

# **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.

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**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**

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(Education Code 35160.5, 48980)

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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

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35160.5 *District policies; rules and regulations*

35291 *Rules*

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48200 *Compulsory attendance*

48204 *Residency requirements for school attendance*

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

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7/14/04; 8/9/06A; 6/25/08A; 10/11/17A; 8/22/18A



# 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.~~ **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.~~

~~3.~~ **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

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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 to receive an education. These families will be granted enrollment priority in selecting a new school that they deem suitable for their children. Various elements of the Opportunity Ticket will be implemented in phases by student-placement lottery year:

~~4. 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.~~

—Lottery Year for 2019 / 2020:

—Formation of an Opportunity Ticket Working Group. This working group will be made up of students, parents, community members, and OUSD staff. It will be tasked with developing potential enrollment policy changes that would increase equitable access for all students to high quality schools. The working group will meet at least monthly and will propose appropriate policy changes to the OUSD Board of Education. The working group will explore equity based enrollment policies such as:

Setting minimum and maximum percentages for enrollment of Free and Reduced Price Meal participants at each school;

The creation of a “tie breaker” priority for students whose neighborhood schools have persistently produced low levels of student academic achievement;

The creation of a needs based transportation system to allow students more pragmatic access to their choice of schools;

Defining which students would qualify for the Opportunity Ticket Priority, by Free and Reduced Price Meal participation:

- The establishment of policies for schools that do not have a neighborhood attendance boundary requiring that each SRA be allotted a percentage of seats so that these schools more truly represent the diversity of Oakland’s population;

- o Placement of students impacted by the closure of Roots International Academy: Because the Board of Education voted to close Roots International Academy 14

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days before the end of the on-time application period for the 2019 / 2020 placement lottery, special consideration will be made for the following groups of students:

- Students attending Roots International Academy in 6<sup>th</sup> or 7<sup>th</sup> grades on or after February 3, 2019:
  1. Available spaces in 7<sup>th</sup> & 8<sup>th</sup> grades at all schools offering these grades will be determined based on an analysis of historical attrition data.
  2. All placements of these students in the subsequent grades (i.e. 7<sup>th</sup> & 8<sup>th</sup>) will take place before the general placement lottery is conducted for all other students in mid-March 2019. These seats will then be unavailable for the general placement lottery because the impacted Roots students will have had first access to them.
  3. Parents / guardians of these students will be asked to select and rank up to six schools through a process of personal choice counselling.
  4. Once the ranked school selections are collected from parents / guardians, students will be assigned to the new school using the following methods, with placements made at those schools parents / guardians ranked as their first choice, and then at the second-ranked schools, and so on:
    - a. Students with siblings who will attend the school in 2019 / 2020 will receive first priority and will be placed by random selection from within this group. If the number of these students exceeds the number of anticipated available seats, the remaining students will be placed at the top of a waiting list in the order that they were randomly selected.
    - b. Students who live within the attendance boundary of a school will receive second priority and will be placed by random selection from within this group. If the number of these students exceeds the number of anticipated available seats, the remaining students will be placed on the waiting list below the group of sibling applicants described above, in the order that they were randomly selected.
    - c. Students who are ~~neither~~ not siblings of students at a school, ~~nor~~ and who do not live in the attendance boundary of the school will receive third priority and will be placed by random selection from within this group. If the number of

these students exceeds the number of anticipated available seats, the remaining students will be placed on the waiting list below the group of applicants who live within the attendance boundary of the school described above, in the order that they were randomly selected.

d. The remaining students who have not been placed through the process described above will placed at the school ranked highest by the parents / guardians where there is available space. If this is not possible, parents / guardians will be informed of the schools with remaining space so they can select among those schools.

e. All of the students described above will receive ~~Clipper~~ ~~Car~~ public transit passes ~~ds~~ for the duration of their middle school careers if the use of public transit is required for the student to attend a school.

ii. Prospective 6<sup>th</sup> grade students for 2019 / 2020 who live within the attendance boundary shared by Roots, Coliseum College Prep Academy, and Greenleaf Elementary or who are siblings of students enrolled at Roots International Academy on or after February 3, 2019:

1. The number of available seats at Coliseum College Prep has been increased to 128. This effectively doubles the school's capacity to accept 6<sup>th</sup> grade students who live within the attendance area. All students who live within the shared attendance boundary who would have had access to seats at the 6<sup>th</sup> grade at Roots International Academy now will have access to seats at the 6<sup>th</sup> grade at Coliseum College Prep Academy.

2. Students applying for the 6<sup>th</sup> grade at Coliseum College Prep Academy who would have had a sibling attending Roots International Academy will be given the Sibling priority at Coliseum College Prep Academy even if their sibling will not attend Coliseum College Prep Academy due to seat availability issues.

• Formation of an Opportunity Ticket Working Group. This working group will be made up of students, parents, community members, and OUSD staff. It will be tasked with developing potential enrollment policy changes that would increase equitable access for all students to high quality schools. The working group will meet at least monthly and will propose appropriate policy changes to the OUSD Board of Education. The working group will explore equity-based enrollment policies such as:

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- Setting minimum and maximum percentages for enrollment of Free and Reduced Price Meal participants at each school;
- The creation of a “tie-breaker” priority for students whose neighborhood schools have persistently produced low levels of student academic achievement;
- The creation of a needs-based transportation system to allow students more pragmatic access to their choice of schools;
- Defining which students would qualify for the future implementation of the Opportunity Ticket Priority, by Free and Reduced Price Meal participation.
- The establishment of policies for schools that do not have a neighborhood attendance boundary requiring that each SRA region described in OUSD’s Strategic Regional Analysis (SRA) be allotted a percentage of seats so that these schools more truly represent the diversity of Oakland’s population.

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• Lottery Year for 2020 / 2021:

- The Enrollment Office shall set aside a percentage of seats across all schools at the appropriate grade levels to accommodate the families impacted by closing schools and schools where families will need to move to a new location to receive an education. impacted students with Opportunity Ticket priority across all schools at the appropriate grade levels. Setting aside of these seats shall occur after all continuing students and student applicants with sibling priority are offered seats. In a single year of enrollment placements, the percentage of seats set aside for students with Opportunity Ticket priority 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 priority not exceeding 10% of the total student enrollment at the school. The allocation of seats for students with the Opportunity Ticket priority at any particular school for each subsequent year will follow these guidelines, with the percentages outlined above pertaining to the enrollment of new students to the school in that particular year.

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- Consideration and possible implementation by the Board of Education of proposed enrollment policies presented by the Opportunity Ticket Working Group.

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• Lottery Years beyond 2020 / 2021:

- Continuation of the Opportunity Ticket priority for families impacted by closing schools and schools where families will need to move to a new location.

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Continued consideration and possible implementation by the Board of Education of proposed enrollment policies presented by the Opportunity Ticket Working Group.

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**6. — 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.

7.

**8. — 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.

9.

**10. 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.

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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.

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### **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