

**ALAMEDA UNIFIED SCHOOL DISTRICT**  
Excellence & Equity For All Students

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Nora Bullock  
Executive Director  
Academy of Alameda Charter Elementary School (AOA)  
401 Pacific Avenue  
Alameda, CA 94501

March 18, 2015

Re: Academy of Alameda Elementary School Charter School Request for Proposition 39 Facilities  
Alameda Unified School District Final Facilities Offer

Dear Ms. Bullock:

Below is the Alameda Unified School District's ("District") Final Offer regarding the space to be allocated to The Academy of Alameda Elementary School ("AOA Elementary School") for the 2015-2016 school year in accordance with Education Code 47614 and Title 5, California Code of Regulations ("CCR") sections 11969.1 through 11969.11, as amended (the "Final Offer"). The District's allocation of space in the Final Offer is based on AOA Elementary School's request for a projection of 81.7 in-District classroom ADA. This Final Offer only pertains to the 2015-2016 school year for the above referenced in-District classroom ADA projection. The District is aware that as of March 16, 2015, the AOA Elementary School enrollment is 73 in-district students. The District reserves all rights to assess penalties, reclaim space, or charge back to AOA Elementary for classroom space should AOA Elementary fail to meet its in-district ADA projections for the 2015-16 school year.

It is the District's understanding that the Chipman Middle School campus is the preferred site for AOA Elementary School. The District has considered AOA Elementary School's request to be located on the Chipman campus with its affiliated Middle School and has prepared a Final Offer that reflects that request. For the 2015-2016 school year, AOA Elementary School will continue to share the former Chipman Middle School facility with another charter school, Academy of Alameda Middle School ("AoA Middle"), and with other AUSD programs. The District continues to offer the AOA Schools the majority of classrooms and space at Chipman Middle School site.

In the AOA Elementary School's Proposition 39 request for facilities, AOA Elementary School requested to be located at the Chipman campus.

- AOA Elementary School's projected enrollment entitles the program to 4 classrooms. On January 23, 2015, AOA Elementary School requested the use of certain specified rooms on the Chipman campus.
- The Preliminary Proposal that the District submitted to AOA Elementary School on January 28, 2015, included 4 classrooms other than those requested by AOA Elementary School due to the District's need to provide appropriate classroom spaces for the AUSD Adult School which shares the Chipman Campus.
- On February 27, 2015, AOA Elementary School responded to the AUSD preliminary facilities offer and requested that the District provide the specific classrooms to AOA Elementary that are documented in your January 28, 2015 letter, in light of AOA Middle School having waived any claim to the 2 additional specialty classrooms (library and learning center).

In light of your request, AUSD will approve your request and provide AOA Elementary School with the specific classrooms requested (103,105, 110, portable). All facilities space being provided to AOA Elementary School are outlined below.

#### Final Facilities Offer for the 2015-2016 School Year

##### 1. Teaching Stations

The District offers the following classrooms on the Chipman campus:

AOA Elementary School will have exclusive use of four (4) classrooms for teaching spaces. Rooms include: 103 (C6), 105 (C7), 110 (C8) and the portable (PC1). See Attachment "A", Chipman Facility Map.

##### 2. Specialized Classroom Space

The District offers the following:

AOA Elementary School will have shared primary access to the gymnasium/multipurpose room. If AOA Elementary School wishes to accept the Final Offer, by May 30, 2015, the parties must separately agree to a memorandum of understanding (MOU) defining the shared use and scheduling for the 2015-2016 school year.

##### 3. Non-Teaching Space

The District offers the following:

AOA Elementary School will have access to all student and adult restrooms located on the Chipman campus with the exception of the boys and girls restrooms located downstairs in the second quad next to room C4.

AOA Elementary School will have shared use of office space, storage, and other non-teaching space located within the first quad and in the front of the building on Pacific Avenue and assigned to the AOA Middle School.

AOA Elementary School will have shared use of all staff restrooms on the Chipman facility.

If AOA Elementary School wishes to accept the Final Offer, the parties must separately agree to an MOU governing the use of non-teaching space on the Chipman campus including storage spaces, staff restroom use and entries and exits of the campus.

#### The Condition of Facilities

The condition of AOA Elementary School's proposed facilities are reasonably equivalent to its comparable schools, Ruby Bridges and Paden Elementary Schools.

#### 4. Shared Use

##### (1) Space for Athletic Activities

The District offers the following:

The District will request that AOA Elementary School provide a schedule by May 30, 2015 for the use of the gymnasium/multi-purpose room in an effort to facilitate a MOU with AOA Elementary School Charter School and AOA Middle School Charter School before May 30, 2015 or with other AUSD programs that may be located in this space.

#### Facilities Use Agreement

Implementation of this Final Offer is contingent on the District and AOA Elementary School entering into a Facilities Use Agreement regarding such matters as insurance, indemnity, access, safety, utilities, maintenance and use of the facilities for the 2015-2016 school year. Conditions pertaining to the space not addressed in this Final Offer will be included in the Facilities Use Agreement entered into by and between the District and AOA Elementary School.

#### Estimated Pro-Rata Share

Pursuant to Title 5, Section 11969.9, the District is obligated to include in its Final Offer the projected pro-rata share cost to AOA Elementary School for facilities offered. Section 11969.7 prescribes the methodology to be used by the District for determining the pro-rata share amount to be charged to AOA Elementary School in correlation to the space allocated by the District. In accordance with section 11969.7, the District has estimated the pro-rata share AOA Elementary School must pay for classroom spaces as follows:

4 classrooms to be offered on the Chipman facility to house projected in-District Classroom ADA
= 4,544 square feet
4,544 square feet x \$2.85 (District's cost per square foot)
=\$ 12,9504 cost to AOA Elementary School for 4 classrooms at Chipman Campus

With respect to the pro-rata calculation above, the District will not charge AOA Elementary School a pro-rata cost for its use of the facilities offered at Chipman. Instead, because the District will provide AOA Elementary School with "substantially rent free" facilities for the 2015-2016 school year, the District shall charge AOA Elementary School the actual costs of supervisorial oversight in an amount not to exceed three (3) percent of the revenue of AOA Elementary School pursuant to Education Code section 47613(b). Additionally, the pro-rata utilities costs will be incorporated in the facility use agreement.

#### Conclusion

The above represents the District's Final Proposal to AOA Elementary School for the 2015-2016 school year. The District believes that it has fully complied with the requirements of the Education Code, the Proposition 39 implementing regulations and the provisions of the "mutual agreement" clause in CCR 11969.1(b) in making this offer. AUSD has done so in order to meet its obligation to provide reasonably equivalent facilities.

Respectfully submitted,



Kelly Lara

Director of Student Services

CC: Sean McPhetridge, Superintendent  
Barbara Adams, Assistant Superintendent  
Robert Clark, Chief Business Officer  
Robbie Lyng, Director of Maintenance, Facilities and Operations