

**FINAL OFFER OF FACILITIES FOR DISCOVERY CHARTER SCHOOL**  
**March 28, 2008**  
**Highlights**

*The following includes excerpts and highlights from The Final Offer of Facilities, delivered by hand, to Mr. Stephen Fiss of Discovery Charter School on March 28, 2008, by Dana Taylor, Assistant Superintendent of Business Services. DCS has until May 1, 2008, to accept or reject this final offer.*

At its March 25, 2008, meeting, the Board of Trustees of the Moreland Elementary School District ("District") approved its final offer to provide in-district charter school students at Discovery Charter School ("DCS" or "Charter School") use of reasonably equivalent facilities under Proposition 39 (Ed. Code section 47614). The terms of the final offer are contained within this letter.

In making this final offer, the Board has reviewed the Charter School's Request for Facilities dated September 27, 2007 ("Facilities Request"), as well as Paul Minney's letters dated February 8, 2008, and March 20, 2008. The District also reserves its right to and will seek reimbursement from DCS for over-allocated space in accordance with Section 11969.8 of Title 5 of the California Code of Regulations based on inaccurate enrollment projections by DCS. The District also reserves the right to reclaim the 7 remaining portables currently in use by DCS at Anderson for the 2008-2009 school year.

**Factors Considered**

In making a facilities allocation, the Board considered the following factors:

- (a) The preference of DCS that its entire student population be housed on a single site, rather than multiple sites;
- (b) DCS's stated preference to occupy the Latimer site;
- (c) Information concerning DCS's educational program to the extent deemed relevant to the assignment of facilities;
- (d) The site that meets the Proposition 39 definition of "reasonably equivalent" when compared to the comparison schools;
- (e) The ability of the feasible reasonably equivalent sites to house DCS in future years to avoid, if possible, having to relocate DCS in the future, as well as the desire to not move DCS unnecessarily from the Anderson site where it has been operating since 2006-07;
- (f) The District's need to maximize its real property assets for the benefit of the District's community and constituents and to balance current and future needs to house District and other local educational programs at all of its school sites, and
- (g) The District's obligation to consider equally the needs of in-District DCS students with those in regular programs, such that the allocation of facilities results in a "fair sharing" of District facilities for regular and DCS students.

**OFFER OF FACILITIES**

The District offers continued use of a shared portion of the Anderson Elementary school site. This space consists of the grouping of classrooms on the Anderson Elementary School campus currently occupied by DCS, specifically:

- (A) Exclusive use of 14 standard relocatable classrooms (for use as 10 standard classrooms, 2 specialized classrooms, and 2 special education classrooms) proportionate to those used by the District's students.

- (B) Exclusive use of 3 standard relocatable classrooms for administrative purposes, including storage, parent workroom and miscellaneous space.
- (C) Continued use of the Anderson multi-use room (3,578 square feet) required for special assemblies or activities of the Charter School, and music room. DCS shall be allocated a fixed time for exclusive use of the multi-use room each week on a basis commensurate with its in-District ADA. DCS shall have exclusive access to the multi-use room at the following times: Mondays from 10:40 a.m. – 11:40 a.m.; Tuesdays from 8:30 a.m. – 9:40 a.m.; Thursdays and Fridays from 1:20 – 3:20.  
  
DCS shall also have continued shared access to the gymnasium at the Moreland Community Center, and shall have scheduled access on a rotating basis along with other District students. DCS shall have exclusive access to the gymnasium every Wednesday from 7:30 a.m. – 9:00 a.m., and from 2:30-3:30 p.m. one day a week at DCS's choosing. (See p. 22-23 for additional explanation).
- (D) Exclusive use of 17 parking spaces in a DCS dedicated parking lot.
- (E) Access to the DCS facilities through the drop-off/pick-up area in the parking lot at the Anderson site used by Anderson students. Because of Anderson's different starting and ending times, DCS students would have passage from the drop-off/ pick-up area to the DCS facilities at a time when that area is not being used by Anderson students (except in cases where Anderson students are dropped off after the start of school due to, for example, doctor's appointments.) DCS parents would be required to use this drop-off/pick-up area as its sole drop-off/pick-up area, to allow the District to manage traffic and ensure safety.
- (F) Exclusive use of 10 children's toilets/urinals. DCS currently has exclusive access to 2 adult toilets/urinals, and shall be provided a key and access to the Anderson adult restrooms near the Performing Arts room on a shared basis with Anderson employees.
- (G) Exclusive use of the approximately 29,956 square foot playground area between the portables, designed and installed consistent with the Charter School's specification in the Fall of 2006, as well as shared use of the playground and playing fields at Anderson on terms mutually agreeable to the parties. DCS shall also be allocated minimum shared exclusive use of playing fields after school on a basis commensurate with its in-District ADA. Such use shall have priority over third-party groups requesting use of the playing fields. DCS shall be allowed access to the playing fields after school, beyond its allocated minimum shared exclusive use, on the same basis as third parties requesting to use the fields. The District is investigating the provision of locker rooms.
- (H) District and DCS shall enter into a Memorandum of Understanding regarding such matters as insurance, indemnity, access, safety, utilities and the appropriate maintenance and use of the provided facilities for at least a one year period.
- (I) The pro rata facilities charge to DCS shall be \$.94 per square foot per year. The payment schedule shall be in installments proportionate to and occurring contemporaneous with DCS's incremental receipt of state funding for 2008-2009 school year.
- (J) Facilities shall be furnished with furnishings comparable to that currently in use in the comparison group schools. The quantity of furnishings will be in an amount to provide reasonably equivalent furnishings for 238 units of in-district ADA.

The full text of the Final Offer of Facilities is available from the Superintendent's Office. Please contact Sonnie Faser at [sfaser@moreland.k12.ca.us](mailto:sfaser@moreland.k12.ca.us) or call (408)874-2901.