

Board Office Use: Legislative File Info.	
File ID Number	16-0449
Introduction Date	3-23-16
Enactment Number	16-0419
Enactment Date	3/23/16 02



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel  
David Montes de Oca, Deputy Chief  
Silke Bradford, EdD, Director, Office of Diverse Providers

**Board Meeting Date** March 23, 2016

**Subject** **Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding**

**Action Requested** Approval of Board Resolution 1516-0107 Findings that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding

**Background** California regulations require findings and written statement of reasons by the Board of Education in the event a charter school, eligible for Proposition 39 facilities, makes a timely request and the District is not able to accommodate the charter's request at a single school site Finding

**Discussion** For 2016-17, the District received Proposition 39 facility requests from 14 eligible charter schools. The District identified an inventory of facility spaces that are available to fulfill these requests. In matching the District's available space with charter school requests, the District considered many factors, including **prioritizing no displacement of existing OUSD or charter school programs**, safety, instructional and social implications as well as compatibility of the following features:

- The quantity of classroom space requested
- The grades served by the program
- The grades served by other programs, if co-located
- The school program and any identified special features
- The location requested

For the 2016-2017 school year, the following charters, under multi-year in lieu of Proposition 39 lease agreements, will continue to occupy single District sites:



- Community School for Creative Education
- Bay Area Technology Charter
- Roses in Concrete Community Charter School
- East Bay Innovation Academy
- Cox Academy
- Achieve Academy
- Oakland Military Institute
- Leadership Preparatory School
- Castlemont Primary Academy and Castlemont Junior Charter Schools
- Education for Change – Lazear Academy
- Education for Change - Learning without Limits
- Education for Change - Ascend
- KIPP
- Yu-Ming
- Aspire Charter Schools (Berkeley Maynard)

As provided in the Staff Report which is attached to the Resolution as Appendix A for the 2016-2017 school year, the District cannot accommodate single site offers for the following schools:

- ARISE High School
  - Fremont High School- 4610 Foothill Boulevard, Oakland
  - Skyline High School- 12250 Skyline Boulevard, Oakland

The Staff Report outlines the process used by the District to determine the multi-site offers to the charters that could not be accommodated at a single site

<b>Recommendation</b>	Approval of Board Resolution 1516-0107 Finding that the Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
<b>Fiscal Impact</b>	n/a
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Resolution</li><li>• Staff Report</li><li>• Attachment to Staff Report</li></ul>

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 1516-0107**

**Finding that Charter Schools Could Not Be Accommodated at a Single Site and  
Written Statement of Reasons Explaining the Finding  
(Cal. Code Regs., tit. 5, § 11969.2, subd. (d))**

**WHEREAS**, on November 7, 2000, California voters passed Proposition 39, which mandates that school districts make facility space available to in-district charter school students, if certain eligibility requirements are met, in a manner that ensures that public school facilities share shared fairly among all students attending traditional and charter schools;

**WHEREAS**, Education Code section 47614 and its interpreting regulations (Cal. Code Regs., tit. 5, section 11969.1 *et. seq.*) (collectively "Proposition 39") require a school district to make available, to each eligible charter school operating therein, facilities sufficient for the charter school to accommodate all of the charter schools' 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;

**WHEREAS**, Education Code section 47614 requires that the facility offered to the Charter School be contiguous, furnished and equipped;

**WHEREAS**, Cal. Code Regs., tit. 5, § 11969.2(d) states that "facilities are 'contiguous' if they are contained on the school site or immediately adjacent to the school site;" and

**WHEREAS**, Cal. Code Regs., tit. 5, section § 11969.2(d) requires that "[i]f 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"; and

**WHEREAS**, Cal. Code Regs., tit. 5, § 11969.2(d) requires the Board to 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, should the District offer the Charter School facilities on a non-contiguous site; and

**WHEREAS**, District staff has evaluated all feasible facilities allocation options, and considered capacity, condition, location and other relevant factors, using as a point of reference a set of "comparison schools" as required by Proposition 39, to offer a facility to the Charter School that meets Proposition 39 standards for "reasonable equivalence" in terms of "capacity" and "condition"; and

**WHEREAS**, Cal. Admin. Code tit. 5, § 11969.3 states that "[t]he district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration"; and

