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# Memo

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
 Yvette Renteria, Deputy Chief of Innovation  
 Charles Wilson, Executive Director of Enrollment and Registration Management

**Board Meeting Date** January 9, 2019

**Subject** The Opportunity Ticket: First Reading of proposed changes to Board Policy 5116.1 “Open Enrollment” and Administrative Regulations 5116.1 “Intradistrict Open Enrollment”

**Action** First Read

**Background** It is the mission of OUSD to become a Full Service Community District focused on high academic achievement while serving the whole child, eliminating inequity, and providing each child with excellent teachers, every day. In doing so we are charged to implement a citywide plan that will eventually get us to a place where we have quality in every neighborhood, access and equity for all of our families, and can maintain fiscal sustainability.

During the next several years, we will undergo several changes to reduce our footprint in the city and increase academic achievement and excellence. As a result, there will be a need to consolidate, merge, and move programs and expand school sites and programs throughout the city. We must ensure throughout the process 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.

We know we need to provide these most impacted families with an opportunity that prioritizes their placement at the schools they deem most suitable for their children.

## Discussion

The open enrollment / choice process was designed to provide each student with more equitable access to schools throughout the District. Currently Prioritization is given to students in the following order:

1. The student is continuing at the same school
2. The student will have a sibling attending the same school in the coming year;
3. The student lives in the attendance boundary of the school;
4. The student is the child of an OUSD staff member working on the site of the school's campus;
5. The student is an Oakland resident

Most of OUSD's best-performing schools are, unsurprisingly, highly sought after by families who fall into each of these priority groups, resulting in a level of demand that far outstrips the availability of seats in any given enrollment season. This very frequently results in students who do not fall into the first three categories not receiving offers or top waitlist placements at any of their desired schools. Choice in OUSD is tightly bound to family relationships and residential location. However, Oakland's neighborhoods, like those in most urban areas in the United States, are highly segregated by socioeconomic status (Jargowsky, 2014). The socioeconomic status of a residential area, along with other factors, is highly associated with the performance of the schools that serve that residential area (Palardy, Rumberger, & Butler, 2015). Research indicates that school quality is a driving factor for families who can afford to choose their residential neighborhood (Lareau, 2014). When it comes to families currently served by schools that will be closed or relocated, there is a need to prioritize selection so that real choice is pragmatically possible.

## Fiscal Impact

There is the potential for a negative fiscal impact if families choose to leave District schools.

## Attachments

For a detailed discussion of this topic, please refer to the Attachment A.

[Board Policy 5116.1 "Open Enrollment "Amendment as Proposed \(red lined copy\)](#)

[Board Policy 5116.1 "Open Enrollment "Amendment as Proposed \(clean copy\)](#)

[Administrative Regulations 5116.1 "Intradistrict Open Enrollment" \(red lined copy\)](#)

[Administrative Regulations 5116.1 "Intradistrict Open Enrollment" \(clean copy\)](#)

## Opportunity Ticket Proposal

It is the mission of OUSD to become a Full Service Community District focused on high academic achievement while serving the whole child, eliminating inequity, and providing each child with excellent teachers, every day. In doing so we are charged to implement a citywide plan that will eventually get us to a place where we have quality in every neighborhood, access and equity for all of our families, and can maintain fiscal sustainability.

During the next several years, we will undergo several changes to reduce our footprint in the city and increase academic achievement and excellence. As a result, there will be a need to consolidate, merge, and move programs and expand school sites and programs throughout the city. We must ensure throughout the process 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.

We know we need to provide these most impacted families with an opportunity that prioritizes their placement at the schools they deem most suitable for their children.

