

April 1, 2012

Clayton Valley Charter High School
c/o Sarah Kollman, Esq.
MIDDLETON, YOUNG & MINNEY, LLP
701 University Avenue, Suite 150
Sacramento, CA 95825-6757



**RE: Proposition 39 Final Facility Offer for the 2012-2013 School Year
Clayton Valley Charter High School – 1101 Alberta Way, Concord 94521**

Dear Sarah:

The Mt. Diablo Unified School District received the facilities request of the Clayton Valley Charter High School ("CVCHS" or "Charter School") on November 13, 2011, in accordance with Education Code section 47614 and Title 5 of the California Code of Regulations, sections 11969.1 through 11969.11 ("Proposition 39"). Pursuant to Proposition 39, this letter constitutes the final proposal of the Mt. Diablo Unified School District regarding the space to be allocated to Charter School for the 2012-2013 school year.

2012-2013 FINAL SPACE OFFER

Mt. Diablo Unified School District ("MDUSD") preliminarily offers CVCHS space at Clayton Valley High School for the 2012-2013 school year as described below. CVCHS will be operating at an established existing public school site pursuant to Education Code sections 47605(a)(2) and thus, the condition of the facilities previously used by the school district at the site shall be considered to be reasonably equivalent to the condition of school district facilities for the first year CVCHS uses the facilities.

ANNUAL BASIC FACILITY USE RATE

All charter schools that choose to accept the Proposition 39 offer to occupy MDUSD facilities will be charged a facility use rate that represents the charter school's pro-rata share of general fund expenditures for the last fiscal year for costs for building and grounds deferred maintenance, as allowed by statute and regulations.

The charter school's annual basic facility use rate includes the charter school's contribution for use of classrooms and administration space, special classrooms and non-classroom space. There may be additional charges for required services to the entire facility, such as, sewer charges. These terms and rates would be part of a final Facilities Use Agreement.

The charter school will be charged, at the actual cost, for any extra or extended services provided by MDUSD to the charter school. The charter school will be responsible for acquiring its own basic and long distance telephone service and Internet connectivity, after consulting with MDUSD facilities staff regarding its installation at the site. The charter school will not be part of the district's e-mail network or its '682-xxxx' telephone system.

RESPONSE

Please sign, date and return your written response to the enclosed offer by email, fax, mail, or personal delivery at the following address no later than 5:00 PM, Tuesday, May 1, 2012,

Mt. Diablo Unified School District
Office of General Counsel
Attention: Deborah A. Cooksey, Associate General Counsel

FAX
(925) 680-2505

EMAIL
cookseyd@mdusd.org

Sincerely,

Deborah A. Cooksey
Associate General Counsel

cc: Neil McChesney

PROPOSITION 39 FINAL FACILITY OFFER

This document is part of the Mt. Diablo Unified School District’s final offer of a **one-year** facility use of **Clayton Valley Charter High School campus, located at 1101 Alberta Way, Clayton 94521**, including all currently existing teaching stations, science labs office space, gymnasium, library, multi-use room, office, etc. to serve the charter school’s projected in-district student Average Daily Attendance of **[1,77.4]** students in grades **[9-12]** in school year 2012-2013.

§11969.9 Preliminary Offer Elements	
Projections of in-district classroom ADA on which the proposal is based;	1777.4
The specific location or locations of the space;	SEE ATTACHED MAP. Note that the attached site map does not include Classroom A-9 nor the two chemistry classroom that are currently under construction and which have been allocated to the charter.
All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school’s use of the space;	SEE ATTACHED <i>DRAFT</i> Facilities Use Agreement Pursuant to Education Code sections 47605(a)(2) and Title 5 Cal. Code Regs. § 11969.3, the condition of the facilities previously used by the school district at the Clayton Valley High School site shall be considered to be reasonably equivalent to the condition of the school district facilities for the first year CVCHS uses the facilities.
The projected pro rata share amount and a description of the methodology used to determine that amount;	Pursuant to Title 5, Section 11969.9, MDUSD is obligated to include in it preliminary proposal, the projected pro-rata share cost to CVCHS for the facilities offered. Section 11969.7 prescribes the methodology to be used by MDUSD for determining the pro-rata share amount to be charged to CVCHS in correlation to the space allocated by MDUSD. In accordance with Section 11969.7, MDUSD has calculated the pro-rata share amount CVCHS will be responsible to pay for space as follows: Annual Pro Rata Share Amount per square foot: \$3.53 exclusive of utilities and telephones Facility use allocation: 164,558 square feet (indoor) Total Annual Pro Rata Share Amount: \$580,139.7 (indoor) Please refer to the attached excel spreadsheet prepared by MDUSD which calculates the pro-rata share of facilities costs for the 2012-2013 term. Please note MDUSD has not calculated the square footage of outdoor space and reserves the right to do so prior to making its final facilities offer.

