

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

January 26, 2011

TO: Jack R. Brick, President
and Members
Board of Trustees, Capistrano Unified School District

FROM: Ron Lebs, Deputy Superintendent, Business and Support Services

SUBJECT: **PROPOSITION 39 PRELIMINARY FACILITIES OFFER – OXFORD
PREPARATORY ACADEMY**

BACKGROUND INFORMATION

On November 1, 2010, the Capistrano Unified School District received Oxford Preparatory Academy's Request for Proposition 39 Facilities for the 2011-2012 school year (Exhibit A). The request sought facilities based upon 501 projected in-district classroom average daily attendance (ADA) students. Oxford's charter school petition is currently pending before the Board. If approved, the District is obligated under Proposition 39, Education Code 47614 and California Code of Regulations Title 5 §11969.1 – 11969.11 to provide certain facilities to charter schools to house their in-district classroom students.

California Education Code 47614 and California Code of Regulations Title 5 §11969.1 – 11969.11, establish certain requirements related to the provision of school district facilities for use by charter schools. Regulation §11969.9 states, "To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district by November 1 of the preceding fiscal year." In addition, §11969.9 informs charter schools of what a written facilities request must include.

The regulations also provide the timeline for submittal of, and response to, a request for Proposition 39 facilities. The school district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. The District's response is provided in Exhibit B. On or before January 2, the charter school shall respond to any objections or issues expressed by the school district and/or to the district's projections. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district. Oxford's response to the District's questions/concerns is provided in Exhibit C. Both the District and Oxford have met these request deadlines and response requirements.

By February 1, 2011, the school district shall prepare a preliminary proposal in writing regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. Approval of this agenda item will provide the charter school with the District's preliminary facilities proposal for 2011-2012. At a minimum, the preliminary proposal must include:

1. The projections of in-district classroom ADA on which the proposal is based.
2. The specific location or locations of the space.
3. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space.
4. The projected pro-rata share amount and a description of the methodology used to determine that amount.

The district shall also provide the charter school a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school's facilities request.

By March 1, 2011, the charter school shall respond in writing to the school district's preliminary proposal expressing any concerns, addressing differences between the preliminary proposal and the charter school's facilities request and/or making counter proposals.

By April 1, 2011, having reviewed any concerns and/or counter proposals made by the charter school, the school district shall submit in writing a final notification of the space offered to the charter school. The notification shall include a response to the charter school's concerns and/or counter proposals, if any.

By May 1, 2011, the charter school must notify the school district in writing whether or not it intends to occupy the offered space.

CURRENT CONSIDERATIONS

Education Code §47614 provides in relevant part:

Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

Attendance Threshold

The first criteria for establishing eligibility for facilities is that the charter school must be either currently providing public education to in-district students, or have identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

Oxford has submitted documentation in the form of Intent to Enroll forms from 679 students meaningfully interested in enrolling in its program. District staff has reviewed this documentation, together with Oxford’s projected in-district students for the 2011-2012 school year, and has accepted Oxford’s projected in-district ADA of 501.

Conditions Reasonably Equivalent

Charter school students are entitled to be housed in conditions reasonably equivalent to those experienced by students enrolled in the District. Regulations §11969.3 identifies three factors in determining whether facilities are in conditions reasonably equivalent to those provided to district students. These factors are outlined below:

1. Comparison Group - 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 §17070.15(b), in which the largest number of students of the charter school reside. The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent shall be a comparison group of district-operated schools with similar grade levels. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration.

For Oxford, this comparison group is the Capistrano Valley High School (CVHS) family. Of the 501 projected in-district ADA, 188 or 38% are in the CVHS family.

Oxford’s request seeks facilities located within the Capistrano Unified School District for students entering grades K-8. The District has identified the following nine school sites for purposes of establishing the comparison group for Oxford’s charter students:

Comparison Schools – CVHS Family

Elementary	Middle
Barcelona Hills	Carl Hankey K-8
Bathgate	Marco Forster Middle
Castille	Newhart Middle
Reilly	
San Juan	
Viejo	

With the exception of Carl Hankey K-8, all students within the CVHS family attend campuses configured as K-5 elementary schools and 6-7-8 middle schools. Oxford is proposing to operate a K-8 charter school. Oxford has indicated that only five in-district students would otherwise attend Carl Hankey.

Configuration: Given that the 447 or 89% of Oxford's total districtwide projected in-district students would otherwise attend schools at K-5 elementary and 6-7-8 middle schools, the District's Proposition 39 facilities offer will be based on a K-5 elementary and 6-7-8 middle campus configuration.

2. Capacity - Regulations §11969.3(b)(1) provides that facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations to ADA as those provided to students in the school district attending comparison group schools.

If the school district includes specialized classroom space, such as science laboratories in its classroom inventory, the space allocation provided 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
- C. The per-student amount of specialized classroom space in the comparison group schools.

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-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, custodial, 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.

Classrooms: The average classroom size for comparison schools is approximately 960 square feet. District staffing ratios (teaching stations per student) for 2010-2011 is shown below. Staffing ratios for 2011-2012 have not yet been finalized. For this reason, the facilities offer will be based on 2010-2011 staffing ratios shown below:

Kindergarten	30.5:1	Single Session (one room per class)
Grades 1-3	30.5:1	
Grades 4-5	31.5:1	
Grades 6-8	32.5:1	

Specialized Classroom and Non-Teaching Space: Specialized classroom space as well as non-teaching facilities at the comparison schools is shown in the chart below. Depending on grade configuration and availability of specialized space at the particular campus(s) where facilities are being offered, some of these facilities may be provided on a shared basis with the school/students at the campus of the proposed facilities. A sharing arrangement for specialized classrooms will have to be determined and worked out as part of the final facilities offer.

	K-5	6-7-8
Specialized Classroom Space		
Science Labs*	no	yes
Computer Labs*	yes	yes
Foreign Language	no	no
Music Classrooms*	no	yes
Library	yes	yes
Independent Study	no	no
Non-Teaching Administration	yes	yes
Common Space		
Custodial*	yes	yes
Multi-Purpose*	yes	yes
Locker Rooms*	no	yes
Non-Classroom Outdoor space		
Playgrounds & Fields*	yes	yes
Parking*	yes	yes

**Shared Space*

***Not Requested*

3. Condition - The following factors determine whether charter school facilities are in reasonably equivalent condition to those of public schools:
 - Age from latest modernization
 - Quality of materials, and state of maintenance
 - School site size
 - The condition of interior and exterior surfaces
 - The condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes
 - The availability and condition of technology infrastructure
 - The condition of the facility as a safe learning environment including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use
 - The condition of the facility's furnishings and equipment

- The condition of athletic fields and/or play area space

Equivalent: The facilities being offered herein meet these standards and are generally uniform and equivalent in comparison with other school facilities within the District. Therefore the District's proposed offer provides facilities suitable for a learning environment.

Contiguous, Furnished, and Equipped

Education Code §47614 requires that facilities be contiguous, furnished, and equipped and shall remain the property of the school district.

Facilities are considered "contiguous" if they are contained on the school site or immediately adjacent to the school site. If 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.

Oxford has requested a single site to house its student population for grades K-8. However as stated above, the comparison group is configured using K-5 and 6-7-8 campuses and the facilities offer will be made using that model. Staff analyzed Oxford's request to be housed at one single site but, in order to do so, the District would have to either close, reconfigure, or relocate the majority of the students attending an existing school within the District.

Contiguous: The District proposal is to house Oxford's K-5 students at Foxborough and their 6-7-8 grade students at Aliso Viejo Middle school. Both schools have sufficient space to accommodate Oxford's projected ADA.

A facility is "furnished and equipped" if it includes reasonably equivalent furnishings necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools. Examples of equipment include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets, such as major software programs. Furnishings and equipment acquired for a school site with non-district resources are excluded when determining reasonable equivalence.

Furnished and Equipped: District school classrooms are furnished and equipped with desks, chairs and white/black boards. The offer of space will incorporate desks, chairs, and white/black boards. Specialized classroom space will be shared space and include the same furnishings and equipment available for use by District students. Equipment for non-teaching space, such as front office equipment, will be on a shared basis with the District's program.

However, furnishings and equipment such as computers that were acquired for the school site with non-district resources are excluded from use.

Additional Considerations and Implications

There are several other factors to consider in determining the appropriate allocation of facilities, if any, to charter schools making requests under Proposition 39. For 2011-2012 these include: 1) The status and scope of Proposition 39 requests made by other charter schools operating within the District, and 2) Facilities that are currently being leased to the Niguel Children's Center preschool at Foxborough. The District has received two other Proposition 39 facilities requests for 2011-2012:

1. Journey Charter School - Journey Charter is currently leasing 17,940 square feet of classroom, specialized classroom, and non-classroom space from the District at the Foxborough site. Journey is leasing space in excess of its Proposition 39 facilities entitlement. In order to accommodate Oxford's K-5 program at Foxborough, the District proposes to not extend the current lease with Journey but instead offer them only what they are entitled under Proposition 39, thereby reducing the area they occupy and freeing up facilities for Oxford. The Board of Trustees granted Journey School a one year extension to its current lease on August 3, 2010; this lease expires on June 30, 2011.