Problem	Prioritization in the enrollment process is limited to siblings and neighborhood residents. There is an absence in prioritization for families impacted by closing schools and schools where families will need to move to a new location.
Problem Etiology	<p>The open enrollment / choice process was designed to provide each student with more equitable access to schools throughout the District. Currently Prioritization is given to students is the following order:</p> <ol style="list-style-type: none"> <li>1. The student is continuing at the same school</li> <li>2. The student will have a sibling attending the same school in the coming year;</li> <li>3. The student lives in the attendance boundary of the school;</li> <li>4. The student is the child of an OUSD staff member working on the site of the school's campus;</li> <li>5. The student is an Oakland resident</li> </ol> <p>Most of OUSD's best-performing schools are, unsurprisingly, highly sought after by families who fall into each of these priority groups, resulting in a level of demand that far outstrips the availability of seats in any given enrollment season. This very frequently results in students who do not fall into the first three categories not receiving offers or top waitlist placements at any of their desired schools. Choice in OUSD is tightly bound to family relationships and residential location. However, Oakland's neighborhoods, like those in most urban areas in the United States, are highly segregated by socioeconomic status (Jargowsky, 2014). The socioeconomic status of a residential area, along with other factors, is highly associated with the performance of the schools that serve that residential area (Palardy, Rumberger, &amp; Butler, 2015). Research indicates that school quality is a driving factor for families who can afford to choose their residential neighborhood (Lareau, 2014). When it comes to families currently served by schools that will be closed or relocated, there is a need to prioritize selection so that real choice is pragmatically possible.</p>
Theory of	We need to address the following:

Change	<ul style="list-style-type: none"> <li>● We must ensure we follow our mission so that all of our students have a quality education</li> <li>● There is a need to support families that are directly impacted by a closure or need to move school locations</li> <li>● The enrollment process needs to account for district changes and prioritize those most impacted</li> <li>● Placement as early as possible for impacted families assures they have a secure spot at a school of their choice and allows staff to provide a welcoming school environment.</li> </ul>
Theory of Intervention	<ul style="list-style-type: none"> <li>❖ Gathering data to understand open seats for the next year</li> <li>❖ Provide families that are impacted for the next year with options</li> <li>❖ Families given a window of time to enrol</li> <li>❖ Pre-enroll students before the general lottery. Unfilled seats will go into the general lotter.</li> </ul>
Theory of Implementation	<p><b>Enrollment team will gather list of impacted families who:</b></p> <ol style="list-style-type: none"> <li>1. Have a child currently attending the school that is a planned closure or that will be merging to another location and would have sent their other children to that school on the sibling priority;</li> <li>2. Live in the attendance area of the school that is a planned closure or that will be merging to another location and would have sent their children to that school on the neighborhood priority;</li> <li>3. Have children currently attending the school that is a planned closure or that will be merging to another location and would have had their children continue attending that same school if it were not closed (e.g. 3rd grade students who would have moved to 4th at that same school).</li> </ol> <p><b>Enrollment Support</b></p> <ol style="list-style-type: none"> <li>1. Families will be able to participate in pre-enrollment activities at their current school including counseling and other support services;</li> <li>2. Families will be presented with options and support in making the right decision for their child, taking into account programs available at sites and sharing data of the district schools.</li> </ol> <p><b>Enrollment Team will:</b></p> <ol style="list-style-type: none"> <li>1. Establish a new enrollment priority called “Opportunity Ticket” as a part of BP 5116.1 “Open Enrollment”;</li> <li>2. <b>Set aside a percentage of seats to accommodate the impacted students with Opportunity Ticket priority across all schools at the appropriate grade levels. Setting aside of these seats shall occur after all student applicants with sibling priority are offered seats. The percentage of seats set aside for opportunity tickets at any grade in a school shall not exceed 51% of the available seats, with the total number of students assigned to a school with an opportunity ticket not exceeding 10% of the total student enrollment at the school (see example test cases below);</b></li> <li>3. Set up pre-enrollment activities for our impacted familie to include counseling on school selection, expedited completion of required documents, and personalized communication of lottery results.</li> </ol>
Outcome	<p>Students will be at the center of the work and those impacted the most will be prioritized for school placements at schools deemed suitable by the students’ parents.</p>

**Theory of Action**

If	Then (outcomes)
If we provide families with a higher quality option,	then, we are fulfilling our vision to ensure quality schools for each of our families.
If engage families in the process of choosing a school,	then, we are bringing families into our community as an engaged stakeholder.
If we support families whose schools will be impacted by a change that causes them to relocate,	then, we keep families at the center of our work while we undergo changes.
If we are providing families with options prior to the lottery,	then, we are providing families with certainty in their choices that best support their children.
<b>We will ...</b>	
<ul style="list-style-type: none"> <li>- Keep students, especially those that are directly impacted the most at the center of our work;</li> <li>- We will engage with families early and often to ensure they have time and resources to make the best decision for their family;</li> <li>- Work within our systems so we create efficiencies and structure to create a fluid process for families.</li> </ul>	

