# POLICY PACKAGE

# Model School Siting Policies for School Districts



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## Introduction

In recent decades, in response to a variety of pressures, schools have increasingly been built on the outskirts of communities, and many centrally located schools have been closed.[[1]](#endnote-1) The consequence of these and other changes is that two-thirds of today's schools are located far from where children live.[[2]](#endnote-2) At the same time, the number of children walking and bicycling to school has shrunk dramatically,[[3]](#endnote-3) fewer than half of all children now meet recommended levels of physical activity,[[4]](#endnote-4) and obesity rates in children and adolescents have more than tripled, with a third of children now overweight or obese.[[5]](#endnote-5)

But school locations can help make students healthier and provide educational benefits. When schools are located near where children live, kids can walk and bicycle to school, as well as use school playgrounds and facilities for physical activity outside of school hours. Physical activity has been shown to improve students’ academic performance and test scores.[[6]](#endnote-6) Shorter trips to school may allow children and adolescents to get more and better sleep, with proven benefits for school performance.[[7]](#endnote-7) Moreover, parental involvement, with its demonstrated benefits for academic achievement and student behavior, is more feasible for families when schools and homes are close together.[[8]](#endnote-8)

Community-centered schools provide other benefits too: less driving to school means less air pollution, fewer greenhouse gas emissions, and reduced traffic.[[9]](#endnote-9) By avoiding new construction in undeveloped areas, land can remain wild or agricultural. In addition, community-centered schools can serve as neighborhood centers, increasing community support for schools at a time when a smaller percentage of American households have school-aged children.[[10]](#endnote-10) Moreover, the shared use of school facilities for children’s physical activity or other neighborhood uses is often more economical for local governments than providing other facilities.

Other factors in addition to walkability are also important in school location decisions. It is crucial that districts avoid siting schools in locations that are contaminated or are near hazardous facilities. Such locations can have devastating effects on children’s health and educational success, while also requiring costly site remediation and ongoing expenses related to liability and maintenance. Additionally, school location decisions can directly affect a school district’s ability to provide educational equity, which itself has long-term health consequences, particularly for students living in poverty, but also for students of color more generally.[[11]](#endnote-11) Reducing poverty concentration is associated with substantial educational improvement for poor and low-income students.[[12]](#endnote-12) School location and student assignment planning, which historically have reinforced socioeconomically and racially segregated neighborhood housing patterns, continue to be essential considerations as school districts

seek to reduce poverty concentration and racial isolation and to enhance student diversity of all kinds.[[13]](#endnote-13)

ChangeLab Solutions has developed these school siting policies to provide a starting place for school districts that want their school siting decisions to support the educational success, physical health, and overall well-being of students and their communities. These policies are intended to provide a tool to implement the compendious Voluntary School Siting Guidelines developed by the Environmental Protection Agency, complementing the Guidelines through an easy-to-use set of model policies ready for adaptation and adoption by school districts.[[14]](#endnote-14)

### Important Aspects of School Siting that the Model Policies Do Not Emphasize

Districts consider a wide array of variables in determining where a new school should be located, or in evaluating the benefits of retaining one school location over another when closing or rehabilitating schools. These model policies focus on some of these areas and touch on others, but school districts may also wish to consider detailed additional policy provisions on issues such as:

* Avoiding sites with toxic contamination and utilizing site design techniques to minimize exposure where it exists. Schools can conduct environmental assessments to identify hazardous sites.[[15]](#endnote-15)
* Avoiding floodplains and liquefaction zones in siting schools.
* Complying with technical aspects of the Americans with Disabilities Act (ADA)[[16]](#endnote-16) as well as state and federal environmental regulations.
* Creating green and active schoolyards, designed to provide an engaging, interesting space that includes plants and trees, not just asphalt, and encourages children to be physically active and explore their world.[[17]](#endnote-17) Such schoolyards often include components like school gardens and outdoor classrooms.
* Providing green building design to build and renovate schools in environmentally friendly ways, minimize use of nonrenewable resources, save energy (and money), protect against environmental health hazards such as mold, and promote school occupant health and productivity through healthy indoor environments.[[18]](#endnote-18)

### How to Use the Model Policies

Any national model school district policy can only provide suggestions and a starting place for an individual school district. The variation among school districts across the United States in size, procedures, state law, and overall challenges and context is tremendous, and there is no one-size-fits-all solution when it comes to school district policy. These models are intended to provide information and a starting place for districts that want school locations to support student achievement, student health, and community wellness.

Currently, many school districts across the country do not have any policies that address school siting. In the absence of such policies, decisions about new school locations, school closures, and related matters often take place in an ad hoc fashion, with key considerations sometimes absent from discussion and an overall lack of coordinated, long term planning. This can lead to missed opportunities and a failure to obtain the benefits of smart school siting for students and communities. The model school siting policies are designed to address these problems.

The strategies, models, and health background in this document are not exhaustive, but instead reflect available evidence and practice-based experience. The content is intended to stimulate ideas that can be adapted to the local context.

### *To Use the Policies:*

* **Consider the form in which the policies will be most useful to your district.** School boards may wish to adopt the models as district policies or as a resolution. Alternatively, the models can be adopted as administrative regulations or as internal policies. They can also serve as a jumping off point for more specific policies and procedures that set out further implementation details.
* **Adapt the models to conform to state requirements.** In order to tailor these model policies to fit a particular district’s needs, communities must consider state laws affecting school siting. State laws and regulations might complement these policies, or might require that they be amended in some respects. Some states regulate school siting significantly, while others have little regulation. Consult with the facilities division of your state’s department of education and school district attorneys in order to assess pertinent state requirements. Look particularly for regulations regarding state funding or cost management, minimum acreage or student population size, avoiding exposure to environmental contaminants, and required coordination with local land use planning.

In most states, there is only limited regulation of school siting, and state law is unlikely to preclude local district policies such as these models. Instead, most states offer general agency guidance, with advisory state-level site selection materials. Many states do link funding for site acquisition to compliance with the requirements of a state-level site selection process. As a result, state-level regulation, guidance, and established process and relationships may substantially affect a district’s school siting decisions.