Approval of this offer will have considerable impacts on Journey School's ability to deliver its education program in its current format and configuration. Journey is leasing approximately twice the amount of space they are entitled to receive under Proposition 39. Most significantly, Journey's class sizes will likely increase and class configurations will have to be adjusted, i.e. creating the need for combination classes. However, it should be noted that Journey has enjoyed a very favorable lease arrangement over the last several years since they have been at the Foxborough site.

2. Community Roots Academy – The District received a Proposition 39 facilities request from Community Roots Academy, however Community Roots did not meet the attendance threshold of at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year. The District will not be making a Proposition 39 facilities offer to Community Roots Academy for 2011-2012. However, the District at its discretion may ultimately lease classroom space to Community Roots if they are unable to secure appropriate facilities within the community which is their first preference.

The District is leasing 4,800 square feet of space at \$6,000 per month to the Niguel Children's Center at Foxborough. Niguel Children's Center is a private preschool. Their lease expires on June 30, 2011. Staff is proposing to not extend their lease in order to free up space to be used in the facilities offer to Oxford. Approval of this offer will require the Niguel Children's Center to relocate its program to a non-district facility. A possible consequence of this offer is that the Center may have to close its doors.

Oxford’s charter petition has not yet been approved by the Board. It is expected to be presented for consideration at the February 8, 2011, Board meeting. However, Oxford’s eligibility for facilities remains an issue and they are entitled to receive facilities under Proposition 39 if the petition is approved.

Other facility configurations were considered, but in order to place Oxford at alternative location(s) and meet the reasonably equivalent and contiguous tests, the District would either have to close a school or relocate a considerable portion of an existing school within the District.

Recommended Allocation of Space (Facilities Offer)

In accordance with the Proposition 39 facilities regulations, as set forth above, the allocation of facilities to the Oxford Preparatory Academy has been calculated as follows:

	Total Sq. Ft. K-5	Charter Sq. Ft. K-5	Total Sq. Ft. 6-7-8	Charter Sq. Ft. 6-7-8
Specialized Classroom Space				
Science Labs	N/A	N/A	4,561	638.5
Computer Labs	960	585.6	960	134.4
Music Classrooms	N/A	N/A	960	960
Library	960	585.6	4,560	638.4
Subtotal Specialized Space	1,920	1,171.2	11,041	2,371.3
Non-Teaching Admin Space	-	1,440	-	-
Common Space				
Custodial	100	61	145	20.2
Multi-Purpose	1,920	1,171.2	6,704	938.6
Locker Rooms	N/A	N/A	4,681	655.3
Subtotal Common Space	2,020	1,232.2	11,530	1,614.2
Non-Classroom Outdoor Space*				
Playgrounds & Fields	N/A	N/A	N/A	N/A
Parking	N/A	N/A	N/A	N/A
Totals	3,940	3,843.4	22,571	3,985.5

**Sharing arrangement to be worked out based on time, not square feet.*

Proposition 39 Preliminary Facilities Offer – Oxford Preparatory Academy

January 26, 2011

Page 9

Site(s):	Grades K-5 Grades 6-7-8	Foxborough Aliso Viejo Middle School	
Classrooms:	Grades K-5 Grades 6-7-8 Total	11 5 Total	10,560 sq. ft. <u>4,800 sq. ft.</u> 15,360 sq. ft.
Specialize Classroom:	Grades K-5 Grades 6-7-8 Total	61% 14% Total	1,171.2 sq. ft. <u>2,371.3 sq. ft.</u> 3,542.5 sq. ft.
Non-Teaching Admin Space:	1,440 Sq. Ft.		
Common Space:	Grades K-5 Grades 6-7-8 Total	61% 14% Total	1,232.2 sq. ft. <u>1,614.2 sq. ft.</u> 2,846.4 sq. ft.
Non-Classroom Outdoor Space:	Grades K-5 Grades 6-7-8	61% 14%	of the day of the day

Classrooms: Oxford will be allocated exclusive use of 16 total classrooms at Foxborough and Aliso Viejo Middle School, to house all of Oxford’s in-district ADA. Oxford will be assigned 11 specific classrooms at Foxborough and will share the site with Journey School. Oxford will be assigned 5 specific classrooms at Aliso Viejo Middle School and share the site with the District’s program.

Total Classroom Space = 15,360 sq. ft.

Specialized Classroom Space: Oxford will be permitted to use “specialized space,” including specifically a science lab (6-7-8), computer lab (K-5 & 6-7-8), music room (K-5 & 6-7-8), and library (K-5 & 6-7-8), at the per day percentage rates indicated below. Sharing arrangements will have to be worked out at each individual site.

Grades K-5	Foxborough	61%
Grades 6-7-8	Aliso Viejo Middle School	14%

Total Specialized Classroom Space = 3,542.5 sq. ft.

Non-Teaching Administrative Space: A minimum of 1,440 square feet of non-teaching space will be provided at Foxborough for administrative purposes

Total Non-Teaching Administrative Space = 1,440 sq. ft.

Common Space: Determination of use of the common space such as custodial, multi-purpose and locker rooms (6-7-8), etc. at the school sites will be available on a shared basis and is based upon the relative percentage of Oxford’s ADA at the sites offered compared to the total ADA at the particular site and is as follows:

Grades K-5	Foxborough	61%
Grades 6-7-8	Aliso Viejo Middle School	14%

Total Common Space = 2,846.4 sq. ft.

Non-classroom space such as playgrounds and fields, restrooms and parking spaces at the school sites will be available on a shared basis. Use of these common areas may require rotation of the available times to accommodate both Oxford’s in-district students and any other programs operated on the site.

Other common non-teaching space including teacher lounges, front office equipment, and RSP classrooms shall be shared with the District operated program at the site(s) as well. Use of these common areas may require rotation of the available times to accommodate both the charter’s in-district students and any other programs operated on the site.

Total Facilities Allocation: The total square foot allocation of facilities is provided below.

Total Classroom Space	15,360.0 sq. ft.
Total Specialized Classroom Space	3,542.5 sq. ft.
Total Non-Teaching Administrative Space	1,440.0 sq. ft.
Total Common Space	<u>2,846.4 sq. ft.</u>
Total Allocation of Facilities	23,188.9 sq. ft.

Utilities: Utility bills will be divided on the same percentage basis as indicated above.

Furnished and Equipped: District school classrooms are furnished and equipped with desks, chairs, and white/black boards. The offer of space will incorporate white/black boards along with desks and chairs at District loading standards indicated in the staffing ratios previously discussed. Specialized classroom space will be shared space and include the same furnishings and equipment available for use by District students except for those furnishings and equipment that are excluded pursuant to CCR Title 5 §11969.2(e). Equipment for non-teaching space, such as front office equipment, will be on a shared basis with the District’s program. However, furnishings and equipment such as computers that were acquired for the school site with non-district resources are excluded from use.

Use of Space: The space allocated to Oxford must be used in a manner consistent with the final offer of facilities. Additionally, the space allocated to Oxford is for occupancy of the specific sites/spaces outline herein only. All property remains the property of the District and Oxford

shall not enter into any agreement with any party as to the use or occupancy of the property without the express written consent of the District. The proposed facilities offer is for space only and excludes any services related to the use of such space. Use of the space will be subject to the Facilities Use Agreement.

Occupancy: The space would be made available to Oxford no less than ten (10) working days prior to the first day of instruction, for the 2011-2012 school year. In conformity with the statute and regulations, this offer of the above-described facilities applies to the school year 2011-2012, only.

Facilities Use Agreement

Pursuant to CCR Title 5 §11969.9(f)(3), the District will prepare and submit a facilities use agreement concurrent with any final Proposition 39 facilities offer presented to the Board for consideration. A preliminary draft facility use agreement will be prepared reflecting the proposal presented herein and will be presented to the charter school along with the preliminary facilities offer prior to February 2.

Pro-Rata Share

Oxford will be responsible for a pro-rata share of the facilities costs in conformity with the regulations. The pro-rata share will be calculated using the following formula (CCR Title 5 §11969.7):

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 divided by the total space of the school district multiplied by the amount of space allocated by the school district to the charter school.

$$(\$12,104,375 \div 4,100,000) = \$2.95$$

$$\$2.95 \times 23,188.9 \text{ sq. ft.} = \$68,407.26$$

The District used this methodology to calculate the pro-rata share. Consistent with the regulations, the District’s pro-rata calculation amounts to \$2.95 per square foot. The composite pro-rata share for allocated facilities is shown below:

Classroom Space:	15,360.0 sq. ft.	x.	\$2.95 =	\$45,312.00
Specialized Classroom Space:	3,542.5 sq. ft.	x	\$2.95 =	\$10,450.38
Non-Teaching Admin Space:	1,440.0 sq. ft.	x	\$2.95 =	\$4,248.00
Common Shared Space:	2,846.4 sq. ft.	x	\$2.95 =	<u>\$8,396.88</u>
Total				\$68,407.26

Oxford's pro-rata share will be \$68,407.26 for the 2011-2012 school year. Payment for the pro-rata share will be payable in 10 monthly payments. The first payment shall be due no later than September 1, 2011, and each additional payment will be due on or before the first day of each month thereafter. This pro-rata share may be adjusted to conform to any changes in the District's final offer and the actual facilities-related expenditures for the 2010-2011 school year that are used to determine this calculation.

