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Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sonali Murarka, Executive Director – Enrollment

Board Meeting Date April 7, 2020

Subject Opportunity Ticket: Update to Board Policy 5116.1 to Clarify Eligibility of Charter School Students

Action Requested and Recommendation Vote

Background

The District has been making changes as part of the Citywide Plan to reduce our footprint in the city and increase academic achievement and excellence. As a result, there have been decisions to merge, close, and move some schools in the city. We must ensure throughout the process that our students have a welcoming school equipped to support every child in attaining an excellent education. We know this will take time and we need to commit to keeping our students at the center, especially those who will be directly impacted.

The Opportunity Ticket provides these most impacted families with an opportunity that prioritizes their placement at the schools they deem most suitable for their children.

The inclusion of the Opportunity Ticket in Board Policy 5116.1 was approved by the Board on March 4, 2019. The following language was added to BP 5116.1:

Opportunity Ticket Priority: *Previously, prioritization in the enrollment process was limited to siblings and neighborhood residents. There was an absence in prioritization for families*

In September 2019, the Opportunity Ticket Working Group provided recommendations on the following three questions for discussion by the Board:

- Q1: What percent of seats should be allocated at receiving schools for students who receive an Opportunity Ticket?



- Q2: Does the Opportunity Ticket apply to all students at moving/closing sites AND receiving sites?
- Q3: Should students from closing charter schools receive an Opportunity Ticket?

Discussion

The Opportunity Ticket Working Group and the Superintendent have recommended that students from closing charter schools receive an Opportunity Ticket.

At the First Read, the Board indicated their support for explicitly recognizing that students from closing charter schools should receive an Opportunity Ticket. The Board also provided direction for two other policy changes related to the Opportunity Ticket:

- The Opportunity Ticket priority should go after neighborhood priority, not before. This will be implemented for the next school year (2020-21), as the process for the current school year (2019-20) is already underway and cannot be altered.
- The Opportunity Ticket priority should sunset at the end of the next school year (end of 2020-21), with the intention that it will be revisited before then as part of the Board and Superintendent's work around equitable enrollment policies.

Note that an initial analysis shows that moving the Opportunity Ticket priority to *after* neighborhood priority rather than for up to 51% of seats *before* neighborhood priority would result in a moderate decline from ~660 seats available for Opportunity Ticket students to ~550 seats available.

Fiscal Impact

There is the potential for a positive fiscal impact since families from a closing charter schools are slightly more likely to receive a preferred offer to a District school because of the Opportunity Ticket. However, this positive impact may be neutralized depending on the "domino" effect of where students enroll who no longer receive a spot at the District school (if the District school fills up).

Attachments

BP 5116.1 Red-Lined to Include Students from Closing Charter Schools

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 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 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:

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.

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)

~~**Opportunity Ticket Priority:** Previously, prioritization in the enrollment process was limited to siblings and neighborhood residents. There was an absence in prioritization for families impacted by closing schools and schools where families will need to move to a new location. The Opportunity Ticket will be granted enrollment priority in selecting a new school that they deem suitable for their children. Details regarding the implementation of the Opportunity Ticket can be found in Administrative Regulation 5116.1.~~

Opportunity Ticket Priority (for August 2020 admissions only):

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. Details regarding the implementation of the Opportunity Ticket can be found in Administrative Regulation 5116.1. This priority shall only be effective for purposes of August 2020 admissions.

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.

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admissions. This priority shall sunset on June 30, 2021 and cease to have any impact for determining enrollment priorities for August 2022 admissions and beyond.

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.

Intra-District Transfers Outside Neighborhood School: 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

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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; 8/22/18A; 3/4/19A; 4/7/20A

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