

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education

September 26, 2007

Legislative File

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By _____

To: Board of Education
Vincent Matthews, Interim State Administrator

From: Edgar Rakestraw, Jr. 

Subj: Annual Review of Board Policy 5116.1 – Intradistrict Open Enrollment

REQUEST

It is requested that the Board, under its Community Relations and Governance authority and Community Relations and Governance FCMAT standard 4.4, perform the required annual review of Board Policy 5116.1 – Intradistrict Open Enrollment and make changes needed based on operational circumstances within the District or the law or both.

BACKGROUND

Intradistrict Open Enrollment permits pupils enrolled in the District the opportunity to attend a school of choice selected under the annual Open Enrollment Policy.

Currently Board Policy 5116.1 Intradistrict Open Enrollment, designed to meet the diverse needs and interests of District parents and students, permits the assignment of students to any and all schools of the District based on the criteria contained therein. Annually, and during the school year for specific needs, a parent or guardian may apply to have his or her child attend any appropriate grade level school in the District. The policy specifies enrollment priorities; provides that non-priority enrollment applications for attendance outside of an attendance area shall be based on use of an unbiased random selection process for requests to attend schools in excess of capacity; that no pupil currently residing in a school's attendance area shall be displaced by a student outside of the school's attendance area. The policy further provides that enrollment decisions shall not be based on a student's academic or athletic performance, except for specialized schools and/or programs. Lastly, the policy provides that the District is not obligated to provide transportation to pupils transferring to out of school attendance areas but may do so if funding is available and on a financial need basis.

The current policy is consistent with District needs and law. District staff, upon requested for comment upon the current state of the policy and conditions within the District in preparation for this annual review by the Board, advised they had no recommendations for change of the policy and/or regulations at this time.

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RECOMMENDATION

That the Board adopt the following motion regarding this annual review of Board Policy 5116.1 – Intradistrict Open Enrollment.

The Board, upon recommendation of staff, finds and declares, upon its annual review of Board Policy 5116.1 – Intradistrict Open Enrollment, that the current policy meet current needs of District, is consistent with law and needs no amendment or change at this time.

ER:bj

Attachments: Board Policy 5116.1 – Intradistrict Open Enrollment

**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. 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. 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. (20 USC 6316)

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

2. 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. (20 USC 7912) 5
CCR 11992

(cf. 0450 - Comprehensive Safety Plan)

3. Priority shall be given to siblings of students already in attendance in that school.
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.

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)

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. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Transportation

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

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>

7/14/04; 8/9/06A