If your state’s laws or procedures prevent or discourage school siting that promotes healthy environments for children and communities, you may want to educate local leaders about the opportunity to improve health through siting. The National Trust for Historic Preservation's *Helping Johnny Walk to School* report is a good starting place for understanding how state law can influence school siting and identifying key areas to change.[[19]](#endnote-19)

* **Tailor the models to local needs, characteristics, and issues.** Some districts may find the suggestions in the models fit local needs. Others may wish to revise specific procedures or recommendations (such as suggested distances) in light of the rural or urban, small or large nature of the district. Ideally, districts will adopt the full policy package, which provides a strong and cohesive approach to school siting policy. However, some districts may prefer to begin by adopting the first model, which lays a groundwork for smart school siting, or may need only one or two models to supplement existing policies. In considering all such policy options, drafters should balance public health and other benefits for students with practical political considerations and other local conditions.

In many instances, the models specify various policy options in order to assist with tailoring. In some instances, alternate choices are offered (e.g., [ *5 / 10­* ] ) or blanks have been left for customized language. In other instances, the options are mentioned in comments following the legal provisions. One purpose of including a variety of options is to stimulate broad thinking about the types of provisions a community might wish to explore, even beyond those described in the model.

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Note:  All strategies and suggested actions in this tool should be implemented in accordance with your established protocols and regulations. This document discusses evidence- and practice-based policy, systems, and environmental improvement strategies relevant to community and governmental organizations with varied funding sources.

**Policy Package: Model School Siting Policies for School Districts**

Board Policy [F1]: School Siting Overview Policy

Board Policy [F2]: Long-Term Coordinated Planning

Board Policy [F3]: Procedures for School Site Planning

Board Policy [F4]: Considerations for School Siting Determinations

Board Policy [F5]: Site Design

Board Policy [F6]: General Guidelines for Attendance Zones & Assignment Policies

### \_\_\_\_\_\_\_\_\_\_School District

### Board Policy [F1]: School Siting Overview Policy

**Comment:** This policy sets out a district’s broad goals with regard to school siting, detailing the benefits of smart school siting and the district’s commitment to the key principles behind it.

It is the policy of [*insert name of school board or district*] (District) that school siting determinations will support the overall needs of students, their families, and the broader community. “School siting determinations” include decisions about selecting new school locations; maintaining, renovating, or expanding existing schools; and closing or consolidating existing schools.

District acknowledges the importance of schools’ locations for children and the entire community: Schools can serve as centers of the community, as neighborhood anchors, and as emergency centers. Many older school facilities also are landmarks or historic sites, providing a connection to the larger community and its history. Schools contribute to the shape and feel of the community, with the potential to fortify existing neighborhood bonds, to reinforce neighborhood isolation, or to serve as a bridge between neighborhoods separated by geographic, cultural, or other boundaries. Locating schools near residential neighborhoods and in central locations has important benefits for students’ health, allowing students to use school grounds for play and physical activity when school is not in session, enabling students to walk or bicycle to school, and making it possible for families to be more easily involved in school activities. By locating schools away from serious health hazards, students and staff can avoid long term risks to health. Finally, school location can assist in advancing student health and academic achievement by providing diverse schools that avoid concentrating poverty in any one school.

In making school siting determinations, District will strive to achieve:

1. **Collaborative and Participatory Planning:** Work toward meaningful coordinated planning with [local government/s] and regional agencies, with the goal of sharing data, addressing joint needs regarding school locations, ensuring due consideration of environment impact and other siting factors, avoiding hazardous locations, and encouraging residential and mixed-income residential development near school sites. Provide a substantial role for public input into short- and long-term school facilities planning in order to ensure community buy-in and achieve better results.
2. **Long-Term Data-Driven Planning:** Engage in long-term planning, based on data including current and projected future student enrollment, demographics, residential density of children in new and existing development, anticipated development, student transportation costs and trends, demographic data, hazardous facility location, quantification of costs and benefits, and so on.
3. **Full-Cost Accounting**: Consider all costs and benefits of different options, not only the cost of construction and land acquisition, but also the cost of required street and utility infrastructure, transportation to the site, disposal of closed facilities, remediation of site hazards, and so on. For each option, assess both quantifiable and unquantifiable costs and benefits, including health effects, and assess costs and benefits not only for the school district, but also for students, families, staff, local jurisdictions, and the community as a whole. Balance costs and benefits with siting goals.
4. **Co-Location and Shared Use:** Consider making it feasible for students and the larger community to share resources (e.g., libraries, gymnasiums, parks, fields) by locating facilities near to each other, and, where desired, through more formal intergovernmental contracts or joint use agreements spelling out how use and responsibility will be shared.
5. **Prioritization of Renovation:** Prioritize renovating existing school facilities before building new facilities, especially where historic facilities are in question.
6. **Diverse, Walkable Schools through School Siting and Assignment Policies:** Work toward developing schools that allow students, families, and staff to walk, bicycle, and take public transportation; provide the community with easy access to school facilities; and provide students with the long-term academic and social benefits of racial, ethnic, and socioeconomic diversity by:

* Providing schools in locations that balance walkability and diversity; and
* Designing school attendance zones and school assignment policies to support walkability and diversity.

1. **Equity in School Facilities:** In weighing determinations about school construction, closures, and rehabilitation, consider equity of school facilities to avoid providing some students with a learning environment that is inferior to that provided to others.

* Take steps to ensure that inferior facilities do not disproportionately house students of color or lower-income students.
* Evaluate impact of school siting determinations on students and communities from an equity standpoint, including assessing whether some groups of students bear a greater burden of lengthy trips to and from school.
* Consider facility and transportation equity for students and families with disabilities.

1. **Consideration of Health Impacts:** Consider all health impacts of proposed sites (either through a health impact assessment or another methodical analysis of health impacts), including the location’s supportiveness and safety for physical activity; air pollution and asthma levels; past or present toxic contamination of site or nearby areas; and nearby sources of pollution or toxic contaminants, such as highways, industrial facilities, or pesticide applications.
2. **Safe Routes to School:** Support Safe Routes to School[[20]](#endnote-20) programs to maximize opportunities for walking and biking to school.
3. **Safe Infrastructure for Walking, Bicycling, and Public Transportation in School Vicinity:** Improve the safety and convenience of travel by foot, bike, and public transportation near schools and on school property by providing safe infrastructure:

* Work with [local government/s] to ensure that the areas surrounding schools allow students to safely travel to school through different modes of transportation.
* Ensure that site design safely accommodates students arriving and departing by all modes of transportation, including walking, bicycling, public transportation, school bus, and private vehicles: prioritize safe access for children who are bicycling or walking (including those walking after drop-offs from cars or buses).

