

Ross Valley Charter School

Delivery method: Hand Delivered

October 30, 2014

Superintendent Rick Bagley, PhD
Ross Valley School District
110 Shaw Drive
San Anselmo, CA 94960

RE: Request for Proposition 39 Facilities for the 2015-16 School Year

Dear Superintendent Bagley:

I am writing on behalf of Ross Valley Charter School (“Charter School”) to request reasonably equivalent school facilities from the Ross Valley School District (“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 of 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”) in 2002, and amended in 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. The Multi-Age Program (“MAP”) is part of Manor Elementary School and was established eighteen years ago as an alternative program of choice, pursuant to Education Code Sections 58500 through 58512. Presently, the Ross Valley Charter School petition seeks to convert the MAP portion of Manor Elementary School into a charter school

pursuant to Education Code Sections 47605(a)(2) and 47605(d)(1). The proposed charter partially converts Manor Elementary into a charter school. Therefore, the Charter School requests that the District make available facilities at the program's existing site.

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.

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 2015-16 school year is 161.2. 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 2013-14.
- "Current year" means the fiscal year in which a facilities request is made. For this request, the current year is 2014-15.
- "Request year" means the fiscal year for which facilities are being requested. For this request, the request year is 2015-16.

Please note that while the Charter School would commence operations in 2015-2016, the Charter School has included ADA data from the prior and current years from the existing MAP program to demonstrate that its projections are in line with prior data associated with the program, and the planned increases in enrollment for the Charter School, as described more fully in the methodology section below.

Table 1: Total ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K	19.6	18.9	36.5
1	19.3	21.5	32.6
2	19.4	20.3	23.0
3	22.9	23.6	23.0
4	19.9	20.5	25.9
5	23.7	21.8	24.0
6			
7			
8			
9			
10			
11			
12			
Total	124.8	126.6	165.0

Table 2: Total In-District ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K	19.6	18.9	36.5
1	19.3	21.5	28.8
2	19.4	20.3	23.0
3	22.9	23.6	23.0
4	19.9	20.5	25.9
5	23.7	21.8	24.0
6			
7			
8			
9			
10			
11			
12			
Total	124.8	126.6	161.2

Table 3: Total Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K	19.6	18.9	36.5
1	19.3	21.5	32.6
2	19.4	20.3	23.0
3	22.9	23.6	23.0
4	19.9	20.5	25.9
5	23.7	21.8	24.0
6			
7			
8			
9			
10			
11			
12			
Total	124.8	126.6	165.0

Table 4: Total In-District Classroom ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
K	19.6	18.9	36.5
1	19.3	21.5	28.8
2	19.4	20.3	23.0
3	22.9	23.6	23.0
4	19.9	20.5	25.9
5	23.7	21.8	24.0
6			
7			
8			
9			
10			
11			
12			
Total	124.8	126.6	161.2

The figures in columns B and C in the four tables above are taken from Appendix E, the District’s response to a public request for information. According to the District, there were no out-of-District students in the MAP program. And since there are no non-classroom students projected for the Charter School, the data in columns B and C in all four tables is the same.

The figures in the Projected Total Request Year (Column D) in the four tables above are taken directly from the Intent to Enroll forms that are attached as Appendix G and that the Charter School has collected between mid-July and late-October of this year. The Charter School will continue to do marketing and outreach to communicate our charter to more district parents and believe we will be able to get enough in-District students to fill our enrollment capacity of 172 through that effort. But in this request we are only projecting the number of students that we have signed Intent to Enroll forms from. As a result 4 out-of-District students are counted in Tables 1 and 3 above.

The following Tables 5 and 6 represent the projected 2015-16 **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).) Since we have no non-classroom Tables 5 and 6 are identical. This information, like the information in Tables 1-4, is taken solely from the signed Intent to Enroll forms we have already obtained.