<p>Description of the differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b).</p>	<p>The charter school's facilities request includes "the Clayton Valley site ... in its current configuration."</p> <p>MDUSD's preliminary offer includes the Clayton Valley High School site in its current configuration with the possible exception of the radio transmission facility (tower and equipment consequent thereto and radio licenses) and/or other items that were purchased with non-district resources. As to items purchased with non-district resources such as band uniforms and musical and weight training equipment ("loaned items"), the District may loan such items to the CVCHS upon the express condition that Charter School returns loaned items to MDUSD in the same or similar condition if the school closes or if MDUSD seeks return of the items. The Charter School agrees to assume full responsibility for the maintenance and liability of loaned items.</p>

Check one of the following, provide contact information, sign, date, and return the form to the Office of Charter Schools by 5:00 p.m. on Tuesday, May 1, 2012. Failure to reply by this time and date will be understood as declining your 2011-2012 Proposition 39 facility offer.

The charter school is interested in this site at this base annual facility use rate. Contact the following individual to schedule a meeting to discuss the terms and conditions that would apply to the Charter School/District Schools co-location before MDUSD extends a final offer and the charter school is asked to commit to the space.

Contact Name _____
Title or Position _____
Address _____
Telephone _____ Fax _____
E-mail _____

The charter school is not interested in the site.

Signature

Date

Printed Name, Title

Clayton Valley High

1101 Alberta Way
Concord, CA 94521

RM #	SQ FT	TYPE	RM #	SQ FT	TYPE	RM #	SQ FT	TYPE
A1	1,075	CL	C10	828	CL	H3*	960	CL/NSHS
A2	1,075	CL	C11	836	CL	H4	960	CL/SDC
A3	1,321	CL	C12	828	CL	H5	960	CL
A4	1,065	CL	C14	836	CL	H6	960	CL
A5	1,321	CL	D1	1,243	CL/Sci Lab	H7	960	CL
A6	1,124	CL/Comp Lab	D2	1,427	CL/Home	H8	960	CL/RS
A7	1,075	CL	D3	1,243	CL/Sci Lab	H9	960	CL
A8	1,125	CL/Lab	D4	1,420	CL/Home	I1	960	CL/MH
A9	1,075	CL	D5	1,243	CL/Sci Lab	I2	960	CL/SH
A10	835	CL/Lab	D6	1,243	CL/Sci Lab	J1	960	CL/RS
B1	828	CL	D8	1,250	CL/Sci Lab	J2	960	CL
B2	828	CL	E1	836	CL/RS	M1	1,620	CL/Vocal
B3	828	CL	E2	836	CL/RS	M2	3,240	Stage/CAA
B4	828	CL	E3	828	CL/RS	M3	1,620	CL/Inst Music
B5	828	CL	E4	828	CL	S1	1,760	CL/Art Design
B6	828	CL	E5	828	CL	S2	2,208	CL/Radio Lab
B7	828	CL	E6	828	CL/Sci Lab	S3	3,312	CL/Wood
B8	828	CL	E7	828	CL	S4	3,864	CL/Tech Ctr
B9	828	CL	E8	1,243	CL/Sci Lab	S5	2,208	CL/Photo Lab
B10	828	CL	E9	828	CL	S6	4,128	CL/Auto
B11	828	CL	E10	1,243	CL/Sci Lab	BATH	2,300	
B12	954	CL	E11	828	CL	BOILER	1,656	
B13	836	CL	E13	836	CL	GYM	10,290	Large Gym
C1	836	CL/RS	F2	866	CL	GYL-L	5,400	Little Gym
C2	836	CL	F4	859	CL	KITCHEN	2,600	
C3	1,065	Production	F6	859	CL	LCK/B	7,583	Boys Locker
C4	828	CL	F8	859	CL/SDC	LCK/G	5,178	Girls Locker
C5	1,420	Staff	F10	859	CL/SDC	LIBRARY	4,356	
C6	828	CL	F12	859	CL/Weight	MULTI US	6,775	
C7	828	CL	F14	866	CL/Weight	OFFICE	6,017	
C8	828	CL	H1*	960	CL/NSHS	OTHER	16,463	Corridors+
C9	828	CL	H2*	960	CL/NSHS			
Total							164,558	78 CLS

& 3 NSHS CL

*NSHS = 3 CL