What (practices)	How (policy, pd, etc...)	Resources Needed (money, time, people)
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<ul style="list-style-type: none"> <li>● Engage leaders, staff and families in the process</li> <li>● Gather data of those families impacted by a closure or families who will have a new location to attend school</li> <li>● Identify school options and share details with families</li> <li>● Set up a timeline that will meet the enrollment deadlines</li> <li>● Notify families throughout the process</li> </ul>	<ul style="list-style-type: none"> <li>● Gather list of impacted families who: <ul style="list-style-type: none"> <li>○ Have a child in a school that is a planned closure while they are attending the school</li> <li>○ Have a child in a school that will be merging to another location</li> </ul> </li> <li>● Enrollment Support <ul style="list-style-type: none"> <li>○ Families will be able to participate in pre-enrollment activities at their current school</li> <li>○ Families will be presented with options and support in making the right decision for their child, taking into account programs available at sites and sharing data of the district schools</li> </ul> </li> <li>● Enrollment Team will: <ul style="list-style-type: none"> <li>○ Set aside a percentage of seats that accommodate the impacted students across all schools for the similar grade levels. The percentage will be determined by the amount of families impacted for the given school year. <i>Examples provided below</i></li> <li>○ Set up pre-enrollment for our impacted families</li> <li>○ If ‘saved’ seats from pre-enrollment are not filled, seats will open for general lottery</li> </ul> </li> <li>● Notification <ul style="list-style-type: none"> <li>○ Enrollment office will notify families of their school before the general lottery takes place</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Enrollment team members are needed for a series of family engagements. This may result in stipend pay for extra hours</li> <li>● Translation supports are needed to engage with families so we will see extra pay for translators</li> <li>● A series of ongoing support for families that result in enrollment staff member engagement and notification</li> </ul>
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**Test Cases**

<p><b>Test Case 1</b> <b>51% / 10%</b></p>	<p>School A is being closed at the end of the current year and students currently attending in grades K through 4th grade will need to be relocated for the next year, so they would receive Opportunity Tickets (the current 5th grade students would need to apply for a middle school program for the next year even if School A were to remain open, so they would not be eligible for Opportunity Tickets). Additionally, Opportunity Tickets would be given to prospective</p>
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**guidelines:**

**Sample  
allocation of  
available  
seats and  
waitlist  
placements**

Kindergarten students who live in School A's attendance boundary, as well as prospective Kindergarten students who would have had sibling priority to School A.

School B has been selected by many of the families at School A as a suitable school for their children. At School B, the projected enrollment for the next year is 454 students: Kindergarten = 76; 1st Grade = 75; 2nd Grade = 84; Third Grade = 71; Fourth Grade = 71; Fifth Grade = 77.

All of the Kindergarten seats are available to new students for next year; for other grades, trends in year-to-year attrition are used to estimate the number of seats that would be available to new students. The estimated available seats at each grade level are: Kindergarten = 76 seats; 1st Grade = 5 seats; 2nd Grade = 4 seats; 3rd Grade = 5 seats; 4th Grade = 7 seats; and 5th Grade = 8 seats.

The Opportunity Ticket priority would be sequenced with other enrollment priorities in the following order: 1) Continuing Student; 2) Sibling; 3) Opportunity Ticket; 4) Neighbor; 5) School Staff; 6) Oakland Resident; and, 7) Open enrollment from outside attendance area.

Following the policies outlined here, the percentage of seats set aside for Opportunity Tickets at any grade at School B would not exceed 51% of the available seats, with the total number of students assigned to the school with an opportunity ticket not exceeding 10% of the total student enrollment.