Over-Allocated Space

If the charter school's in-district classroom ADA is less than the projected in-district classroom ADA contained in the request, and the shortfall meets the test outlined in CCR Title 5 §11969.8, the charter school shall reimburse the District for the over-allocated space in accordance with CCR Title 5 §11969.8.

Alternatives and Flexibility

At the sole discretion of the District and in cooperation with the charter school, nothing shall prohibit the parties from mutually agreeing to an alternative configuration, in lieu of agreement and/or or adjustment to the proposal contained herein or to specific compliance with any of the provisions of the regulations. Additionally, the District may lease additional facilities to the charter beyond what they are provided and entitled to within the scope of this offer. Nothing presented herein shall prohibit implementation of such an alternative means of satisfying the District's facilities obligation under Proposition 39.

With approval of this agenda item, staff also seeks latitude from the Board of Trustees to adjust this offer as detailed above as part of the process of preparing a final facilities offer. Such an adjustment would be at the discretion of the staff, subject to Board approval and in concurrence with the charter school.

Exhibits

The following Exhibits are attached for reference:

Exhibit A	Proposition 39 Facilities Request
Exhibit B	District's Analysis and Response to Charter School's Request
Exhibit C	Charter School's Response to District Analysis
Exhibit D	Foxborough Site Map
Exhibit E	Aliso Viejo Middle School Site Map

FINANCIAL IMPLICATIONS

The actual fiscal impact of this facilities offer is difficult to calculate because of a number of actual and potential impacts to both revenue and expenditures. Ostensibly the actual cost of providing facilities to the charter school should be revenue neutral. However in this case there

will be the loss of lease revenue from the Niguel Children’s Center and Journey School due to the facilities that we will be taking back from the two groups. It is also conceivable that the District may need to purchase furniture and equipment given that several of the classrooms that are being offered do not have desks and chairs. This estimated amount includes the anticipated costs of both Journey School and Oxford Preparatory Academy.

Estimated Fiscal Impact: \$700,000 (\$200,000 ongoing, \$500,000 estimated one-time)

Funding Source: General Fund

STAFF RECOMMENDATION

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, who will present this item. Following discussion, it is recommended the Board approve providing Proposition 39 facilities to Oxford Preparatory Academy for the 2011-2012 school year under the terms and conditions outlined above. It is further requested that the Board provide staff with the latitude to adjust this offer (subject to final Board approval) as deemed appropriate, and in concurrence with Oxford, prior to presentation of the final facilities offer to the Board for consideration before April 1, 2011. This offer is not only compliant with the law, but also balances the facility needs of the charter school with the facility and programmatic needs of the District.

DISCUSSION/
ACTION



Oxford Preparatory Academy Charter School

5862 C Street, Chino, California 91710 - (909) 464-2672 - www.oxfordchampions.com

Sue Roche, Executive Director

Jason Watts, Director of Educational Services

Barbara Black, Director of School Development

Delivery method: **BY HAND IN PERSON**

November 1, 2010

Superintendent Dr. Joseph Farley
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675

RECEIVED
NOV 01 2010
EDUCATION DEPT.

RE: Request for Proposition 39 Facilities for the 2011-12 School Year

Dear Superintendent Farley:

I am writing on behalf of Oxford Preparatory Academy - South Orange County Charter School to request reasonably equivalent school facilities from the Capistrano Unified School District pursuant to Education Code Section 47614 (i.e., Proposition 39) and Title 5 of the California Code of Regulations ("CCR") Section 11969.1 through 11969.11, as amended ("Implementing Regulations").

Proposition 39, passed by the voters of California on November 7, 2000, requires school districts to make available to each Charter School operating within the school district, school facilities sufficient for each Charter School to accommodate all of the Charter School's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools in the school district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In addition, the school district must make reasonable efforts to provide the Charter School with facilities near to where the Charter School desires to be located. (See Education Code Section 47614(b)).

The Proposition 39 Implementing Regulations, adopted by the State Board of Education ("SBE") on August 29, 2002, and amended on March 29, 2008, require the Charter School to make an annual written request for facilities. Title 5 CCR Section 11969.9(c)(1) specifies the information that must be included in the annual facilities request. This request, along with the information submitted herewith, meets and exceeds the requirements of Education Code Section 47614 and the Implementing Regulations.

Projected Average Daily Attendance (ADA)

In accordance with Education Code Section 47614(b)(2), the District is required to allocate school facilities to the Charter School for the following school year based upon a projection of average daily classroom attendance provided by the Charter School.



Oxford Preparatory Academy Charter School

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The Charter School’s Governing Board has determined that a reasonable projection of the Charter School’s in-district average daily classroom attendance for the 2011-12 school year is **525**. The following is a breakdown of the Charter School’s projected average daily attendance (“ADA”) as required by 5 CCR Section 11969.9(c)(1). The Charter School’s ADA figures are based on the methodology outlined in the following section.

Please note:

“Prior year” means the fiscal year prior to the year in which a facilities request is made. For this request, the prior year is 2009-10.

“Current year” means the fiscal year in which a facilities request is made. For this request, the current year is 2010-11.

“Request year” means the fiscal year for which facilities are being requested. For this request, the request year is 2011-12.

Table 1: Total ADA

A		D
Grade	Level	Projected Total Request Year
	K	58
	1	58
	2	58
	3	62
	4	73
	5	73
	6	72
	7	71
	8	71
	9	-
	10	-
	11	-
	12	-
	Total	596

EXHIBIT A (2 of 17)



Oxford Preparatory Academy Charter School

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Sue Roche, Executive Director

Jason Watts, Director of Educational Services

Barbara Black, Director of School Development

Table 2: Total In-District ADA

A	D
Grade Level	Projected Total Request Year
K	58
1	58
2	58
3	62
4	73
5	73
6	72
7	71
8	71
Total	596

Table 3: Total Classroom ADA

A	D
Grade Level	Projected Total Request Year
K	53
1	53
2	53
3	57
4	57
5	57
6	57
7	57
8	57
Total	501

Table 4: Total In-District Classroom ADA

A	D
Grade Level	Projected Total Request Year
K (Example:)	53
1	53
2	53
3	57
4	57
5	57
6	57
7	57
8	57
Total	501



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Table 5: In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

The following tables represent the projected **in-District ADA** (from Table 2 above) and **in-District classroom ADA** (from Table 4 above) broken down by grade level and the school in the District the pupils are otherwise eligible to attend. (5 CCR Section 11969.9(c)(2).)

School Name/Grade	K	1	2	3	4	5	6	7	8
Ambuehl Elementary	3	1	1		2	2			
Arroyo Vista (K-8)	2		1	1	1	1	1		5
Barcelona Hills Elementary	2	5	10	13	15	27			
Bathgate Elementary	3		3	2	2	1			
Bergeson Elementary	2	1	3		1	2			
Canyon Vista Elementary	2	3	5	2	5	6			
Carl Hankey (K-8)	2			1		1			5
Castille Elementary	4	2	5	4	3	4			
Chaparral Elementary	3	2		2	2	1			
Crown Valley Elementary	2	3	3	4	3	3			
Don Juan Avila (K-8)	3	1	3	1	2	1	6	9	9
George White Elementary	2	2	1	3	1	1			
Hidden Hills Elementary		1	1		2				
Ladera Ranch Elementary	3	9	3	3	8	7			
Laguna Niguel Elementary	4	3	3	3	6	2			
Las Flores (K-8)		2				1	1	5	11
Marblehead Elementary	1	1	2			1			
Moulton Elementary	2	1	4		2	2			
Oak Grove Elementary	2			1		2			
Oso Grande Elementary	2	8	3	10	2	3			
Reilly Elementary	5	10	3	10	12	4			
San Juan Elementary		1		1					
Tijeras Creek Elementary	2		2		1				
Viejo Elementary	1		1		1	1			
Vista Del Mar Elementary	2	1							
Wagon Wheel Elementary	3	1	2	1	2				
Wood Canyon Elementary	1								
Aliso Viejo M.S.							2	7	11
Ladera Ranch M.S.							8	10	10
Marco Forster M.S.							6	2	
Newhart M.S.							43	20	17
Niguel Hills M.S.							5	18	3
SUBTOTAL	58	58	58	62	73	73	72	71	71
TOTAL - 596									