**Comment:** In light of the increasing percentage of American households that do not include school age children,[[21]](#endnote-21) schools’ educational mission will be advanced by creating strong benefits to additional constituencies throughout a community, who will then be more inclined to vote for bonds or property taxes in support of schools.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

### Board Policy [F2]: Long-Term Coordinated Planning

**Comment:** In the past, it has not been common practice for districts to engage in long-term coordinated planning with the public and local government regarding school facilities. This has led to many negative outcomes – schools with excess or insufficient capacity, schools located far from any residences, school sites where the local town has refused to build sewer and roads, unanticipated transportation costs, and so on.[[22]](#endnote-22) In addition to improved outcomes, a benefit of participatory coordinated planning is broader community support for school initiatives and bond measures. We encourage schools to include this module on long-term coordinated planning, while modifying it to address local requirements, needs, and procedures.

District shall engage in long-term facilities planning by creating and [regularly/annually/ every five years] updating a [School Facilities Plan], setting out an overall [5/10/20] year plan for school facilities. The School Facilities Plan shall include an assessment of enrollment capacity, an analysis of community growth and change factors, and an inventory of facilities and assessment of their condition, utilization, and adequacy. For facilities that are deemed to provide excess capacity or are not currently in use, the School Facilities Plan shall provide a plan for use and maintenance in light of short and long term educational goals, as well as costs and benefits.[[23]](#endnote-23) The School Facilities Plan shall draw on the considerations and factors set forth in this policy, as well as those set out in Board Policy [F4]: School Siting Determinations, to plan and project regarding future site renovations, closures, and new locations. [District also shall maintain, as part of or in conjunction with the School Facilities Plan, a capital improvement program and a facilities maintenance plan.]

District shall base its short and long-term planning for facilities needs on data regarding current student enrollment and projected long-term future student enrollment, demographics, residential density, and other relevant factors. District shall [annually] obtain and assess such data. Student enrollment projections shall be based on:

* Estimates based on the population of children aged zero to five
* Current student enrollment and registration figures
* Local government growth projections, as well as proposed or adopted changes in planning or zoning
* Current and planned residential development projects
* Other relevant factors that may affect the number of children within District boundaries and attending District schools.

District shall [annually] compile maps that show the residential density of current and future students, with particular attention to the density of students within half a mile, one mile, and two miles of existing and proposed school sites. District shall also compile maps that overlay or show the demographic distribution of students or residents by racial, ethnic, and socioeconomic status. District shall also consult with state or local environmental agencies to identify data regarding superfund and brownfield sites within or near District’s jurisdictional boundaries, as well as planned hazardous facilities; District shall include locations of such sites and other hazardous facilities on maps. District shall also consider exposure of students to inappropriate or unhealthy commercial activity, such as fast food establishments, alcohol and tobacco outlets, and adult only venues.

District shall regularly coordinate with [the planning department/s of local jurisdiction/s] (“[Planning Department/s]”) through regular meetings and assigned staff liaisons. District shall provide [Planning Department/s] with District’s projections regarding changes in student population numbers and District’s long-term and short-term plans for facilities. District shall seek to [annually] obtain from [Planning Department/s] information about anticipated residential development or other factors that may affect student population.

**Comment:** Many districts and local governments have found it useful to develop written agreements detailing roles and responsibilities in coordinated planning. Coordinated planning can occur at various points along a continuum of collaboration,[[24]](#endnote-24) from occasional consultation, to regular task force meetings and memoranda of understanding, to institutionalized intergovernmental collaboration.[[25]](#endnote-25)

District shall seek to work with [local jurisdictions, including planning departments, parks and recreation departments, libraries, etc.] to identify opportunities for possible joint use or co-location of city and school facilities. District shall seek to coordinate District’s long-term planning with [jurisdiction/s]’s [long-term planning/comprehensive planning] process, as well as regional planning processes. By coordinating planning, District will aim to ensure that school siting determinations contribute to the livability, sustainability, and health of the community, and that local and regional zoning, development, and street design decisions contribute to making it safe, healthy, and convenient for students and others to travel to school and learn there.

**Comment:** Co-location and joint use provide a variety of benefits. Not only do they provide community goodwill and an efficient use of resources, they also involve significant potential cost savings for land, construction, maintenance, and so on. ChangeLab Solutions has a wide range of useful tools that address common questions and concerns and ease the process for school districts interested in creating joint use agreements.[[26]](#endnote-26)

District shall also encourage [Planning Department/s] to engage in comprehensive planning, master planning, zoning amendments, and development approvals that support increased residential racial, ethnic, and socioeconomic integration, particularly near schools. District shall encourage [Planning Department/s] to prioritize development projects that yield denser multi-income housing near schools, particularly where likely to increase residential integration.

**Comment:** School districts with significant populations of homeless students may stand to gain significant benefits from an increase in affordable housing in their community.[[27]](#endnote-27) Families with children account for more than 40 percent of the homeless population in the United States, and each year more than 1.3 million children experience homelessness.[[28]](#endnote-28) Enabling students experiencing homelessness to achieve academic success is an enormous challenge due to high rates of absenteeism and instability that interferes with learning. Districts have a vested interest in seeing these children move into stable housing. Similar challenges apply to other students living in poverty, and school location and assignment decisions should take into account emerging data demonstrating the cost-savings and improved school performance that can be obtained when concentrated poverty is alleviated both in the neighborhood and at school.[[29]](#endnote-29)

District shall encourage [local jurisdiction/s] to review or revise subdivision codes and regulations to ensure that residential neighborhoods provide safe walking and bicycling access to schools as well as connectivity to schools and other important destinations.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

### Board Policy [F3]: Procedures for School Site Planning

**Comment:** This policy sets out procedures for making decisions about school siting, ensuring a stable process that includes participation of key stakeholders, consistency with school planning documents, consideration of key data, and so on.

District shall establish a [process/procedure] to follow for school siting determinations, to include the following components:

1. The Board shall establish a school siting committee (Committee) that is responsible for making recommendations to District regarding a given school siting determination. Committee shall include representatives of District; local elected officials and staff of [appropriate jurisdictions] [from the departments or agencies including planning, public works, parks, transportation, housing, community services, and \_\_\_\_\_\_]; parents; and school staff. Other members may include: community members; housing, public health, and community development organizations; groups focused on active transportation, smart growth, and education; environmental advocacy and environmental and social justice groups; real estate associations and chamber of commerce members; local trade/building associations; and other community stakeholders.