During the Enrollment Options process for next year, applications are received and assigned priorities as follows:

- Kindergarten: 37 siblings / 25 opportunity tickets / 68 neighbors
- 1st Grade: 0 siblings / 10 opportunity tickets / 3 neighbors
- 2nd Grade: 0 siblings / 7 opportunity tickets / 5 neighbors
- 3rd Grade: 1 sibling / 12 opportunity tickets / 4 neighbors
- 4th Grade: 0 siblings / 5 opportunity tickets / 6 neighbors
- 5th Grade: 0 siblings / 4 opportunity tickets / 2 neighbors

Offers would be made as follows:

- Kindergarten (76 open seats): All 37 siblings would receive offers, leaving 39 seats. 20 opportunity ticket holders would receive offers, with the remaining 5 opportunity ticket holders placed at the top of the waitlist. 19 neighbors would receive offers, with the remaining 49 neighbors assigned to the waitlist below the opportunity ticket holders;
- 1st Grade (5 open seats): 3 opportunity ticket holders would receive offers, with the remaining 7 opportunity ticket holders placed at the top of the waitlist. 2 neighbors would receive offers, with the remaining 1 neighbor assigned to the waitlist below the opportunity ticket holders;
- 2nd Grade (4 open seats): 2 opportunity ticket holders would receive offers, with the remaining 5 opportunity ticket holders placed at the top of the waitlist. 2 neighbors would receive offers, with the remaining 3 neighbors assigned to the waitlist below the opportunity ticket holders;
- 3rd Grade (5 open seats): The 1 sibling would receive an offer, leaving 4 seats. 2 opportunity ticket holders would receive offers, with the remaining 10 opportunity ticket holders placed at the top of the waitlist. 2 neighbors would receive offers, with the remaining 2 neighbors assigned to the waitlist below the opportunity ticket holders;
- 4th Grade (7 open seats): 4 opportunity ticket holders would receive offers, with the remaining 2 opportunity ticket holders placed at the top of the

	<p>waitlist. 3 neighbors would receive offers, with the remaining 3 neighbors assigned to the waitlist below the opportunity ticket holders;</p> <ul style="list-style-type: none"> <li>● 5th Grade (8 open seats): All 4 opportunity ticket holders would receive offers. Both neighbors would receive offers. There would be 2 open seats remaining for other priority groups on the waitlist.</li> </ul> <p>If all of the offers made were to be accepted, the total number of opportunity ticket holders assigned to School B would be 32, or 7% of the total student enrollment. 13 more opportunity ticket holders could be admitted from the waitlists if seats became available (assuming that all previously admitted opportunity ticket holders kept their assignments). If the total number of opportunity ticket holders assigned to School B, including those students who are offered a seat from the waitlist, would exceed 10% of the total school population, then subsequent seat offers from the waitlist would be made to the next priority group (i.e. neighbors) on the waitlist.</p> <p>As late applications are received, their priority group determines the order in which they either offered open seats or placed on the waitlist. Based on the scenario above for Kindergarten and 5th Grade, late applications would be placed as follows:</p> <ul style="list-style-type: none"> <li>● Kindergarten: 10 late applications are received: 2 siblings, 5 opportunity ticket holders, and 4 neighbors. The 2 late siblings would be placed on the waitlist above the opportunity ticket holders already on the waitlist. The 5 late opportunity ticket holders would be placed on the waitlist below the opportunity ticket holders already on the waitlist. The 4 late neighbors would be placed on the waitlist below the neighbors already on the waitlist.</li> <li>● 5th Grade: 4 late applications are received: 1 sibling, and 3 opportunity ticket holders. The 1 sibling would receive an offer, and 1 of the opportunity ticket holders would receive an offer. The remaining 2 opportunity ticket holders would be placed at the top of the waitlist.</li> </ul>
<p><b>Test Case 2</b> <b>Span schools and the Continuing Student priority</b></p>	<p>The Continuing Student priority is used for TK-8 and 6-12 span schools, many of which are in higher demand than many traditional schools. This test case examines what would happen if parents of opportunity ticket holders selected a school of this type as being suitable for their children. Currently, the first priority (i.e Continuing Student) is given to students who are continuing from a transition grade to the next grade at the school (e.g. 5th graders headed to 6th grade).</p> <p>At School C, there are 49 5th graders and 48 of them are applying for 6th grade for next year at the same school: all 48 have the continuing student priority. In addition, there are applications from 5 siblings new to the school, 20 applications from opportunity ticket holders, and 3 applications from new neighbors. However, based on the size of the facility, there will only be 32 6th grade seats. The offers for these 32 seats would be made as follows:</p> <ul style="list-style-type: none"> <li>● 32 of the continuing students would receive offers based on their sibling and neighbor priorities. The remaining 16 students from this group would be placed at the top of the waitlist;</li> <li>● The 5 new applicants with sibling priority would be placed on the waitlist below the group of continuing students;</li> <li>● The 20 opportunity ticket holders would be placed on the waitlist below the group of new applicants with sibling priority;</li> <li>● The 3 new applicants with neighbor priority would be placed on the waitlist below the opportunity ticket holders.</li> </ul>
<p><b>Test Case 3</b> <b>Responding to an increased number of</b></p>	<p>The placement of the Opportunity Ticket priority above the neighborhood priority increases the possibility that neighbors of high-demand schools will not be able to attend the school that serves their attendance boundary. This would be a new experience for some families, but not all families in Oakland would be unfamiliar with this situation. Given the low enrollment and demand numbers at some OUSD schools, it is evident that families living in the neighborhood boundaries of these schools feel that they do not consider them a suitable option. They feel compelled to leave their neighborhoods, and some neighbors of high-demand schools would potentially be compelled to leave their neighborhoods.</p>



