	484,673	100.00%	484,673	1458.79	332.24

* Based on the number of classrooms not offered or occupied by charter schools at the site divided by the total number of classrooms at the site. For sites not shared with or offered to charter schools as part of Prop 39, this number will be 100%.

A supplement to Table 7a, showing the calculation of non-teaching space at the comparison groups schools, is linked as [Exhibit F](#).

The District then considered the Sqft/ADA ratio for each category of space at the comparison group school as part of its reasonable equivalence analysis.

Table 8a: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Lakeview

Site Name	Lakeview
18-19 Projected Site ADA	294.80

NTS Type	Sqft
Admin/Office/Conference	746
MPR/Auditorium/Cafeteria/Gym	2,347
Library	0
Other Interior	9,122
Total Interior NTS	12,215
Exterior NTS	73,760
Total NTS	85,975
Average Sqft/ADA	291.64

Table 8b: Calculation of Charter School Non-Teaching Space (NTS) Allocation at Westlake**

Site Name	Westlake			
	Westlake	American Indian Public High School	Envision Academy	Site Total
18-19 Projected Site ADA	303.16	73.70	87.57	464.43
% of 18-19 Projected Site ADA	65.3%	15.9%	18.9%	100.0%
NTS Type	Sqft	Sqft	Sqft	Sqft
Admin/Office/Conference	3,223	783 (864*)	931	4,937
MPR/Auditorium/Cafeteria/Gym	8,024	1,951	2,318	12,292
Library	1,175	286	339	1,800
Other Interior	18,004	4,377 (184*)	5,201	27,581
Total Interior NTS	30,425	7,396 (1,048*)	8,789	46,610
Exterior NTS	123,411	30,002	35,649	189,062
Total NTS	153,836	37,398	44,438	235,672
Average Sqft/ADA	507.44	507.44	507.44	-

* Square footage already included in exclusive-use space allocation to Charter School (see Table 2c). Remaining allocation to be negotiated by site leaders and will likely be in the form of shared space.

**The Charter School's Shared NTS Allocation is subject to change if the other charter school offered space at Westlake does not accept the District's Proposition 39 offer.

Following is a summary of the Sqft/ADA ratios of non-teaching space at the comparison group schools,

compared to that of the Charter School’s allocation:

Table 9: Non-Teaching Space (NTS) Actual Sqft/ADA vs. Comparison School Group

Offer Site	Charter Projected In-District ADA	NTS Sqft	NTS Sqft/ADA
Lakeview	294.80	85,975	291.64
Westlake	73.70	37,398	507.44
Total Allocated		123,373	334.80
Allocation if Based on Comparison School group		122,432	332.24

The District calculates the Sqft/ADA for non-teaching space to determine the reasonable equivalence standards for this category of space at the comparison group schools. A charter school’s allocation is generally considered to fall within reasonable equivalence standards if it falls within the minimum/maximum Sqft/ADA ratios at the comparison group schools. In this instance, the Charter School only has one comparison group school, so the minimum/maximum range for SF/ADA are equivalent. The Charter School’s allocation of non-teaching space is above its entitlement based on the amount of non-teaching space available at the comparison group schools.

The District also will offer the Charter School reasonably equivalent Furnishings and Equipment for **368.50** ADA.

The specific space offered to the Charter School in this Final Offer is depicted in the diagrams attached as **Exhibit G**.

The District complied with the methodology set forth in the Proposition 39 regulations governing the identification, measurement and allocation of non-teaching space, and therefore rejects the Charter School’s boilerplate argument in its March 1, 2018 letter that “[t]he District’s allocation of non-teaching space in the Preliminary Proposal does not comply with Prop. 39 or its Implementing Regulations in several respects ...”

4. Response to Charter School’s March 1, 2018 Letter

In compliance with Cal. Admin. Code, title 5, §11969.9(h), the District addresses the Charter School’s response to the District’s preliminary offer of facilities.

The District has responded to the Charter School’s arguments regarding teaching stations, specialized teaching space, and non-teaching space under the discussion of each respective category above.

The District has adjusted its calculation of the pro-rata share in response to the Charter School's arguments.

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

Site Location: The Charter School identified a location preference of the "Lake Merritt/Downtown/Chinatown neighborhood...at one of the following campus[es]: Lakeview, Bella Vista, Life Academy, and Skyline". The Charter School also expressed interest in remaining at the Lakeview campus.

Education Code 47614(b) states that "[t]he school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate ..." Here, the District exercised its discretion in determining to place the Charter School its current, preferred location, and the closest secondary school. 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. The District's findings with respect to the Charter School's location preference are attached in the January 24, 2018 resolution adopted by the OUSD Board. ([Exhibit J](#))

The District did not have sufficient capacity at any of the Charter School's identified sites or locations to accommodate the entire Charter School projected in-District ADA. (See, January 24, 2018 Resolution, p. 14-15.) ([Exhibit J](#)) The District did accommodate the Charter School's preference to remain at the Lakeview campus. The District provided the Charter School a Final Offer at Lakeview Elementary School, located at 746 Grand Avenue, Oakland, CA 94610, and at Westlake Middle School, located at 2629 Harrison Street, Oakland, CA 94612, which is approximately 1.1 miles from the Charter School's current location, and the next closest secondary school.

5. The District Followed the Legal Requirements for a Multi-Site Offer, and Has Properly Considered the Charter School's Location Preference

Cal. Code Regs., tit. 5, section § 11969.2(d) requires that "[i]f the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety." On January 24,

2018, 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 J](#), p. 14-15.) The District placed the Charter School in its current, preferred location (Lakeview), as well as the closest secondary school in the same part of Oakland (Westlake).

The Charter School's March 1, 2018 letter does nothing to refute any of the substantial evidence cited by the District in its January 25, 2017 Resolution. Rather, the Charter School merely disputes the District's right under Proposition 39 and its implementing regulations to allocate a charter school facilities over more than one site. The Charter School also makes the false statement that "the District's Findings focus primarily on the impact to District students – with no analysis of the safety issues facing AIPHS's students." (March 1, 2018 letter, p. 5.) In fact, the District's January 25, 2017 Resolution contains the following findings specific to AIPHS:

The District made the following safety considerations specific to the placement of American Indian Public High School:

The District gave American Indian Public High School the preferred placement at Lakeview and will offer additional classrooms at Westlake Middle School which is located in the requested Lake Merritt neighborhood. Westlake is both within the requested neighborhood and the next closest secondary site.

American Indian Public High School has been housed at Lakeview Elementary School for multiple school years. The District considered the safety implications associated with a relocation of the program for a one year agreement at another site. Such a relocation would require that charter school staff, students, and families commute to a new part of the City and manage the likely disruption that would result from relocation.

Retaining students, families, and staff within the community to which they are accustomed and already a part of is a safety consideration that is taken into account. Maintaining the placement at Lakeview, to the extent permitted by its current capacity, will enable students to continue to be a part of the community with which they are familiar.

The District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks. The safety concern of managing student safety would be disproportionately exacerbated if total in-District classroom ADA was located at any one site.

The District therefore rejects the Charter School's arguments that the District did not meet Proposition 39 requirements by allocating the Charter School space at more than one site.

C. Final Facilities Offer – Other Terms and Conditions

1. Pro-Rata Share

The calculation of the Charter School's pro-rata share of facilities costs is attached as **Exhibit H**. The District notes that the Charter School's share of custodial costs may be subject to reconciliation in the event that the District is required to increase staffing as a result of the Charter School's use and occupation of the District's site.

Although the District will address the Charter School's other stated concerns regarding the facilities costs used to compute the pro-rata share during the course of FUA negotiations, it does maintain that it is entitled to include the cost of property insurance. Cal. Admin. Code tit. 5, § 11969.2 provides the definition of "facilities costs" for the purposes of determining the permissible general fund costs to include in the calculation of the pro-rata share:

As used in Education Code section 47614(b)(1), "facilities costs" are those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. This includes plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases.

The District believes that it is allowed to include insurance (which only includes property insurance covering the District's structures, and does not include contents or liability insurance) because these costs constitute expenses incurred in "keeping the ... buildings ... in working condition and a satisfactory state of repair," in the event that they are damaged and an insurable claim is made. Therefore, the Charter Schools occupying the District's facilities under Proposition 39 directly benefit from the property insurance that the District takes out on the structures that they occupy.

2. Overallocation Fee

Cal. Admin. Code tit. 5, § 11969.8 provides for a penalty in the event that a school district overallocates facilities to a charter school based on the charter school's overprojection of Average Daily Attendance ("ADA") for a school year. Subsection (a) of that regulation provides as follows:

Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent 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.

3. Miscellaneous

Should the Charter School accept the Final Offer of Facilities, the District will require it to enter into a Facilities Use Agreement containing the terms and conditions of the District's facilities allocation. ([Exhibit I](#)) The District provides this proposed agreement without prejudice to its right to propose or modify terms during the process of negotiating the agreement.

Under tit. 5, § 11969.9(i) of the Cal. Code of Regs., the Charter School "must notify the school district in writing whether or not it intends to occupy the offered space," no later than May 1, or 30 days after receipt of this Final Offer, whichever is later.

If you have any questions, please do not hesitate to contact me.

American Indian Public High School

April 1, 2018

Page 20 of 20

In Service,

A handwritten signature in blue ink, appearing to be the name 'Leslie Jimenez'.

Leslie Jimenez
Office of Charter Schools

Exhibit A

District Facilities' Site Plans and Profiles

To view the District facilities' site plans and profiles, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit B

Form SAB 50-02

To view the Form SAB 50-02 for each high school attendance area, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit C

Teaching Station Data

To view the data used to calculate the teaching station ratio, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit D

Specialized Teaching Space at Comparison and Offer Sites

To view the calculation of specialized teaching space at comparison and offer sites,
please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit E

Preliminary Educational Adequacy Assessment Data Extract (from Jacobs as of 3.5.18)

To view the preliminary educational adequacy assessment data extract from Jacobs, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit F

Non-Teaching Space at District Facilities

To view the calculation of non-teaching space at District schools, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

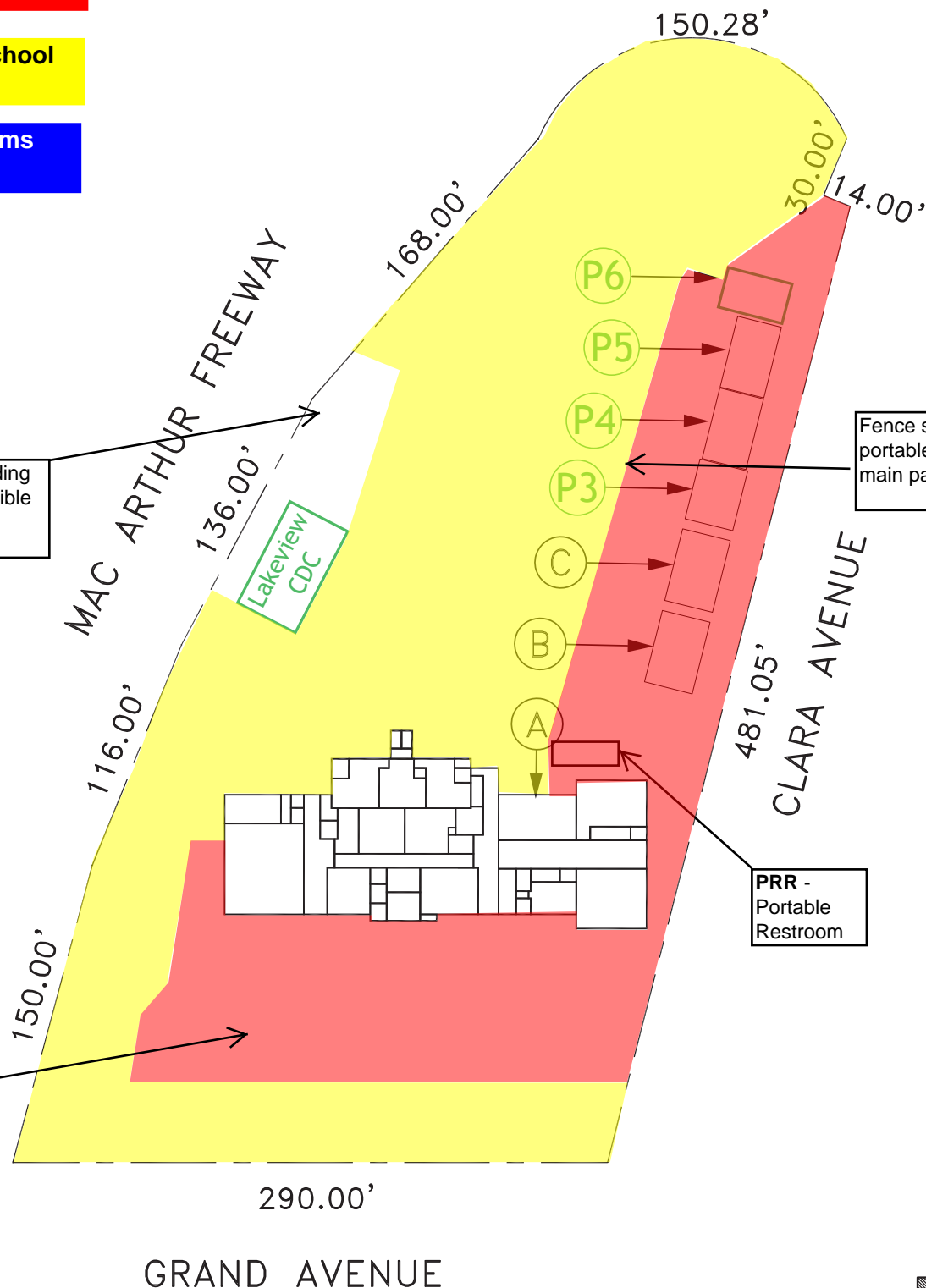
Exhibit G

Specific Space Offered to Charter School

Exclusive Use by Charter School

Shared by Charter School and OUSD

Building Utilities Rooms



Fenced in area including play structure accessible only via the CDC

Fence separating AIPHS portables and space from main parking lot

PRR - Portable Restroom

Outdoor patio, stairs, play structure, gardening box area.