Oxford Preparatory Academy Charter School

5862 C Street, Chino, California 91710 - (909) 464-2672 - www.oxfordchampions.com

Sue Roche, Executive Director

Jason Watts, Director of Educational Services

Barbara Black, Director of School Development

Table 6: In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	K	1	2	3	4	5	6	7	8
Ambuehl Elementary	2	1	1		2	2			
Arroyo Vista (K-8)	2		1	1	1	1	1		5
Barcelona Hills Elementary	2	5	5	9	8	15			
Bathgate Elementary	3		3	2	2	1			
Bergeson Elementary	2	1	3		1	2			
Canyon Vista Elementary	2	3	3	2	5	6			
Carl Hankey (K-8)	2			1		1			5
Castille Elementary	3	2	3	4	3	4			
Chaparral Elementary	2	2		2	2	1			
Crown Valley Elementary	2	3	4	4	3	3			
Don Juan Avila (K-8)	3	1	3	1	2	1	4	7	6
George White Elementary	2	2	1	3	1	1			
Hidden Hills Elementary		1	1		2				
Ladera Ranch Elementary	3	8	3	3	4	3			
Laguna Niguel Elementary	3	3	3	3	4	2			
Las Flores (K-8)		2				1	1	5	7
Marblehead Elementary	1	1	2			1			
Moulton Elementary	2	1	4		2	2			
Oak Grove Elementary	2			1		2			
Oso Grande Elementary	2	7	3	10	2	3			
Reilly Elementary	4	6	5	9	9	4			
San Juan Elementary		1		1					
Tijeras Creek Elementary	2		2		1				
Viejo Elementary	1		1		1	1			
Vista Del Mar Elementary	2	1							
Wagon Wheel Elementary	3	1	2	1	2				
Wood Canyon Elementary	1								
Aliso Viejo M.S.							2	7	10
Ladera Ranch M.S.							6	8	10
Marco Forster M.S.							4		
Newhart M.S.							34	15	11
Niguel Hills M.S.							5	15	3
SUBTOTAL	53	57	53	57	61	60	61	61	61
TOTAL - 524									

Methodology Used In Making ADA Projection:

Title 5 CCR Section 11969.9(c)(1)(B) requires the facilities request to include a description of the methodology for the ADA projections.



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Oxford Preparatory Academy, South Orange County will be co-founded by Sue Roche, former Principal of Edwin Rhodes Elementary School (Chino, CA) and current Executive Director of Oxford Preparatory Academy - Chino Valley, and Jason Watts, former Assistant Principal of Edwin Rhodes Elementary School and current Director of Educational Services of Oxford Preparatory Academy - Chino Valley. Mrs. Roche and Mr. Watts have extensive, successful track records that reasonably indicate the expected high levels of enrollment and success of the Charter School.

Mrs. Roche opened Rolling Ridge Elementary School (Chino) in 1989 and the school ranked number one in San Bernardino County for California Standardized Testing results for five consecutive years under her leadership. In 1994, she opened Country Springs Elementary School. For five consecutive years while Mrs. Roche was Principal, Country Springs ranked number one in California Standardized Testing results in San Bernardino County. Country Springs also consistently ranked number one in the District for attendance out of 32 schools and became the innovative model for the State of California utilizing the Theory of Multiple Intelligences.

In 1999, Mrs. Roche became the Director of Human Resources for the Chino Valley Unified School District. She ensured that all positions were filled within budgets, administered collective bargaining agreements, created and implemented teacher recruiting strategies and assembled recruiting teams in state and nationwide, created the substitute teacher program, developed celebratory programs for probationary and tenured teachers, and developed and recommended policies and procedures for the Superintendent's review and administered same upon adoption by the Board of Education. She worked as Human Resources Director until 2002, at which point she served as the Director of Auxiliary Projects, Categorical Programs, and worked on the preparation of the opening of Edwin Rhodes Elementary, which opened in 2003 with Mrs. Roche as Principal.

Since its opening, Rhodes' Academic Performance Index (API) score increased 123 points from the 2003 test year score of 842, with a score of 965 in 2009. At Rhodes, Mrs. Roche has continued to utilize a collegiate theme for the implementation of the school-wide philosophy of Multiple Intelligences. Her educational philosophy that every child is gifted has continued to draw students from outside of the community as well as the country.

Under the leadership of Sue Roche as Principal, and Jason Watts as Assistant Principal, Edwin Rhodes Elementary School:

- Placed first in District/San Bernardino County in 2009 with API Score of 965
- Placed first in District/San Bernardino County in 2008 with API Score of 946
- Received 2008 California Distinguished School Award
- Received 2008 California Service-Learning Leader School Award
- Received 2008 Honor Roll for Academic Achievement Award
- Received 2008 Picturing America Award

EXHIBIT A

(6 of 17)



Oxford Preparatory Academy Charter School

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In 2003, Jason Watts was part of the teaching staff that helped to open Edwin Rhodes Elementary. While serving as the sixth grade Gifted and Talented Education (G.A.T.E.) magnet teacher, he was also the Athletic Director (includes Noon League Coordinator/Supervisor), G.A.T.E. Coordinator, Technology Committee Chairperson, and School Site Council Teacher Representative.

In 2006, Jason Watts was hired as the Edwin Rhodes Elementary Assistant Principal. During his three years as Assistant Principal, the administrative team of Mrs. Roche and Mr. Watts increased the school's API score 77 points, from 888 in 2006 to 965 in 2009. In 2008, he successfully co-authored the California Distinguished School application and the California Service-Learning Leader School Award for Rhodes. Rhodes has also increased scores for all significant sub-groups for six consecutive years. In 2009-10, Mr. Watts served as Assistant Principal of Chaparral Elementary in Chino Hills, where he created and implemented an awards program recognizing student achievement and improvement on the STAR Test. The school's API subsequently increased 34 points.

Due to the track record of Mrs. Roche and Mr. Watts and the student academic performance results of Edwin Rhodes Elementary, the lead petitioners for Oxford Preparatory Academy, South Orange County are confident that a K – 8 school operated by both Mrs. Roche and Mr. Watts would garner significant interest from the District's community.

As demonstrated herein, to date we have collected 679 Intent to Enroll forms from meaningfully interested in-district students to support our ADA projections.

There are a number of recruitment efforts that have taken place, garnering the large number of Intent to Enroll forms that have to date been collected. The Lead Petitioner and Founding Members for Oxford Preparatory Academy-South Orange County were successful in securing Intent to Enroll forms for over 600 CUSD students in just 13 days. These interested students represent every city in the 52,000-student district, and the majority of its elementary and middle schools. Methods to recruit interested families included but were not limited to:

- Creating a Fact Sheet/Frequently Asked Questions document and post-card sized flier to use as informational tools, in addition to the Oxford Preparatory Academy web site, which provides a comprehensive description of the school and its academic program;
- Information booth at Mission Viejo Walk Against Drugs event (with over 10,000 people from all over CUSD in attendance). Over 500 informational fliers were distributed, and 70 Intent to Enroll forms were collected in 2 hours;
- That same morning, 300 fliers were distributed at Mission Viejo High School, which served as the staging area prior to the Walk;
- Informational table at Laguna Niguel movie theater during select showings of "Waiting for Superman" documentary about public schools;
- Information tables at grocery stores in Laguna Hills, Aliso Viejo and Mission Viejo;



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- Informational email with the Fact Sheet, web site link and Intent to Enroll form was distributed to 500+ members of the Parents Advocate League of CUSD;
- Advertisement in MOMS Club Mission Viejo Northwest newsletter;
- Representatives at preschools in Mission Viejo and Ladera Ranch, who spoke to parents, answering questions and creating interest in Oxford Preparatory Academy – South Orange County;
- All Lead Petitioners and Founding Members reached out to their own circles of friends, families, neighbors and colleagues, and sent emails with the Fact Sheet, web site link, and Intent to Enroll forms to sports teams and extra-curricular groups (e.g. Little League, Pop Warner Football, AYSO Soccer, Girls Softball, Girl Scouts, Boy Scouts, etc.); and
- All completed Intent to Enroll forms were acknowledged via email, and respondents were encouraged to share the Fact Sheet, web site link, and Intent to Enroll forms with their friends, families, neighbors and colleagues. This generated tremendous word-of-mouth interest and contributed significantly to the success of the outreach efforts.

All of the information fliers distributed have and will continue to be made available in Spanish. In the case that an information flier needs to be translated in a language other than English or Spanish, our team will procure translation services for any desired information for interested parents.

We reviewed District growth trends, District ADA and attendance rates, and wait list numbers for the existing Oxford Preparatory Academy in Chino Valley, which offers the same academic program. Oxford Preparatory Academy - Chino Valley received more than 1700 applications for 856 on-site slots, and currently has almost 700 students on its wait list. To date, Oxford Preparatory Academy - Chino Valley has maintained an attendance rate of over 98%.

Based on these efforts, we determined that our projected enrollment for 2011-2012 would be as follows:

Grade	On – Site Enrollment	Independent Study
K	56	5
1	56	5
2	56	5
3	60	5
4	60	17
5	60	17
6	60	16
7	60	15
8	60	15
Total	628	



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We then applied our projected attendance rate of 95% to our projected enrollment, to arrive at our projected in-district ADA for the 2011-2012 school year. Though the Chino Valley campus is currently maintaining an attendance rate of 98%, for the purpose of conservative estimation and budget projection, we are applying a 95% attendance rate.