**WHEREAS**, school districts have the discretion, in determining reasonable equivalent facilities allocations to charter schools, and in meeting their Proposition 39 obligations, to

consider the impact upon existing district programs. (*Los Angeles Intern. Charter High School v. Los Angeles* (2012) 209 Cal.App.4th 1348; *Westchester Secondary Charter School v. Los Angeles* (2015) 237 Cal.App.4th 1226); and

**WHEREAS**, in making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed; and

**WHEREAS**, in making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

**WHEREAS**, for the 2016-2017 school year, 14 eligible charter schools requested facilities under Proposition 39;

- American Indian Public Charter School I
- American Indian Public Charter School II
- American Indian Public High School
- ARISE High School
- Conservatory of Vocal/Instructional Arts
- Downtown Charter Academy
- East Bay Innovation Academy
- Envision Academy of Arts and Technology
- Francophone Charter School of Oakland
- KIPP Bridge Charter School
- Lodestar: A Lighthouse Community Charter Public School
- Oakland Charter High School
- Urban Montessori Charter School
- Yu Ming Charter School

**WHEREAS**, the following charter schools declined to accept any Proposition 39 offer of facilities from the District for the 2016-2017 school year;

- Envision Academy of Arts and Technology
- Lodestar: A Lighthouse Community Charter Public School

**WHEREAS**, for the 2016-2017 school year, the following charters, under multi-year in lieu of Proposition 39 lease agreements, will continue to occupy single District sites;

- Community School for Creative Education
- Bay Area Technology School
- Roses in Concrete
- East Bay Innovation Academy
- Oakland Military Institute College Preparatory Academy
- Leadership Preparatory School Oakland R & D
- Castlemont Primary Academy
- Castlemont Junior Academy

- Education for Change – Lazear Academy
- Education for Change - Learning without Limits
- Education for Change - Ascend Charter School
- Education for Change- Achieve Academy
- Education for Change- Cox Academy
- KIPP Bridge Charter School
- Urban Montessori Charter School
- Yu Ming Charter School
- Aspire Berkley Maynard Academy

**WHEREAS**, for the 2016-2017 school year, the District made Proposition 39 single site offers to the following charter schools;

- American Indian Public Charter School I
- Conservatory of Vocal/Instructional Arts
- Downtown Charter Academy
- Francophone Charter School of Oakland
- Yu Ming Charter School

**WHEREAS**, the District made Proposition 39 multi-site offers to the following charter schools:

- American Indian Public Charter School II
- American Indian Public High School
- ARISE High School
- East Bay Innovation Academy
- KIPP Bridge Charter School
- Oakland Charter High School
- Urban Montessori Charter School

**WHEREAS**, the District and the following charter schools have mutually agreed to modify specific Proposition 39 timelines while negotiating a mutually agreeable facilities solution;

- American Indian Public Charter School I
- American Indian Public Charter School II
- American Indian Public High School
- Conservatory of Vocal/Instrumental Arts
- Downtown Charter Academy
- East Bay Innovation Academy
- KIPP Bridge Charter School
- Oakland Charter High School
- Urban Montessori Charter School

**WHEREAS**, on or before April 1, 2016, three charter schools shall receive a Final Offer of Facilities under Proposition 39;

- ARISE High School
  - Fremont High School- 4610 Foothill Boulevard, Oakland, CA

- Skyline High School- 12250 Skyline Boulevard, Oakland, CA
- Francophone Charter School of Oakland
  - Toler Heights/Barack Obama Academy- 9736 Lawlor Street, Oakland, CA
- Yu Ming Charter School
  - Golden Gate CDC- 6232 Herzog Avenue, Oakland, CA

**WHEREAS**, as provided in the Staff Report which is attached hereto as Appendix A and incorporated by reference herein, the District cannot accommodate a single site offer for some charter schools;

**WHEREAS**, District staff determined that to house all of the students at a single District location would not be feasible or in the best interests of all students, in-District and charter schools alike;

**WHEREAS**, having analyzed the available space in the specific area where charter schools wish to locate, the District is unable to extend a single site offer at their desired school site;

**WHEREAS**, having then expanded the search to other schools in the geographic area where the charter wishes to be located and beyond, the District determined that it cannot accommodate the charter’s entire student population on a single site for the 2016-2017 school year;

**WHEREAS**, the District can provide charter schools with multi-site offers of reasonably equivalent facilities;

**WHEREAS**, the Staff Report recommends the District offer the following charter school a final offer of facilities on or before April 1, 2016 involving co-location at the following sites;