Not drawn to scale

130 - Lakeview Elementary School - Site Plan

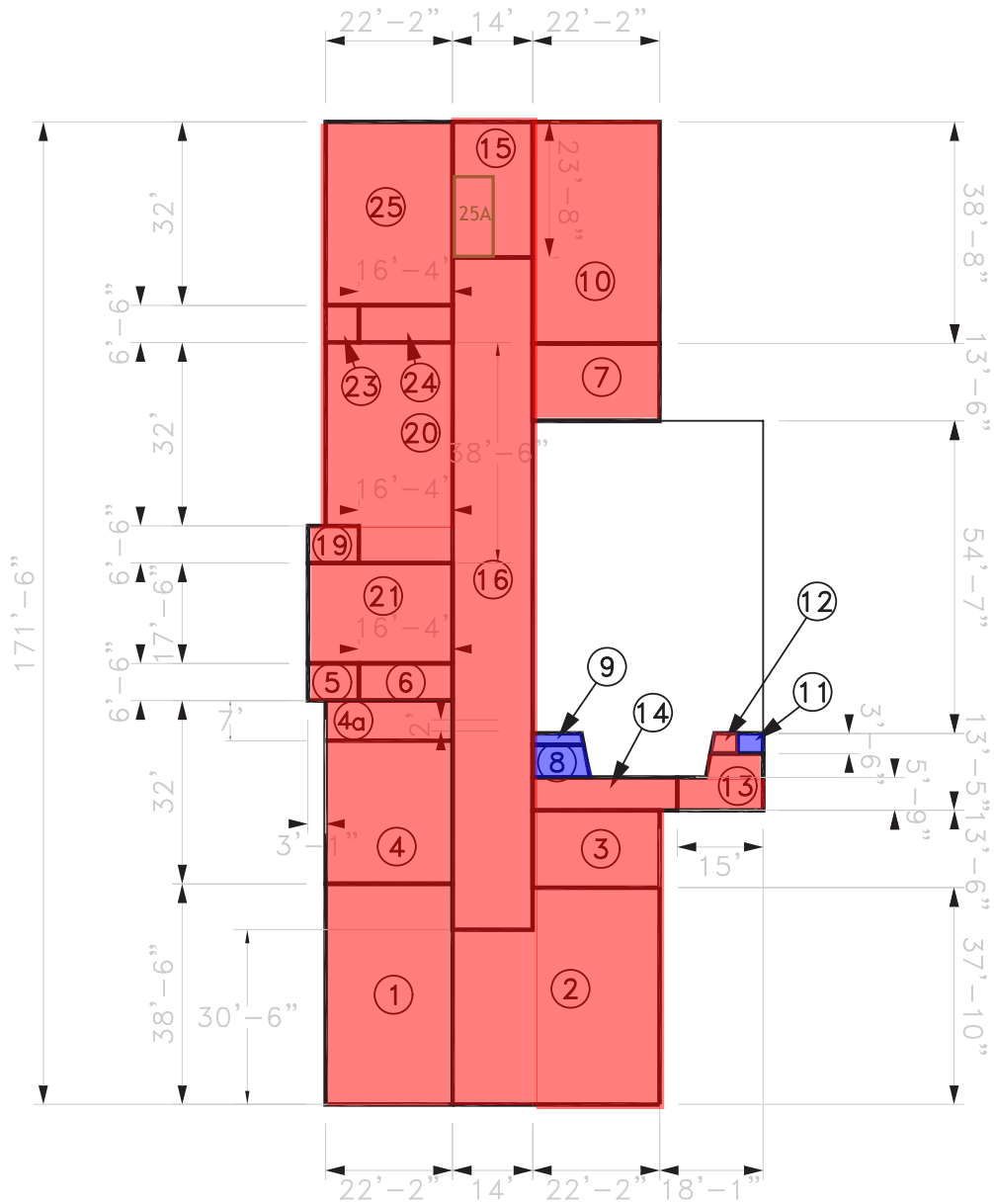
746 Grand Avenue - Oakland, CA 94610-2714

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mkthink.com 415.402.0888

2011





Not drawn to scale



130 - Lakeview Elementary School - Unit **A3 (Third Floor)**

746 Grand Avenue - Oakland, CA 94610-2714

Lakeview Elementary School

746 Grand Avenue

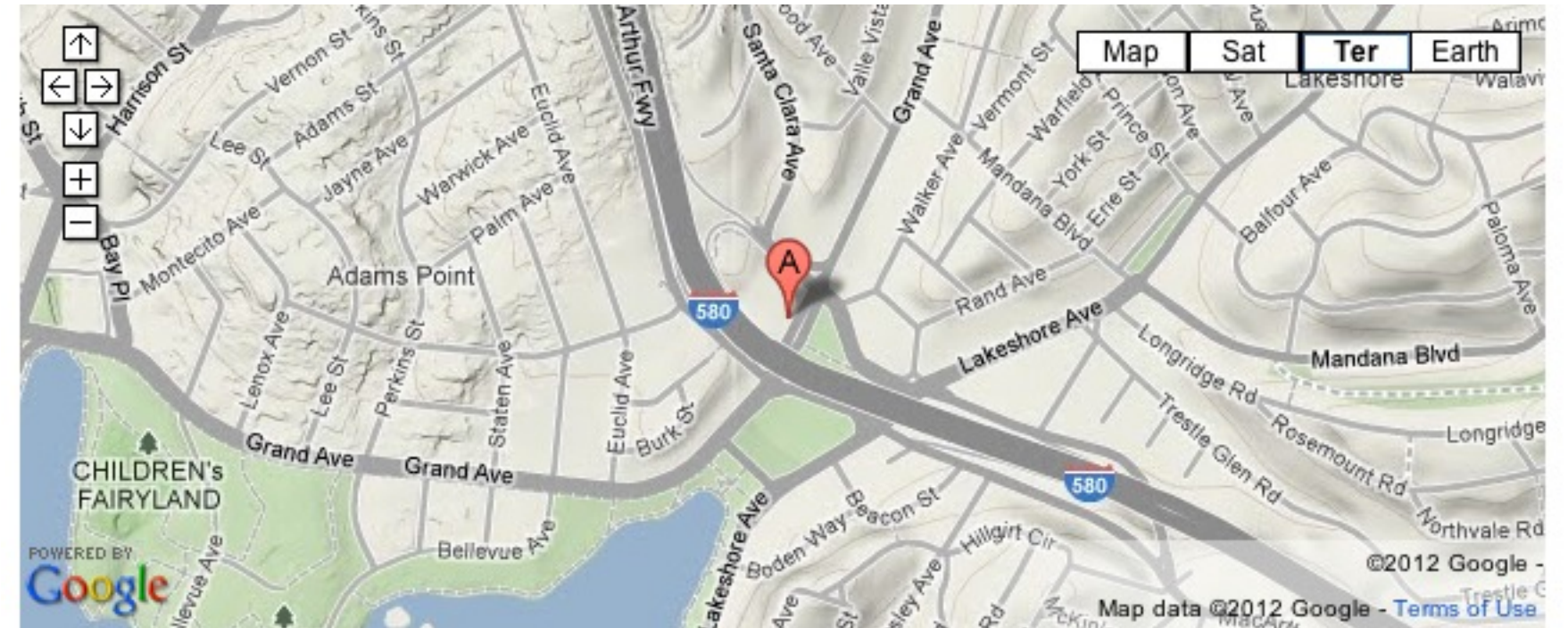
Site 130 Region 1 Grades

Lakeview Elementary is situated in the Grand Lake District, at the north-east corner of Lake Merritt. The area features a substantial commercial backdrop, as well as several parks, a popular weekly farmer's market, and is a nexus of public bus routes and highways. These factors create a lively, healthy atmosphere, but also produces a large amount of background noise, especially where Lakeview is situated directly adjacent to I-580 and Grand Avenue.

PROGRAMMING (2012-2013)

Schools / Enrollment

SDC Non-SDC Total API
(2010-2011)



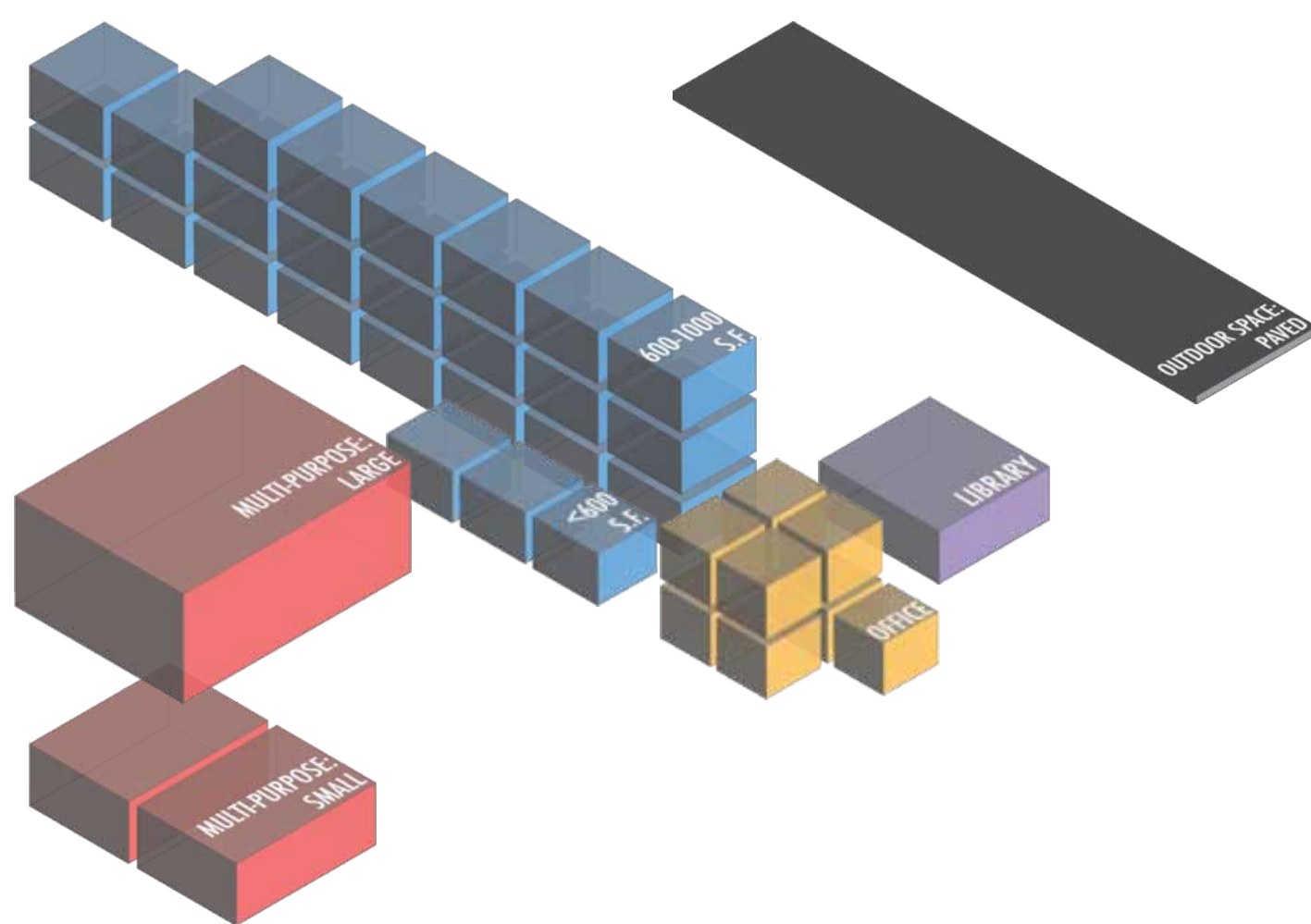
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	3.0		
Building Footprint (sf)	20,717		
Building Area (sf)	43,090	34,735	8,355
Classroom-Sized Rooms	22	13	9
3 rooms < 600 s.f. used as classrooms			
	Number of Rooms		Sq Ft
Library Rooms	1		1,266
Auditorium/Cafeteria/ Multi-purpose/Gym	3		4,061
Admin/Office/ Conference Room	9		1,358
School Gardens (None)			
Kitchen	Type: Finishing		
On-site Health Clinic	No		

SITE SUMMARY (Summer 2012)

Sports / Recreation

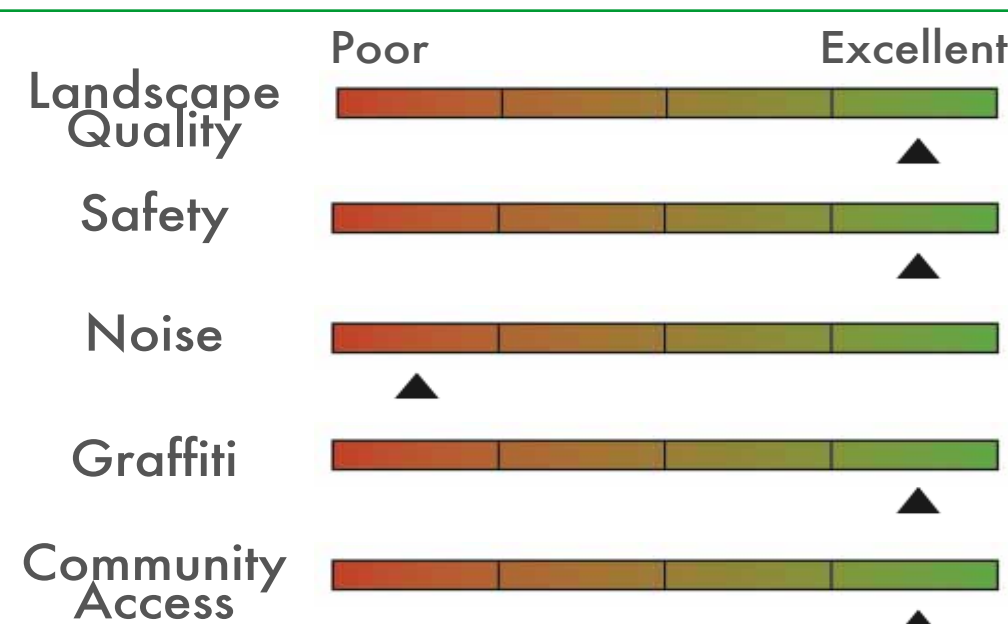
- Play structure ●●
- Basketball hoops ●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