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	9	10	11	12	Tot
Manor School	20.1	17.3	17.2	18.2	20.1	17.3								110.2
Brookside	5.8	4.8	1.9	2.8	1.0	3.8								20.1
Wade Thomas	7.7	3.8	2.9	1.0	1.9	2.9								20.2
Hidden Valley	2.9	2.9	1.0	1.0	2.9	0								10.7
Total	36.5	28.8	23.0	23.0	25.9	24								161.2

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	9	10	11	12
Manor School	20.1	17.3	17.2	18.2	20.1	17.3							
Brookside	5.8	4.8	1.9	2.8	1.0	3.8							
Wade Thomas	7.7	3.8	2.9	1.0	1.9	2.9							
Hidden Valley	2.9	2.9	1.0	1.0	2.9	0							

Methodology Used In Making ADA Projection:

Title 5, Section 11969.9(c)(1)(B) of the California Code of Regulations requires the facilities request to include a description of the methodology for the ADA projections. The Charter School utilized the following methodology in calculating the ADA projections for 2015-2016:

Starting in July of 2014 the Charter School Steering Committee and Development Team starting asking interested parents of the existing MAP program and other interested parents to sign Intent to Enroll forms if they were meaningfully interested in attending the Charter School in the 2015-2016 school year. In addition a website, www.rvcs.org, was created that described the school, answered questions, provided information as it was available, and asked those who were interested to provide their email address for updates. The Intent to Enroll form was posted on the website in English and Spanish and people who were meaningfully interested in enrolling their child(ren) in the Charter School for the 2015-16 school year were asked to fill out the form with a signature and either email it back to the Charter School's email address or to mail it to the Charter School's mailing address. Information on the Charter School and Intent to Enroll Forms were also distributed by hand at public functions such as Farmers Markets and street fairs, as well as at preschools in Fairfax and San Anselmo by the Steering Committee and Development Team (listed in the Charter School Petition submitted to the District on September 12, 2014); Steering Committee and Development Team members spoke at length with parents prior to them completing Intent to Enroll forms, to ensure the parents were familiar with the Charter School's educational program and structure. In addition, in the summer and fall the Steering Committee held four well-advertised public information meetings (including an article in the Marin IJ) which were attended by approximately 75 people. Intent to Enroll forms were given out, and often were filled out, signed and submitted at the end of these meetings. After the start of the 2014-15 school year, Intent to Enroll forms were also collected from current parents of the MAP program who were meaningfully interested in attending the Charter School, again by Steering Committee or Development Team members. When collected the forms were handed to Kathy Lake, a Steering Committee member (and now the Governing Board Secretary), to place into a database. In some cases information on the forms, such as student's birthdate or grade in 2015-16 were incorrectly entered by the parent and in these cases parents were consulted and the forms were updated with the permission of the parents by me with my initials noting the correction.

The following in Table 7 is a breakdown of all 201 students whose parents filled out Intent to Enroll forms that are included in Appendix G. The table breaks out subgroup numbers by grade for: All Students; Existing MAP Students; MAP Siblings, Children of Teachers and Founders; Other Non-MAP Students; In-District Residents; and Out-Of-District Residents. The bottom line, Totals Expressed as ADA, apply the 96% assumed ADA rate discussed below to the number of students.

Table 7: Breakdown of Current Intent to Enroll Forms

Category	<i>Totals</i>	<i>MAP vs Non-MAP</i>			<i>In-District vs Out-of-District</i>	
	All Students	Existing MAP Students	Siblings, Founders', Teachers' NON-MAP students	Other Non-MAP Students	In-District residents	Out-of-District residents
K	46	0	9	37	40	6
1	34	20	0	14	30	4
2	30	20	0	10	30	0
3	33	19	3	11	31	2
4	33	23	0	10	32	1
5	25	18	0	7	25	0
Totals:	201	100	12	89	188	13
Totals Expressed as ADA	193.0	96.0	11.5	85.4	180.5	12.5