Our charter budget anticipated a student enrollment of 628 students. However, to date, we have received 679 Intent to Enroll Forms, of which, 679 are students from within the Capistrano Unified School District. At some point, we may request to work with the district (CUSD) to potentially increase student enrollment based on student interest.

Supporting Documentation

Title 5 CCR Section 11969.9(c)(1)(C) requires the facilities request to include supporting documentation. The Implementing Regulations state that when a charter school is not yet open (i.e., not yet providing instruction) or to the extent an operating charter school projects a substantial increase in in-district ADA, the annual request must include documentation of the number of in-district students meaningfully interested in attending the Charter School. Please be advised that because the Charter School is not yet open, we have attached and incorporated herein by reference the following supporting documentation that fully substantiates the reasonableness of our in-district ADA projections for the 2011-12 school year:

1. Signed parental "Intent to Re/Enroll" Forms for all students for the request year.
2. A copy of the waiting list for the current school year at Oxford Preparatory Academy - Chino Valley, which utilizes the same academic program and philosophy, thereby demonstrating the continuing demand for and interest in enrollment in the School.

Should the District desire additional documentation or information regarding the Charter School's ADA projections, please contact me as soon as possible. We remain willing to cooperate with the District to immediately address any questions or concerns about this request and the supporting documentation.

Operational Calendar:

Title 5 CCR Section 11969.9(c)(1)(D) requires the facilities request to include the Charter School's operational calendar. The Charter School's operational calendar is attached for your review. The Charter School's first day of instruction is on September 7, 2011, therefore we will need access to the facility on or before August 8th, 2011, in order to prepare. Please note that Title 5 CCR Section 11969.9(j) requires the District to ensure that a furnished and equipped facility meeting the requirement of Proposition 39 be made available to the Charter School no



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less than ten (10) working days prior to the charter school's first day of instruction. In addition, in accordance with Section 11969.5, the space allocated must be made available for the Charter School's entire school year regardless of the school district's instructional year or class schedule.

Educational Program:

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the Charter School's educational program that is relevant to the assignment of facilities. The Charter School's educational program does have unique facilities needs. As you are aware, key components of the educational program of the Charter School include:

As a result, in addition to a reasonably equivalent allocation of all facilities available at the District's comparison schools, the facility allocated to the Charter School must also provide two (2) additional classrooms for use as foreign language labs, physical education locker rooms, two (2) regulation-sized basketball courts, athletic fields with backstops, 1 science lab with water and gas hook-ups, athletic fields, a furnished and equipped computer lab, a library, a music room, a game room and a performing arts theater or multi-purpose room.

In addition, and in accordance with its charter and budget, the Charter School operates grade levels kindergarten through 8th grade on one contiguous school site. Consequently, the Charter School's educational program requires a single contiguous school site in which to operate. Further, our educational program includes an Independent Study component, with an anticipated participation number of 100 students. Therefore, we request facilities for these students as well, specifically, two (2) Independent Study classrooms.

Facility Location:

Title 5 CCR Section 11969.9(c)(1)(E) requires the Charter School to provide information regarding the District school site and/or general geographic area in which the Charter School wishes to locate. Based upon the needs of the Charter School and the residency of the projected student enrollment, the Charter School desires to locate its facility at a school facility within the Capistrano Unified School District.

Procedures and Timelines:

In accordance with the Implementing Regulations, the District is required to review the Charter School's attendance projections and to express any objections that it has about the Charter School's attendance projections in writing on or before December 1, 2010. The Charter School must respond to the District's written objections, if any, on or before January 2, 2011, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)



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Furthermore, we look forward to receiving a written preliminary facilities proposal from the district on or before February 1, 2011, as required under the Implementing Regulations. (5 CCR Section 11969.9(f).) The preliminary proposal must include, at a minimum, the following information: (1) a breakdown of the number of teaching stations (classrooms), specialized and non-classroom based space to be allocated to the Charter School, with an indication as to whether the space is exclusive or shared use; (2) the projections of in-district classroom ADA on which the proposal is based; (3) the specific location of the space; (4) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the Charter School's use of the space, (typically referred to as a facilities use agreement); (5) the projected pro rata share amount and a description of the methodology used to determine that amount; and (6) a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the Charter School's facilities request. In accordance with the Implementing Regulations (5 CCR Section 11969.2(d)), if the District's preliminary proposal (or final notification) does not accommodate Charter School at a single school site, the District's governing board must first make a finding that the Charter School could not be accommodated at a single site and adopt a written statement of reasons explaining the finding. The Charter School has until March 1, 2011, to respond to the preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the facilities request, and/or making counter proposals.

The Implementing Regulations Section 11969.9(h) requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2011. The final notification specifically must include, at a minimum, the following:

1. The teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the Charter School and the teaching station, specialized classroom space, and non-teaching station space which the Charter is to be provided access on a shared basis with district-operated programs, if any;
2. For shared space, if any, the proposed arrangements for sharing;
3. The in-district classroom ADA assumptions for the Charter School upon which the allocation is based and, if the assumptions are different than those submitted by the Charter School, a written explanation of the reasons for the differences;
4. The specific location of the space;
5. All conditions pertaining to the Charter School's use of the space;
6. The pro rata share amount and a description of the methodology used to determine that amount;
7. The payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes; and
8. A response to the Charter School's concerns and/or counter-proposals, if any.

A California Court of Appeals decision has made clear that, in meeting their Proposition 39 obligation, school districts must give the same degree of consideration to the needs of charter



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school students as it does to the students in district-run schools. The court noted that “accommodating a charter school might involve moving district-operated programs or changing attendance areas” and that providing a contiguous school facility to a charter school might require disruption and dislocation among district students, staff and programs. *Ridgecrest Charter School v. Sierra Sands Unified School District*, 130 Cal.App.4th 986 (2005). In addition, the Court concluded that a school district responding to a request for facilities must issue a statement of reasons at the time it makes its final determination that is “thorough” and “factual” enough to permit “effective review by the courts”; the statement of reasons issued by the school district must demonstrate that the district has “adequately considered all relevant factors” and that the district can “demonstrate a rational connection between those factors, the choice made, and the purposes of [Proposition 39].”

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

The Charter School Governing Board has delegated to me the responsibility to negotiate the allocation of a facility under Proposition 39. All communications regarding this matter should be sent to my attention at the address below. My contact information is as follows:

Sue Roche, Executive Director
5862 C St., Chino, CA 91710
909-464-2672
714-469-1886
sue.roche@oxfordchampions.com

I appreciate your time and consideration of this request and I look forward to developing a mutually agreeable plan to meet the facilities needs of the Charter School’s in-district students.

Sincerely,
Sue Roche

Sue Roche

Executive Director

cc: Dana Reupert, President
Mary Chladni, Secretary
Janet Yang, Treasurer
Dr. Sue Teele, Member
Bob Kuhnert, Esq., Member, Charter School Board Members
Sarah Kollman, Legal Counsel, Middleton, Young & Minney, LLP.
Jerry Simmons, Legal Counsel, Middleton, Young & Minney, LLP.

Attachments (the following attachments are incorporated by reference herein):



Oxford Preparatory Academy Charter School

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1. Oxford Preparatory Academy Operation Calendar
2. Intent to Enroll forms with Parent Signatures



Oxford Preparatory Academy Charter School

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Oxford Preparatory Academy Charter School Proposed Master Calendar and Sample School Day 2011-2012



	SCHOOL DAYS	MINIMUM DAYS	NON-INSTRUCTIONAL DAYS
Aug 23 – 26	0	0	Staff Development (4 days)
Aug 31 – Sept 1	0	0	Teacher Work Day (2 days)
Sept 6 – 9	3 (1st day of school, Sept 7)	1 – Sept 9	Sept 5 – Holiday/ Labor Day, Sept 6- Meet Your Professor Day (1 day)
Sept 12 – 16	5	1 – Sept 16	
Sept 19 – 23	5	1 – Sept 23	
Sept 26 – Sept 30	5	1 – Sept 30	
Oct 3 – 7	5	1 – Oct 7	
Oct 10 – 14	4	1 – Oct 14	Oct 10 – Holiday/Columbus Day
Oct 17 – 21	2	0	Progress Reports - Oct 19-21 – Parent/Teacher Conference Days (3 days)
Oct 24 – 28	5	1 – Oct 28	
Oct 31 – Nov 4	5	1 – Nov 4	
Nov 7 – 11	4	1 – Nov 10	Nov 11-Holiday/Veteran's Day
Nov 14 – 18	5	1 – Nov 18	
Nov 21 – 25	0	0	Nov 21-25 – Thanksgiving Holiday
Nov 28 – Dec 2	5	1 – Dec 2	
Dec 5 – 9	5 (Dec 9th End of 1st Trimester)	1 – Dec 9	End of 1st Trimester – December 9, 2011
TOTAL		58	12

