



## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 11.1e

**Meeting Date:** September 21, 2017

**Subject:** Approve Revised Facilities Use Agreement: St. Hope Public Schools

- ☐ Information Item Only
- ☒ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

**Division:** Facilities Support Services

**Recommendation:** Approve the amended Facilities Use Agreement (FUA).

**Background/Rationale:** On June 1, 2017 the Sacramento City Unified School District approved Resolution No. 2948 Certifying the Number of Unhoused Pupils to be Housed by St. HOPE, California Montessori Project, Capitol Collegiate Academy and Aspire Capitol Heights Academy under the State School Facility Program. On August 30, 2017 St. Hope Public Schools received notification from the Office of Public School Construction (OPSC) that in the course of its review, the OPSC has determined that supporting documentation and/or information is needed in order for the OPSC to complete the processing of the application. **Action is required by the Charter School immediately. To prevent the application from being returned, and in order to maintain its date in line for processing, the Charter School must resolve certain issues within 15 calendar days from the date of this letter.** To comply with the action required by OPSC St. Hope is requesting an amendment to their current FUA which expires June 30 2018. The amendment permits St. Hope to use, and rehabilitate under the Charter School Facilities Program, the facilities identified in the FUA.

**Financial Considerations:** None

**LCAP Goal(s):** College, Career and Life Ready Graduates; Safe, Emotionally Healthy and Engaged Students; Family and Community Empowerment; Operational Excellence

**Documents Attached:**

1. Facilities Use Agreement (FUA) Amendment No. 3
2. Office of Public Schools Construction (OPSC) 15-day letters

**Estimated Time of Presentation:** N/A

**Submitted by:** Jorge A. Aguilar, Superintendent  
Cathy Allen, Chief Operations Officer  
Facilities Support Services

**Approved by:** Jorge A. Aguilar, Superintendent

AMENDMENT NO. THREE ALLOWING THE NON-PROFIT TO REHABILITATE THE FACILITIES UNDER THE  
CHARTER SCHOOL FACILITIES PROGRAM

This Amendment ("Amendment") is entered into by and between Sacramento Unified School District ("District") and St. Hope Public Schools, a California non-profit public benefit corporation ("Non-Profit"), as operator of Sacramento Charter High School, Public School No. 7, and Oak Park Academy, on the effective date as set forth below. District and Non-Profit are referred to singularly as "Party" or collectively as "Parties."

**WHEREAS**, the District and the Non-Profit entered into an Agreement titled Facilities Use Agreement ("FUA") for the term July 1, 2012 to June 30, 2018, which became effective on June 21, 2012.

**WHEREAS**, the District and the Non-Profit desire to modify the FUA by allowing the Non-Profit to rehabilitate the facilities under the Charter School Facilities Program administered by the California School Finance Authority and the Office of Public School Construction as staff to the State Allocation Board.

**NOW THEREFORE**, for good and valuable consideration, the Parties agree as follows:

- 1) The Non-Profit is hereby permitted to use, and rehabilitate under the Charter School Facilities Program, the facilities identified in the FUA.
- 2) This amendment shall not alter or affect in any way any other portion of the FUA. All other terms of said FUA remain in full force and effect.
- 3) This amendment shall become effective upon the signatures of both parties and District Board approval.

**IN WITNESS WHEREOF**, the Parties execute this Amendment on the dates set forth below.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jake Mossawir  
Chief Executive Officer  
St. Hope Public Schools

Date: \_\_\_\_\_

\_\_\_\_\_  
Jorge Aguilar  
Superintendent  
Sacramento City Unified School District

August 30, 2017

Mr. Jake Mossawir  
Chief Executive Officer  
St. Hope Public Schools  
PO Box 5038  
Sacramento, CA 95817

Dear: Mr. Mossawir:

The Office of Public School Construction (OPSC) is processing the Charter School's School Facility Program application for a new construction preliminary apportionment for the **St. Hope Public School 7 Elementary**, OPSC Application Number 54/67439-00-008.