In all, the parents of 201 students signed Intent to Enroll forms and these have been collected and attached as Appendix G. (In some cases two students are included on one form and in a few cases a family has more than 2 students and so has two forms.) These 201 students with Intent to Enroll forms represent 117% of the Charter School’s projected total enrollment of 172, and the 188 in-District forms represent 112% of its total projected in-District enrollment of 168. The Charter School was able to collect this substantial number of forms more than five months before the end of its enrollment period and ten months before the start of school. We will be continuing to do outreach and marketing right up to the end of our enrollment period on March 20, 2015 to build our list of applicants and enrollees. If we do not have a waiting list for all grades by that time, we will continue our marketing through the start of school in late August 2015 to insure that we have a long enough wait list to keep 172 students enrolled in our program. MAP has an excellent reputation among parents in our district as is demonstrated by our consistently high retention rates and long waiting list described below. The high quality of the existing MAP program is demonstrated further by the better than average performance of MAP students at White Hill, where all district elementary students go. In the fourth quarter of the 2013-14 school year 74% of the 62 MAP students enrolled at White Hill had a 3.0 or better GPA as opposed to 66% of the non-MAP White Hill students. And only 2% of the 66 MAP graduates had a GPA of less than 2.5 as opposed to 6% of the non-MAP students. As a result, it is reasonable to assume that many families will want to enroll their students in the school, especially given that it is not a new, untested program, but rather an established program that is staffed by teachers who know the community and are well known in the community. All this demonstrates that the Charter School’s enrollment projections are actually quite conservative.

The Charter School plans to limit our class sizes in 2015-2016 to 24 in K-1 and 2-3 classes and 26 in 4-5 classes and we expect each classroom to be roughly equally divided between the two grades in them. In 2015-2016, we will have three K-1 classrooms, two 2-3 classrooms, and two 4-5 classrooms, with a total enrollment of 172. Tables 1-6 reflect these maximum class sizes. Also, as required by Implementing Regulations, Tables 1-4 reflect ADA numbers, not enrollment numbers. Columns B & C in Tables 1-4 reflect actual ADA numbers provided by the District in Appendix E. Column D in Tables 1-4 and tables 5 and 6 are based on our Intent to Enroll forms and use 96% as an assumed future ADA percentage. The actual ADA % of MAP students in Appendix E is 96.6% over the 5 years of information provided by the District in Appendix E. But the budget in the Charter School petition assumed 96% so that is the figure we are using to estimate future ADA.

Because we have already collected more Intent to Enroll forms than spaces available at the Charter School for 2015-2016, and we will likely collect additional forms before our enrollment process is complete, the Charter School will likely need to have a lottery at some grade levels. In Tables 5 and 6 we have projected how the lottery might randomly pick students and thereby distribute students in four grades (K, 2, 3, and 4) from the District’s four elementary schools.

Table 8 is based on two sources. The Enrollment and ADA Claimed at P-2 are calculated from Appendix E, the District response to a public records request. The number of Wait Listed Children for the 2014-15 school year is also from Appendix E. The district did not have prior years’ numbers of wait listed children available. The Retention Rate from prior year columns was calculated by comparing MAP class lists from the YES directories from one year to the prior starting in 2009-10 and ending in 2014-5 using publicly posted Manor class lists. The Growth Percentage Change is not applicable in our case because although the MAP program has had a long waiting list for many years, the District has chosen to keep MAP classrooms the same size as Manor School K-5 classrooms so the size of MAP classrooms has fluctuated roughly with the size of K-5 classrooms over these years

Table 8: Historical Total Demand for the MAP Program

School Year	Enrollment	ADA Claimed at P-2	Retention Rate from prior year	Growth Percentage Change	# of Wait Listed Children
2010-11	128	122.7	98%	Not Applicable	Not Available
2011-12	142	136.1	98%	Not Applicable	Not Available
2012-13	136	132.9	97%	Not Applicable	Not Available
2013-14	130	124.8	97%	Not Applicable	Not Available
2014-15	130	126.6	97%	Not Applicable	118

Table 9 is based on records kept by the MAP Advisory Board regarding the MAP kindergarten lottery over the last four years.

Table 9: History of MAP Kindergarten Applications

	Total Number of MAP applicants	Number of Available slots	Number of Students Initially added to Waitlist
2011	45	20	25
2012	53	20	33
2013	57	20	37
2014	24	20	2

In addition to analyzing the distribution of our Intent to Enroll forms, we have also analyzed the Multi-Age Program’s historical enrollment, retention, and growth trends, prior ADA figures, and historical wait list numbers in order to support our total projected in-District classroom ADA figure for the request year.