	SCHOOL DAYS	MINIMUM DAYS	NON-INSTRUCTIONAL DAYS
Dec 12 – 16	5	1 – Dec 16	Report Cards – 1st Trimester
Dec 19 – 23	0	0	Dec 20-24 – Winter Break
Dec 26 – 30	0	0	Dec 27-31 – Winter Break
Jan 2 – 6	0	0	Jan 3-7 – Winter Break
Jan 9 – 13	5	1 – Jan 13	
Jan 16 – 20	4	1 – Jan 20	Jan 16 – Holiday/Martin Luther King Jr. Day
Jan 23 – 27	5	1 – Jan 27	
Jan 30 – Feb 3	5	3 – Feb 1 - 3	Progress Reports - Feb 1st & 2nd (Minimum Days) - Mid Year Conferences
Feb 6 – 10	5	1 – Feb 10	
Feb 13 – 17	5	1 – Feb 17	
Feb 20 – 24	4	1 – Feb 24	Feb 20 – Holiday/President's Day
Feb 27 – Mar 2	5	1 – Mar 2	
Mar 5 – 9	5	1 – Mar 9	
Mar 12 – 16	5	1 – Mar 16	
Mar 19 – 23	5	1 – Mar 23	Report Cards – 2nd Trimester
TOTAL		58	14



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		MINIMUM DAYS	NON-INSTRUCTIONAL DAYS
Mar 26 – Mar 30	0	0	March 26 -30 – Holiday/Spring Break
Apr 2 – 6	5	1 – April 6	
Apr 9 – 13	5	1 – April 13	
Apr 16 – 20	5	1 – Apr 20	Quiet Week
Apr 23 – 27	5	1 – Apr 27	Quiet Week
April 30 – May 4	5	1 – May 4	Quiet Week
May 7 – 11	5	1 – May 11	STAR Testing
May 14 – 18	5	1 – May 18	Progress Reports - STAR Testing Window Closes
May 21 – 25	5	1 – May 25	
May 28 – June 1	4 May 31 – Open House*	1 – June 1	May 28 - Memorial Day
June 4 – 8	5	1 – June 8	End of 3rd Trimester – June 10, 2010
June 11 – 15	5	1 – June 15	
June 18 – 22	5	1 – June 22	June 22 – Last Day of School Report Cards – 3rd Trimester
June 27 – 28	0		June 25 & 26 Teacher Work Days (2)
TOTAL		59	12

Student Instructional Days	175
Teacher/Staff Development (non-student days)	6 (+1 TBD)
Teacher Work Days (non-student days)	5
Teacher/Parent Conferences (non-student days)	3
TOTAL TEACHER WORK DAYS	190

Revised: 10/21/2010



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Oxford Preparatory Academy – Chino Valley Student Waiting List by Grade*	
Grade	Total Number on Waiting List
K	124
1	104
2	129
3	95
4	49
5	81
6	57
7	38
8	3
TOTAL	680

*As of October 29, 2010. Student wait lists with individual names may be provided upon request by the District.

Ambuehl Elementary	K	1	2	3	4	5	6	7	8	
Arroyo Vista (K-8)	3	1	1	1	2	2				
Barcelona Hills Elementary	2		1	1	1	1	1			
Bathgate Elementary	10	11	18	18	12	23				
Bergeson Elementary	6		4	2		4				
Canyon Vista Elementary	2	2	2	2	2	2				
Canyon Vista Elementary	5	3	9	2	5	6				
Castille Elementary	9	7	13	6	3	4				
Carl Hankey (K-8)	2			2	1	1	1		1	
Chaparral Elementary	6	2		2	2	1				
Crown Valley Elementary	3	3	3	8	3	5				
Don Juan Avila (K-8)	3	1	6	1	2	1	6	3	2	
Hidden Hills Elementary	1	1	2		2					
Ladera Ranch Elementary	13	11	9	5	8	7				
Las Flores (K-8)		2			2	2	1	1	2	
Oak Grove Elementary	2			1		2				
Laguna Niguel Elementary	4	4	4	3	6	3				
George White Elementary	1	2	1	3	1	1				
Marblehead Elementary	1	1	2			1				
Moulton Elementary	2	2	6	1	1	5				
Wood Canyon Elementary	1									
Oso Grande Elementary	12	7	7	14	4	8				
San Juan Elementary		1	2	1						
Reilly Elementary	12	11	11	15	11	8				
Viejo Elementary	1		2		1	2				
Vista Del Mar Elementary	3	1	2	4	3	2				
Tijeras Creek Elementary	2		3		1					
Wagon Wheel Elementary	3	1	2	1	2					
Aliso Viejo M.S.						2	2		1	
Ladera Ranch M.S.	9	5	1			8	3		1	
Marco Forster M.S.						6	1			
Newhart M.S.						43	12		7	
Niguel Hills M.S.	118	79	113	89	72	91	72	32	13	679



Capistrano Unified School District

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33122 Valle Road, San Juan Capistrano, CA 92675

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BOARD OF TRUSTEES

December 1, 2010

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Oxford Preparatory Academy Charter School

5862 C St.

ELLEN M. ADDONIZIO

Chino, CA 991710

LARRY J. CHRISTENSEN

Re: Request for Charter School Facilities for the 2011/12 School Year

SUE PALAZZO

Dear Ms. Roche:

MICHAEL S. WINSTEN

Thank you for the timely submission of the Oxford Preparatory Academy Charter School's ("Oxford Preparatory Academy") Proposition 39 facilities request for 2011/12 ("Request"). This letter is in response to your Request dated November 1, 2010.

SUPERINTENDENT

JOSEPH M. FARLEY, Ed. D.

Review Process and Request Requirements

Procedures and timelines for the request for, reimbursement for, and provision of facilities for charter schools are found in Title 5 California Code of Regulations, §11969.9. To receive facilities during a particular fiscal year ("Request Year"), a charter school must submit a written facilities request to the school district on or before November 1 of the year preceding the Request Year. The written facilities request must consist of:

- A. Reasonable projection of in-district and total ADA and in-district and total classroom ADA broken down by the grade level and school the student would otherwise attend. §11969.9 (c) (1) (A) and §11969.9 (c) (2)
- B. Description of the methodology for the projections. §11969.9 (c) (1) (B)
- C. Documentation of the number of meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection. §11969.9 (c) (1) (C)
- D. Charter school's operational calendar. §11969.9 (c) (1) (D)
- E. Information regarding the district school site and/or general geographic area in which the charter school wishes to locate. §11969.9 (c) (1) (E)
- F. Information on the charter school's educational program, if any, that is relevant to assignment of facilities. §11969.9 (c) (1) (F)



EXHIBIT B

(1 of 3)

Findings

District staff has reviewed Oxford Preparatory Academy's Request and determined that it generally meets the requirements of Title 5 California Code of Regulations, §11969.9.

However, staff noted several areas of concern:

1. There appear to be discrepancies between the numbers that are presented in the tables on pages 2-5. The totals by grade in Table 3 and Table 4 do not match the totals by grade in Table 6.
2. The projected in-district classroom ADA indicated at the top of page 2 is 525. The total in-district classroom ADA as shown in table 6 is 524.
3. There appears to be some information missing on page 10 under the section titled "Education Program." The first paragraph of this section ends with "...key components of the educational program of the charter school include:" However, this statement is followed by the next paragraph which starts with "As a result..."
4. There does not appear to be any decipherable correlation between the projections listed in Table 5 and the potential students that have returned Intent to Enroll Forms. How were the projections in Table 5 determined?

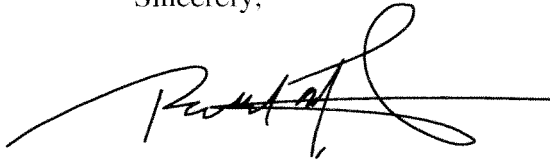
While these items are not sufficient reason to deny the Request, please provide clarification of the concerns set forth above. Specifically, please clarify the numbers in Tables 3, 4 and 6. In addition, please provide a breakdown of the actual projected in-district ADA by grade and by school that the students would otherwise attend as required by Title 5 CCR, §11969.9 (c) (1) (A) and §11969.9 (c) (2). Finally, please provide any missing information from the Educational Program section. In order to accurately address Oxford Preparatory Academy's facilities needs, accurate in-district projections by grade level will need to be provided.

Conclusion

As stated above Oxford Preparatory Academy Charter School's Proposition 39 facilities Request generally appears to meet the requirements of Title 5 California Code of Regulations, §11969.9 with the exception of the discrepancies and concerns noted above which will need to be clarified in writing to the District on or before January 2, 2011.

You may contact me at (949) 234-9211 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald N. Lebs", with a long horizontal flourish extending to the right.