<p><b>neighborhood students who would need to attend other schools</b></p>	<p>If we return to the case of School A, outlined above in Test Case 1, we see that in Kindergarten, 49 neighbors of this school would be placed on the waitlist rather than receiving an offer at the school. If the Opportunity Ticket priority were not in place, 24 neighbors of School A would have been on the waitlist. The average attrition rate at School A for Kindergarten is 10 students, so it is reasonable to assume that 10 of these 24 students would have eventually received an offer, leaving 14 neighbors that would have needed to attend a school outside of their attendance area. However, with the Opportunity Ticket priority in place, it is likely that none of the 49 neighbors on the waitlist would receive an offer to School, given their placement below the Opportunity Ticket holders on the waitlist, and all of them would need to attend a school outside of their attendance area. These students would be in the same situation that many students in Oakland find themselves: unable to attend their desired school and with no priority at any other school. There would be sufficient space for these students at other schools, but the challenge of convincing these families to attend schools other than the one they most desire would, and is, currently a significant challenge.</p> <p>If we are to assume that School A is located in a middle to upper-middle income neighborhood, as are many of OUSD's highest-demand schools, these neighbors may be likely to choose schools outside of the traditional district-run schools (Altenhofen, Berends, &amp; White, 2016; Rowe &amp; Lubienski, 2017). To mitigate this risk, the District will need to continue on the path of the implementing its mission of OUSD to become a Full Service Community District focused on high academic achievement while serving the whole child, eliminating inequity, and providing each child with excellent teachers, every day.</p>
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**Potential Risks:**

- Opportunity ticket holders may not get their top choice if a large number of opportunity ticket holders request the same school; if this is the case, the opportunity ticket would drive their offers to one of their lower-ranked choices.
- Neighbors who are displaced at high demand schools due to opportunity ticket holders may leave the district rather than accepting offers of seats at one of their lower-ranked choices, resulting in potential revenue loss for the district due to enrollment loss.
- Welcoming schools may not be fully-prepared to take on opportunity ticket students if every year it is uncertain at which schools these opportunity ticket students will enroll; work on addressing the real needs of students not traditionally served by many of our schools will need to be universal so that all schools are better prepared to serve all students.
- Enrollment projections/staffing projections may be less accurate if it is uncertain where these opportunity ticket students will enroll, since the timeline for finalizing projections for budget development is prior to when the enrollment lottery is run; a clear sequence of events of announcing closures and relocations must be developed within the context of projections, enrollment options processes, and budget must be established and followed.
- Any or all of the potential risks named above can compound when more schools are closed and consolidated, especially if there are only a very limited number of schools that opportunity ticket holders might choose to attend.

