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Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sonali Murarka, Executive Director-Enrollment
Joshua R. Daniels, General Counsel

Board Meeting Date October 28, 2020

Subject Equitable Enrollment Recommendations: Update to Board Policy 5116.1 - Open Enrollment to Add Equitable Enrollment Initiatives and Pre-K Priority

Action Second Read and Vote of Proposed Amendment to Board Policy 5116.1 - Open Enrollment

Background The Citywide Plan calls for an update to the existing Board Policy on Enrollment to ensure more equity in access to quality schools. To this end, the Superintendent formed a community working group in March 2020 to research potential changes.

Based on learnings from other cities who have approached this work, and the reality of how challenging public engagement is during COVID, the working group is recommending a few changes right now and then is looking to potentially propose broader changes in the spring.

Discussion There are two main edits to the policy: (1) Adding in the Equitable Enrollment Initiatives, which are pilots at individual schools to change their enrollment priorities from the standard set of enrollment priorities, and (2) Adding in a priority, after the neighborhood priority, for current OUSD Pre-K students to continue at the elementary school on the same campus or the closest elementary school.

Rationale for Equitable Enrollment Initiatives:

- The four pilot schools have previously expressed interest in exploring enrollment policy changes with a lens of increasing equitable access and diversifying their schools.
- School diversity is a top value that families mentioned in the equitable enrollment community survey.
- These four pilots can help inform potential broader policy changes, and how to resolve the tension between neighborhood schools and integration.

Note that the proposed amendments would require that each individual school's pilot comes to the Board for approval separately, and that the pilots would be for up to 3 years.

Rationale for Continuing Pre-K Priority:

- The majority of Pre-K families are low-income families, given that the Pre-K admissions eligibility criteria prioritizes these families.
- This priority provides continuity for these families at their school site and/or to stay together as a cohort, which we know that these families want.
- This change continues OUSD's goal of creating a seamless PK-12 system for families.
- This change may encourage/incentivize more Pre-K families to apply on-time and elementary schools on the same campus to support Pre-K families with applying (currently, only 44% of OUSD Pre-K students apply on-time for TK or K).

For the Board discussion, the major question to consider is where the Board stands on the spectrum between promoting neighborhood schools versus promoting integrated schools. While none of the current round of equitable enrollment pilots are proposing to disrupt neighborhood priority, a more ambitious policy to integrate schools would likely necessitate disrupting neighborhood priority.

Lastly, the proposed changes include minor or non-substantive clean-up language that is included whenever any Board Policy or Board Bylaw is amended.

Note: No additional edits made based on First Read on October 14, 2020.

Fiscal Impact

No anticipated *net* fiscal impact. There is the potential for a slight positive fiscal impact from the Pre-K priority, if these families are more likely to apply on-time and gain admission to the elementary school on the same campus (and these schools do not tend to be the highest demand schools). There is also the potential for a slight negative fiscal impact from the equitable enrollment initiatives since higher-income families applying to these high-demand schools are slightly less likely to get an offer and then may choose to leave OUSD.

Attachment

Proposed Amendments to Board Policy 5116.1 - Open Enrollment (Redline)

Proposed Amendments to Board Policy 5116.1 - Open Enrollment (Clean)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5116.1

Open Enrollment

OPEN ENROLLMENT

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

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

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

RESERVING SEATS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PLANS (IEPS)

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

SAFETY TRANSFERS

These priorities ensure that students may transfer out of their neighborhood school to a different

District-school under the circumstances listed below. Although a family's school preferences will be considered in selecting a school, these priorities do not guarantee a particular school.

1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
3. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5) (a.) A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist or (b.) A court order, including a temporary restraining order and injunction

ENROLLMENT PRIORITIES

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

~~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 Oakland residents, enrolled in the school, and who will be enrolled in the school concurrently with their sibling in the same school the following year will be granted enrollment priority in the lottery process. (Education Code 35160.5)

Opportunity Ticket Priority: The Opportunity Ticket grants enrollment priority to the following groups of students: students from closing District or charter schools, students from district or charter schools that move to a new location to be part of a merger with another

school, and students who are part of a grade band truncation at a ~~ed~~District or charter school (e.g., eliminating the middle school portion of a K-8 school). This applies only to Oakland residents who attend ~~ed~~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.~~ The relevant priorities and the goals of the Opportunity Ticket shall be incorporated into a comprehensive Enrollment and/or Student Assignment Policy.

Neighborhood School Priority (Neighborhood Priority): Attendance boundaries are established by the Governing Board. A family's permanent residence falls within the geographic boundaries of an elementary, middle and high school within the District, and these schools are referred to as the "neighborhood schools" for that location. The neighborhood schools for a particular residential address can be found at: <https://oaklandfinder.schoolmint.net/school-chooser> or by calling the District's Welcome Center at 510-879-4600. The Superintendent or designee shall grant enrollment priority in the lottery to any Oakland resident to attend their neighborhood District school, ~~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* permitted by *Equitable Enrollment Initiatives* section or another portion~~ 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. ([Education Code 48204](#))

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

~~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:~~

PLACEMENT AT DUAL LANGUAGE IMMERSION SCHOOLS

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

EQUITABLE ENROLLMENT INITIATIVES

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

~~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; 3/4/19A; 10/28/20A

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Board Policy Students

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