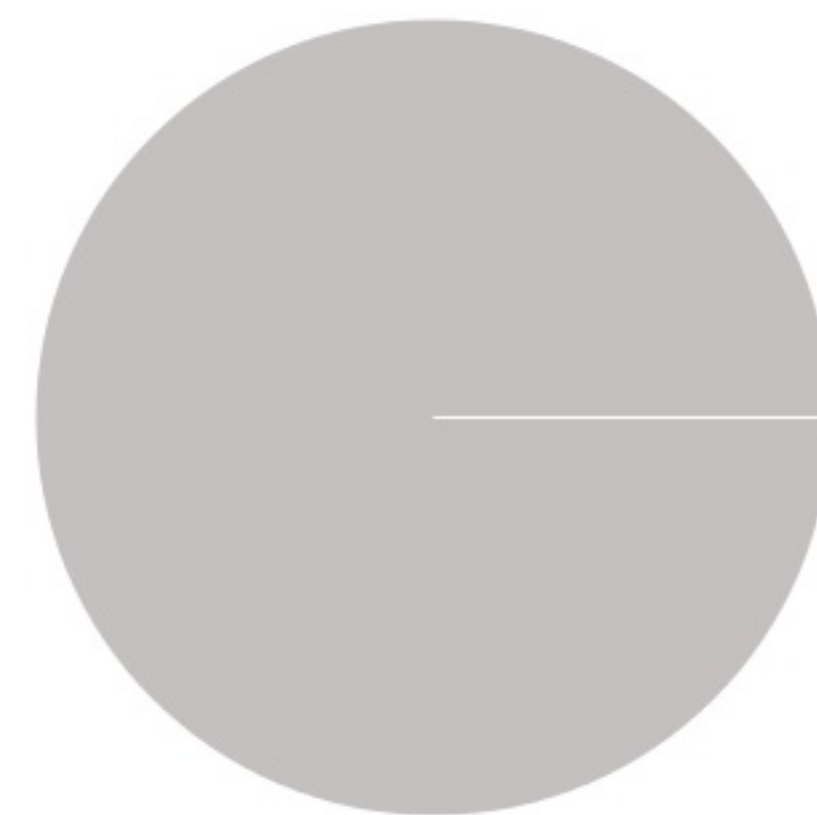
Transit Accommodations



3



Open Space



Paved 100% 0% Green

Lakeview Elementary School

Building Records

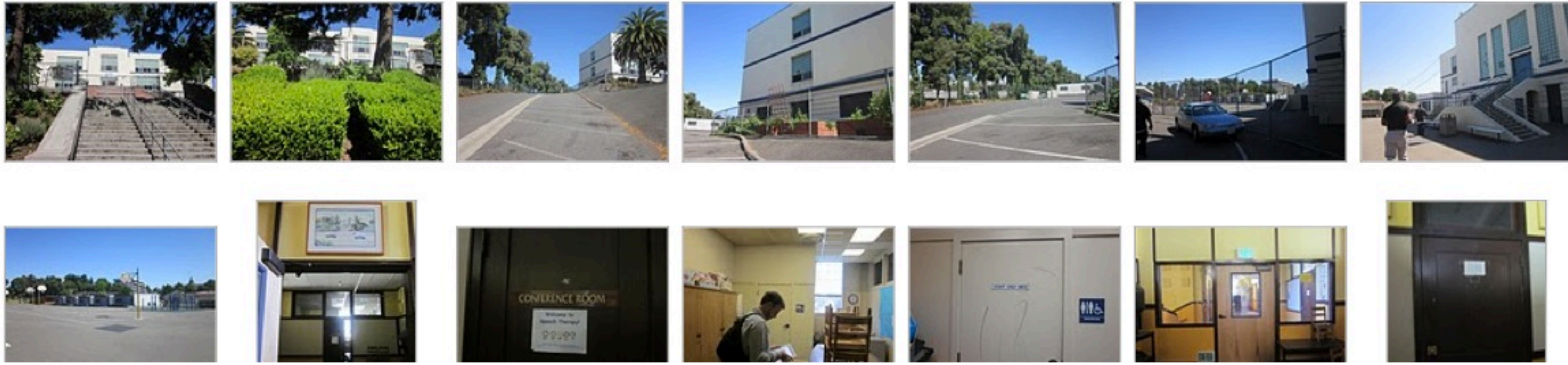
Site ID 130

Region 1

Grades

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/t22bQw>



BUILDING

A

BUILDING AREA (SQFT): 34,735

CONSTRUCTED: 1941

STRUCTURAL ELEMENTS

ROOFING

Plywood on wood joists and trusses

FOUNDATION

Strip footings (under structural walls)

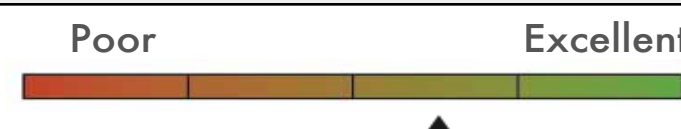
VERTICAL RESISTANCE

Shear wall - Concrete shear walls

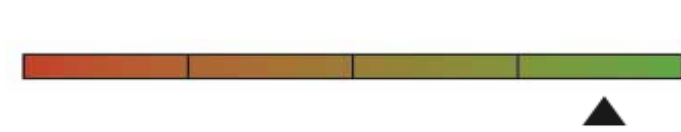
QUALITATIVE BUILDING ASSESSMENT

EXTERIOR

Physical Condition

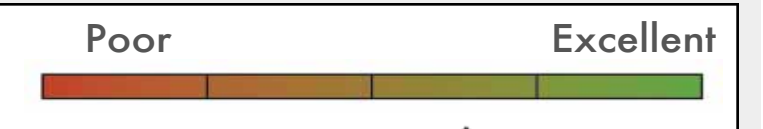


Circulation & Wayfinding

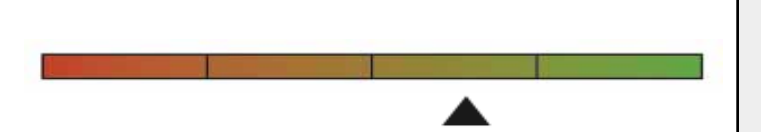


INTERIOR

Physical Condition



Circulation & Wayfinding



ROOM SUMMARY

NO. OF CLASSROOMS

13

NO. OF OFFICES

7

NO. OF ADMIN ROOMS

7

NO. OF RESTROOMS

12

NO. OF STUDENT COMPUTERS

45

NO. OF ADMIN WORKSTATIONS

17

ADDITIONAL ADMIN SPACES

Teachers' Lounge

Lakeview Elementary School

Portable Records

Site ID 130

Region 1

Grades

	Manufactured:	<u>NO. OF CLASSROOMS</u>	<u>NO. OF ADMIN ROOMS</u>
B	2002	1	
C	2002	1	
P3	2002	1	
P4	2002	1	
P5	2002	1	
P6	2001	1	
P7	1995	1	1
P8	1995		1
P9	1995	1	
P10	1995	1	


Portable Inventory


Total Count
10

Average Age
13 Years

Qualitative Conditions Assessment

Poor Excellent

EXT.  ▲

INT.  ▲

Lakeview Elementary School

Rooms Summary & List

Site ID 130

Region 1

Grades

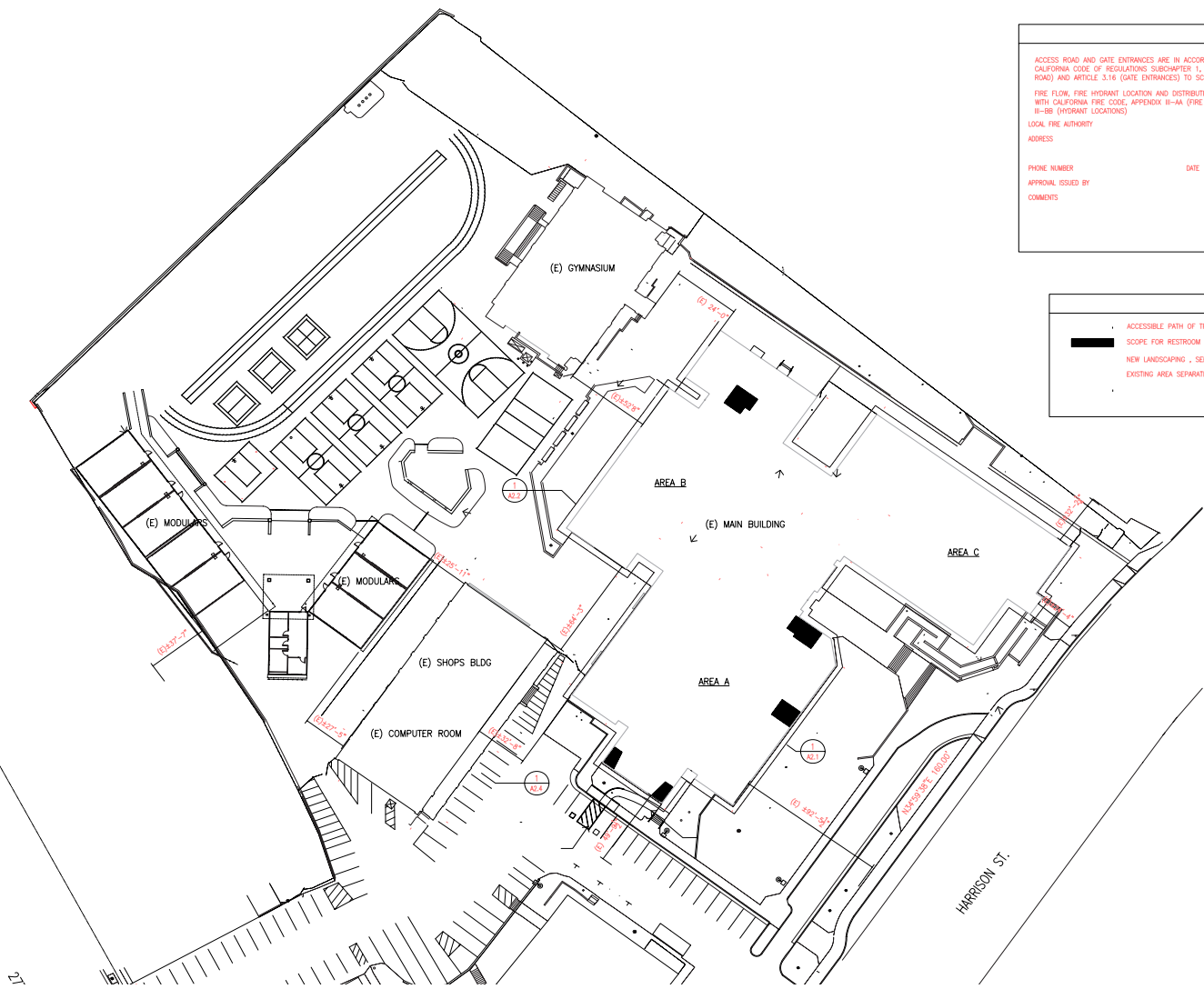
BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQ. FT.)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A	1	1	Classroom	709				
	Adjoins room #1		1	2	Storage	38		
	1	3	Storage	106				
	1	4	Storage	310			14	
	1	5	Admin/Office	267		1		
	1	5a	Admin/Office	168		1		
	1	5b	Admin/Office	126		1		
	1	6	Restroom	29				
	1	7	Admin/Office	185		1		
	1	8	Restroom	47				
	1	9	Classroom	709				
	Adjoins room #9		1	10	Storage	58		
	1	11	Storage	106				
	1	12	Circulation	299				
	1	13	Building Utilities	21				
	1	14	Building Utilities	28				
	1	15	Building Utilities	19				
	1	16	Building Utilities	16				
	1	17	Storage	15				
	1	18	Circulation	14				
	1	19	Storage	261				
	1	20	Circulation	8			12	
	1	21	Mechanical	8				
	1	22	Multipurpose	252				
	1	23	Multipurpose	2,095				
	1	24	Circulation	299				
	1	25	Classroom	857				
	Adjoins room #29		1	26	Storage	58		
	1	27	Storage	106				
	1	28	Circulation	442				
	1	29	Classroom	709				
	1	30	Storage	38				
	1	31	Storage	106				
	1	32	Classroom	709				
	1	33	Classroom	327				
1	33a	Restroom	42					
1	35	Circulation	2,073					
2	1	Classroom	853					
2	2	Library	1,266	9				
2	3	Circulation	299					
2	4	Classroom	554	4		14		
Adjoins room #4		2	4a	Storage	155			
2	5	Storage	58					
2	6	Storage	106					
2	7	Circulation	299					
2	8	Building Utilities	54					
2	9	Building Utilities	17					
2	10	Classroom	857	30				
2	11	Building Utilities	16					
2	13	Restroom	126					
2	14	Circulation	145					
Adjoins room #10		2	15	Storage	331			
2	16	Circulation	1,643					
Adjoins room #20		2	19	Storage	58			
2	20	Classroom	815	4		12		
2	21	Lounge/Staff Dining	442		10			
Adjoins room #25		2	23	Storage	38			

Note: The Building Levels (BL) listed are incorrect. The correct building levels are as follows:
 -Level 1 is Level 2
 -Level 2 is Level 3
 -Level 3 is Level 1