- ARISE High School
  - Fremont High School- 4610 Foothill Boulevard, Oakland, CA
  - Skyline High School- 12250 Skyline Boulevard, Oakland, CA

**WHEREAS**, the Board incorporates into this Resolution the 2016-17 Staff Report "Finding that Charter Schools Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding," which is attached hereto as Appendix A;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of the District hereby finds, determines, declares, orders and resolves in accordance with Cal. Admin. Code tit. 5, § 11969.2(d), for the reasons set forth herein and as further expressed by District Staff in the Staff Report, the Board of Education finds that the District cannot accommodate the in-district average daily classroom attendance of some charter schools at a single school site for the 2016-17 school year;

**AND BE IT FURTHER RESOLVED**, that The District has considered student safety and has minimized to the extent possible the number of sites at which charter schools would be located.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 23<sup>RD</sup> day of March, 2016, by the following vote, to wit:

AYES: Roseann Torres, Aimee Eng, Shanthy Gonzales, Jumoke Hinton Hodge, Jody London, Vice President Nina Senn, President James Harris

NOES: None

ABSTAINED: None

ABSENT: None

**CERTIFICATION**

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 23<sup>rd</sup> day of March, 2016, with a copy of such Resolution being on file in the Office of the Board of Education of said district.

  
\_\_\_\_\_  
Antwan Wilson, Superintendent and Board Secretary

# Staff Report

Process for Determining that Charter Schools  
Cannot Be Accommodated at a Single School  
Site for 2016-2017 School Year

## Staff Report

### Process for Determining Charter Schools That Cannot Be Accommodated at a Single Site for the 2016-2017 School Year

#### Proposition 39:

Education Code section 47614 (“Proposition 39”) requires that OUSD provide reasonably equivalent facilities to charter schools that meet the requirements for eligibility. Education Code section 47614(a) states that “public school facilities should be shared fairly among all public school pupils, including those in charter schools.”

Specifically, Education Code section 47614(b) provides that:

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.

Education Code section 47614(b)(4) states that “[f]acilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.”

Under the regulations implementing Proposition 39, facilities shall be considered contiguous “if they are contained on the school site or immediately adjacent to the school site.” (Cal. Admin. Code tit. 5, § 11969.2.) Under the regulations, a school district making a non-contiguous facilities offer must make certain findings. Specifically:

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 ... [T]he 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.

#### Impact on Existing District Students and Programs:

California courts have recognized that school districts are not obligated to ignore the potential impact of meeting Proposition 39 obligations on district students and programs. The court in *Westchester Secondary Charter School v. Los Angeles Unified School District* (2015) 237 Cal.App.4th 1226 interpreted the provision in Proposition 39 that “[t]he school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate.” (Education Code section 47614(b).) The Court rejected the charter school’s attempts to second-guess the district’s other facilities allocations, including a decision to place a district pilot program, and not the charter school, at the charter school’s second choice campus; the decision not to place both the district pilot program and the charter school at the second choice campus; the decision not to eliminate “set-asides” (classrooms used for purposes other than general education) to free up more classrooms; and not placing the charter school at a closed adult education school site. In reaching its ruling, the Court recognized that school districts must have the discretion to balance the impact on district programs in meeting their obligations to provide reasonably equivalent facilities to charter school students under Proposition 39. “In sum, the law requires the District to treat charter and noncharter students fairly, but not favor one group over the other,” the court stated.

The Court in *Los Angeles Intern. Charter High School v. Los Angeles Unified School Dist.* (2012) 209 Cal.App.4th 1348 upheld the school district’s determination that placing the charter school in its preferred location would have harmed district students by forcing the district to “redistribute eight classrooms serving 40 classes, displace 240 students, and force eight teachers with five different periods each day to vacate their classrooms, so as to provide the 157 [charter school] students with eight contiguous classrooms in the midst of the school year.” The District was permitted to consider the disruptive impact on district students that would have been caused by supplanting district programs to accommodate the charter school’s location preference.

#### Factors Considered by OUSD:

The District received 14 Proposition 39 requests from charter schools for the 2016-2017 school year. In determining its allocation of reasonably equivalent facilities to the charter schools, the District considered the following factors:

- Identification of an inventory of potential available space in which charter school requests can be accommodated;

- Whether the offered facilities meet Proposition’s “reasonable equivalence” requirements with respect to capacity and condition;
- The charter school’s preferred location;
- Whether the District can avoid moving a charter school from its existing location;
- The capacity, if any, at each District school site, to accommodate additional students or programs;
- The feasibility of moving existing District programs, including the potential impact on OUSD students, schools and programs, in response to a charter school’s Proposition 39 request.
- The right of OUSD students to enjoy reasonably equivalent facilities;
- The quantity of classroom space requested;
- The grades served by the program;
- The grades served by other programs, if co-located;
- The school program and any identified special features;
- The location requested.