The Charter petition gives preference to students on the MAP wait list in its first year and will grow its classes to accommodate part of this long standing demand from both the existing wait list and new applicants represented in the Intent to Enroll forms. The projected growth for next year from the current 130 to the projected 172 will come from expanding four K-3 classes to 24 from the current 21.5 average (10 additional students), expanding two 4-5 classes from the current average of 22 to 26 (8 additional students), and adding a third K-1 class of 24 students, providing a total of 42 new students. As is said elsewhere, we have more than enough Intent to Enroll forms for all these students. We will, of course, also contact parents of students on the current MAP wait list once we are authorized as part of taking applications for 2015-2016.

As can be seen from Tables 8 and 9 above, the MAP program has been chronically oversubscribed and has an excellent retention rate. MAP now has six classes serving 130 students in kindergarten through fifth grade. Parent confidence in, and satisfaction with, the program is evidenced by high rates of student retention within this program of choice. It has always been a program of choice so every year parents have to choose to stay in the program. Over the years MAP has maintained excellent retention rates as is seen in Table 8. Of the 104 MAP students currently in grades K-4 who will be able to enroll in grades 1-5 for the 2015-16 school year, we have attached Intent to Enroll forms for 100 students, representing 96% of current MAP students who will still be in elementary school in 2015-16.

We believe that the reason the current MAP waiting list for Kindergarten is smaller this year than in previous years is that last January the Manor principal did not attend the other three District elementary schools’ kindergarten orientations to communicate the existence of the alternative program at Manor. From the beginning of the program 19 years ago, a MAP parent or other MAP representative had attended all District elementary school kindergarten orientations in January every year and briefly described MAP educational philosophy and approach and the enrollment process. In the last few years, the Manor principal had assumed this role but this past

January he did not attend the other orientations to present information about MAP throughout the District, and failed to communicate this to the MAP Advisory Board so that it could send someone else in his stead. As a result, the numbers of parents of incoming kindergarten students who were aware of the availability of the MAP program for the 2014-15 year was unusually small. Despite this failure of communication last January, 37 of our 76 (49%) in-District, non-MAP-related students in our Intent to Enroll forms are from the three other schools' boundary areas. This indicates that with appropriate communication our draw to the non-Manor school community remains high.

Given this historical oversubscription, extremely high retention rates, and given that in only 3 and a half months of effort we have more than enough Intent to Enroll forms to fill 168 seats with In-District students for 2015-16, we believe our projected need for 7 classrooms is very reasonable. The average District class loading of around 22 students per K-5 classroom would place 154 students in 7 classrooms.¹ We plan to load at 24.6 students per class, 172 students in 7 classrooms, and already have enough Intent to Enroll forms to fill 168 of those seats with in-District students. We have contacted few wait list parents and we strongly believe that we will have enough in-District Charter School applications for enrollment to fill all 172 seats with in-District children.

Supporting Documentation

Title 5, Section 11969.9(c)(1)(C) of the California Code of Regulations 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 2015-16 school year:

- (1) Signed parental "Intent to Enroll" Forms for 201 students for the request year as Appendix G;
- (2) MAP Enrollment data from 2010-2011 to the present provided by the District in a public records request attached as Appendix E which contains MAP enrollment and ADA figures for those years as well as a breakdown of the MAP waiting list for 2014-5. The District says in its public records response that it does not have prior year wait list information.