In the course of its review, the OPSC has determined that supporting documentation and/or information is needed in order for the OPSC to complete the processing of your application. **Action is required by the Charter School immediately. To prevent the application from being returned, and in order to maintain its date in line for processing, the Charter School must resolve the following issues within 15 calendar days from the date of this letter:**

1. The Charter School now has an assigned application number (54/67439-00-008). Please submit a revised *Application for Charter School Preliminary Apportionment* (Form SAB 50-09) including the project number in the top portion of your application.
2. In order to ensure that the Charter School is given full benefit of all the allowances provided by the State Allocation Board, OPSC has determined during the review of the application that the Charter School may be entitled to an increase in the preliminary apportionment for general site development. The Charter School may request this increase by revising the Form SAB 50-09 and selecting this increase in Section 5 without losing the original processing date. Otherwise, OPSC will process the application based on the original Form SAB 50-09 request.
3. The Charter School has requested an increase to the preliminary apportionment for urban allowance in Section 5 of the Form SAB 50-09. However, it appears that the Charter School's project does not qualify for urban allowance as the project does not include multilevel construction. Please submit a revised Form SAB 50-09 either excluding the urban allowance grant, or requesting both the multilevel and urban allowance grants in Section 5.
4. In Section 11(a) of the Form SAB 50-09, the Charter School has reported a current enrollment of 317 pupils. However, this appears to be the enrollment for grades K-5 only. Using the California Basic Education Data System (CBEDS) on the California Department of Education (CDE) website, OPSC has determined that the Charter School's enrollment is 565. Please submit a revised form SAB 50-09 with this information corrected or additional documentation to support the original request.
5. Free and reduced lunch percentages have been updated on CDE's website to reflect 2016/2017 data. Pursuant to SFP Regulation 1859.2, the Charter School must use the "most recent Free and Reduced Price Meals data on file at the CDE. The data on file with CDE shall be determined to be the information collected for the month of October, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE." The Charter School originally reported the free and reduced lunch

percentage for the Success Academy. The current data on CDE's website indicates this school no longer has the highest percentage available. OPSC has determined that Leataata Floyd Elementary appears to have the highest free and reduced lunch percentage of 97 percent. If the Charter School agrees this is the highest percentage available, please submit a revised Form SAB 50-09 with 97 percent reported in Section 11(d). If the Charter School believes a higher percentage is available, please submit additional documentation to support the request. Applicants may report the highest percentage of the charter school, the district average or any other public school located within three miles of the Charter School General Location.

4. If the estimated total apportionments of all Financially Sound Preliminary Charter School Applications received exceed the \$500.0 million available for this filing round, the applications shall be funded by each category outlined in Regulation Section 1859.164. Based on the information provided, the OPSC has classified the application in the following categories:

(a) Geographical Region One, Two, Three, or Four:	<b>Region 1</b>
(b) Urban, Rural, or Suburban areas:	<b>Urban</b>
(c) Large, Medium, or Small Charter School:	<b>Large</b>
(d) K-6, 7-8, or 9-12 grade levels:	<b>7-8</b>

Please note that the grade level is determined by the highest grade level served as identified in the submitted charter petition and not by the highest grade level served in the project.

Additionally, the size is determined by the current CBEDS enrollment for all grades served by the charter school and not just the enrollment in the grades included in the project.

Should the Charter School disagree with any of the categories above, please identify the correct type in each of the categories and provide additional documentation to support the change request.

5. The OPSC has determined that this application qualifies for preference points as outlined below:

Low Income	<b>38.5</b>
Overcrowded School District	<b>0</b>
Non-Profit Entity	<b>40</b>
Existing Facilities	<b>40</b>
<b>Total</b>	<b>118.5</b>

If the Charter School disagrees with the preference point calculations, please identify the category and provide documentation to substantiate a change within 15 calendar days of the date of this letter.