Identification of Potential District School Sites with Capacity:

For ARISE High School, the District identified the following OUSD school sites with potential capacity to accommodate the entire projected/counterprojected ADA in the Charter School’s Proposition 39 request:

• McClvmonds High School, 2607 Myrtle Street, Oakland, CA
• Oakland International High School, 4521 Webster Street, Oakland, CA
• Oakland Technical High School, 4351 Broadway, Oakland, CA

Matching Guidelines Utilized by the District:

District staff first attempts to accommodate a charter school’s entire in-District ADA at either the charter school’s projected ADA, or the District’s counterprojection under Cal. Admin. Code tit. 5, § 11969.9(d)) at a single school site, or OUSD school sites that are immediately adjacent to each other. (Cal. Admin. Code tit. 5, § 11969.2. )

The District made the determination that the following school sites had capacity to accommodate the Charter School’s projected in-District ADA for the 2016-2017 school year:

District School Site/Address	Charter School
McClymonds High School, 2607 Myrtle Street, Oakland, CA	ARISE High School
Oakland International High School, 4521 Webster Street, Oakland, CA	ARISE High School
Oakland Technical High School, 4351 Broadway, Oakland, CA	ARISE High School

Student Safety Considerations:

Where the District allocates a charter school’s population over more than one school site, it made the following safety considerations specific to the placement of ARISE High School:

The site of Fremont High School will be undergoing a major multi-year construction project anticipated to commence during the 2016-2017 school year. In light of the anticipated construction project, the District was mindful of keeping campus occupancy and traffic at a level that would not subject students or personnel to increased physical safety risks. The safety concern of managing student safety during major construction would be disproportionately exacerbated if ARISE High School’s total in-District classroom ADA was located on the Fremont High School campus.

The District evaluated other campuses that are grade-alike space and determined that of the other high school campuses four would have space and appropriate specialized teaching space: Skyline High School; McClymonds High School; Oakland International High School; and Oakland Technical High School. Skyline High School is located in the attendance boundary adjacent to that of Fremont High School, and therefore geographically closer to ARISE High School students. Placement at McClymonds High School would require students to traverse the City and result in an approximate commute of 4.5 miles. Placement at either Oakland International High School or Oakland Technical High School would result in an approximate commute of 5.2 miles. Accordingly, co-location at the Skyline High School site will minimize student commutes to the co-location site and balance safety concerns regarding over population at Fremont High School during construction. Additionally, Skyline High School is equipped with a student parking lot and several special bus lines which will support better traffic conditions and safer commutes for students.

## Impact on OUSD Students, Schools and Programs:

### The District's Strategic Plan:

Community-centered schools and school districts such as OUSD provide a wealth of benefits for student learning, health and safety, and for the community at large. A Community School is a strategy for organizing the resources of the community around student success. It is both a place and a set of partnerships between the school and other community resources. Its integrated focus on academics, services, supports and opportunities leads to improved student learning, stronger families and healthier communities. Schools become centers of the community and are open to everyone. These Community Schools are based on a "developmental triangle," which calls for a strong instructional program, expanded learning opportunities through enrichment, and services designed to remove barriers to students' learning and healthy development, so that they can thrive academically and socially. (Community School, Thriving Students, A five year strategic plan, Summary Report, Oakland Unified School District, p. 4. ("Strategic Plan").)<sup>1</sup>

The District is in the third year of its five-year Community Schools, Thriving Students Strategic Plan. The focus of the Strategic Plan is to serve all of Oakland's children in every neighborhood by providing high quality Community Schools where children, adults, and the community thrive. The District is in the process of building Community Schools to ensure all children have access to high quality public schools in the neighborhoods where they live. (Strategic Plan, p. 3.) Comprehensive data compiled over the last 20 years demonstrates that students in full service Community Schools show significantly improved academic performance; improved attendance, stay in-school rates, and graduation rates; and improved student behavior, family health, parental involvement, and youth community involvement. (Strategic Plan, p. 6.) Displacing children attending neighborhood schools would thwart they very purpose of a Community School and prevent these displaced students from receiving the benefits a Community School is intended to provide. Therefore, the District prioritized its strategic policy of Community Schools and avoided displacement of existing District or charter students and programs.