**Comment:** As a general matter, the school siting committee should include influential community leaders, with the goal of ensuring meaningful community input and obtaining widespread community support for the recommended approach.

1. Committee shall review the School Facilities Plan[, including the capital improvement plan and facilities maintenance plan,] and assess how the plan accords with the current issues and the decision in question.
2. Committee shall obtain and analyze all relevant data and geospatial mapping regarding projected enrollment, student residential density and demographics, and educational needs, and should consider them in relation to potential sites and options. Committee should assess the effect of different sites or options on walkability, bikability, socioeconomic integration, and diversity, including reducing racial isolation, as well as other factors.
3. Committee shall assess all potential sites and options via the criteria laid out in Board Policy [F4]: School Siting Determinations. Assessment of potential sites should include an environmental review, a walk around the site and neighborhood to evaluate safety of travel routes and other factors, and a methodical assessment of the benefits and drawbacks of each site and option.

**Comment:** One excellent tool for evaluating the potential of a possible or existing school location to support students’ physical activity and health is the Active School Neighborhood Checklist, developed by the Arizona Department of Transportation, available at: www.activeschoolchecklist.com.

1. Committee or District personnel shall conduct a health impact assessment or otherwise assess community and health impacts when making siting determinations, particularly when considering the closure of a school. The assessment should evaluate likely effects on educational programs, health, other impacts on students, teachers, and families, effect on neighborhood, property values, businesses, community, and other governmental agencies.

**Comment:** Trainings and information on health impact assessments are available from organizations such as Human Impact Partners, Health Impact Project, and the San Francisco Department of Public Health.[[30]](#endnote-30) Health impact assessments can be time and resource intensive, and may not be practical for some school siting decisions. However, some type of assessment of health factors should be part of all school siting determinations, as described above.

1. Committee shall provide significant opportunities for public participation at all stages of the process, including forums or comment periods held both before and after recommendations are developed, design review, and public positions on relevant committees.

**Comment:** Public participation requirements should include widespread notice, public meetings, and additional opportunities for comment. The Seattle School District has a detailed procedure for public participation in school closure decisions.[[31]](#endnote-31) State law may provide specific requirements for public meetings and participation.

1. Committee shall make a recommendation to the School Board that is consistent with Board Policy [F4]: School Siting Determinations.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

### Board Policy [F4]: Considerations for School Siting Determinations

**Comment:** This policy commits a school district to prioritizing key criteria in making school siting determinations, while preserving flexibility. By prioritizing locations that support the key criteria, school locations are more likely to be walkable, safe for student travel, support diverse student populations, and avoid exposing students and others to environmental contaminants.

District recognizes that it is necessary to balance numerous complex issues in making determinations regarding the location of school educational facilities, including factors such as: the suitability of possible sites for educational needs in question; costs (for land, rehabilitation, reimbursement rates, construction, transportation, and more); ease of obtaining land; proximity of sites to students’ residences and to housing suitable for staff; ability to coordinate with local jurisdictions to share facilities and resources; safety of sites for health of students and others in terms of potential exposure to environmental contaminants; safety from natural hazards [such as flooding, earthquakes, etc]; site conditions and topography [; as well as *insert any additional factors*].

In making school siting determinations (which, as noted above, include selecting new sites, renovating or rebuilding on existing sites, and closing existing schools), District shall give high priority to locations that:

* Are walkable and bikeable [and have access to public transportation]: A walkable and bikeable site is one for which [50] percent of the assigned student population lives within a [1/2] mile travel distance of the school. In evaluating travel distance, consider natural or artificial barriers such as highways, streams, or railroad tracks that may make actual distance traveled farther than direct distance.

**CommentS:** In determining realistic distances and goals for walkability, each district will have to assess its own current and future levels of density and development patterns. Actual school travel patterns for elementary school children show that the great majority will walk ¼ mile to school, most will walk ½ mile to school, and few will walk farther than one mile.[[32]](#endnote-32) A two mile radius is generally considered realistic for biking by older elementary school children. Other estimates consider student walk-bike zones to be a half mile for elementary school students, one mile for middle school or junior high school students, and 1.5 miles for high school students.[[33]](#endnote-33)

Clearly, many rural communities will have a particular challenge in complying with this recommendation. Different patterns of rural development – levels of density, whether towns have centers or not – will affect the determination of a realistic yet beneficial goal.

Where a site is intended primarily for children beyond elementary school, or in dense urban areas, districts may also wish to include a provision stating: "In calculating the number of students whose residences are deemed to count towards the required travel distance, District may include students who live within a quarter mile of a transit stop that provides transit service directly to the assigned school."

* Have safe routes: A site with safe routes has a surrounding neighborhood or area with safe and convenient facilities for walking and bicycling to school. Safe routes for walking require continuous sidewalks, frequent safe street crossings, and few or no wide streets with vehicle speeds in excess of 35 mph. Safe routes for bicycling require bike paths, bike lanes, or narrow streets with low traffic volume and low speeds. District will seek to avoid locating schools near highways, railroad tracks, or other barriers that significantly impede safe travel.

**Comment:** As noted above, the Active School Neighborhood Checklist provides a user-friendly, methodical way to assess a school location’s supportiveness for walking and bicycling.[[34]](#endnote-34)

* Support racial, ethnic, and socioeconomic diversity: District shall also prioritize sites that support student racial, ethnic, and socioeconomic diversity, with particular attention paid to reducing concentrated poverty and racial isolation.

**Comment:** A location that is near the border of two neighborhoods that have a concentration of different racial or socioeconomic groups better balances diversity and walkability than a location that is in the middle of a homogeneous neighborhood. However, such a location may also be near natural or artificial barriers such as large streets that interfere with walking. Districts must consider and balance such factors in selecting and prioritizing new and existing sites.

* Are near other community resources: District shall prioritize sites that are within walking distance of community resources of value for students, such as libraries, museums, police or fire stations, athletic facilities, and parks, as well as locations such as senior centers that might benefit from joint use of school facilities. [District shall also prioritize sites that are near public transportation and have existing access to adequate roads, utilities, and other infrastructure.]