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	2	24	Circulation	106				
	2	25	Classroom	709				
Adjoins room #25	2	25a	Storage	36			25	
Note: The Building Levels (BL) listed are incorrect. The correct building levels are as follows: -Level 1 is Level 2 -Level 2 is Level 3 -Level 3 is Level 1	3	1	Classroom	999	7			
	3	2	Restroom	52				
	3	3	Storage	129				
	3	4	Classroom	819			14	
	3	5	Storage	51				
	3	6	Storage	91				
	3	7	Storage	76				
	3	8	Storage	21				
	3	9	Restroom	55				
	3	10	Storage	354				
3	11	Classroom	840	4				
3	12	Admin/Office	190		1			
3	13	Classroom	643					
3	14	Storage	25					
3	15	Storage	196					
3	16	Admin/Office	113		1			
	3	17	Building Utilities	12				
	3	18	Storage	180				
	3	19	Building Utilities	506				
	3	20	Building Utilities	501			12	
	3	21	Circulation	1,007				
	3	22	Circulation	90				
	3	23	Circulation	691				
	3	24	Circulation	57				
	3	25	Restroom	463				
	3	26	Building Utilities	36				
	3	27	Circulation	53				
	3	28	Storage	29				
	3	29	Storage	472				
	3	30	Circulation	226				
	3	31	Restroom	500				
	3	32	Restroom	46				
	3	33	Restroom	46				
	3	34	Building Utilities	385				
	3	35	Storage	64				
	3	36	Admin/Office	75		1		
	3	37	Restroom	67				
	3	38	Classroom	478	1			
	3	39	Storage	239				
	3	40	Building Utilities	77				
	3	41	Circulation	81				
	3	42	Cafeteria	1,714				
	3	43	Circulation	87				
	3	44	Circulation	457				
	3	45	Circulation	642				
	3	46	Restroom	41				
	3	47	Storage	47				
	3	48	Circulation	69				
PORTABLE								
		B						
		1	Classroom	864			1	
PORTABLE								
		C						
		1	Classroom	864	2		2	
PORTABLE								
		P10						
		14	Classroom	824	2			
		15	Restroom	50				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
PORTABLE		P3						
			1	Classroom	884	4		3
			1	Classroom	884	1		4
			1	Classroom	884	7		5
			1	Classroom	884			6
PORTABLE		P4						
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
PORTABLE		P5						
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
PORTABLE		P6						
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
			1	Classroom	884			
PORTABLE		P7						
			1	Admin/Office	154		1	
			2	Classroom	618	4		
			3	Restroom	56			
			4	Restroom	56			
PORTABLE		P8						
			5	Admin/Office	80		1	
			6	Storage	48			
			7	Lounge/Staff Dining	132		1	
			8	Restroom	42			
			9	Restroom	42			
			10	Building Utilities	16			
			11	Building Utilities	99			
PORTABLE		P9						
			12	Classroom	824			
			13	Restroom	50			

PRR - Portable Restroom (~500 sqft) not listed above



ACCESS ROAD AND GATE ENTRANCES ARE IN ACCORD WITH CALIFORNIA CODE OF REGULATIONS SUBCHAPTER 1, 1-10 (ROAD) AND ARTICLE 3.16 (GATE ENTRANCES) TO SCD
 FIRE FLOW, FIRE HYDRANT LOCATION AND DISTRIBUTION SHALL BE IN ACCORD WITH CALIFORNIA FIRE CODE, APPENDIX B-4A (FIRE FLOW) AND B-4B (HYDRANT LOCATIONS)
 LOCAL FIRE AUTHORITY
 ADDRESS
 PHONE NUMBER
 APPROVAL ISSUED BY
 COMMENTS

ACCESSIBLE PATH OF TRAVEL FOR RESTROOM
 NEW LANDSCAPING - SEE EXISTING AREA SEPARATE



Not drawn to scale

**Exclusive Use by
Charter School**

213 - Westlake Middle School - Site Plan

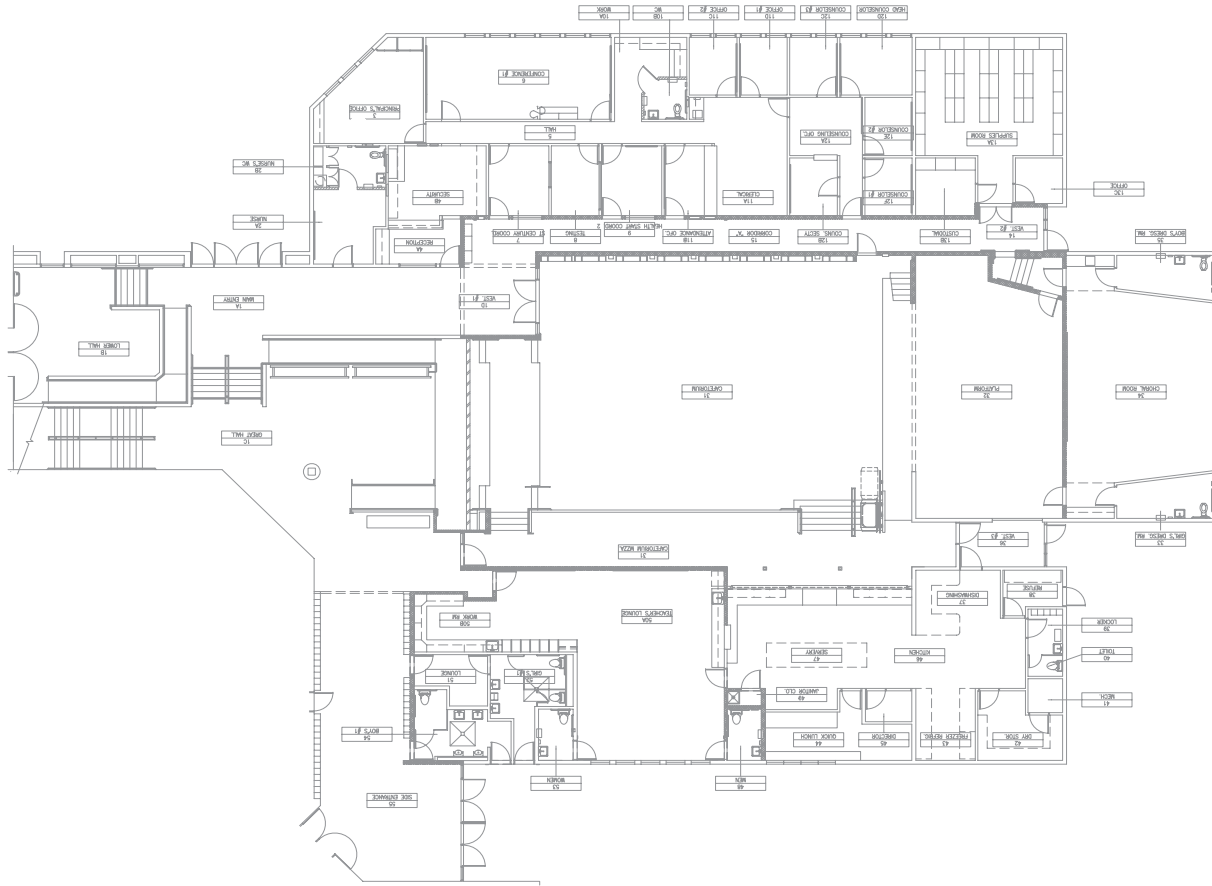
2629 Harrison Street - Oakland, CA 94612-3813



Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
 mkthink.com 415 402 0888

2011





Not drawn to scale

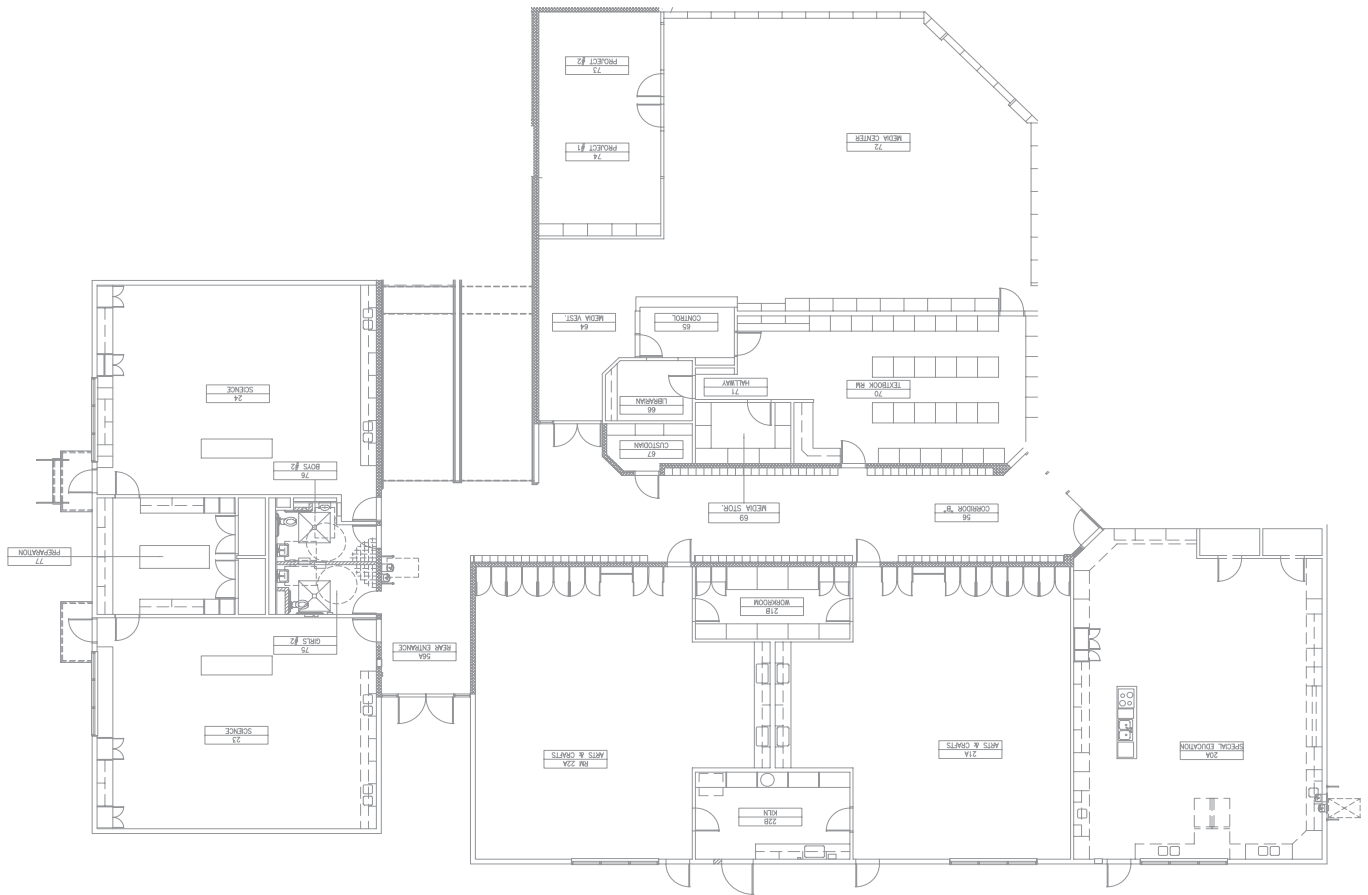
213 - Westlake Middle School - Unit A
 2629 Harrison Street - Oakland, CA 94612-3813

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
 mkthink.com 415 402 0888

2011

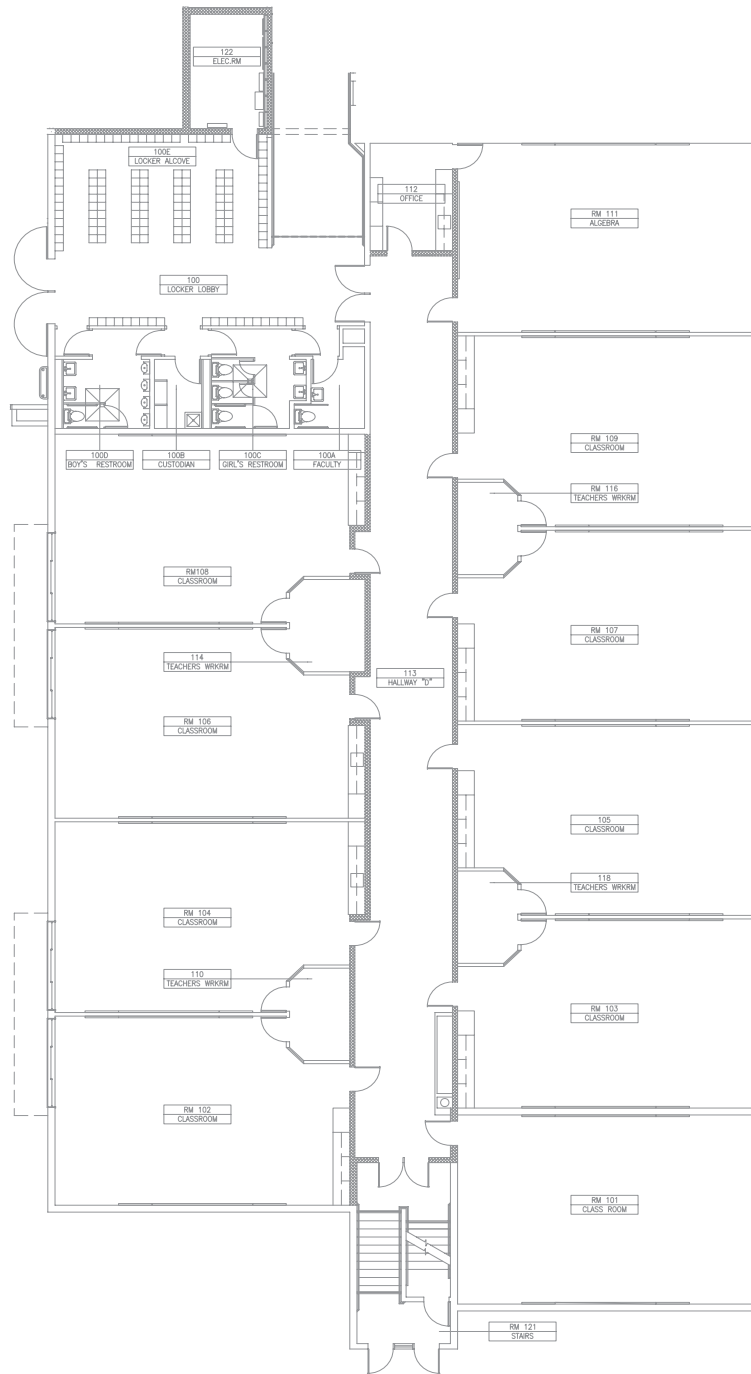




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213 - Westlake Middle School - Unit B

