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**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Board Cover Memorandum

**To** Board of Education

**From** VanCedric Williams, Board Member

**Meeting Date** September 8, 2021

**Subject** Board Policy 5116.1 - Open Enrollment

**Ask of the Board** Approval by the Board of Education of proposed new amendments to Board Policy 5116.1 - Open Enrollment

**Background** Board Policy 5116.1 - Open Enrollment (“BP 5116.1”) establishes the priorities for assigning students to OUSD schools for the beginning of each school year. Currently, the priority list is:

- Continuing Student Priority
- Sibling Priority
- Opportunity Ticket Priority
- Neighborhood Priority
- School Staff Child Priority
- Oakland Resident Priority
- Non-Oakland Residents

**Discussion** The proposed amendment would add a new priority after the Neighborhood Priority. This new priority would target students enrolled at Sojourner Truth (Independent Study) and give them priority to reenroll at the OUSD school that they attended immediately prior to enrolling at Sojourner Truth (Independent Study). By its terms, the new priority would not apply to any of the following:

- OUSD students seeking to enroll in a different OUSD school than the OUSD school in which they were enrolled immediately prior to enrolling in Sojourner Truth (Independent Study)
- OUSD students seeking to enroll in OUSD but not currently enrolled in OUSD (even if they were previously enrolled in OUSD)
- OUSD students for whom Sojourner Truth (Independent Study) has been the only OUSD school in which they have ever enrolled
- OUSD students for whom the OUSD school in which they were enrolled immediately prior to enrolling in Sojourner Truth (Independent Study) does not serve the necessary grade level (e.g.,

a student in sixth grade cannot return to a K-5 school)  
The creation of this new enrollment priority will greatly increase the likelihood - but does not guarantee - that a student will be able to re-enroll in their prior school.

**Fiscal Impact** It is not feasible to estimate the fiscal impact from this policy change. While it might encourage some students to stay enrolled in the District, it might discourage others to enroll due to an added enrollment priority.

**Attachment(s)**

- Proposed Amendments to Board Policy 5116.1 - Open Enrollment (REDLINE)
- Proposed Amendments to Board Policy 5116.1 - Open Enrollment (CLEAN)

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy Students

### BP 5116.1 Open Enrollment

#### **OPEN ENROLLMENT**

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of District students and parents/guardians, while also maximizing the efficient use of District facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among District schools in accordance with law, Board Policies, and Administrative Regulation. The Board shall annually review this policy. (Education Code 35160.5, 48980)

The Superintendent or designee shall calculate each school's capacity in a non-arbitrary manner using student enrollment and available space. (Education Code 35160.5) In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for Open Enrollment shall be submitted timely within the District's Open Enrollment Options window which is typically between Fall and Late Winter of the school year preceding the school year for which the transfer is requested and can be found on the District's website at <https://www.ousd.org/enroll> or by calling the District's Welcome Center at 510-879-4600.

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)*

#### **RESERVING SEATS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PLANS (IEPS)**

Every school year, seats shall be identified and set aside in each Strategic Regional Analysis Region (SRAR) for students with an Individual Education Plan. In consultation with staff from Programs for Exceptional Children, the number of reserved seats in each SRAR shall be determined prior to the fall lottery, so that the seat inventory accounts for and accommodates the needs of special education students.

#### **SAFETY TRANSFERS**

These priorities ensure that students may transfer out of their neighborhood school to a different District-school under the circumstances listed below. Although a family's school

preferences will be considered in selecting a school, these priorities do not guarantee a particular school.

1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
3. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. 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 necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist or (b) A court order, including a temporary restraining order and injunction

### **ENROLLMENT PRIORITIES**

The parents/guardians of any student who resides within District boundaries will be granted an enrollment priority in the lottery as described below, based on verification of residency documentation, regardless of which schools are identified as their "neighborhood schools" or the location of their residence within the District. (Education Code 35160.5) The Superintendent or designee shall grant priority to any District student to attend any District school as follows:

**Continuing Student Priority:** Priority is first given to continuing students who are currently enrolled at the school and who have not indicated plans to leave. A school exists under a defined CDS code.