**Comment:** Locating schools near town centers has been shown to be particularly important for students’ physical activity in rural communities.[[35]](#endnote-35) Such locations tend to maximize the number of students who can walk or bicycle to school and facilitate increased physical activity for students after school, because students can travel on foot to carry out errands, socialize, or reach other destinations.[[36]](#endnote-36) In addition, one of the primary barriers for rural students’ ability to participate in afterschool recreational activities is the challenge of getting home following the activity, in light of limited availability of “late” buses, and long distances that make it difficult for family members to pick students up.[[37]](#endnote-37) Centrally located schools may increase students’ ability to return home following after-school activities by increasing the number of students who can walk or bicycle home or whose family members can provide transportation while returning from work or errands, as well as providing additional efficiency for late buses.

* Will not pose significant risk of exposure to environmental contaminants: District shall avoid sites that pose a significant risk that students or staff may be exposed to environmental contaminants from nearby or on-site sources. [District shall also attempt to avoid sites that may lead to students having significant exposure to inappropriate or unhealthy commercial activity, such as fast food establishments, alcohol and tobacco outlets, and adult only venues.]

**Comment:** Where a site poses a risk in an unremediated state, but can be remediated so that there is no longer a significant risk of exposure to contaminants, such remediation and long-term monitoring should be required as a condition of use, and the extent and likely success of such remediation should be factored into considerations. On-site contaminants might include radon, lead, or toxic chemicals in the soil. Off-site sources of contamination might be air pollution generated by a factory, highway, or animal feedlot. Contaminated sites present long-term risks and costs, including remediation costs, costs of monitoring, legal costs, and loss of community trust and support, all of which can be hard to anticipate or fully account for ahead of time. See the Environmental Protection Agency’s Voluntary School Siting Guidelines for more background.[[38]](#endnote-38)

District shall develop [administrative regulations/procedures] that set forth a system for comparing potential sites by weighing relevant factors, with an emphasis on the factors noted above.

**Comment:** Districts across the country follow a wide array of practices for determining the factors to use in making school siting determinations. Some districts act in an ad hoc manner, considering the factors that seem pertinent at the time without any formal policy or practice. Others have complex systems in which different factors garner different numbers of points, feeding into a rating process.[[39]](#endnote-39) By formalizing the factors and process, districts can develop a system that reflects local values, priorities, and approaches, while ensuring a consistent and logical process.

In comparing and assessing the cost of school siting options, District will consider the full range of costs of each choice, including the cost of land acquisition, construction, renovation, equipment and furnishings, demolition or mothballing of closed schools, student transportation for the school system and for families, financing fees, infrastructure such as new sewers, roads, and utilities, remediation costs, effect of property values, and other life cycle costs. For each option, District will assess both the total cost and the portion of the total cost that would be incurred by District.

**Comment:** For example, in calculating the cost of closing an existing school and replacing it with a new school, a district will need to consider both the cost of constructing the new school as well as the cost of closing the existing school. A variety of methods of calculating costs exist.[[40]](#endnote-40)

[To the extent permitted by state law, ]District will not exercise a preference for new construction over renovation of existing schools. Instead, District will consider renovating existing facilities before building new schools, especially where existing facilities have historic or architectural value. Before deciding to construct a new school or to replace an existing school with a new school, District will compare the costs and benefits of renovating versus new construction, from a financial, health, and community perspective.

**Comment:** A district only needs to include the bracketed phrase if state laws or regulations constrain a district’s ability to comply with the policy.

[To the extent permitted by state law, ]District shall make determinations regarding whether a site provides sufficient acreage for a given need based upon an evaluation of the context and flexible design approaches, rather than through adherence to fixed minimum acreage guidelines. District shall consider obtaining space for recreation and sports facilities through co-location with parks or other facilities. District shall consider creating smaller building footprints by building multistory buildings.

**CommentS:** A district only needs to include the bracketed phrase if state laws or regulations constrain a district’s ability to comply with the policy.

Most states do not require districts to adhere to minimum acreage guidelines. Such guidelines were formerly promoted by the Council of Educational Facilities Planners International (CEFPI), and were adopted or recommended by many states. In 2004, CEFPI abandoned these recommendations and now supports school site sizes that enable schools to fit naturally into surrounding neighborhoods,[[41]](#endnote-41) and only a limited number of states continue to require adherence to the outmoded guidelines, although many still contain reference to them.[[42]](#endnote-42) Indeed, some states now provide or recommend that districts abide by *maximum* acreage guidelines, in order to avoid the problems that emerge from enormous schools located on the outskirts of town, which create significant challenges for managing car traffic and require large utility and road investments. Nonetheless, many districts erroneously believe that they must comply with minimum acreage guidelines that no longer exist. Districts should confirm their state requirements and, if necessary, modify this provision accordingly.

Multistory buildings not only have the potential to fit neatly into smaller sites while still providing room for sports facilities and outdoor playgrounds, but also provide students and staff with more routine physical activity opportunities within the building through stair use. Numerous studies show that regular use of stairwells can help reduce health problems such as obesity, high blood pressure, heart disease, stroke, osteoporosis, and stress,[[43]](#endnote-43) while also potentially reducing health insurance costs for employers.

[To the extent permitted by state law, ]District will consider all factors flexibly in determining preferred school size rather than requiring a fixed minimum number of students per school.

**CommentS:** A district only needs to include the bracketed phrase if state laws or regulations constrain a district’s ability to comply with the policy.

This provision addresses the common practice of requiring a minimum number of students per school, which can create arbitrary size demands that promote negative school siting practices.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

### Board Policy [F5]: Site Design and Access

**Comment:** This policy assists a district in designing a school site so that walking and biking are safe and convenient. It also encourages collaboration between the district and the local government, so that aspects of safe and convenient student travel that are outside the jurisdiction of the district are addressed.

In constructing a school or renovating an existing school, District shall design and construct the site to:

* Accommodate the safety and convenience of students, staff, and visitors, including those with disabilities, in arriving and departing by different modes of transportation, including walking, bicycling, public transportation, school bus, and private vehicles;
* Minimize conflicts between pedestrians, bicycles, school buses, and private vehicles;
* Provide for safe crossings of parking lots and other areas of potential conflict between vehicles and pedestrians or bicyclists;
* Provide ample bicycle parking, which shall be, to the extent possible: (a) centrally located, for student convenience and to provide visual protection from attack, theft, or vandalism, and (b) protected from the elements; consider feasibility of providing air and commonly used repair tools for shared use;
* Provide a practical route for bicycles through the school campus;
* Insofar as possible, avoid having entrances and exits on arterials, particularly for elementary schools;
* Avoid locating waiting zones for school buses, trucks, and so on (as well as garbage areas) near fresh air intake vents for school buildings;
* Provide multiple entrances and exits to the site for pedestrians and bicyclists, while protecting the safety of students during the school day.