As you review the Charter School's ADA projections and supporting documentation, please keep in mind that the Proposition 39 regulations do not specify or require a particular type of supporting documentation to be used. Schools may submit any type of supporting

¹ See Petition Appendix A, Enrollment Projections/Class Configurations 2014-15, Ross Valley School District, Date May 29, 2014

documentation which they used to arrive at their ADA projections. This documentation must be “sufficient for the District to determine the reasonableness of the projection, but ... *need not be verifiable for precise arithmetical accuracy.*” (Section 11969.9(c)(1)(C); emphasis added.) The supporting documentation is intended only to demonstrate reasonableness of the Charter School’s request, not mathematical exactitude. However, 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, Section 11969.9(c)(1)(D) of the California Code of Regulations requires the facilities request to include the Charter School’s operational calendar. The Charter School’s operational calendar is attached as Appendix F for your review. The Charter School’s projected first day of instruction is on August 27, 2015, therefore we will need access to the facility on or before August 13, 2015, in order to prepare. It is the Charter School’s intention to start school on approximately the same date as the District, as Charter School parents are likely to also have students in the District middle school. 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 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, Section 11969.9(c)(1)(F) of the California Code of Regulations requires the facilities request to provide information regarding the charter school’s educational program that is relevant to the assignment of facilities. Fundamental to the educational program are values such as connected community, multi-age learning environment, and teacher collaboration. These elements dictate that the Charter School classrooms be located adjacent or contiguous to each other at the school site. The Charter School’s educational program does have facilities needs in addition to the seven classrooms. As is outlined the Charter School Petition, planned components of the educational program of the Charter School include YES-provided (pending YES board approval) art and music classes, professional development days, and MAP-wide theater presentations in a multipurpose type room. We will also need sufficient pull-out space to serve Charter School students with IEPs and for Charter School staff to serve other special needs such as ELDs and RTIs. In order to provide this aspect of our educational program, the facility allocated to the Charter School must provide the following: shared use of an art room, music room, multipurpose room, and small pull-out tutoring rooms. If we are at Manor School we could either have our own library or share the District’s library at that site. We would need a meeting room that our 9 full-time employees could meet in at least weekly Wednesday afternoons from 1:30 to 4 p.m. and also serve as a staff lunch room. We also will need office space for our School Director and Office Manager. Please note that this list is not exhaustive,

and if the District's comparison schools include other facilities not noted here, the District must also allocate a reasonably equivalent amount of this space to the Charter School.

In addition, and in accordance with its charter and its budget, the Charter School operates grade levels Kindergarten through fifth in multi-grade classrooms on one contiguous school site. Teacher collaboration, inter grade student activities, and mixed grade student activities between and across grade levels, as well as whole school learning events, are integral to the educational program and philosophy of the Charter School, as described in the Education Element of the Petition. Consequently, the Charter School's educational program requires a single contiguous school site in which to operate, and classrooms that are close together/adjacent to each other within that site.

Facility Location:

Title 5, Section 11969.9(c)(1)(E) of the California Code of Regulations 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.

As stated above, the Charter School would be considered a partial school conversion and established at an existing public school site pursuant to Education Code sections 47605(a)(2) and 47605(d)(1). Accordingly, the Charter School requests that the District make available to the Charter School 7 classrooms at MAP's existing school site, Manor School.

The Charter School's clear preference for facilities would be to negotiate a Proposition 39 "In Lieu" agreement with the District so that the Charter School would rent classrooms and office space of the closed Red Hill School in San Anselmo to be used as the school site for the Charter School hopefully in 2015-16. If located at Red Hill, the Charter School would need 9 or 10 classrooms in 2015-16 and 2016-2017, one additional classroom in 2017-18, and one more classroom in 2019-20. Although this would require the District to spend District General Fund or Measure A Bond funds to make some improvements to these facilities to make them acceptable to the Charter School, we believe that this option would be in the best interest of the District, Manor School K-5 students and parents, and the Ross Valley communities and taxpayers of Fairfax and San Anselmo. This Red Hill In Lieu agreement option is more fully discussed in Appendix B. The Charter School understands that this option is only viable if the District is willing to negotiate such an In Lieu agreement and the two parties can come to agreement as to terms.

The Charter School, in this Proposition 39 Request, therefore officially requests that the District make available the Charter School's existing school site, Manor School for the 2015-16 school year, if the two parties are not able to reach an In Lieu Agreement to rent Red Hill to the Charter School.