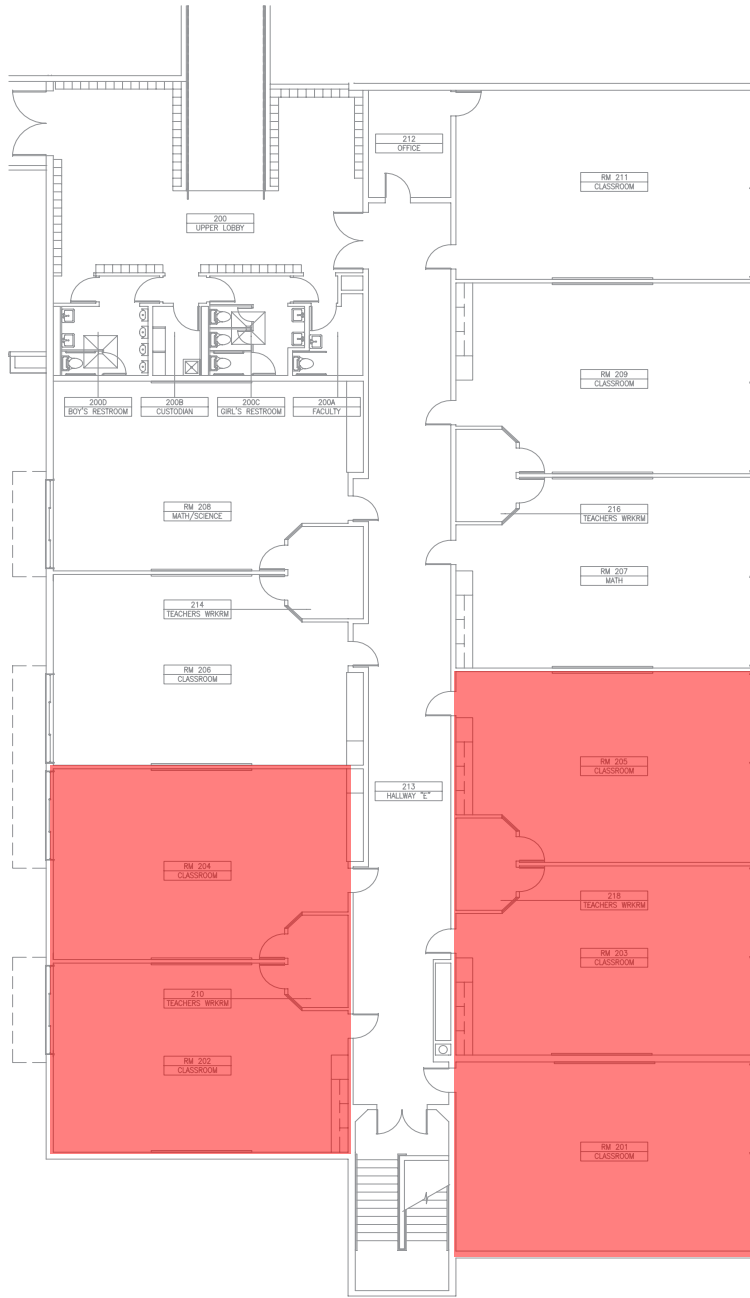
2629 Harrison Street - Oakland, CA 94612-3813



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213 - Westlake Middle School - Unit C1

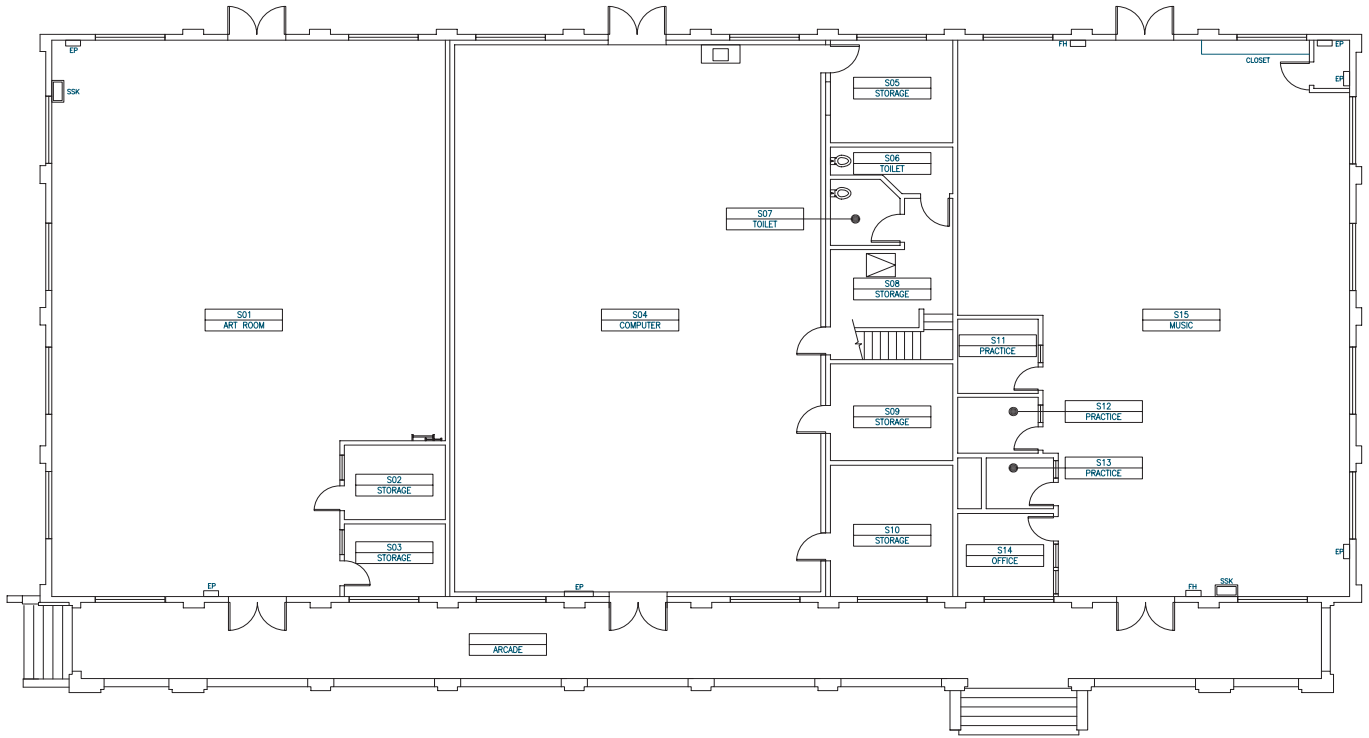
2629 Harrison Street - Oakland, CA 94612-3813



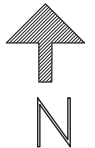
Not drawn to scale

213 - Westlake Middle School - Unit C2

2629 Harrison Street - Oakland, CA 94612-3813



Not drawn to scale



213 - Westlake Middle School - Unit D

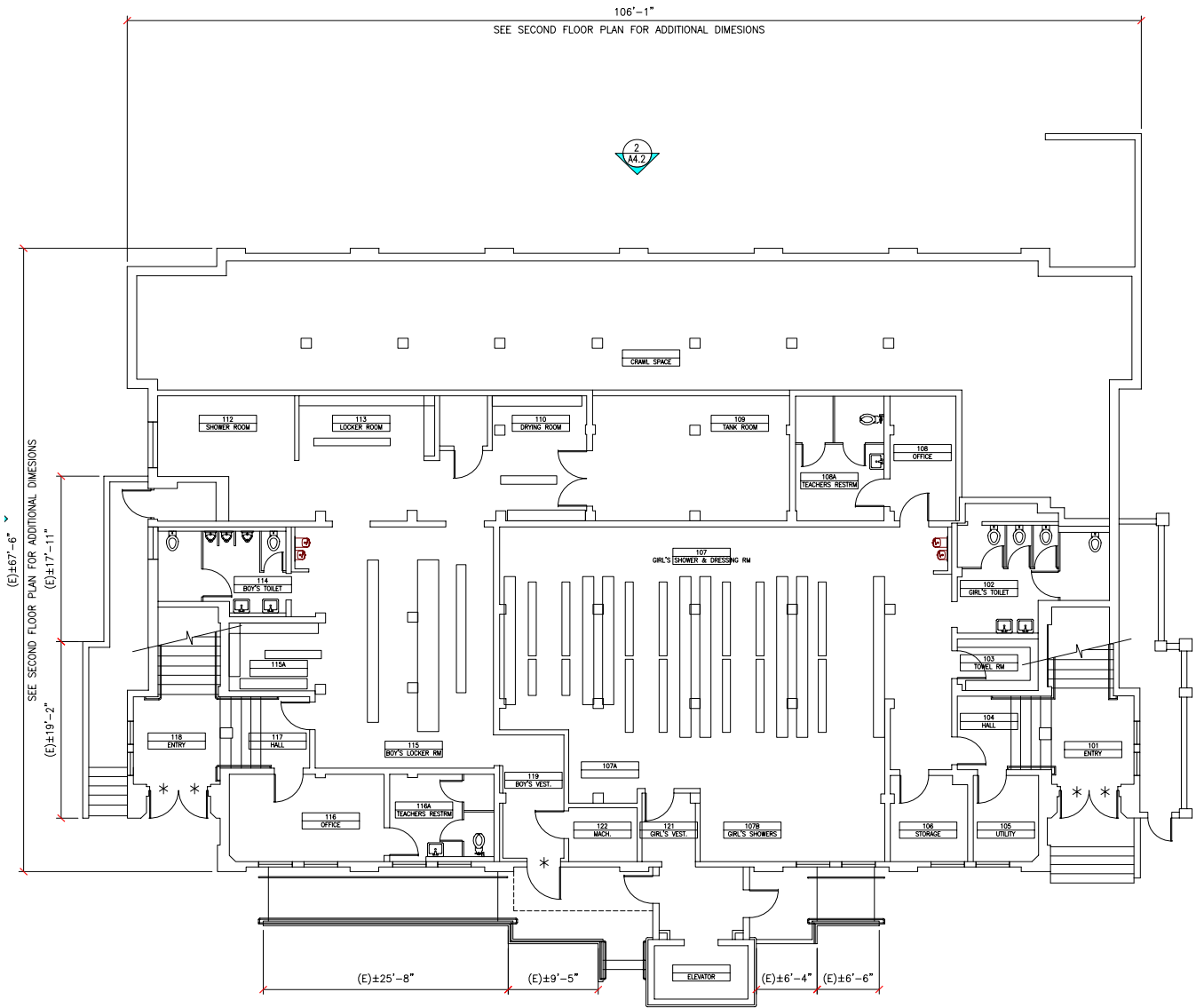
2629 Harrison Street - Oakland, CA 94612-3813