Ronald N. Lebs
Deputy Superintendent, Business and Support Services

cc Julie Hatchel, Assistant Superintendent
Clarissa Canady, Dannis Woliver Kelley



Oxford Preparatory Academy Charter School

5862 C Street, Chino, CA 91710 – (909) 464-2672

www.oxfordchampions.com

Sue Roche, Executive Director

Jason Watts, Director of Educational Services

•Barbara Black, Director of School Development

Delivery method: **Electronic (e-mail)**

December 15, 2010

Deputy Superintendent Ronald Lebs
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675

RE: Request for Proposition 39 Facilities for the 2011-12 School Year

Dear Mr. Lebs:

I am writing on behalf of the Oxford Preparatory Academy, South Orange County, Charter School (“Charter School”) to provide clarification regarding our Request for Proposition 39 Facilities Request submitted to the Capistrano Unified School District (“District”) on November 1, 2010. It was determined that some data was both incorrect and absent from the originally submitted document due to a duplicating error. Included in the missing data were Intent to Enroll forms from students representing five schools that were not indicated on any table: Journey Charter (K-8), Malcom Elementary, Palisades Elementary, R H Dana Elementary, and Shorecliffs Middle School. These additional forms, omitted from the originally submitted Proposition 39 Request document, will be mailed to you in hard copy to accurately reflect the 679 total Intent to Enroll forms received by the Charter School on or before October 31, 2010.

We have provided responses to the areas of concern noted in your letter dated December 1, 2010 (in italics), as follows:

1. *There appear to be discrepancies between the numbers that are presented in the tables on pages 2-5. The totals by grade in Table 3 and Table 4 do not match the totals by grade in Table 6.*

The following tables represent the correct (if not changed) data for tables 3, 4, and 6:



Sue Roche, Executive Director

Jason Watts, Director of Educational Services

•Barbara Black, Director of School Development

Table 3: Total Classroom ADA

A	D
Grade Level	Projected Total Request Year
K	53
1	53
2	53
3	57
4	57
5	57
6	57
7	57
8	57
Total	501

Table 4: Total In-District Classroom ADA

A	D
Grade Level	Projected Total Request Year
K (Example:)	53
1	53
2	53
3	57
4	57
5	57
6	57
7	57
8	57
Total	501

Table 6: In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

	K	1	2	3	4	5	6	7	8
Ambuehl Elementary	2	1	1		1	2			
Arroyo Vista (K-8)	1		1	1	1	1	1		
Barcelona Hills Elementary	3	9	7	11	10	14			
Bathgate Elementary	3		3	1		2			
Bergeson Elementary	1	1	1		1	1			
Canyon Vista Elem.	2	2	4	2	4	4			
Carl Hankey (K-8)	1		1	1		1	1		
Castille Elementary	4	4	4	4	2	2			
Chaparral Elementary	4	1	1	1	1	1			



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Crown Valley Elementary	2	2	1	5	2	3			
Don Juan Avila (K-8)	2	1	2	1	1	1	4	6	8
George White Elementary	1	1	1	2	1	1			
Hidden Hills Elementary	1	1	1		1				
Journey Charter (K-8)			1						
Ladera Ranch Elementary	4	9	3	3	8	4			
Laguna Niguel Elementary	2	3	1	1	5	2			
Las Flores (K-8)		1				1	1	5	9
Malcom Elementary	1								
Marblehead Elementary	1	1	2			1			
Moulton Elementary	1	1	4	1	1	3			
Oak Grove Elementary	1			1		1			
Oso Grande Elementary	5	5	4	8	3	5			
Palisades Elementary					1				
Reilly Elementary	4	7	4	8	9	5			
R H Dana Elementary	1								
San Juan Elementary		1	1	1					
Tijeras Creek Elementary	1		2		1				
Viejo Elementary	1		1		1	1			
Vista Del Mar Elementary	1	1	1	4	2	1			
Wagon Wheel Elementary	2	1	1	1	1				
Wood Canyon Elementary	1								
Aliso Viejo M.S.							1	7	9
Ladera Ranch M.S.							8	10	6
Marco Forster M.S.							4	3	
Newhart M.S.							27	15	16
Niguel Hills M.S.							9	11	9
Shorecliffs M.S.							1		
SUBTOTAL	53	53	53	57	57	57	57	57	57
TOTAL - 501									

2. *The projected in-district classroom ADA indicated at the top of page 2 is 525. The total in-district classroom ADA as shown in table 6 is 524.*

The Charter School's projected in-District average daily classroom attendance for the 2011-12 school year should be **501**. This is based on the following:

- The Charter School has a projected total enrollment of 628.
- Of the total projected enrollment of 628, 528 students are projected to be "in-District classroom" enrollment, and 100 are projected to be participating in the Charter School's Independent Study program.



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- The Charter School has applied an attendance rate of 95% to its projected enrollment, which results in a projection of 501 in-District classroom ADA.

Table 6 above correctly reflects the Charter School’s updated projected in-District classroom ADA.

3. *There appears to be some information missing on page 10 under the section titled “Educational Program.” The first paragraph of this section ends with “...key components of the educational program of the charter school include:” However, this statement is followed by the next paragraph, which starts with “As a result...”*

The first paragraph should read as follows:

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the Charter School’s educational program that is relevant to the assignment of facilities. The Charter School’s educational program does have unique facilities needs.

4. *There does not appear to be any decipherable correlation between the projections listed in Table 5 and the potential students that have returned Intent to Enroll Forms. How were the projections in Table 5 determined?*

Table 5, shown below, provides an updated list of the District schools where the Charter School’s total projected ADA (including both classroom and non-classroom ADA) would otherwise attend.

Table 5: In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	K	1	2	3	4	5	6	7	8
Ambuehl Elementary	1	1	1		2	2			
Arroyo Vista (K-8)	1		1	1	1	1	1		
Barcelona Hills Elementary	4	10	10	11	11	20			
Bathgate Elementary	3		3	1		3			
Bergeson Elementary	1	1	1		2	2			
Canyon Vista Elem.	2	2	5	2	5	5			
Carl Hankey (K-8)	1		1	1		1	1		
Castille Elementary	5	4	6	4	3	3			
Chaparral Elementary	3	1	1	1	2	1			



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Crown Valley Elementary	2	2	1	6	3	4			
Don Juan Avila (K-8)	2	1	2	1	2	1	5	7	10
George White Elementary	1	1	1	2	1	1			
Hidden Hills Elementary	1	1	1		2				
Journey Charter (K-8)			1						
Ladera Ranch Elementary	6	9	4	4	9	5			
Laguna Niguel Elementary	2	4	1	1	6	3			
Las Flores (K-8)		1				1	1	2	10
Malcom Elementary	1								
Marblehead Elementary	1	1	1			1			
Moulton Elementary	1	1	3	1	1	3			
Oak Grove Elementary	1			1		2			
Oso Grande Elementary	7	6	4	9	4	6			
Palisades Elementary					1				
Reilly Elementary	5	9	4	10	11	5			
R H Dana Elementary	1								
San Juan Elementary		1	1	1					
Tijeras Creek Elementary	1		2		1				
Viejo Elementary	1		1		1	1			
Vista Del Mar Elementary	1	1	1	4	3	2			
Wagon Wheel Elementary	2	1	1	1	2				
Wood Canyon Elementary	1								
Aliso Viejo M.S.							2	2	10
Ladera Ranch M.S.							9	11	5
Marco Forster M.S.							5	2	
Newhart M.S.							38	27	26
Niguel Hills M.S.							9	20	10
Shorecliffs M.S.							1		
SUBTOTAL	58	58	58	62	73	73	72	71	71
TOTAL - 596									

Additionally, the letter you provided included a request for the “...breakdown of the actual projected in-District ADA by grade and by school that the students would otherwise attend.” The table below provides an updated actual count of Intent to Enroll forms from students meaningfully interested in attending the proposed Charter School through October 31, 2010. While the Charter School has to date received approximately 215 Intent to Enroll forms since that time, this table does not reflect those forms. If the District would like copies, please let us know immediately.

School Name/Grade	K	1	2	3	4	5	6	7	8
Ambuehl Elementary	3	1	1		2	2			



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Jason Watts, Director of Educational Services

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Arroyo Vista (K-8)	2		1	1	1	1	1		
Barcelona Hills Elementary	10	11	20	18	11	26			
Bathgate Elementary	6		5	2		3			
Bergeson Elementary	2	2	3		2	2			
Canyon Vista Elem.	5	3	10	2	5	6			
Carl Hankey (K-8)	2		2	1		1	1		
Castille Elementary	11	5	13	6	3	4			
Chaparral Elementary	6	2	2	2	2	2			
Crown Valley Elementary	3	3	3	9	3	5			
Don Juan Avila (K-8)	3	1	5	1	2	1	5	3	2
George White Elementary	1	1	1	3	1	1			
Hidden Hills Elementary	1	1	2		2				
Journey Charter (K-8)			1						
Ladera Ranch Elementary	13	9	9	5	9	6			
Laguna Niguel Elementary	4	4	4	3	6	3			
Las Flores (K-8)		2				2	1	1	2
Malcom Elementary	1								
Marblehead Elementary	1	2	3			2			
Moulton Elementary	2	2	5	1	1	4			
Oak Grove Elementary	2			1		2			
Oso Grande Elementary	15	6	7	15	4	9			
Palisades Elementary					1				
Reilly Elementary	11	11	10	16	11	8			
R H Dana Elementary	1								
San Juan Elementary		1	1	1					
Tijeras Creek Elementary	2		4		1				
Viejo Elementary	1		2		1	1			
Vista Del Mar Elementary	3	1	1	5	3	2			
Wagon Wheel Elementary	3	1	2	1	2				
Wood Canyon Elementary	1								
Aliso Viejo M.S.							2	2	2
Ladera Ranch M.S.							9	5	1
Marco Forster M.S.							5	1	
Newhart M.S.							38	12	5
Niguel Hills M.S.							9	9	2
Shorecliffs M.S.							1		
SUBTOTAL	115	69	117	93	73	93	72	33	14
TOTAL - 679									