## Sources

- Altenhofen, S., Berends, M., & White, T. G. (2016). School Choice Decision Making Among Suburban, High-Income Parents. *AERA Open*, 2(1), 233285841562409. <https://doi.org/10.1177/2332858415624098>
- Jargowsky, P. (2014). Segregation, neighborhoods, and schools. In A. Lareau & K. A. Goyette (Eds.), *Choosing homes, choosing schools* (pp. 97–136). New York: Russell Sage Foundation.
- Lareau, A. (2014). Schools, Housing, and the Reproduction of Inequality. In A. Lareau & K. A. Goyette (Eds.), *Choosing Homes, Choose School* (pp. 196–206). New York: Russell Sage Foundation.
- Palardy, G. J., Rumberger, R. W., & Butler, T. (2015). The Effect of High School Socioeconomic, Racial, and Linguistic Segregation on Academic Performance and School Behaviors. *Teachers College Record*, 117(12).
- Rowe, E. E., & Lubienski, C. (2017). Shopping for schools or shopping for peers: public schools and catchment area segregation. *Journal of Education Policy*, 32(3), 340–356. <https://doi.org/10.1080/02680939.2016.1263363>

# **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 gives these families will be granted enrollment priority in selecting a new school that they deem suitable for their children.

**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.

**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

*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; 8/22/18A

# **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 gives these families will be granted enrollment priority in selecting a new school that they deem suitable for their children.

**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.

**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

*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*

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# OAKLAND UNIFIED SCHOOL DISTRICT

## Administrative Regulation

### Students

#### AR 5116.1

#### Intradistrict Open Enrollment

#### School Grounds that becomes dangerous for a student

Within a reasonable amount of time that a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/ guardians the student's parents/guardians may request an option to transfer their child to an eligible school identified by the Superintendent or designee.. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

After learning that a school has been designated by the California Department of Education as "persistently dangerous," within a reasonable amount of time, the Superintendent or designee shall notify parents/guardians of the school's designation and of their option to transfer. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference. Upon assignment, the transfer shall be completed as soon as possible. If parents/guardians decline the assigned school, the student may remain in his/her current school.

#### Enrollment Priorities

Families new to OUSD at any grade, as well as Pre-K, 5th grade, 8th grade students/families and those who wish to change schools at other grade levels complete applications during the Open Enrollment window. Our enrollment priorities are applied in the order listed below (if applicable to a specific school, language requirements will be used to determine eligible pools of applicants. See draft Board Policy on OUSD Dual Language 2-Way Immersion Enrollment )

**1. 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.

**2. SIBLING PRIORITY:** If there are more applicants than available seats, priority will then be granted first to siblings of neighborhood students who already attend the school and will continue to attend the school in the coming year, and then siblings of other continuing non-neighborhood students who are currently enrolled at the school and who will continue to attend the school in the coming year; both siblings in these cases will be concurrently enrolled in the same school the following year if there is space available.

**3. OPPORTUNITY TICKET:** 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. These families will be granted enrollment priority in selecting a new school that they deem suitable for their children. The Enrollment Office shall set aside a percentage of seats to accommodate the impacted students with Opportunity Ticket priority across all schools at the appropriate grade levels. Setting aside of these seats shall occur after all student applicants with sibling priority are offered seats. The percentage of seats set aside for opportunity tickets at any grade in a school shall not exceed 51% of the available seats, with the total number of students assigned to a school with an opportunity ticket not exceeding 10% of the total student enrollment at the school.

**4. NEIGHBORHOOD:** Next priority will be given to neighborhood students. 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, except as stipulated in the *Intra-district Transfers Outside Neighborhood Schools* section of this policy.

**5. SCHOOL STAFF PRIORITY:** When a parent/guardian's primary place of employment is at a school site, their child will also be granted neighborhood 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. The enrollment department will refer to OUSD employment documentation to verify that the applicant is the child's parent or guardian.

**6. OAKLAND RESIDENT (General Lottery):** Any schools that have available space can receive students from outside of the neighborhood through the Intradistrict Open Enrollment process. **Residents who live within district boundaries will be prioritized first.**

Given the priorities above, the enrollment department will assign each child the highest-ranked priority or priorities for which they qualify. Priorities are determined at the time of the lottery and cannot be changed except in the case of error.

Other priorities may be given to students redirected from their schools that do not have sufficient seat capacity. Students who have moved out of the Oakland Unified School District and who return later may be permitted to enroll in the Oakland school formerly attended provided that

there is space at the aforementioned school. If there is not space at the selected school, students will be redirected in accordance with the procedure described above.