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
 mkthink.com 415 402 0888

2011

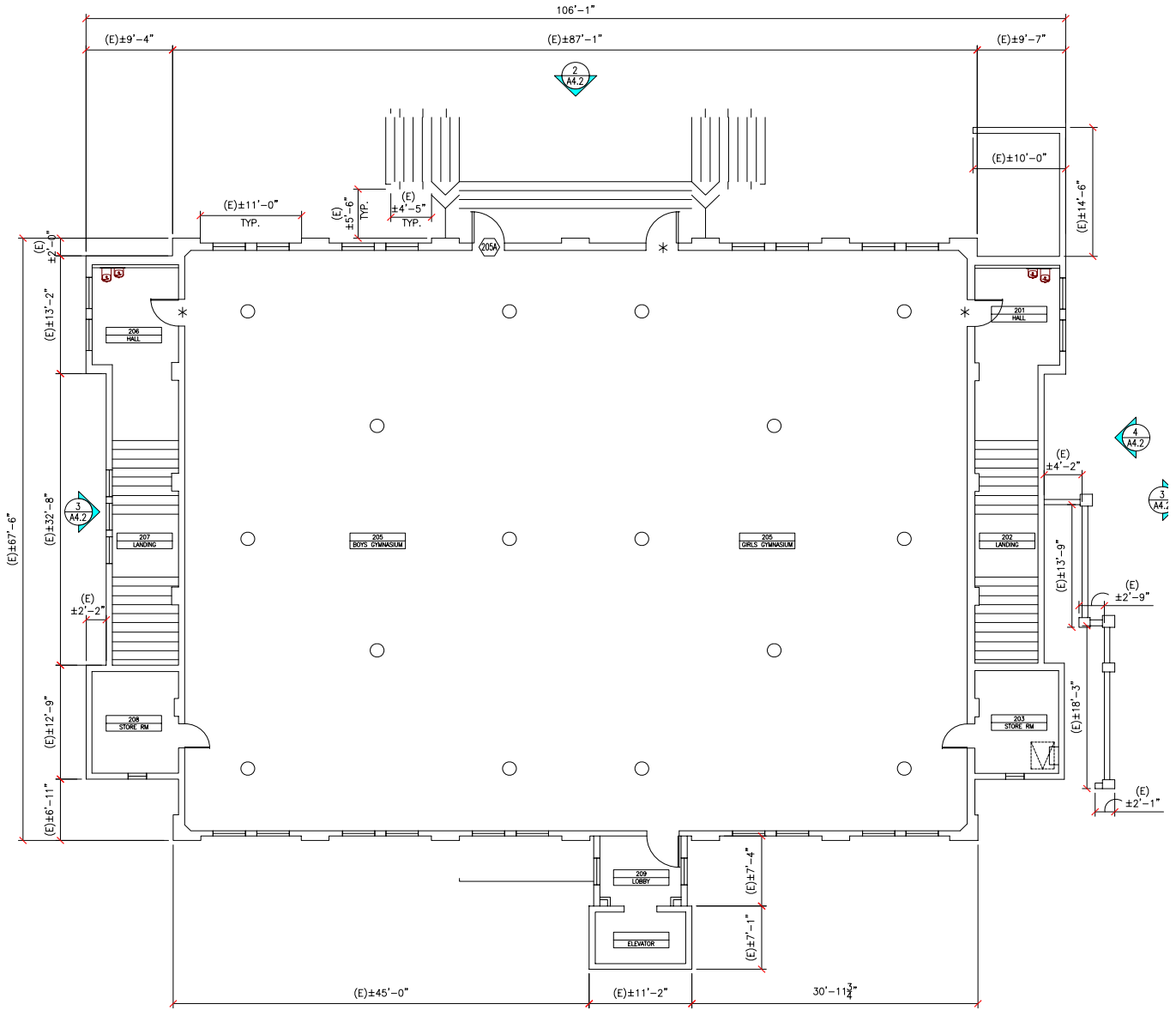




Not drawn to scale



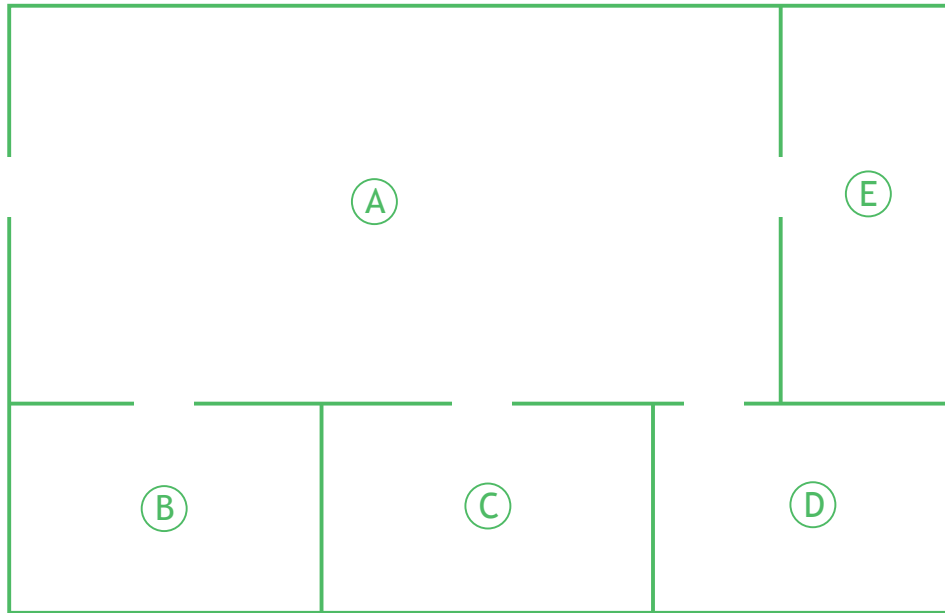
213 - Westlake Middle School - Unit E1
2629 Harrison Street - Oakland, CA 94612-3813



Not drawn to scale

213 - Westlake Middle School - Unit E2

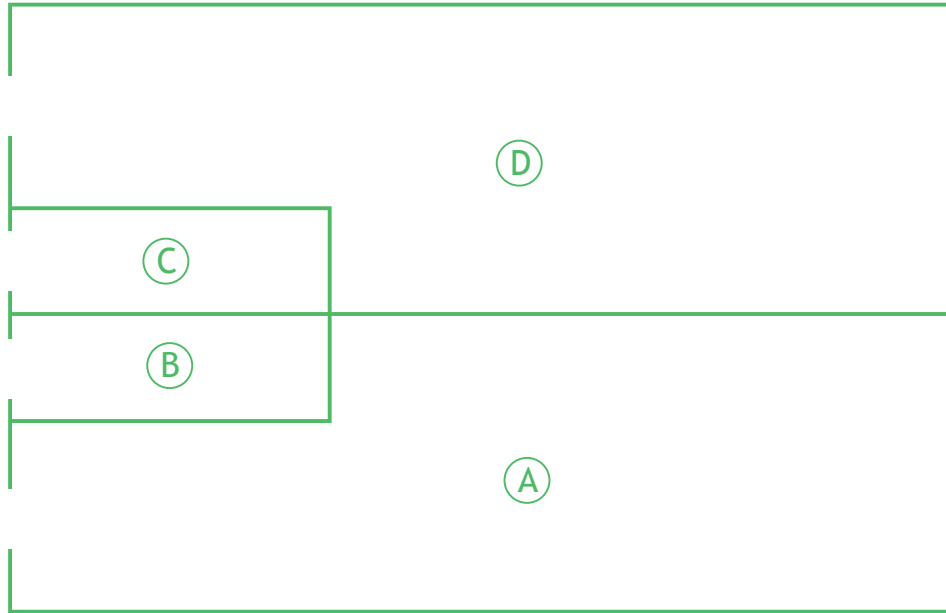
2629 Harrison Street - Oakland, CA 94612-3813



Not drawn to scale

213 - Westlake Middle School - Unit P-4

2629 Harrison Street - Oakland, CA 94612-3813



Not drawn to scale

213 - Westlake Middle School - Unit P-5

2629 Harrison Street - Oakland, CA 94612-3813

MKTHINK

Roundhouse One, 1500 Sansome Street, San Francisco, CA 94111
mkthink.com 415.402.0888

2011



Westlake Middle School

2629 Harrison Street

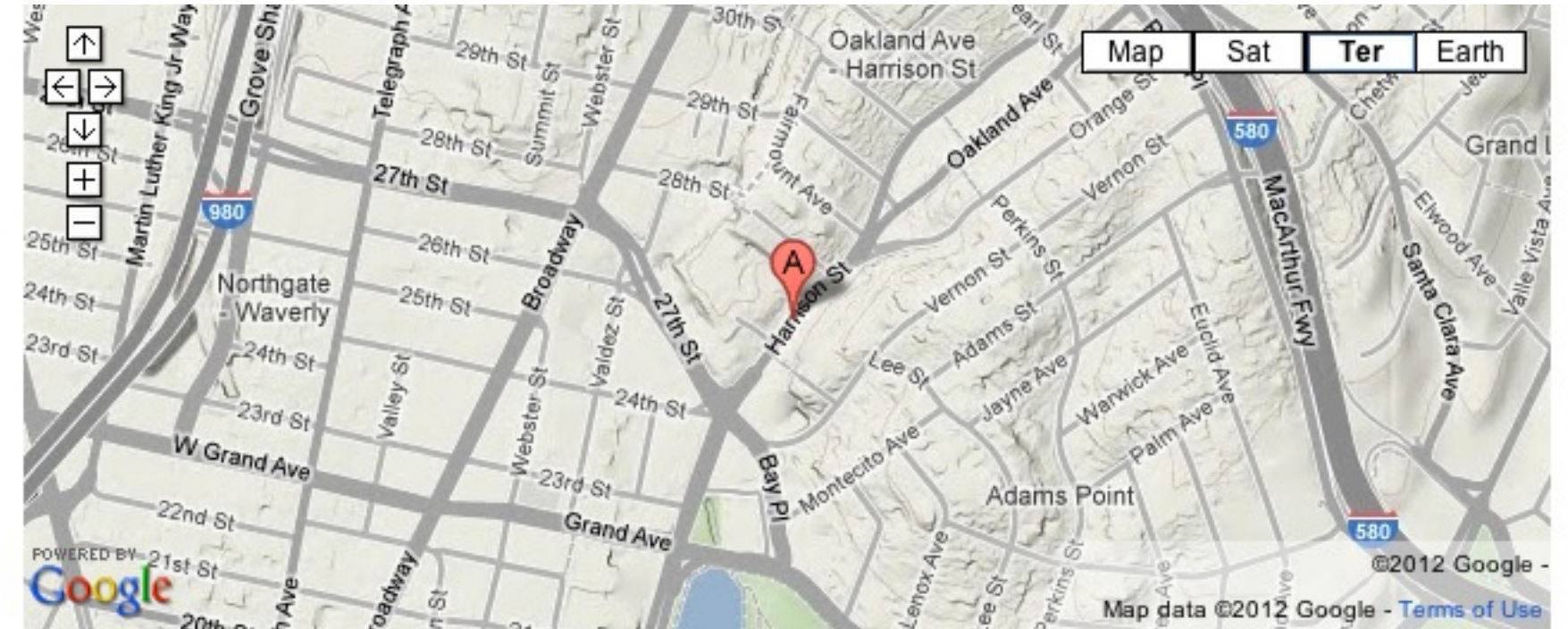
Site 213 Region 1 Grades 6-8

Westlake Middle School lies along Harrison Street in West Oakland, between I-580 and the northern tip of Lake Merritt. The site is three blocks north of Children's Fairy Land and the rest of the Lakeside Park area, and 2 blocks east of Broadway Auto Row, which leads south directly into Downtown Oakland. To the west, the rest of the neighborhood north of Grand Avenue is a mix of residential apartment buildings and single-family houses all the way to I-580.

PROGRAMMING (2012-2013)

Schools / Enrollment

	SDC	Non-SDC	Total	API (2010-2011)
Westlake	51	551	602	711



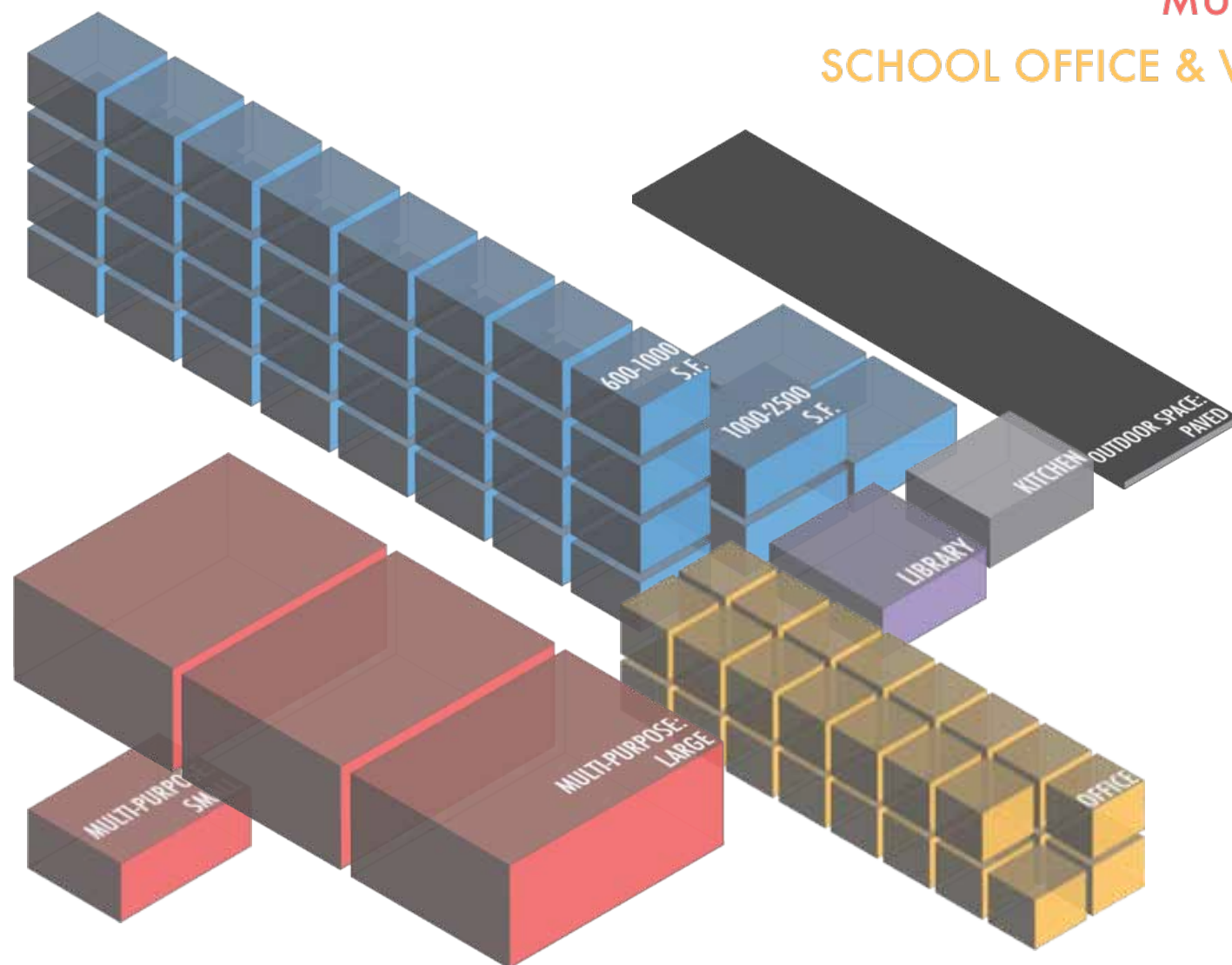
FACILITIES (Summer 2012)