The District is currently tentatively planning to build two additional modular classrooms at Manor with Measure A Bond Funds². Including the two proposed new modular classrooms at Manor, and the existing new slab-based portable at Manor, this would give Manor a total of 24 classroom spaces. With three of these dedicated to art, music, and day care, this would leave 21 classroom spaces for regular classrooms. If the K-5 program, with the current Manor School boundaries, uses two classrooms per grade (as it has since the boundaries were redrawn recently) it will need 12 classrooms. That leaves nine classrooms for the Charter School, which is all the Charter School needs when its three multi-age strands are fully expanded in 2019-20. These classrooms, with the exception of the two yet-unbuilt modulars, are already “reasonably equivalent” in Prop. 39 terms, and are already furnished, wired, and have a technological education infrastructure that meets District standards. Under this Proposition 39 Request to use the Manor School site, the specialized space, such as art, music, day care, student pull-out and multi-purpose rooms, restrooms, teacher lounge, and the outside areas would continue to be shared between Manor School students and the Charter School students as they are with MAP today. As outlined in the Charter School Petition, the Charter School would like to be fully included in YES Foundation fundraising activities and educational services, as MAP is today, but has yet to proceed through a formal process of seeking the full YES Board approval of this request. As is also outlined in the Charter School Petition, the Charter School is currently planning to be a school of the District for Special Education purposes in 2015-16, so District personnel would be providing Special Ed pull-out and other services. Space for the Charter School’s School Director, Office Manager and a meeting/break room would also be needed.

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, 2014. The Charter School must respond to the District’s written objections, if any, on or before January 2, 2015, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)

Furthermore, we look forward to receiving a written preliminary facilities proposal from the District on or before February 1, 2015, 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

² See Appendix C Ross Valley School District Potential Options For Elementary School Sites dated November 12, 2013. This is the last publically distributed Potential Options document.

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 the 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, 2015, to respond to the preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the facilities request, and/or making counter proposals.

Section 11969.9(h) of the Implementing Regulations requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2015. 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 School 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 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]." Furthermore, as the District may be aware, two recent court cases clarified the manner in which a school district must allocate facilities to a charter school. Specifically, *Bullis Charter School v. Los Altos School District* (200 Cal.App.4th 1022),

among other things, requires the District to perform a calculation of the square footage of all of the specialized and non-teaching station spaces at the comparison schools. The District must base its allocation of space to the Charter School on this analysis. In addition, the California Supreme Court has agreed to review whether a school district may use its internal "norming ratios", or student-teacher ratios, in determining the number of classrooms to offer to charter schools instead of using the facilities inventory at comparison group schools required by the Implementing Regulations. (*California Charter Schools Assn.n v. Los Angeles Unified School District* (154 Cal.Rptr.3d 889 2013)).

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, particularly renting space at Red Hill School with certain improvements to be made by the District, 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:

Conn B. Hickey
4 Hillcrest Ave
Home Phone: 415 258 0532
Cell 415 -250-5879
Fax 415 459 3477 (call home or cell before using)
Email: Connbhickey@gmail.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,



Conn B. Hickey
Charter School Governing Board Member and CFO

cc: Sharon Sagar, Chairman, Charter School Board
Rana Barar, Charter School Board Member
Chris Lyons, Charter School Board Member
Andrea Sumits, Charter School Board Member
Sarah Kollman, Legal Counsel, Young, Minney, and Corr, LLP
Hilary Harmssen, CCSA Regional Director

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

Appendix A Enrollment Projections/Class Configurations 2014-15, Ross Valley School District, Date May 29, 2014.

Appendix B The reasons the Charter School believes an In Lieu Agreement to rent Red Hill School facilities would be beneficial for both parties as well as the taxpayers of the District.

Appendix C Ross Valley School District Potential Options and Costs For Elementary School Sites dated November 12, 2013

Appendix D Preliminary Charter School Estimates to bring Red Hill School facilities up to acceptable conditions

Appendix E The District response to a Public Records Act Request for MAP in-District and out-of-District enrollment and P2 numbers for 5 years.

Appendix F Charter School Calendar for 2015-16

Appendix G 154 Charter School's Intent to Enroll Forms for 201 Student From their Parents