The District states that “There does not appear to be any decipherable correlation between the projections in table 5 and the potential students who have returned Intent to Enroll forms.” The Charter School has reviewed table 5 and made some additional changes to reflect projected ADA



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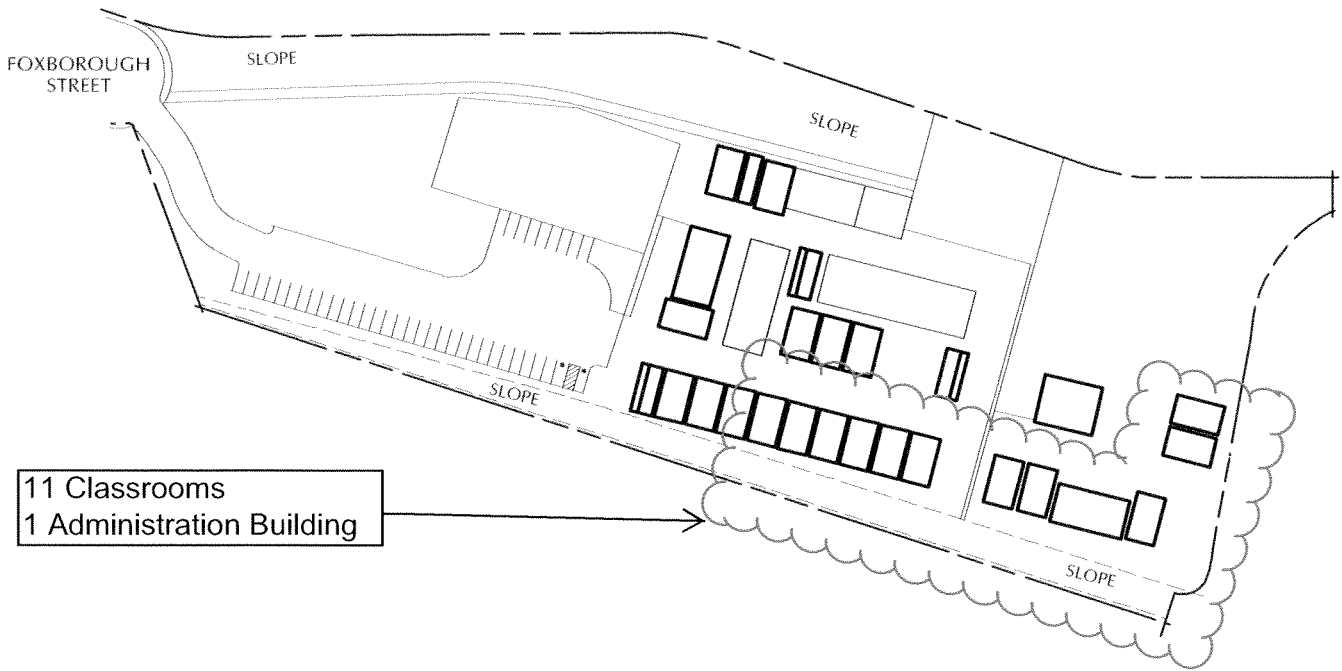
from each District school. Specifically, in completing table 5, revised above, the Charter School reviewed all of the Intent to Enroll forms received to determine which District schools these students would otherwise attend (see table above). The Charter School then applied the percentages of students at each grade level that would attend each District school to its projected in-District ADA to arrive at its totals.

Your consideration of this Request for Facilities revision is appreciated as we develop a mutually agreeable plan to meet the facility needs of the Charter School's in-District students. Please feel free to contact me at (714) 469-1886 if you have any questions or need further clarification.

Sincerely,

Executive Director

cc Jason Watts, Director of Educational Services
Barbara Black, Director of School Development



11 Classrooms
1 Administration Building

OXFORD PREPARATORY ACADEMY
K - 5 Campus
Prop. 39 Preliminary Facilities Offer for 2011 - 2012
 Capistrano Unified School District



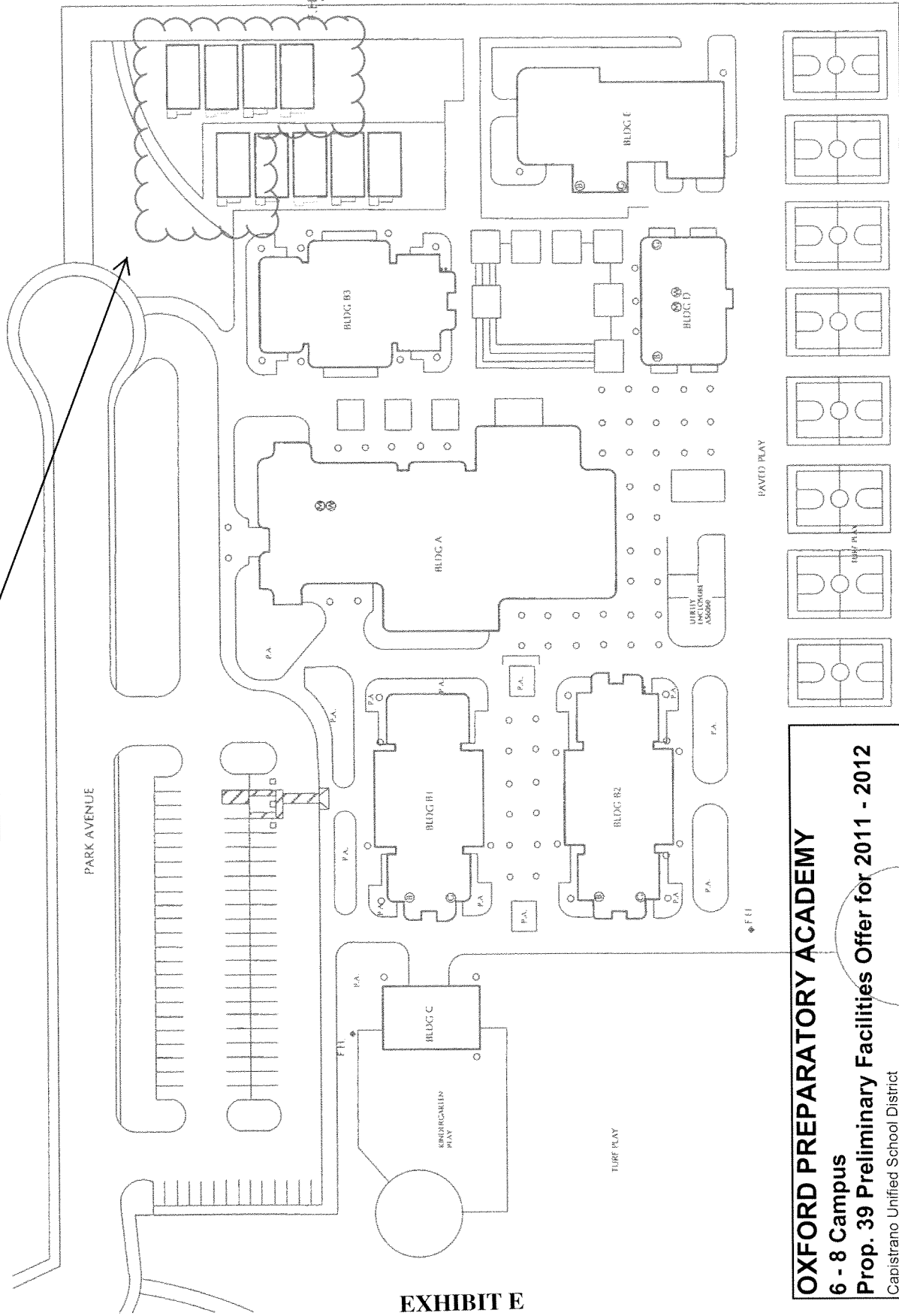
pjhm architects
 647 CAMINO DE LOS MARES, SUITE 201
 SAN CLEMENTE, CA 92673
 (949) 496-6191 phone
 (949) 496-0269 fax
 pjhm@pjhm.com
 www.pjhm.com

FOXBOROUGH
 ELEMENTARY SCHOOL
 27102 FOXBOROUGH STREET
 ALISO VIEJO, CA 92656

SHEET:
 1 OF 1



5 Classrooms



OXFORD PREPARATORY ACADEMY
6 - 8 Campus
Prop. 39 Preliminary Facilities Offer for 2011 - 2012
 Capistrano Unified School District

6/29/2010 PLAN

EXHIBIT E