**Sibling Priority:** In recognition of the Governing Board's stated policy goal of keeping families and siblings together, siblings of students who are Oakland residents, enrolled in the school, and who will be enrolled in the school concurrently with their sibling in the same school the following year will be granted enrollment priority in the lottery process. (Education Code 35160.5)

**Opportunity Ticket Priority:** The Opportunity Ticket grants enrollment priority to the following groups of students: students from closing District or charter schools, students from District or charter schools that move to a new location to be part of a merger with another school, and students who are part of a grade band truncation at a District or charter school (e.g., eliminating the middle school portion of a K-8 school). This applies only to Oakland residents

who attend District schools or charter schools physically located in Oakland. The enrollment priority helps families affected by these major changes to select a new school that they deem suitable for their children. The relevant priorities and the goals of the Opportunity Ticket shall be incorporated into a comprehensive Enrollment and/or Student Assignment Policy.

**Neighborhood School Priority (Neighborhood Priority):** Attendance boundaries are established by the Governing Board. A family's permanent residence falls within the geographic boundaries of an elementary, middle and high school within the District, and these schools are referred to as the "neighborhood schools" for that location. The neighborhood schools for a particular residential address can be found at:

<https://oaklandfinder.schoolmint.net/school-chooser> or by calling the District's Welcome Center at 510-879-4600. The Superintendent or designee shall grant enrollment priority in the lottery to any Oakland resident to attend their neighborhood District school.

No student shall be displaced from his or her neighborhood school by another student transferring from outside the neighborhood school/ attendance boundary area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries), except as permitted by *Equitable Enrollment Initiatives* section or another portion of this policy.

**Sojourner Truth (Independent Study) Priority:** A student enrolled in Sojourner Truth (Independent Study) will be granted enrollment priority only to return to the OUSD school in which they were enrolled immediately prior to enrolling in Sojourner Truth (Independent Study). This priority does not apply in the following situations:

- OUSD students seeking to enroll in a different OUSD school than the OUSD school in which they were enrolled immediately prior to enrolling in Sojourner Truth (Independent Study)
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**School Staff Priority:** When a parent/guardian's primary place of employment is at a school site, their child will be granted enrollment priority, in the lottery process, to attend the school at which their parent/guardian works, a school physically adjacent to their parent/guardian's school site, or on the same campus as their parent/guardian's school site. (Education Code 48204)

**Pre-K Priority (for TK/Kindergarten Enrollment only):** Students who are currently enrolled in an OUSD Pre-K program will be granted an enrollment priority for TK and/or Kindergarten to the elementary school, if any, located on the same campus as the Pre-K program; if no elementary school is located on the same campus as the Pre-K program, enrollment priority will be granted for TK and/or Kindergarten to the closest elementary school to the student's

Pre-K program.

**Oakland Resident Priority:** Students with a parent/guardian with a permanent residence within the City of Oakland will be granted enrollment priority over non-residents in the lottery process.

### **PLACEMENT AT DUAL LANGUAGE IMMERSION SCHOOLS**

Placement at Dual Language Two Way Immersion Schools will be determined based on dual immersion entrance criteria and through the open enrollment lottery process. Once entrance eligibility is determined, the enrollment priorities outlined above will be used in the lottery process.

### **EQUITABLE ENROLLMENT INITIATIVES**

In recognition of the District's interest in improving equitable access to high-demand schools, the Board may approve, via separate resolution, a different set of enrollment priorities at individual schools that may remain in place for up to 3 years at a time.

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##### *ATTORNEY GENERAL OPINIONS*

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

#### *Management Resources:*

##### *CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Public School Choice FAQs*

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##### *WEB SITES*

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

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

7/14/04; 8/9/06A; 6/25/08A; 10/11/17A; 8/22/18A; 3/4/19A; 10/28/20A; 09/08/21A

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Students

#### BP 5116.1

#### Open Enrollment

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