District shall also:

* Support walking and bicycling to school through Safe Routes to School programs and events;
* Provide free or subsidized benefits to staff who walk, bike, or use public transit to travel to school (e.g., bicycle storage, transit passes, showers, lockers), if benefits (such as free or subsidized parking) are provided to staff who drive;

**Comment:** Sometimes districts do not realize that in devoting school acreage to provide free parking, they are conferring a meaningful financial benefit on staff who drive. Research shows that free car parking at work is associated with 70% lower odds of bicycling.[[44]](#endnote-44) This provision seeks to ensure that when there are built in benefits for drivers, reciprocal benefits are provided for those who use active transportation or public transportation.

* [Limit the provision of free and low-cost vehicle parking for students;]
* Seek to provide and upgrade bicycle parking at existing schools;
* Consider offering a free, student-run, valet bike parking with limited entrance and exit access to indoor space;
* Consider feasibility of establishing a student or professional repair shop on site and providing bicycle maintenance classes or extracurricular activities for students.

As set forth in Board Policy [F2]: Long-Term Coordinated Planning, for areas outside of District’s jurisdiction, District will work with [the appropriate local jurisdiction/s] to:

* Improve safety and convenience of walking and bicycling routes to school;
* In the vicinity of the school, minimize conflict and interaction between different modes of transportation, calm traffic, and ensure safe crossings;
* Provide direct access to school grounds in new and existing neighborhoods and use trails, bike paths, and sidewalks to connect neighborhoods to schools;
* Revise zoning, subdivision, and land development codes to encourage connectivity and pedestrian and bicycle friendly design.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

### Board Policy [F6]: General Guidelines for Attendance Zones & Assignment Policies

**Comment:** Districts typically divide students living within a school district into attendance zones. The zones can be redrawn (known as “redistricting”) with varying goals in mind, such as decreasing transportation times for students or promoting integration. Decisions about attendance zones and student assignment policies involve a wide range of factors, and can provoke strong community reactions. Because attendance zones and student assignment policies have a significant effect on the ability of students to walk or bicycle to school, as well as on the diversity of each school and the risk of creating or continuing patterns of concentrated poverty or racial isolation, districts should consider using these tools to promote walkability, diversity, and educational equity at each school site.

Given the wide range of local conditions and preferences regarding attendance zones and assignment policies, this model policy does not attempt to set out a complete approach, but rather to provide some general guidelines to direct more specific practices and details.

In engaging in school siting determinations, District shall evaluate existing attendance zones and assignment policies with the goal of creating schools that are walkable and bikeable and that both reduce poverty concentration and racial isolation throughout the District and create socioeconomic, racial, ethnic and other forms of diversity at each school site. Creating diverse, walkable schools will reduce costs, improve equity, and support educational advancement for all students by improving student health and avoiding concentrations of poverty and racial isolation in each school.

**Comment:** Although the precise legal boundaries in this arena are not certain and depend on the circumstances, there are a number of practices for supporting diversity and reducing racial isolation that the United States Supreme Court has suggested are legally sound.[[45]](#endnote-45) These include strategic site selection; drawing attendance boundaries with general recognition of overall demographic patterns of neighborhoods; and considerations of family income, educational attainment, and other non-race-based factors.[[46]](#endnote-46) Other creative approaches that use demographics to shape student assignment rather than using each individual student’s race also should be considered.[[47]](#endnote-47) The unifying theme is a preference for policies that are race-neutral or that use only generalized consideration of racial demographics.

In contrast, making an individual student’s race or ethnicity a consideration in school assignment will rarely be permissible.[[48]](#endnote-48) When no court order mandates consideration of students’ race to remedy past discrimination, a district should consider the race of specific students only when the process includes individualized consideration of a range of student characteristics and needs, the use of race involves a nuanced appreciation of diversity (not a binary white/non-white system), and race-neutral and generalized race-based alternatives have been considered and are demonstrably insufficient. Only then will the use of race be both narrowly tailored and necessary to achieve the goals of ensuring diversity and reducing racial isolation. [[49]](#endnote-49)

State laws also may affect the methods districts may employ to create diverse schools, including in some cases restricting the use of race.[[50]](#endnote-50) Note that such laws predominantly focus on assignment practices rather than school siting decisions.

District shall [consider implementing the following recommendations]:

**Comment:** Because changes to school attendance zones and assignment policies elicit strong community reactions and significantly affect districts’ procedures and operations, a district may be concerned about issues of diversity and walkability, yet not be ready to implement the suggested changes. In such cases, districts should include the bracketed language or begin exploring these issues in a preliminary way.

* As far as possible without compromising the racial, ethnic, and socioeconomic diversity of schools, assign students to schools by neighborhood attendance zones, defining boundaries creatively rather than relying on past practices or standard notions of what constitutes a particular neighborhood.
* Draw attendance zones to maximize diversity and walkability within each zone, by reference to neighborhood demographics.
* Design school choice, magnet, and charter programs, if they exist, to support and enhance diversity, and to minimize negative effects on walkability. Consider establishing neighborhood preferences for school choice, magnet, and charter programs.
* As necessary, provide busing to support racial, ethnic, and socioeconomic diversity.

**Comment:** For example, many cities and towns have a central area that has more multi-family housing, more low-income residents, and may or may not have a higher percentage of families of color. By creating a ring of smaller schools around the downtown area, with attendance zones that split up the downtown and include outer areas, it is possible to create diverse and walkable schools. Note that the legal restrictions on considering race in school siting determinations (detailed in the second comment of this model policy) would also apply to these recommendations.

Every [5/10] years, or as needed, District will reevaluate attendance zones and assignment policies and will propose revisions in light of new demographics, land use patterns, school sites, attendance patterns, or other circumstances.

