

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5116

School Attendance Boundaries

The Governing Board shall establish and regularly review school attendance boundaries taking into account school capacities and enrollment data, geographic features, student safety and transportation, diversity, educational programs and community input.

The Governing Board shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. It is the policy of the Governing Board to establish boundaries which:

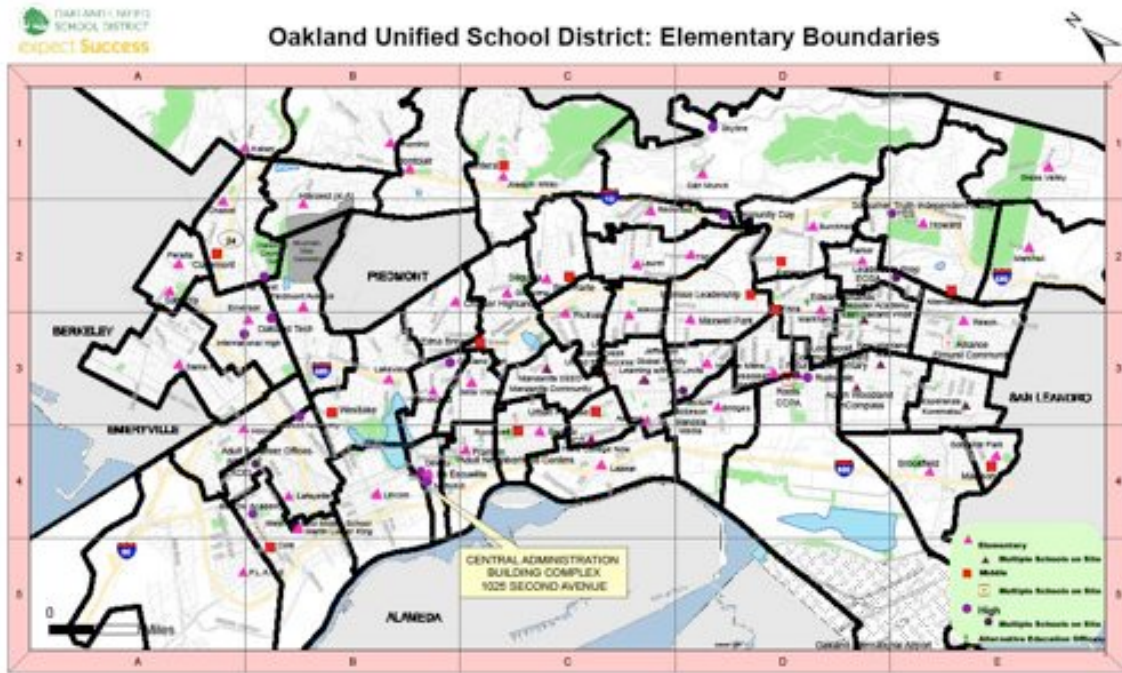
- Support keeping families and siblings together
- Recognize that strong schools build strong neighborhoods
- Value and support schools that reflect diversity

The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments. When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

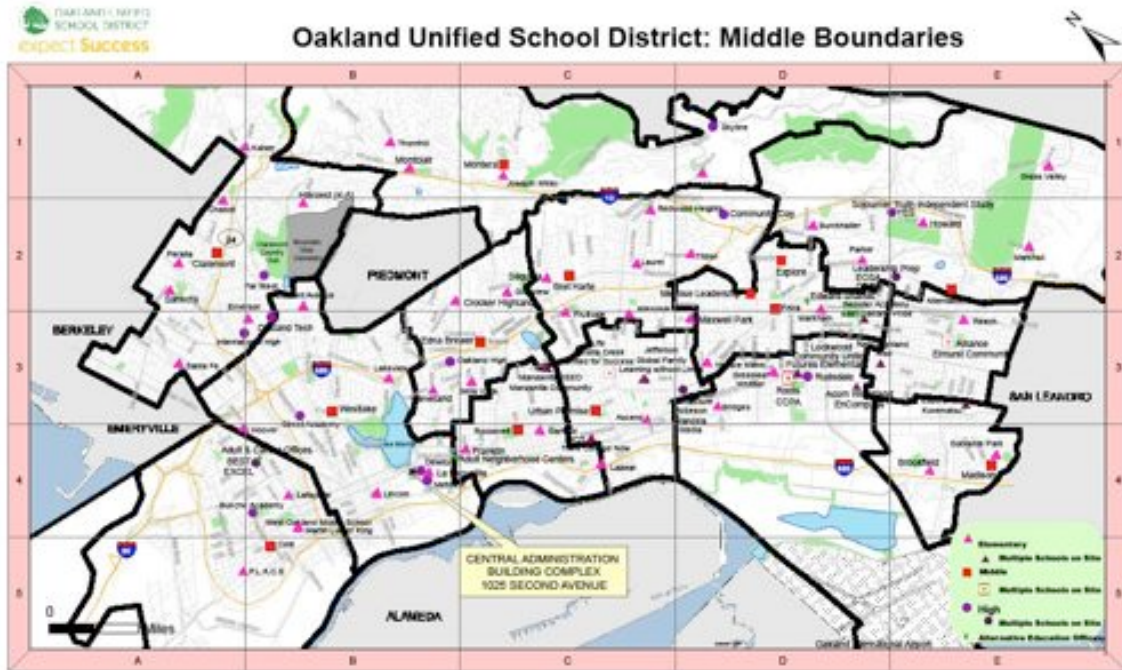
1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Transportation capacity
8. Community and neighborhood identity
9. Geographic features of the district, including traffic patterns
10. Educational programs, such as magnet schools and charter schools (cf. 7160 - Charter School Facilities)
11. Consistency between municipal boundaries and high school boundaries
12. Other factors (cf. 5116.1- Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