**In responding to the OPSC, please include a subject line on the letter: "Response to 15-day Letter" and my name. Mail the response to my attention and mark "Response to 15-day Letter" clearly on the envelope.**

***The following is information only. No response is required.***

For applicants that will be starting their projects prior to notice of receiving a preliminary apportionment, please keep in mind the following information that applies to projects paid for with public funds:

Labor Code Section 1773.3 requires an awarding agency provide notice to the Department of Industrial Relations (DIR) of any public works contract **within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work.** This requirement applies only if the public works contract is for a project greater than \$25,000 when the project is for construction, alteration, demolition, installation, or repair work or if the public works contract is for a project greater than \$15,000 when the project is for maintenance work.



Failure to meet this requirement may make the awarding agency ineligible to receive state funding. An awarding body is the entity that awards a contract for public works and can be any kind of public agency or official, or a private entity using public funds. Public works in general means construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part out of public funds. It can include pre-construction and post-construction activities related to a public works project. For a full definition of public works refer to Labor Code section 1720. For information on how to submit your notification and a list of awarding body responsibilities, please refer to DIRs website at [www.dir.ca.gov/Public-Works/PublicWorks.html](http://www.dir.ca.gov/Public-Works/PublicWorks.html).

**Please be advised that failure to notify DIR within the specified timeframe may jeopardize funding for the project.**

I look forward to receiving the requested documentation to facilitate the processing of the application. Should you have any questions concerning this matter, please feel free to contact me at [erin.cunneen@dgs.ca.gov](mailto:erin.cunneen@dgs.ca.gov) or (916) 375-4741.

Sincerely,



ERIN CUNNEEN  
Charter School Project Manager  
Office of Public School Construction

August 30, 2017

Mr. Jake Mossawir  
Chief Executive Officer  
St. Hope Public Schools  
PO Box 5038  
Sacramento, CA 95817

Dear Mr. Mossawir:

The Office of Public School Construction (OPSC) is processing the Charter School's School Facility Program application for a rehabilitation preliminary apportionment for the **St. Hope Public School 7 Elementary**, OPSC Application Number 54/67439-00-007.

In the course of its review, the OPSC has determined that supporting documentation and/or information is needed in order for the OPSC to complete the processing of your application. **Action is required by the Charter School immediately. To prevent the application from being returned, and in order to maintain its date in line for processing, the Charter School must resolve the following issues within 15 calendar days from the date of this letter:**

1. The Charter School now has an assigned application number (54/67439-00-007). Please submit a revised *Application for Charter School Preliminary Apportionment* (Form SAB 50-09) including the project number in the top portion of your application.
2. The Charter School indicated in Section 6 of the Form SAB 50-09 that the project consists of the rehabilitation of 21,426 non-toilet square feet and 1,463 toilet square feet, for a total of 22,889 square feet. These amounts do not match the square footage amounts verified by the OPSC. Using the dimensions provided on site diagrams submitted by the Charter School, OPSC verified 22,378 non-toilet and 1,451 toilet square feet, for a total of 23,829 square feet. Additionally, the site diagrams (enclosed) originally submitted by the Sacramento City Unified School District (District) when modernization eligibility was established at the site in 2011 list a total square foot amount (including both toilet and non-toilet) of 26,073. Please confirm which site diagram is correct and submit a revised Form SAB 50-09 that reflects the confirmed square footage.
3. In Section 11(a) of the Form SAB 50-09, the Charter School has reported a current enrollment of 317 pupils. However, this appears to be the enrollment for grades K-5 only. Using the California Basic Education Data System (CBEDS) on the California Department of Education (CDE) website, OPSC has determined that the Charter School's enrollment is 565. Please submit a revised form SAB 50-09 with this information corrected or additional documentation to support the original request.
4. Free and reduced lunch percentages have been updated on CDE's website to reflect 2016/2017 data. Pursuant to SFP Regulation 1859.2, the Charter School must use the "most recent Free and Reduced Price Meals data on file at the CDE. The data on file with CDE shall be determined to be the information collected for the month of October, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE." The Charter School originally reported the free and reduced lunch percentage for the Success Academy. The current data on CDE's website indicates this school no longer has the highest percentage available. OPSC has determined that Leataata Floyd Elementary appears to have the highest free and reduced lunch percentage of 97 percent. If the Charter School agrees this is the highest percentage available, please submit a revised Form

SAB 50-09 with 97 percent reported in Section 11(d). If the Charter School believes a higher percentage is available, please submit additional documentation to support the request. Applicants may report the highest percentage of the charter school, the district average or any other public school located within three miles of the Charter School General Location.

