



MEMORANDUM

March 11, 2015

To: Board of Education

From: Antwan Wilson, Superintendent
Mia Settles-Tidwell, Chief of Operations

Sub: Glenview Elementary School Temporary Relocation To Santa Fe School Site – Effective 2016-17 School Year/Amendment of Board Policy 5116.1 – Intradistrict Open Enrollment

ACTION REQUESTED

Approval of Resolution No. 1415-1092 – Authorizing the Temporary Relocation of Glenview Elementary School to the Santa Fe Elementary School Site and the Amendment of Board Policy 5116.1 – Intradistrict Open Enrollment (Prioritization of Enrollment/Attendance of Pupils at Said Site Effective 2016-2017 School Year).

BACKGROUND

Board Policies 7350 and 7155, collectively prescribes that the District shall maintain a system of safe, secure, healthy and technology ready learning environments for students; that underutilized District facilities be used for temporary school relocations undergoing major reconstruction and for community engagements regarding the latter.

Glenview Elementary School, located at 4215 LaCresta Avenue, Oakland, in School Years 2016-2018 is scheduled to undergo new construction to address Seismic issues of its current facilities. A temporary home is required to house Glenview students during the construction period.

Two former District elementary school sites – Lakeview and Santa Fe – have been examined, reviewed and conversations held with the respective communities as to the possibility of temporarily housing Glenview at either site. Based on the review of myriad factors including, but not limited to, suitability, costs, communities' impacts and input, the Santa Fe Elementary School Site, the choice of both communities, is being recommended for approval, by the Board, to house Glenview Elementary School students for a two year period commencing School Year 2016-17.

The recommendation is further made with a request that the Board prioritize enrollment at Glenview Elementary School at the Santa Fe Site, by amending Board Policy 5116.1 – Intradistrict Open Enrollment, for the two year period permitting enrollment at Glenview

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by the following four priorities: First Enrollment Priority shall be to currently enrolled Glenview Elementary Students and Siblings; Second Enrollment Priority shall be to new Glenview Elementary Attendance Area Students; Third Enrollment Priority shall be to Santa Fe Enrollment Attendance Area Students; and Fourth Enrollment Priority shall be determined by the District's annual Open Enrollment Lottery.

RECOMMENDATION

Approval of Resolution No. 1415-1092 – Authorizing the Temporary Relocation of Glenview Elementary School to the Santa Fe Elementary School Site and the Amendment of Board Policy 5116.1 – Intradistrict Open Enrollment (Prioritization of Enrollment/Attendance of Pupils at Said Site Effective 2016-2017 School Year).

AW:MST:ER:lf

Attachment: Resolution No. 1415-1092

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL
DISTRICT**

No. 1415-1092

Authorizing the Temporary Relocation of Glenview Elementary School to the Santa Fe Elementary School Site and the Amendment of Board Policy 5116.1 – Intradistrict Open Enrollment (Prioritization of Enrollment/Attendance of Pupils at Said Site Effective 2016-2017 School Year)

WHEREAS, Board Policy 7350 – Physical Assessment Management – in part, provides “physical assets of the ... District shall be managed and maintained as a system to provide safe, secure, healthy, and technologically ready learning environments for students ...; and

WHEREAS, Board Policy 7350, further acknowledges, in part, that the District has underutilized facilities throughout the District and further provides that, in part, priority use of such District properties, shall be used to “provide for temporary relocation of schools for major construction and modernization projects” and

WHEREAS, Board Policy 7155, further provides that “For each major facilities project, the Superintendent shall ensure a community engagement process,” as prescribed; and

WHEREAS, Glenview Elementary School, located at 4215 La Cresta Avenue, Oakland, CA, 94602, is scheduled to undergo a major two-year construction project of its facilities 2016-2018 due to Seismic issues at its current location; and

WHEREAS, Glenview students will need a “temporary” or “interim” site for school attendance during the aforementioned construction project; and

WHEREAS, two District properties – Lakeview Elementary School Site and Santa Fe Elementary School Site, - neither currently used for student instruction – emerged as potential temporary suitable sites to house Glenview students during the construction period and said sites were subjects in the Glenview Community Engagement Process regarding temporary relocation of Glenview Elementary; and

WHEREAS, the Superintendent of Schools, following staff’s analysis of myriad factors including suitability, costs, communities impacts and inputs, necessary to make a recommendation to the Board of Education regarding this issue, hereby recommends that the Board approve the temporary relocation of Glenview Elementary School to the Santa Fe Elementary School Site as delineated in the Resolve Clause herein,

NOW, THEREFORE, BE IT RESOLVED, the Board of Education hereby approves the temporary relocation of Glenview Elementary School to the Santa Fe Elementary School Site for up to two years, effective School Year 2016-17 and that Board Policy 5116.1 - Intradistrict Open Enrollment, is modified for said time period as follows for student attendance assignment for Glenview Elementary School at the Santa Fe Elementary School Site location:

- 1) First Enrollment priority shall be to currently enrolled Glenview Elementary Students and Siblings;

- 2) Second Enrollment priority shall be to new Glenview Elementary Attendance Area Students;
- 3) Third Enrollment Priority shall be to Santa Fe Elementary Attendance Area Students; and
- 4) Fourth Enrollment Priory shall be determined by the District's annual Open Enrollment Lottery.

BE IT FURTHER RESOLVED that the Board hereby confirms that the respective current Elementary School Attendance Area Boundaries for Glenview and Santa Fe are unchanged as a result of the foregoing action.

PASSED BY THE FOLLOWING VOTE:

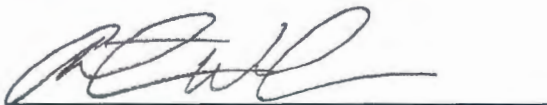
AYES: Roseann Torres, Jumoke Hinton Hodge, Aimee Eng, Nina Senn, Shanthi Gonzales, Vice President Jody London, President James Harris

NAYS: None

ABSTAINED: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of the Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held March 11, 2015.



Antwan Wilson
Secretary
Board of Education

File ID Number: 15-0476
Introduction Date: 3/11/15
Enactment Number: 15-0345
Enactment Date: 3/11/15
By: 0.2

AW:MST:ER:lf

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)

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. 5111.12 - 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.

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)

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)

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.

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 except as specifically set forth in Board Policy 5116 – School Attendance Boundaries.

(Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

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.

Enrollment Priorities – Exception – Glenview Elementary School @Santa Fe School Site – Schools Years 2016-2018

An exception to the fore-stated enrollment priorities are made for Glenview Elementary School @Santa Fe School Site – Years 2016-2018 as follows:

First Enrollment priority shall be to currently enrolled Glenview Elementary Students and Siblings; Second Enrollment priority shall be to new Glenview Elementary Attendance Area Students; Third Enrollment Priority shall be given to Santa Fe Elementary Attendance Area Students; and Fourth Enrollment Priority shall be determined by the annual Open Enrollment Lottery.

This exception shall expire at the end of the 2017-2018 School Year.

(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>

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

7/14/04; 8/9/06A; 12/19/07A; 6/25/08A; [03/11/15A](#)