A full-service Community School provides comprehensive health and social services, which address barriers to learning. (Strategic Plan, p. 6.) To that end, as of August 7, 2013, the District had opened 15 school-based health clinics. These school-based health centers offer mental health counseling, physical examinations, STD screening and treatment and myriad other health services. Moreover these health clinics serve charter

---

<sup>1</sup> [www.thrivingstudents.org/sites/default/files/Community-Schools-Thriving-Students-Strategic-Plan.pdf](http://www.thrivingstudents.org/sites/default/files/Community-Schools-Thriving-Students-Strategic-Plan.pdf).

school students as well as students attending District schools. For instance, the West Oakland Middle School Clinic serves not only West Oakland Middle School, but also KIPP Bridge Middle School, a charter school. School site space is critical to the continued operation and viability of these health clinics. Displacing these programs to provide a single site offer of space to a charter school would be detrimental to the health and well-being of both District students and charter students.

#### Correlation Between Displacement and Dropout Rates:

Displacing children out of their neighborhood schools has far-reaching safety, instructional, and social implications. Studies establish that disrupting a child's school placement increases dropout rates. (See, Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).) In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were *twice* as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout* American Journal of Education 107 (November 1998).)

#### Newcomer Program:

The dramatic increase of students who have been in the United States for less than 3 years and who speak a language other than English at home, in Oakland Unified School District is an urgent and compelling issue that requires a systems-level response. Most of our newest arrivals fall into the status of refugee, asylee, and/or unaccompanied minor, many of whom are fleeing violence, human trafficking or persecution in their home country. The District is working across multiple departments and in many schools, (including Fremont High School) to build systems to support these students as they transition into our schools. The Newcomer Program emphasizes 4 Goals:

- Support the growth and development of programs that proactively meet the demands of increasing newcomer enrollment
- Provide research-based newcomer-specific resources and professional development to newcomer teachers and leaders
- Establish and recognize newcomer programs as specialized programs with aligned central policies and resources
- Ensure access to culturally sensitive mental health, health, legal services and other social services for newcomer students and their families

Displacing children out of their neighborhood schools which provide this vital program and provide on-site support would disproportionately impact the neediest of students.

At-Risk Youth:

The detrimental impacts of non-promotion school changes would be even more pronounced in the Oakland community which serves a large proportion of at-risk youth. African American and Latino students graduate from District high schools at a rate of 54% and 56%, respectively, compared with 79% for Asian Americans and 75% for white students. According to CST data, only 30% of Oakland's African American 3rd graders score proficient in English Language Arts. By the 3rd grade, that rate is only 15%. These inequities prevail outside the school experience as well. An African American child born in West Oakland is one and a half times more likely to be born premature, seven times more likely to be born into poverty, two and half times more likely to be behind in vaccinations, and more than five and a half times more likely to drop out (or be pushed out) of school. (Strategic Plan, p. 4.) Displacing children out of their neighborhood schools would only serve to compound these disadvantages and thus disproportionately impact the neediest of students.

Gang Membership:

Additionally, the District spans the territory of more than 20 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. (See, OUSD Gang Prevention and Intervention Handbook.) Displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

The safety and welfare of all students is one of the District's paramount concerns and a material consideration when weighing whether to displace children from their existing school to accommodate a charter school.

Parental Involvement:

An additional consideration is the difficulty of sustaining the same level of parental involvement in schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy #89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child's educational career. Displacing students attending their local neighborhood school would make it more challenging for those

children to reap the benefits of parental involvement in their new non-neighborhood schools. Moreover, parental involvement is of paramount importance to the success of the District's Community Schools model. Impediments to parental involvement, such as dislocating students to school sites miles from their neighborhoods, would prevent the District from successfully implementing a full service Community Schools District.

An alternative to displacing students that District Staff considered was adding all the charter school students to one site, even if the result was overcrowding. However, upon further review, this option was not feasible or practicable. Overcrowding would cause severe safety and operational impacts. Overcrowding on a shared campus would raise both schools' loading ratios, thereby disadvantaging both of these schools' children. Likewise, having hundreds of children over a school's capacity, sharing space would pose a great risk to student safety and well-being.