



Special Committee on School Admissions, Attendance and Boundaries

Board Presentation

June 25, 2008



Agenda

- I. Charge of Special Committee**
- II. Timeline and Progress**
- III. Proposed Amendments**
- IV. Action Requested**



Special Committee on School Admissions, Attendance and Boundaries

2/08: Committee established pursuant to Resolution 0708-0140 with the specific charge to investigate, review and make policy recommendations to the Governing Board on the stated subject matter and other matters as subsequently assigned

2/08 – 5/08: Eight Special Committee meetings to discuss, gather feedback and determine amendments to policies regarding admissions, attendance and boundaries issues; More than 15 meetings with community and staff

6/11: Presented first reading to OUSD Board of Education of proposed amendments to Board Policy 5116 and Board Policy 5116.1

6/25: Requesting approval of proposed amended Board Policies 5116 and 5116.1



Proposed Amendments

Revised priorities for BP 5116 and 5116.1:

In recognition of the Governing Board's stated policy goal of keeping families and siblings together, siblings of students who are enrolled in the school and who will be enrolled in the school concurrently with their sibling in the same school the following year, shall have first priority.

In the instance of overcrowding:

Elementary school students who are unable to attend the school within their elementary school boundary due to overcrowding of their neighborhood school, shall have priority to attend an elementary school within their middle school boundary.

In the instance of enrollment in a K-8 school, the elementary school boundaries will be used and in the case of overcrowding for a K-8 school, the middle school boundaries will be used for the purposes of re-directing students.

The previous Hillcrest middle school boundary will be expanded to the North Oakland Middle School boundary (i.e. including Chabot, Emerson, Peralta, Santa Fe, Kaiser and Sankofa schools) to relieve overcrowding at this specific site.



Action Requested

- Approval of proposed Amended Board Policies 5116- School Attendance Boundaries and 5116.1 – Intradistrict Open Enrollment



OAKLAND UNIFIED SCHOOL DISTRICT
Office of Board of Education

June 11, 2008

Legislative File

File ID No.: 08-1275
Introduction Date: 5/30/08
Enactment No.: 08-1169
Enactment Date: 6/25/08
By: [Signature]

TO: Board of Education

FROM: Special Committee on School Admissions, Attendance and Boundaries
Kerry Hamill, Chair
Gary Yee, Member
Christopher Dobbins, Member

Staff to the Special Committee

Vincent Matthews, State Administrator (Superintendent of Schools)
Kirsten Vital, Chief of Community Accountability
Juwen Lam, Demographer

SUBJECT: Approval of Amended Board Policies 5116- School Attendance Boundaries and
5116.1 – Intradistrict Open Enrollment

ACTION REQUESTED

Approval of proposed Amended Board Policies 5116- School Attendance Boundaries and 5116.1 – Intradistrict Open Enrollment effectively providing a redirection remedy to enrollment overcrowding at Hillcrest K-8 School, any similarly situated District school and preserving the integrity of current School Attendance Boundaries and Open Enrollment consistent with legal requirements, respectively.

DISCUSSION

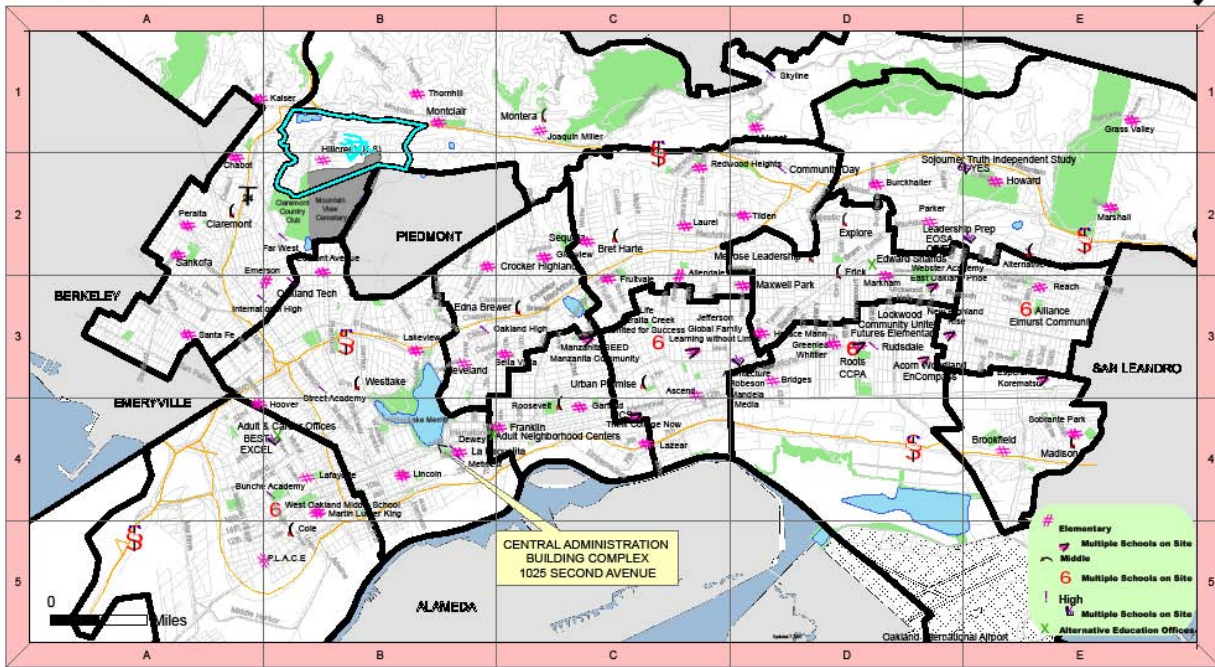
The Board Special Committee on Admissions, Attendance and Boundaries was established pursuant to Resolution 0708-0140 with the specific charge to investigate, review and make policy recommendations to the Governing Board on the stated subject matter and other matters as subsequently assigned.