With the continuing enrollment technology upgrades, to protect the economic interest of the district and educational well-being of students, the district shall have the ability to test and determine the impact of other priorities, based on place of residence, language proficiency, socioeconomic status, state Pre K status, environmental stress factors, feeder patterns, and other considerations. All proposed changes to enrollment policies will be tested in a “data sandbox” environment prior to making recommendations to the board.

### **Placement outside of the attendance area**

The Superintendent or designee reserves the right to consider placement outside the school attendance area of residence. Before special placement is made for any of these students, the appropriate Network Superintendent for the school area shall be informed of the student’s name and placement plan. Except for placements approved by the Executive Director of Programs for Exceptional Children, other completed transfers in the following categories shall be referred to the Network Superintendent and the Enrollment office for approval. These categories include, but are not limited to:

1. Students recommended by the school psychologist for emotional adjustment and psychosocial problems.
2. Students returning from institutions, probationers, parolees, foster home placements and specific agency requests for preventative and rehabilitative purposes.
3. Handicapped and exceptional students for whom the Department of Programs for Exceptional Children has screening, placement, and follow up responsibilities, with the recommendation and approval of the Programs for Exceptional Children.
4. Discipline Hearing Panel referrals.
5. Other individual cases requiring study or special consideration.

### **Open Enrollment Process:**

Pursuant to Education Code 35160.5:

1. Families new to OUSD at any grade, as well as Pre-K, 5th grade, 8th grade students/ families and those who wish to change schools at other grade levels complete applications during the Open Enrollment window.
2. The Superintendent or designee shall identify those schools which may have space available for additional students for the following school year. A list of these schools and open enrollment applications shall be available online and at the Student Enrollment Welcome Centers during the Open Enrollment Window period.

3. If the number of applicants exceeds the number of available spaces, a lottery process from the eligible applicant pool shall determine enrollment in a school of choice. All applications received during the Open Enrollment time window will be placed in a lottery. The lottery will prioritize continuing students first, siblings second, neighborhood students third, children of site staff fourth, then remaining applicants. Within each of these categories, a lottery will determine both the order of potential offers for applicants as well as the order of placement on waitlists.

4. If no space is available, per the application of the lottery results, at any of the schools named on a specific application, an assignment will be made to the neighborhood school or another school nearby school.

5. The Superintendent or designee shall inform applicants their assignments from the lottery. The Student Enrollment Welcome Centers will manage the notification / waitlist process. Assigned applicants must confirm or reject the assignment by a specific date. Failure to complete the process will forfeit the assignment and allow placement of those active on the waitlist. Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district.(cf. 5145.6 - Parental Notifications) Such notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. (Education Code 35160.5, 48980.) Once enrolled, a student shall not be required to apply for readmission except for students in 5th and 8th grades.

6. Students receiving an offer at a school will have all of their applications to their lower-ranked schools cancelled. These students will automatically be placed on the waitlists for all of the schools they have ranked higher than the one to which they received an offer. This is the only means by which students may be placed on a waitlist during the on-time open enrollment process. For applicants placed on any waitlist(s) by the Open Enrollment deadline, the original lottery order is used to determine their placements on waitlists; late applicants are placed at the bottom of the list within their respective category on the basis of their assigned priorities. Students on waitlists will be offered seats at their desired school as space becomes available. After the 10th day of school, all waitlists are permanently dissolved.

7. Assigned applicants must confirm their enrollment by at their assigned school or with the Student Welcome Center within the published time frame. Failure to do so will forfeit their school assignment and waitlist assignments and allow placement of those active on the waitlists.

8. Applications received after the Open Enrollment deadline for the following year are placed during Late Enrollment application windows of time (specific dates to be determined and announced each year) based on a lottery using the same methods and priorities outlined above. Late enrollment applications will be placed automatically on waitlists at the bottom of their respective priority group.

9. Families that are dissatisfied with their enrollment offers from the Open Enrollment or Late Enrollment process may elect to have all of their offers and waitlist placements invalidated and may submit a new application during the subsequent Late Enrollment application windows. These applications will be considered late and will be processed and prioritized as such.

*(cf. 5145.6 - Parental Notifications)*

12/6/07; 12/19/07A; 6/25/08A; 8/18/18A

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