LEARNING ENVIRONMENTS

LIBRARY

MULTI-PURPOSE

SCHOOL OFFICE & WORKSPACE



Summary Counts

	Total	Permanent	Portable
Site Acreage	5.7		
Building Footprint (sf)	100,681		
Building Area (sf)	84,991	84,991	
Classroom-Sized Rooms	37	37	
	Number of Rooms	Sq Ft	
Library Rooms	1	1,800	
Auditorium/Cafeteria/ Multi-purpose/Gym	4	12,292	
Admin/Office/ Conference Room	31	4,073	
School Gardens	Number: 1	Sq Ft: 120	
Kitchen	Type: Full-scale		
On-site Health Clinic	No		

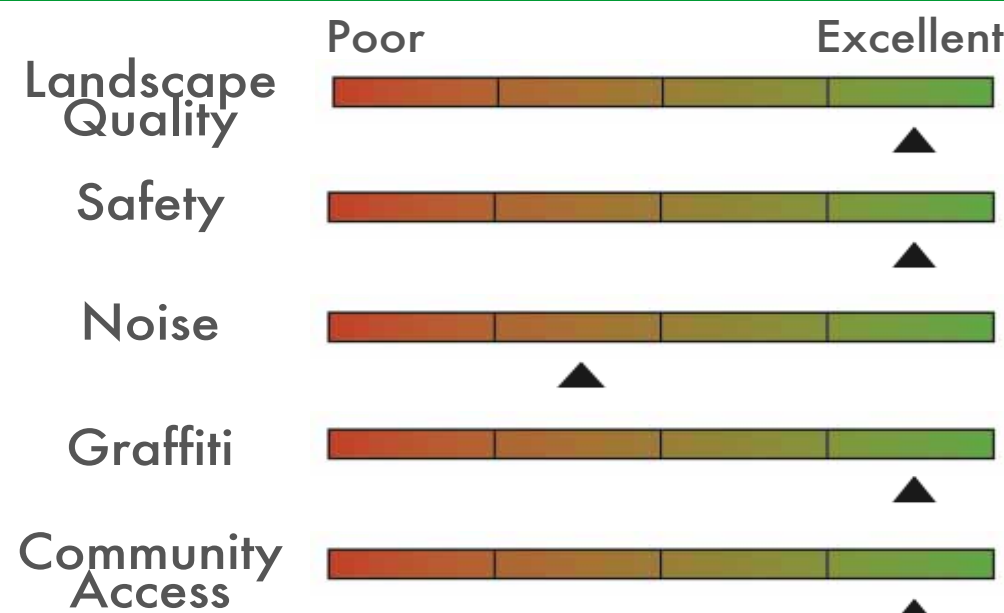
SITE SUMMARY (Summer 2012)

Sports / Recreation

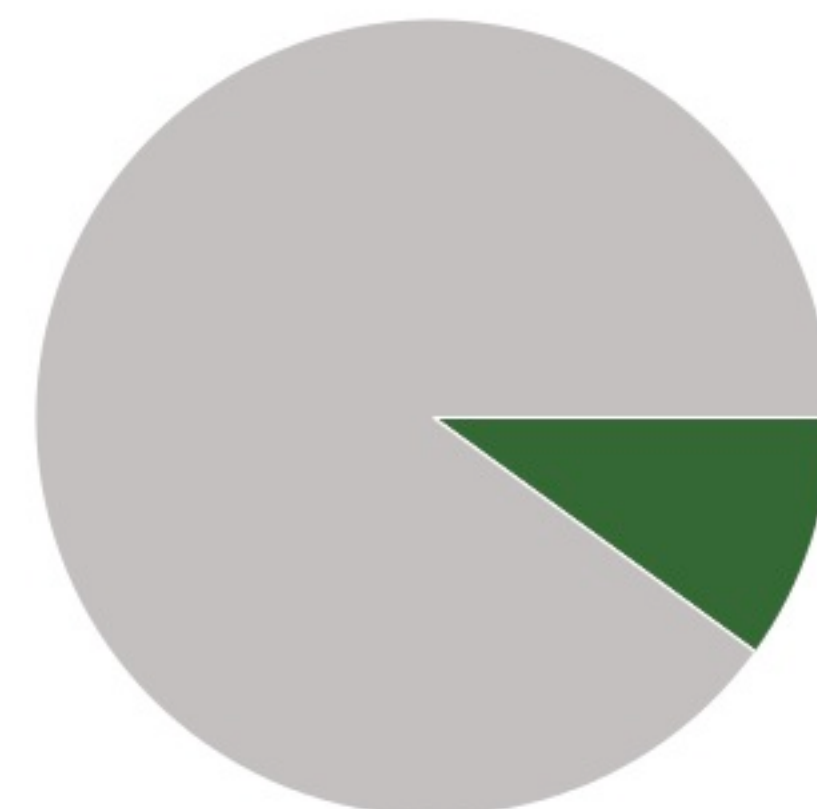
- Play structure
- Basketball hoops ●●●●●●●●
- Swimming pool
- Soccer/football field
- Volleyball court
- Track
- Baseball field
- Tennis court

Qualitative Assessment

Transit Accommodations



Open Space



Paved 90% 10% Green

Westlake Middle School

Building Records

Site ID 213

Region 1

Grades 6-8

Site & Facilities Photos - Summer 2011 (Sample)

*To view the full set, visit: <http://bitly.com/tBjxwN>



BUILDING A		BUILDING AREA (SQFT): 17,544		CONSTRUCTED: 1978									
STRUCTURAL ELEMENTS		ROOFING Plywood on wood joists and steel beams	FOUNDATION Strip footings (under structural walls)	VERTICAL RESISTANCE Wood stud walls with 1/2" plywood									
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding		INTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding	
Physical Condition													
Circulation & Wayfinding													
Physical Condition													
Circulation & Wayfinding													
ROOM SUMMARY		NO. OF CLASSROOMS 1	NO. OF OFFICES 17	NO. OF ADMIN ROOMS 20	NO. OF RESTROOMS 7								
		NO. OF STUDENT COMPUTERS 	NO. OF ADMIN WORKSTATIONS 20	ADDITIONAL ADMIN SPACES Conference Room Teachers' Lounge									

BUILDING B		BUILDING AREA (SQFT): 12,549		CONSTRUCTED: 1978									
STRUCTURAL ELEMENTS		ROOFING Plywood on wood joists and steel beams	FOUNDATION Strip footings (under structural walls)	VERTICAL RESISTANCE Wood stud walls									
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding		INTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding	
Physical Condition													
Circulation & Wayfinding													
Physical Condition													
Circulation & Wayfinding													
ROOM SUMMARY		NO. OF CLASSROOMS 5	NO. OF OFFICES 2	NO. OF ADMIN ROOMS 2	NO. OF RESTROOMS 2								
		NO. OF STUDENT COMPUTERS 5	NO. OF ADMIN WORKSTATIONS 5	ADDITIONAL ADMIN SPACES 									

BUILDING C		BUILDING AREA (SQFT): 24,149		CONSTRUCTED: 1978									
STRUCTURAL ELEMENTS		ROOFING Plywood on wood joists and steel beams	FOUNDATION Spread footings (under interior columns) & strip footings (under structural walls)	VERTICAL RESISTANCE Wood stud walls									
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding		INTERIOR <table border="1"> <tr> <td>Physical Condition</td> <td> </td> </tr> <tr> <td>Circulation & Wayfinding</td> <td> </td> </tr> </table>		Physical Condition		Circulation & Wayfinding	
Physical Condition													
Circulation & Wayfinding													
Physical Condition													
Circulation & Wayfinding													
ROOM SUMMARY		NO. OF CLASSROOMS 20	NO. OF OFFICES 	NO. OF ADMIN ROOMS 	NO. OF RESTROOMS 6								
		NO. OF STUDENT COMPUTERS 54	NO. OF ADMIN WORKSTATIONS 	ADDITIONAL ADMIN SPACES Teachers' Lounge									

BUILDING D		BUILDING AREA (SQFT): 8,124		CONSTRUCTED: 1928	
STRUCTURAL ELEMENTS		ROOFING T&G on wood joists	FOUNDATION Spread footings (under interior columns) & strip footings (under structural walls)	VERTICAL RESISTANCE Wood stud walls	
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: [Poor Excellent] ▲ Circulation & Wayfinding: [Poor Excellent] ▲		INTERIOR Physical Condition: [Poor Excellent] Circulation & Wayfinding: [Poor Excellent]	
ROOM SUMMARY		NO. OF CLASSROOMS 2	NO. OF OFFICES 1	NO. OF ADMIN ROOMS 1	NO. OF RESTROOMS 2
		NO. OF STUDENT COMPUTERS	NO. OF ADMIN WORKSTATIONS	ADDITIONAL ADMIN SPACES	

BUILDING E		BUILDING AREA (SQFT): 14,266		CONSTRUCTED: 1929	
STRUCTURAL ELEMENTS		ROOFING T&G on wood joists and steel trusses with rod bracing	FOUNDATION Spread footings (under interior columns) & strip footings (under structural walls)	VERTICAL RESISTANCE Concrete moment frames, Steel frames with infill concrete walls	
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: [Poor Excellent] ▲ Circulation & Wayfinding: [Poor Excellent] ▲		INTERIOR Physical Condition: [Poor Excellent] ▲ Circulation & Wayfinding: [Poor Excellent] ▲	
ROOM SUMMARY		NO. OF CLASSROOMS 2	NO. OF OFFICES 2	NO. OF ADMIN ROOMS 2	NO. OF RESTROOMS 4
		NO. OF STUDENT COMPUTERS	NO. OF ADMIN WORKSTATIONS 2	ADDITIONAL ADMIN SPACES	

MODULAR M		BUILDING AREA (SQFT): 8,359		CONSTRUCTED: 2006	
QUALITATIVE BUILDING ASSESSMENT		EXTERIOR Physical Condition: [Poor Excellent] Circulation & Wayfinding: [Poor Excellent] ▲		INTERIOR Physical Condition: [Poor Excellent] ▲ Circulation & Wayfinding: [Poor Excellent] ▲	
ROOM SUMMARY		NO. OF CLASSROOMS 7	NO. OF OFFICES 4	NO. OF ADMIN ROOMS 4	NO. OF RESTROOMS 2
		NO. OF STUDENT COMPUTERS 4	NO. OF ADMIN WORKSTATIONS 4	ADDITIONAL ADMIN SPACES Teachers' Lounge	

Westlake Middle School

Portable Records

Site ID 213

Region 1

Grades 6-8

Portable Inventory

Total Count

Average Age

? Years

Qualitative Conditions Assessment



Westlake Middle School

Rooms Summary & List

Site ID 213

Region 1

Grades 6-8

BUILDING	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
A								
	1	1a	Circulation	594				
	1	1b	Circulation	392				
	1	1c	Circulation	1,168				
	1	1d	Circulation	125				
	1	2b	Storage	120				
	1	2a	Admin/Office	100		2		
	1	3	Admin/Office	324		1		
	1	4a	Admin/Office	100				
	1	4b	Admin/Office	192		1		
	1	5	Circulation	156				
	1	6	Admin/Office	154		2		
	1	6a	Conference Room	252			6	
	1	7	Admin/Office	100		1		
	1	8	Admin/Office	70		1		
	1	9	Admin/Office	110		1		
	1	10b	Restroom	273				
	1	10a	Admin/Office	36				
	1	11d	Admin/Office	80		1		
	1	11a	Admin/Office	80		2		
	1	11c	Admin/Office	36		1		
	1	11b	Admin/Office	70				
	1	12f	Admin/Office	80		1		
	1	12e	Admin/Office	80		1		
	1	12d	Admin/Office	120		1		
	1	12b	Admin/Office	90		1		
	1	12a	Conference Room	90				
	1	12c	Admin/Office	80		1		
	1	13a	Storage	414				
	1	13c	Admin/Office	72		1		
	1	13b	Building Utilities	100				
	1	14	Circulation	72				
	1	15	Circulation	457				
	1	31	Multipurpose	3,286				
	1	32	Multipurpose	1,080				
	1	33	Restroom	120				
	1	34	Classroom	904				
	1	35	Storage	120				
	1	36	Circulation	144				
	1	37	Building Utilities	280				
	1	38	Building Utilities	60				
	1	39	Locker Rooms	42				
	1	40	Restroom	20				
	1	41	Building Utilities	36				
	1	42	Storage	156				
	1	43	Storage	132				
	1	44	Building Utilities	144				
	1	45	Admin/Office	48		1		
	1	46	Building Utilities	632				
	1	48	Restroom	35				
	1	49	Building Utilities	42				
	1	50a	Lounge/Staff Dining	713				
	1	50b	Storage	351				
	1	51	Storage	77				
	1	52	Restroom	142				
	1	53	Restroom	48				
	1	54	Restroom	132				
	1	55	Circulation	820				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
BUILDING								
		B						
	1	n/a	Circulation	549				
	1	n/a	Circulation	610				
	1	20a	Classroom	1,333				
	1	21a	Classroom	1,092				
	1	21b	Storage	200				
	1	22b	Storage	240				
	1	22a	Classroom	1,092				
	1	23	Classroom	980	2			
	1	24	Classroom	980	3			
	1	54	Circulation	240				
	1	56	Circulation	1,040				
	1	56a	Circulation	187				
	1	65	Admin/Office	120		2		
	1	66	Storage	72				
	1	67	Building Utilities	66				
	1	69	Storage	112				
	1	70	Storage	540		1		
	1	72	Library	1,800	5			
	1	73	Admin/Office	480		2		
	1	75	Restroom	105				
	1	76	Restroom	105				
	1	77	Storage	320				
BUILDING								
		C						
	1	100	Circulation	490				
	1	100e	Locker Rooms	360				
	1	100a	Restroom	64				
	1	100b	Building Utilities	48				
	1	100c	Restroom	90				
	1	100d	Restroom	88				
	1	101	Classroom	820	1			
	1	102	Classroom	772				
	1	103	Classroom	772	1			
	1	104	Classroom	796	4			
	1	105	Classroom	772	2			
	1	106	Classroom	796				
	1	107	Classroom	772				
	1	108	Classroom	796				
	1	109	Classroom	772				
	1	110	Storage	92				
	1	111	Classroom	820				
	1	112	Building Utilities	128				
	1	113	Circulation	1,190				
	1	114	Storage	92				
	1	116	Storage	92				
	1	118	Storage	92				
	1	121	Circulation	288				
	1	122	Building Utilities	127				
	2	n/a	Circulation	288				
	2	n/a	Circulation	200				
	2	200	Circulation	806				
	2	200a	Restroom	100				
	2	200c	Restroom	120				
	2	200b	Building Utilities	60				
	2	200d	Restroom	100				
	2	201	Classroom	864				
	2	202	Classroom	772	3			
	2	203	Classroom	772	3			
	2	204	Classroom	796	1			
	2	205	Classroom	772	5			
	2	206	Classroom	796				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
	2	207	Classroom	772				
	2	208	Classroom	796	1			
	2	209	Classroom	772	1			
	2	210	Storage	92				
	2	211	Classroom	864	32			
	2	212	Storage	156				
	2	213	Circulation	1,190				
	2	214	Storage	92				
	2	216	Lounge/Staff Dining	92				
	2	218	Storage	92				
BUILDING								
D								
	1	s01	Gym	2,400				
	1	s02	Storage	80				
	1	s03	Storage	80				
	1	s04	Classroom	2,340				
	1	s05	Storage	138				
	1	s06	Restroom	50				
	1	s07	Restroom	48				
	1	s08	Storage	110				
	1	s09	Storage	132				
	1	s10	Storage	156				
	1	s11	Storage	63				
	1	s12	Storage	63				
	1	s13	Storage	63				
	1	s14	Admin/Office	100				
	1	s15	Classroom	2,102				
BUILDING								
E								
	1	n/a	Circulation	185				
	1	n/a	Building Utilities	40				
	1	n/a	Circulation	66				
	1	n/a	Circulation	320				
	1	n/a	Building Utilities	58				
	1	um1	Storage	27				
	1	101	Circulation	140				
	1	102	Restroom	154				
	1	103	Storage	64				
	1	104	Circulation	44				
	1	105	Building Utilities	50				
	1	106	Storage	80				
	1	107	Locker Rooms	1,450				
	1	108	Admin/Office	96		1		
	1	108a	Restroom	126				
	1	109	Building Utilities	288				
	1	110	Locker Rooms	60				
	1	112	Locker Rooms	126				
	1	113	Locker Rooms	98				
	1	114	Restroom	140				
	1	115	Locker Rooms	730				
	1	116	Admin/Office	180		1		
	1	116a	Restroom	98				
	1	118	Circulation	320				
	1	119	Circulation	87				
	1	121	Circulation	41				
	1	122	Building Utilities	42				
	2	n/a	Building Utilities	58				
	2	203	Storage	120				
	2	205	Gym	5,526				389
	2	208	Storage	120				
	2	209	Circulation	70				
	2	201/202	Circulation	322				
	2	206/207	Circulation	322				