### Policy History:

Adopted on:

Reviewed on:

Revised on:

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2. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. *KidsWalk: Then and Now – Barriers and Solutions.* 2008. Available at: www.cdc.gov/nccdphp/dnpa/kidswalk/then\_and\_now.htm. [↑](#endnote-ref-2)
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6. *See, e.g.*, Sibley BA and Etnier JL. “The Relationship Between Physical Activity and Cognition in Children: A Meta-Analysis.” *Pediatric Exercise Science,* 15: 243-256, 2003. Available at: <http://peandhealth.wikispaces.com/file/view/Sibley+and+Etnier+2003.pdf>; Pedroso M, Bogli J, Speer M, et al. G*etting Students Active through Safe Routes to School: Policies and Action Steps for Education Policymakers and Professionals*. Safe Routes to School, 2010, pp. 6-11. Available at: [www.saferoutespartnership.org/media/file/EducatorsGuide.pdf](http://www.saferoutespartnership.org/media/file/EducatorsGuide.pdf); Trost SG. *Active Education: Physical Education, Physical Activity and Academic Performance.* San Diego: Active Living Research, 2009. Available at: http://216.92.169.205/files/Active\_Ed\_Summer2009.pdf. [↑](#endnote-ref-6)
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11. Levin et al. *The Costs and Benefits of an Excellent Education for All of America’s Children*. 2007. Available at: [www.literacycooperative.org/documents/Thecostsandbenefitsofanexcellentedforamerchildren.pdf](http://www.literacycooperative.org/documents/Thecostsandbenefitsofanexcellentedforamerchildren.pdf). *See also* Muennig, et al. *The Relative Health Burden of Selected Social and Behavioral Risk Factors in the United States: Implications for Policy.* American Journal of Public Health. 2010, Vol. 100, No. 9, pp. 1758-1764. Available at: http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2009.165019. [↑](#endnote-ref-11)
12. *See, e.g.,* David Rusk, “Housing Policy Is School Policy: A Commentary” in *Finding Common Ground: Coordinating Housing and Education Policy to Promote Integration*. (Philip Tegeler, ed., Poverty & Race Research Action Council & National Coalition on School Diversity.) 2011 (analyzing research findings that enrolling low-income children in low-poverty schools has a more powerful effect than full-day kindergarten, smaller class sizes in early grades, a balanced literacy curriculum, and increased professional development); *see also* Williams DR & Collins C. *Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health*. Public Health Rep. 2001; 116: 404-416. [↑](#endnote-ref-12)
13. *See* Sean F. Reardon & Lori Rhodes, “The Effects of Socioeconomic School Integration Policies on Racial School Desegregation,” in *Integrating Schools in a Changing Society: New Policies and Legal Options for a Multiracial Generation* (UNC Press 2011) (Erica Frankenberg & Elizabeth DeBray, eds.). [↑](#endnote-ref-13)
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15. For more information on avoiding toxic contaminants near schools, *see* Rhode Island Legal Services, *Not in my Schoolyard: Avoiding Environmental Hazards at School Through Improved School Site Selection Policies*. 2006. Available at:<http://stage.nylpi.org/pub/School_Siting_Final.pdf>; *see also* Center for Health, Environment & Justice. National Model School Siting Policy. 2007. Available at: http://chej.org/wp-content/uploads/school\_siting\_model\_legislation.pdf. For additional data and resources specifically related to toxic air contaminants and schools, *see* U.S. Environmental Protection Agency, Assessing Outdoor Air Near Schools, <http://epa.gov/schoolair/> (last visited September 20, 2011). [↑](#endnote-ref-15)
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17. *See, e.g.*, Wagner C and Gordon D. *Planning School Grounds for Outdoor Learning*. Washington: National Clearinghouse for Educational Facilities, National Institute of Building Sciences, 2010. Available at: [www.ncef.org/pubs/outdoor.pdf](http://www.ncef.org/pubs/outdoor.pdf). [↑](#endnote-ref-17)
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25. For an example of an interlocal agreement on school siting in which each governmental entity gave up some control in order to achieve superior outcomes, *see* Martin County, City of Stuart, and School Board of Martin County. *Interlocal Agreement for School Facilities Planning and Siting*. 2008. Available at: www.martin.fl.us/web\_docs/gmd/web/comp\_planning/aid\_school\_plan/06\_Executed\_Interlocal\_Agreement.pdf. [↑](#endnote-ref-25)
26. To access our joint use resources, including model contracts, factsheets, legal analyses of liability concerns and community use statutes, and more, *see* National Policy & Legal Analysis Network to Prevent Childhood Obesity, Model Joint Use Agreement Resources. Available at: [www.nplan.org/childhood-obesity/products/nplan-joint-use-agreements](http://www.nplan.org/childhood-obesity/products/nplan-joint-use-agreements). [↑](#endnote-ref-26)
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32. U.S. Department of Transportation, Federal Highway Administration. *NHTS Brief: National Household Travel Survey*. 2008. Available at: www.saferoutespartnership.org/media/file/Travel\_To\_School.pdf. [↑](#endnote-ref-32)
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36. *Id.* (noting that fear of crime among rural families is unique because of the perceived greater risk of occurrence in remote or isolated areas and suggesting that centrally located schools may assuage this fear). [↑](#endnote-ref-36)
37. *Id*. [↑](#endnote-ref-37)
38. U.S. Environmental Protection Agency. *Voluntary School Siting Guidelines*. Available at: www.epa.gov/schools/siting. [↑](#endnote-ref-38)
39. *See, e.g.*, Martin County, City of Stuart, School Board of Martin County. *Interlocal Agreement for School Facilities Planning and Siting*. 2008. Available at: [www.martin.fl.us/web\_docs/gmd/web/comp\_planning/aid\_school\_plan/06\_Executed\_Interlocal\_Agreement.pdf](http://www.martin.fl.us/web_docs/gmd/web/comp_planning/aid_school_plan/06_Executed_Interlocal_Agreement.pdf); *see also* Alaska Department of Education. *Site Selection Criteria and Evaluation Handbook*.1997. Available at: [www.eed.state.ak.us/facilities/publications/siteselection.pdf](http://www.eed.state.ak.us/facilities/publications/siteselection.pdf). See also Arizona Department of Transportation, *Active School Neighborhood Checklist*. Available at: [www.activeschoolchecklist.com](http://www.activeschoolchecklist.com). [↑](#endnote-ref-39)