The Special Committee on School Admissions, Attendance and Boundaries is recommending the amendment of the two stated policies to 1) facilitate keeping families and siblings together by giving first priority for open enrollment to siblings of students who are enrolled in a school (Education Code 35160.5) and 2) to relieve overcrowding at Hillcrest School while preserving the integrity of school boundaries and open enrollment district wide consistent with legal requirements.

Board adoption of the amended policies, as recommended by the Committee, will have the effect or impact for the Hillcrest K-8 School as follows: a) Preserve competitive Open Enrollment and Open Enrollment priorities for Hillcrest neighborhood families through the annual Open Enrollment Process up to the maximum capacity of the school; b) Upon the school reaching maximum enrollment capacity a pupil not admitted from the Hillcrest neighborhood under the competitive Open Enrollment process will be redirected to an elementary school within the North Oakland Middle Schools Boundary: i.e., Chabot, Emerson, Peralta, Santa Fe, Kaiser and Sankofa Schools.

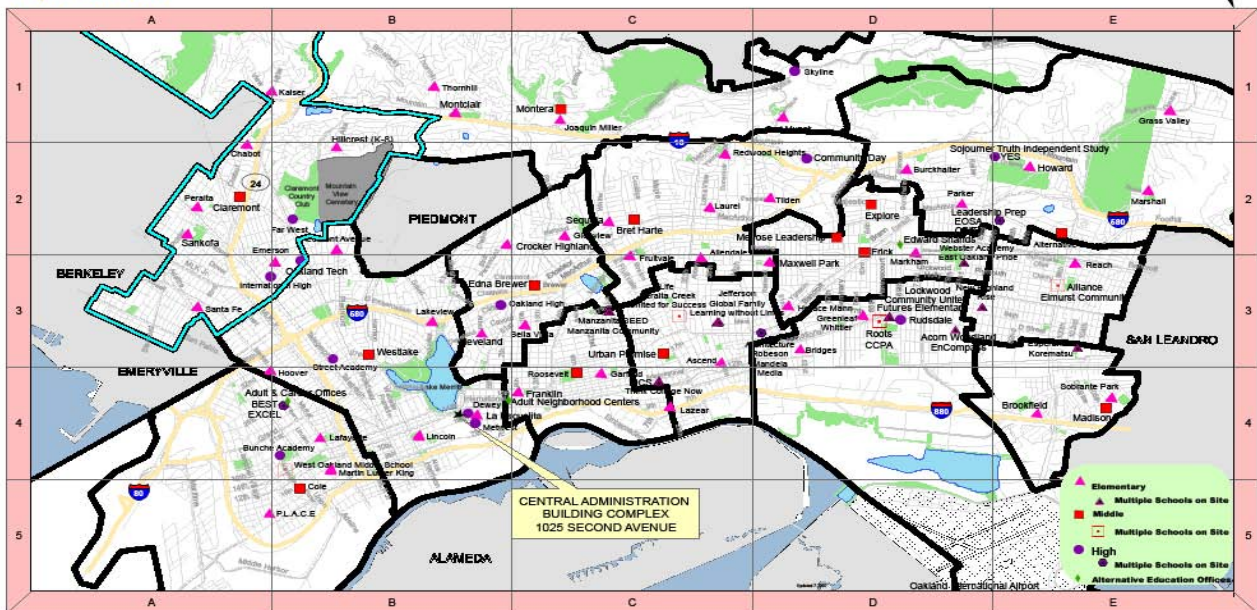
District current middle school boundaries, including Hillcrest, are drawn as illustrated in the following map:

Oakland Unified School District: Middle Boundaries



The middle school boundaries, if the proposed amendment of policies is adopted, will be adjusted for Hillcrest overcrowding, as drawn and illustrated in the map below, to accommodate redirection of Hillcrest elementary pupils, not admitted to Hillcrest when the school has reached maximum enrollment capacity under the competitive Open Enrollment and Open Enrollment Priorities process, to one of the named other elementary schools in the North Oakland Middle School Boundary.

Middle Boundaries Including Proposed Hillcrest Adjustment



Once a student is admitted into Hillcrest, or any other District elementary school, his/her siblings will have admissions priority pursuant to the Intradistrict Open Enrollment Policy.

Also noted, as in the past, the Explore Middle School remains located outside of the Explore middle school boundary. The Explore middle school boundary serves students previously in the King Estates middle school boundary and for the purposes of redirecting students. Enrollment at Explore Middle School will be determined by the Open Enrollment priorities set forth and prioritized according to the Explore middle school boundary as defined by Board Policy 5116.

BUDGET IMPACT

Adoption of the recommended Amended Policies will have limited budget impact. The attendance is projected to remain stable at Hillcrest. There is potential for some families to be less satisfied with the policy and opt not to attend an elementary school within the North Oakland Middle Schools boundary.

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LEGAL IMPACT

Adoption of the Amended Policies, as recommended herein, will have the same effect and impact for enrollment of pupils District wide under the Open Enrollment and Open Enrollment Priorities process. As such, the changes in policy, if adopted, are expected to withstand any legal challenges that may arise.

RECOMMENDATION

Approval of proposed Amended Board Policies 5116- School Attendance Boundaries and 5116.1 – Intradistrict Open Enrollment effectively providing a redirection remedy to enrollment overcrowding at Hillcrest K-8 School, any similarly situated District school and preserving the integrity of current School Attendance Boundaries and Open Enrollment consistent with legal requirements, respectively.

Attachments: Proposed Amended Board Policy – Students – BP 5116 – School Attendance Boundaries
Proposed Amended Board Policy – Students – BP 5116.1 – Intradistrict Open Enrollment

DRAFT

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5116.1

Students

Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students within the constraints of school capacity. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

~~(cf. 5117.1 – Interdistrict Attendance Agreements)~~

~~(cf. 5117.2 – Alternative Interdistrict Attendance Program)~~

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district.

(Education Code 35160.5)

(cf. 5111.1 - District Residency)

~~(cf. 5111.11 – Residency of Students with Caregiver~~

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. In recognition of the Governing Board's stated policy goal of keeping families and siblings together, siblings of students who are enrolled in the school and who will be enrolled in the school concurrently with their sibling in the same school the following year, shall have first priority. (Education Code 35160.5)
2. Elementary school students who are unable to attend the school within their elementary school boundary due to overcrowding of their neighborhood school, shall have priority to attend an elementary school within their middle school boundary as set forth in Board Policy 5116 – School Attendance Boundaries.

Middle or high school students who are unable to attend the school within their attendance boundary due to overcrowding of their neighborhood school, shall have priority to attend the next closest school based on available space.

~~2.3.~~ If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0420.4 - Charter Schools)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6171 - Title I Programs)

~~3.4.~~ Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

~~4.5.3. Priority shall be given to siblings of students already in attendance in that school. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.~~

~~4. Priority shall be given to students living in attendance areas where all of their attendance area educational options are identified for program improvement, corrective action or restructuring. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)~~

~~a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist~~

~~b. A court order, including a temporary restraining order and injunction~~

~~5-6. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.~~

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. ~~(Education Code 35160.5)~~
(Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area except as specifically set forth in Board Policy 5116 – School Attendance Boundaries.

(Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Transportatio

Except as required by 20 USC 6316, for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

~~(10/95-11/99) 3/03-7/14/04; 8/9/06A~~

7/14/04; 8/9/06A; 6/25/08

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5116.1

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5. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either:
(Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist

- b. A court order, including a temporary restraining order and injunction

6. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

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7/14/04; 8/9/06A; 12/19/07A; 6/25/08A