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Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent; Charles Wilson, Executive Director, Enrollment and Registration Management

Board Meeting Date August 8, 2018

Subject First Read of Proposed Changes to BP 5116.1: "Intradistrict Open Enrollment"

Action First Read

Background BP 5116.1 Intradistrict Open Enrollment outlines the way student applications for enrollment are prioritized and processed. The policy provides guidance on how the "choice" process is operationalized; i.e how students and families who would like to attend schools outside of their neighborhood feeder patterns participate in the lottery process each year.

Discussion The following revisions are proposed to BP 5116.1 Intradistrict Open Enrollment to align district policies and operation.

Background

Major changes proposed

School Grounds that becomes dangerous for a student



- Moves the existing language from the current BP to the beginning of the document.

Enrollment Priorities

- Moves a discussion of the various board-approved enrollment priorities towards the beginning of the policy. This section also clarifies the order in which applicant pools and enrollment priorities are applied.
- Explicitly names the student groups that need to apply for enrollment annually. The new policy requires that all students in 5th or 8th grade apply for admission to the next grade, even in schools that offer grades TK-8 or 6-12. This is needed so that the District receives a positive affirmation from these parents of the intent to continue at a specific school for the next year; several of our TK-8 or 6-12 schools have difference in seat availability between spans and it behooves the District to receive this positive affirmation of intent.
- Names the use of the proposed Dual Language 2-Way Immersion Enrollment policy as a means of creating eligible applicant pools as needed.
- Continuing Student Priority: The District has always implicitly given priority to students moving from one grade to another (e.g. 3rd to 4th), and this policy makes the practice explicit. This is needed to respond to seat capacity issues between grades, especially in TK-8 and 6-12 schools. This will grant highest priority to those continuing students at 5th and 8th grades who make the



positive affirmation that they plan to attend their same school the next year.

- Renames the "Family Priority" to "Sibling Priority" without changing the contents or nature of the priority.
- Makes explicit a priority called "School Staff Priority". Previously this priority was included within the "Family Priority" category.
- Neighborhood: Clarifies the process for identifying feeder patterns by neighborhood and address.

Assignment Lotteries

- Cites the appropriate Administrative Regulation (AR 5116.1) for a discussion of assignment lottery procedures.

Fiscal Impact

There is no predicted financial impact of these changes to BP 5116.1

Attachment

BP 5116.1 Edit Tracking Version - Intradistrict Open Enrollment.docx
BP 5116.1 Final Intradistrict - Open Enrollment.docx

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5116.1

(Revised 10/11/17)

Students

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 policy, 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 early December and mid January 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 at 510-273-1600.~~ 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 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)

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:

Dual Language Immersion Schools (Entrance Criteria): Placement at Dual Language Two Way Immersion Schools will be determined based on dual immersion entrance criteria, as defined in the OUSD BOE *AR Dual Language Schools* and through the open enrollment lottery process. Once entrance eligibility is determined appropriate priorities will be used in the lottery process 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.

A. FAMILY PRIORITIES

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. (Education Code 35160.5)~~

Sibling Priority: 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 will be granted enrollment priority in the lottery process. (Education Code 35160.5)

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, except as stipulated in the *Intra-district Transfers Outside Neighborhood Schools* section of this policy.

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 stipulated in the *Intra-district Transfers Outside Neighborhood Schools* section of this policy.

- ~~2. When a parent/guardian's primary place of employment is at a school site, their child will be granted enrollment priority 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.~~

Neighborhood School 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://www.ousd.org/schoolfinder> or by calling the District's Welcome Center at 510-273-1600.~~

~~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)~~

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.

Prioritization in High-Demand Schools (Oakland Resident Priority): In some circumstances, the number of students seeking to enroll in a school will exceed the available space in the school. 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.

~~Neighborhood School 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://www.ousd.org/schoolfinder> or by calling the District's Welcome Center at 510-273-1600.~~

~~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)~~

Intra-District Transfers Outside Neighborhood School: s

The parents/guardians of any student who resides within District boundaries may apply to enroll their child in any District school, 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 another District school outside of his/her attendance area as follows:

ASSIGNMENT LOTTERIES

For a discussion of the Open Enrollment Lottery and Late Enrollment Lottery processes, please see AR 5116.1

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

7912 Transfers from persistently dangerous schools

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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

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, A:8/8/18

B. FAMILY PRIORITIES

~~3. 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. (Education Code 35160.5)~~

~~4. When a parent/guardian's primary place of employment is at a school site, their child will be granted enrollment priority 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.~~

~~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.~~

~~4. 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)~~

~~5. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)~~

~~6. 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~~

C. ~~Prioritization In High-Demand Schools~~

~~In some circumstances, the number of students seeking to enroll in a school will exceed the available space in the school. Students with a parent/guardian with a permanent residence within the City of Oakland shall have priority over non-residents.~~

II. ~~Lottery~~

~~All other enrollment requests into District schools shall be subject to a lottery. Except for priorities listed above (neighborhood, family, safety transfer ensuring an alternative placement, Oakland residency), the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)~~

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~~EDUCATION~~

~~CODE~~

~~200 Prohibition against discrimination-~~

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7/14/04; 8/9/06A; 6/25/08A; 10/11/17A; 8/8/18A (if adopted)