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42. Kuhlman R. *Helping Johnny Walk to School: Policy Recommendations for Removing Barriers to Community-Centered Schools.* Washington: National Trust for Historic Preservation. Available at: [www.preservationnation.org/issues/historic-schools/helping-johnny-walk-to-school/helping-johnny-walk-to-school.pdf](http://www.preservationnation.org/issues/historic-schools/helping-johnny-walk-to-school/helping-johnny-walk-to-school.pdf) (indicating that many school districts and school architects continue to plan using these outdated standards); Dynerman SB. *Public Schools: A Toolkit for Realtors.* Chicago: National Association of Realtors, 2011. Available at: [www.realtor.org/wps/wcm/connect/fa575e004767ca1ba914abaa3b85ca9a/PET\_all.pdf?MOD=AJPERES&CACHEID=fa575e004767ca1ba914abaa3b85ca9a](http://www.realtor.org/wps/wcm/connect/fa575e004767ca1ba914abaa3b85ca9a/PET_all.pdf?MOD=AJPERES&CACHEID=fa575e004767ca1ba914abaa3b85ca9a) (explaining that while some states have eliminated or prohibited minimum acreage guidelines in the past decade, in other states the minimum acreage guidelines remain in place); Smart Growth America, Reduce or Eliminate Acreage Standards for K-12 Schools. Available at: [www.smartgrowthamerica.org/policy-work/smart-growth-at-the-state-and-local-level/education/reduce-or-eliminate-acreage-standards-for-k-12-schools/](http://www.smartgrowthamerica.org/policy-work/smart-growth-at-the-state-and-local-level/education/reduce-or-eliminate-acreage-standards-for-k-12-schools/) (specifying that school boards in 27 states must follow acreage guidelines when preparing plans and requesting financial assistance for new construction). [↑](#endnote-ref-42)
43. *See, e.g.,* Mansi IA, Mansi N, Shaker H, et al. “Stair Design in the United States and Obesity: The Need for Change.” *Southern Medical Journal*, 102(6): 610-614, 2009. Available at: <http://journals.lww.com/smajournalonline/Fulltext/2009/06000/Stair_Design_in_the_United_States_and_Obesity__The.16.aspx> (concluding that stair use has the potential to increase physical activity and decrease obesity); Wellness Council of America, *Step Up To Better Health…Take the Stairs!* Available at: www.fcps.edu/DHR/employees/benefits/wellness/pdfs/bs\_v10\_no1.pdf (describing that among the top 10 reasons to take the stairs are an improvement in heart health, a reduction of the risk of osteoporosis, and reduced stress); Meyer P, Kossowsky M, Kayser B, et al. “Stair Instead of Elevator Use at Work: Cardiovascular Preventive Effects on Healthy Employees. The Geneva Stair Study.” *European Heart Journal*, 29(suppl 1): 255-503, 2008. Available at: http://eurheartj.oxfordjournals.org/content/29/suppl\_1/255.full.pdf+html (confirming that 69 hospital employees who used stairs exclusively for 12 weeks increased their lung capacity 8.6 % while reducing their body fat by 1.7%, blood pressure by 2.3%, and cholesterol by 3.9%). [↑](#endnote-ref-43)
44. See, e.g., Buehler R. *Determinants of bicycle commuting in the Washington, DC region: The role of bicycle parking, cyclist showers, and free car parking at work*. Transportation Research Part D: Transport and Environment, Volume 17, Issue 7, October 2012, Pages 525-531. Available at: www.sciencedirect.com/science/article/pii/S1361920912000594. [↑](#endnote-ref-44)
45. *See Parents Involved in Community Schools v. Seattle School District*, 511 U.S. 701 (2007). *See also* U.S. Departments of Justice and Education. *“Dear Colleague” Guidance on U.S. Supreme Court ruling in*Schuette v. Coalition to Defend Affirmative Action*.* 2014. Available at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-schuette-guidance.pdf (citing U.S. Departments of Justice and Education. *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools.* 2011. Available at: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201111.html); *see also* *Achieving Educational Excellence for All: A Guide to Diversity-Related Policy Strategies for School Districts*, a joint report by the National School Boards Association, the College Board, and EducationCounsel. 2011. Available at: [www.nsba.org/EducationExcellenceForAll](http://www.nsba.org/EducationExcellenceForAll). [↑](#endnote-ref-45)
46. *See* *Parents Involved in Community Schools v. Seattle School District*, *supra,* 511 U.S. at 789 (Kennedy, J., concurring); *see also* Tefera A. et al, *Integrating Suburban Schools: How to Benefit from Growing Diversity and Avoid Segregation*, Civil Rights Project. 2011. Available at: <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/integrating-suburban-schools-how-to-benefit-from-growing-diversity-and-avoid-segregation>. [↑](#endnote-ref-46)
47. *See, e.g.,* Meredith P. Richards et. al., *Achieving Diversity in the Parents Involved Era: Evidence for Geographic Integration Plans in Metropolitan School Districts*, 14 Berkeley J. Afr.-Am. L. & Pol'y 65 (2012) (analyzing method upheld in *Am. Civil Rights Found. v. Berkeley Unified Sch. Dist.*, 172 Cal. App. 4th 207 (2009)). [↑](#endnote-ref-47)
48. *See Fisher v. Univ. of Texas at Austin*, 11-345, 2013 WL 3155220 (U.S. June 24, 2013); *Parents Involved, supra,* n. 46. [↑](#endnote-ref-48)
49. *See* *Parents Involved in Community Schools v. Seattle School District*, *supra,* 511 U.S. at 790-793 (Kennedy, J., concurring); *see also* *Grutter v. Bollinger*, [539 U.S. 306 (2003)](https://a.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2003444559&pubNum=780&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)); *Fisher v. Univ. of Texas at Austin*, 11-345, 2013 WL 3155220 \* 9 (explaining that narrow tailoring “does not require exhaustion of every *conceivable* race-neutral alternative” but holding university was required to prove necessity by showing with evidence that alternatives would not suffice). [↑](#endnote-ref-49)
50. *See, e.g.,* Tenn. Code §§ 49-6-3109(a) & 49-6-3109 (restricting ability to consider race or integration in school composition and student assignment); 14 Del. Code § 223 (providing for New Castle County that “no student shall be assigned to any school on the basis of race and school assignments shall be made without regard to the racial composition of the schools”); Kentucky Rev. Stat. § 159.070 (providing that “parents or legal guardians shall be permitted to enroll their children in the public school nearest their home”). [↑](#endnote-ref-50)