5. Please submit a signed rehabilitation agreement between the Charter School and the School District that allows the charter school to use the facilities specifically for purposes of rehabilitation under the Charter School Facilities Program. The rehabilitation agreement must be approved by the school district's board.
6. If the estimated total apportionments of all Financially Sound Preliminary Charter School Applications received exceed the \$500.0 million available for this filing round, the applications shall be funded by each category outlined in Regulation Section 1859.164. Based on the information provided, the OPSC has classified the application in the following categories:

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Please note that the grade level is determined by the highest grade level served as identified in the submitted charter petition and not by the highest grade level served in the project. Additionally, the size is determined by the current CBEDS enrollment for all grades served by the charter school and not just the enrollment in the grades included in the project.

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works contract is for a project greater than \$15,000 when the project is for maintenance work. Failure to meet this requirement may make the awarding agency ineligible to receive state funding. An awarding body is the entity that awards a contract for public works and can be any kind of public agency or official, or a private entity using public funds. Public works in general means construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part out of public funds. It can include pre-construction and post-construction activities related to a public works project. For a full definition of public works refer to Labor Code section 1720. For information on how to submit your notification and a list of awarding body responsibilities, please refer to DIRs website at [www.dir.ca.gov/Public-Works/PublicWorks.html](http://www.dir.ca.gov/Public-Works/PublicWorks.html).

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Sincerely,



ERIN CUNNEEN

Charter School Project Manager  
Office of Public School Construction

Enclosure

Building #3  
(1948/55)

Building #4 (1948/76)

Total SQ FT = 26,073

Room B  
KINDERGARTEN

Room A  
KINDERGARTEN

Room 5  
KINDERGARTEN

Restroom

Restroom

Room 9  
1st Grade

Room 8  
1st Grade

Room 7  
4th Grade

Room 6  
4th Grade

Room 4  
3rd Grade

Room 3  
3rd Grade

Room 2  
2nd Grade

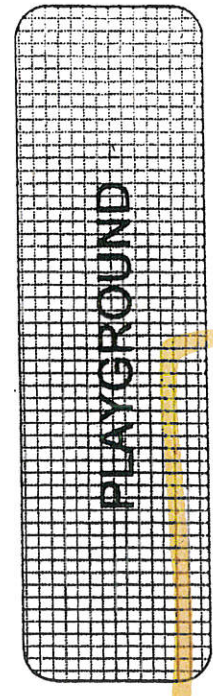
Room 1  
2nd Grade

Multi-Purpose Room  
Cafeteria

Staff Lounge

Front Office

Entrance Lobby



SQ FT:  
Perim. BLDG #1 9898  
#2 4,760  
#3 1,906  
#4 3,399  
#5 2,224

PS7 Elementary & Middle School  
5201 Strawberry Lane  
Sacramento, CA 95820  
(916) 649-7850

ST. HOPE  
PUBLIC SCHOOLS

Room 14  
2nd Grade  
PCR  
7960 SQFT (1989)

Room 12  
6th Grade  
PCR  
7983 SQFT (1951)

Room 11  
5th Grade  
PCR  
7983 SQFT (1952)

Building #2  
(1952)

Room 10  
Noisy CR  
5th & 6th  
John V. Newman

Building #5  
(1990)

Room 15  
Parents PCR  
a noisy  
Meekins Center  
960 SQFT

Permanent Classrooms > 25 = 12  
Portable Classrooms > 20 = 4  
Permanent classrooms > 50 = 11

Building #1  
48/55