	BLDG LEVEL	ROOM #	ROOM USE	ROOM AREA (SQUARE FOOTAGE)	CLASSROOM COMPUTERS	ADMIN WORKSTATIONS	MARKED ROOM #	ROOM CAPACITY
MODULAR								
M								
	2	1	Classroom	858			310	
	2	1	Classroom	858	1		310	
	2	1	Classroom	858			310	
	2	1	Admin/Office	286		1	310	
	2	1	Restroom	297			310	
	2	1	Classroom	858			310	
	2	1	Classroom	858			310	
	2	1	Lounge/Staff Dining	858			310	
	2	1	Classroom	858	3		310	
	2	1	Classroom	858			310	
	2	2	Admin/Office	150		1		
	2	2	Storage	54				
	2	3	Storage	60				
	2	3	Storage	54				
	2	4	Admin/Office	165		1		
	2	4	Restroom	297				
	2	5	Admin/Office	132		1		

Exhibit H

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	American Indian Public High School
Site Name:	Lakeview Campus
Address:	746 Grand Avenue, Oakland, CA 94610
SPACE ALLOCATION	
Exclusive Use Space (sqft)	21,785
+ Proportion of Shared Space (sqft)	3,030
Total Space Allocation at Site (sqft)**	24,815
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	24,815
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$95,537.75
UTILITIES FEE	
Total Space Allocation at Site (sqft)**	24,815
÷ Total Interior Space at Site (sqft)	43,590
Charter School Percent of Site Use	56.93%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	56.93%
x Number of Custodial FTE at Site	2.0
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$83,325.80
PAYMENT SCHEDULE	
25% by October 1, 2018	
25% by December 1, 2018	
25% by April 1, 2019	
25% by July 1, 2019	

*All calculations subject to change.

**Includes only interior space. The District is entitled under Cal. Admin. Code tit. 5, § 11969.7(c) to charge the charter school on a square footage basis for use of common areas such as the parking lot, exterior corridors, field space, playground, and blacktop, but is not doing so at this time. The District reserves the right to amend its calculation of the pro-rata share to include all "space allocated by the school district to the charter school," and will provide the charter school notice and an opportunity to respond before implementing any changes. The full allocation of both interior and exterior space is outlined in the preliminary offer letter.

Allocation, Fees, & Payment Schedule*

Contract Term (Fiscal Year):	2018-19
Charter School Name:	American Indian Public High School
Site Name:	Westlake Campus
Address:	2629 Harrison Street, Oakland, CA 94612
SPACE ALLOCATION	
Exclusive Use Space (sqft)	4,160
+ Proportion of Shared Space (sqft)	6,348
Total Space Allocation at Site (sqft)**	10,508
FACILITY USE FEE	
Total Space Allocation at Site (sqft)	10,508
x Facility Fee Sqft Rate	\$3.85
Facility Use Fee	\$40,455.80
UTILITIES FEE	
Projected Charter School ADA at Site***	86.04
÷ Projected Total Site ADA	488.72
Charter School Percent of Site Use	17.61%
CUSTODIAL SERVICES FEE	
Charter School Percent of Site Use	17.61%
x Number of Custodial FTE at Site	3.5
x Custodial Services FTE Rate	\$73,185
Custodial Services Fee	\$45,107.57
PAYMENT SCHEDULE	
25% by October 1, 2018	
25% by December 1, 2018	
25% by April 1, 2019	
25% by July 1, 2019	

*All calculations subject to change. In particular, all calculations above will change if the other charter school offered space at Westlake (i.e. Envision Academy) does not accept the District's Proposition 39 offer.

**Includes only interior space. The District is entitled under Cal. Admin. Code tit. 5, § 11969.7(c) to charge the charter school on a square footage basis for use of common areas such as the parking lot, exterior corridors, field space, playground, and blacktop, but is not doing so at this time. The District reserves the right to amend its calculation of the pro-rata share to include all "space allocated by the school district to the charter school," and will provide the charter school notice and an opportunity to respond before implementing any changes. The full allocation of both interior and exterior space is outlined in the preliminary offer letter.

WORKSHEET -- OUSD's Prop 39 Facility Use Rate Per Sq Ft Calculation

Calculation is based on 2017/18 Budget as of 11/28/17

RRMA Transfer from UR to resource 8150

Facility Acquisition and Construction (Function 8500)

	Prop 39 Base
Custodial Services Department Expenses*	
Supplies and Materials	
Services and Operation Cost	
Buildings & Grounds Department Expenses	
RRMA transfer from UR to resource 8150	13,048,405
Facility Acquisition and Construction (Func 8500)	70,324
Utilities Expenses*	13,118,729
Gas, Water & Electric	
Sewer Charges	
Basic Phone Service	
Debt Servicing - Principal & Interest payments (E.C. 47614)	
Emerg. Apportionment (State) Loan - \$65 million	3,890,534
Emergency Apportionment (State) Loan - \$35 million	2,094,903
Police Services (CCR 11969.2 (h) Safe & Comfortable)	5,985,437
Insurance (Function 6000)	908,582
TOTAL COST BASIS	22,467,204
TOTAL DISTRICT SQUARE FOOTAGE	5,836,129
COST PER SQUARE FOOT	\$ 3.85

* Item may be added to Use Agreement if applicable
3/16/18 Revised

Object Codes	As of 11/28/17 BUDGET	As of 11/28/17 BUDGET
2. Classified Salaries	7,014,206	
2205 - CLASSSUPT SALARIES	5,774,629	
2220 - CLASSSUPT SALARIES STIPENDS	-	
2225 - CLASSSUPT SALARIES OVERTIME	211,519	
2305 - SUPV/ADM SALARIES	932,907	
2405 - CLERICAL SALARIES	95,152	
2450 - CLERICAL SUBSTITUTES	-	
3. Employee Benefits	3,281,634	
3102 - STRS CLASSIFIED	30,522	
3202 - PERS CLASSIFIED	1,031,388	
3302 - SOCSECC MEDICAL TSS CLASSIFIED	417,171	
3322 - MEDICARE CLASSIFIED	100,631	
3342 - PARS CLASSIFIED	5,627	
3402 - HEALTH & WELFARE CLASSIFIED	1,175,297	
3502 - ST UNEMPLOY INS CLASSIFIED	7,426	
3602 - WORKERS COMP CLASSIFIED	433,755	
3802 - PERS REDUCTION CLASSIFIED	-	
3902 - OTHER BENEFITS CLASSIFIED	59,817	
4. Books and Supplies	1,164,244	
4310 - SUPPLIES	1,005,994	
4330 - GASOLINE	140,000	
4399 - SUPPLUS	-	
4410 - Equipment \$500-4,999	14,306	
4420 - Computer \$500-4,999	3,944	
4432 - Furniture \$500-4,999	-	
5. Services and Operating	1,573,321	
5515 - DISPOSAL SERVICES	94,784	
5210 - MILEAGE/PERSONAL EXP REIMB	-	
5610 - EQUIP MAINTENANCE AGREEMT	1,800	
5622 - RENTALS - EQUIPMENT	12,000	
5670 - REPAIRS CONT - VEHICLE	1,122,351	
5679 - REPAIRS CONT - VEHICLE	90,000	
5716 - INTERPGM - DUPLICATION SERVICE	1,175	
5720 - INTERPGM - MAINT WORK ORDERS	(9,000)	
5724 - INTERPGM - POSTAGE	-	
5760 - INTERFUND - MAINT WORK ORDERS	(16,000)	
5810 - ADVERTISING - LEGAL	10,211	
5826 - EXTERNAL WORK ORDER SERVICES	250,000	
5910 - POSTAGE	1,000	
5930 - TELEPHONE	15,000	
5934 - PAGERS	-	
6. Capital Outlay	35,000	
6410 - EQUIPMENT	35,000	
6460 - VEHICLE PURCHASE	-	
7. Other Outgo	-	
7615 - IFT GEN SRF BLDG TO DEF MAINT	-	
7990 - UNAPPROPRIATED FUND BALANCE	-	
Grand Total	13,048,405	70,324

Source: Rpt 12 - Fd 01, Res. 8150, Obj. 1000-7990

Source: Rpt 12 - Fd 01, Function 8500

[Home Table of Contents](#)**§ 11969.7. Charges for Facilities Costs.**

5 CA ADC § 11969.7

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 5. Education

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 3. Facilities for Charter Schools.

5 CCR § 11969.7

§ 11969.7. Charges for Facilities Costs.

If the school district charges the charter school a pro rata share of its facilities costs for the use of the facilities, the pro rata share shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted revenues from the district's general fund, as defined in sections 11969.2(f) and (g) and hereinafter referred to as "unrestricted general fund revenues," divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school. The following provisions shall apply to the calculation of the pro rata share of facilities costs:

(a) For purposes of this section, facilities costs that the school district pays with unrestricted general fund revenues includes those costs associated with plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases, as defined in section 11969.2(h). For purposes of this section, facilities costs also includes:

- (1) contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance Account (Education Code section 17070.75), Routine Restricted Maintenance Account (Education Code section 17014), and/or deferred maintenance fund,
- (2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and
- (3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in paragraphs (1) and (2), according to school district schedules and practices.

For purposes of this subdivision, facilities costs do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance and the costs of any tangible items adjusted in keeping with a customary depreciation schedule for each item.

(b) For purposes of this section, the cost of facilities shall include debt service costs.

(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space includes, but is not limited to, those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.

(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.

(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article, and a charter school using school district facilities pursuant to Education Code section 47614 shall report the per-square-foot charge it is paying in the current fiscal year to the California Department of Education (CDE) in any notification the charter school makes to the CDE pursuant to Education Code section 47630.5(b). The CDE shall post the per-square-foot amounts reported by charter schools on its publicly accessible Web site. The CDE shall offer the opportunity to each school district to provide explanatory information regarding its per-square-foot charge and shall post any information received.

(f) If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of Education Code section 47613, and the district may only charge for the actual costs of supervisory oversight of the charter school not to exceed one percent of the school's revenue.

Note: Authority cited: Sections 33031 and 47614(b), Education Code. Reference: Sections 17014, 17070.75, 47613, 47614 and 47630.5, Education Code.

HISTORY

1. New section filed 7-30-2002; operative 8-29-2002 (Register 2002, No. 31).
2. Amendment of section and Note filed 2-28-2008; operative 3-29-2008 (Register 2008, No. 9).

This database is current through 11/24/17 Register 2017, No. 47

5 CCR § 11969.7, 5 CA ADC § 11969.7

END OF DOCUMENT

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Exhibit I

Draft Facilities Use Agreement

To view a draft Facilities Use Agreement, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit J

Multi-Site Resolution

To view Resolution No. 1617-0009: Finding that Charter Schools Could not be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding in Compliance with Proposition 39, please visit:

<http://www.ousdcharters.net/prop-39-data.html>

Exhibit K

Amendment to Multi-Site Resolution

To view the Amendment to the Resolution 1718-0035 and Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Findings, please visit:

<http://www.ousdcharters.net/prop-39-data.html>