Attendance boundaries are outlined below, and shall be posted, as outlined below, on the District website and available at the Student Assignment and Bilingual Testing Office or successor office.

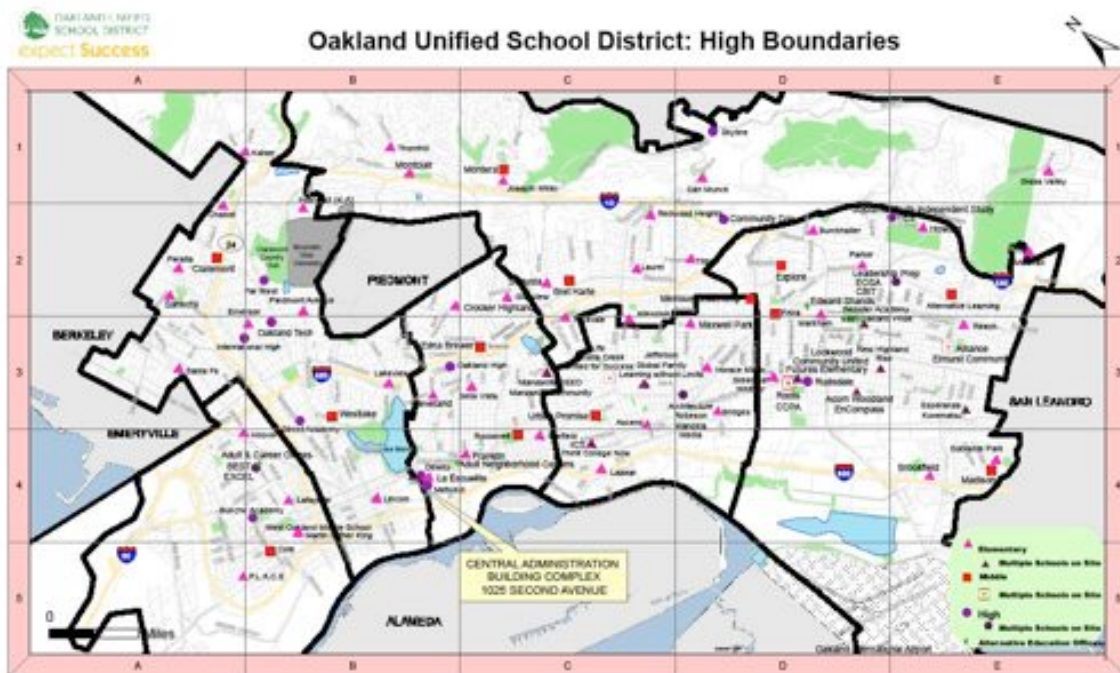
Elementary school boundaries are drawn as illustrated in the following map. Elementary school boundaries will be used in accordance with enrollment priorities established in Board Policy 5116 and Board Policy 5116.1. In the instance of enrollment in a K-8 school, the elementary school boundaries below will be used. In the case of overcrowding for a K-8 school, the middle school boundaries will be used for the purposes of re-directing students.



Middle school boundaries are drawn as illustrated in the following map. Middle school boundaries will be used for re-direction of elementary students in neighborhoods with overcrowding in accordance with enrollment priorities established in Board Policy 5116 and Board Policy 5116.1. In the instance of enrollment in a K-8 school, the elementary school boundaries will be used. In the case of overcrowding for a K-8 school, the middle school boundaries will be used for the purposes of re-directing students.



High school boundaries are drawn as illustrated in the following map. High school boundaries will be used in accordance with enrollment priorities established in Board Policy 5116 and Board Policy 5116.1.



Enrollment by Attendance Boundary

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. Students residing in an attendance boundary shall have second priority to attend the school within their attendance boundary.

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area in accordance with Board Policy 5116.1 Intradistrict Open Enrollment. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

(cf. 5116.1 – Intradistrict Open Enrollment)
 (cf. 3541 - Transportation Routes and Services)

Legal Reference:
 EDUCATION CODE
 35160 Authority of governing boards
 35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

53311-53317.5 Establishment of community facilities district

CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS

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

Crawford v. Board of Education (1976) 17 Cal.3d 280

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

7/28/04; 6/25/08A

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.

(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