



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 at 510-879-4600.

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

(cf. 6172 - Gifted and Talented Student Program)

SAFETY TRANSFERS

These priorities ensure that students may transfer out of their neighborhood school to a different District-school under the circumstances listed below. Although a family's school preferences will be considered in selecting a school, these priorities do not guarantee a particular school.

1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
3. Upon a finding that special circumstances exist that might be harmful or dangerous to the



student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5) (a.) A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist or (b.) A court order, including a temporary restraining order and injunction

ENROLLMENT PRIORITIES

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

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

Continuing Student Priority: Priority is first given to continuing students who are currently enrolled at the school and who have not indicated plans to leave. A school exists under a defined CDS code.

Sibling Priority: In recognition of the Governing Board’s stated policy goal of keeping families and siblings together, siblings of students who are enrolled in the school and who will be enrolled in the school concurrently with their sibling in the same school the following year will be granted enrollment priority in the lottery process. (Education Code 35160.5)

Neighborhood School Priority (Neighborhood Priority): Attendance boundaries are established by the Governing Board. A family’s permanent residence falls within the geographic boundaries of an elementary, middle and high school within the District, and these schools are referred to as the “neighborhood schools” for that location. The neighborhood schools for a particular residential address can be found at: <https://oaklandfinder.schoolmint.net/school-chooser> or by calling the District’s Welcome Center at 510-879-4600. The Superintendent or designee shall grant enrollment priority in the lottery to any Oakland resident to attend their neighborhood District school, except as stipulated in the *Intra-district Transfers Outside Neighborhood Schools* section of this policy.

No student shall be displaced from his or her neighborhood school by another student transferring from outside the neighborhood school/ attendance boundary area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries), except as stipulated in the *Intra-district Transfers Outside Neighborhood Schools* section of this policy.



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; 8/8/18A (if adopted)

Administrative Regulation 5116.1

Intradistrict Open Enrollment

The Intradistrict Open Enrollment window allows all students in program improvement, corrective action or restructuring schools an opportunity to transfer to another OUSD school. The application for Intradistrict Open Enrollment allows for specific mention of this provision. Within a reasonable amount of time, not to exceed 10 days after notification that a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered 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 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 if the assignment is not feasible due to space constraints or other considerations.

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. This temporary transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." Pursuant to district policy, all siblings have the priority to attend the school that their sibling is currently attending in order to keep families together. Pre-K, 5th grade and 8th Grade families must participate in the Intradistrict Open Enrollment process for the following year by completing an application for their neighborhood schools within the open enrollment window. Upon assignment, they must confirm their enrollment at the school site by the May confirmation date or forfeit their assignment.

Priority is given first to students who already have a sibling attending the school. Second priority is given to neighborhood residents. Any schools that have available space after these priorities can receive additional students from outside of the neighborhood through the Intradistrict Open Enrollment process. Intradistrict Open Enrollment priorities will be considered after the siblings of the school's existing students, residents without siblings who live in the neighborhood and residents who reside within an elementary school's mega boundary as defined by Board policy who have been redirected from their overcrowded neighborhood school.



To implement Intradistrict Open Enrollment pursuant to Education Code 35160.5:

1. Pre-K, 5th grade, 8th grade students/families and those who wish to change schools complete applications during the Intradistrict Open Enrollment window. Our process emphasizes siblings first.
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 Assignment Center during the Intradistrict Open Enrollment Window period.
3. Students of parents/guardians who submit applications to the district shall be considered for admission to their school of choice the following school year under the district's open enrollment policy.
4. 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. The lottery will prioritize neighborhood and non neighborhood siblings first, neighborhood students without siblings second, students residing within the elementary school's mega boundary as defined by Board policy who have been re-directed from their overcrowded neighborhood school, PI status of the student's neighborhood school and random lottery for remaining applicants.
5. The Superintendent or designee shall inform applicants by mail their assignments from the lottery. The Student Assignment Center will manage the appeal process. Students can be placed on a waitlist by appealing after the lottery. Students will only be placed on a waitlist if he/ she lives in the neighborhood, has a sibling at the school, or has other extenuating circumstances that will be handled on a case by case basis. Those who appeal will be informed of their approval, denial or waitlisted status within three weeks. After the enrollment confirmations occur in May at the school sites, students on a waitlist will be placed at their desired school as space becomes available.
6. Late applications, including transfer requests after the open enrollment window, for the following year will be treated within the appeal process. Transfer requests for documented safety reasons, family relocation, or PI status during the academic year will be handled by the Student Assignment & Bilingual Testing Office pursuant to Board Policy. All other transfer requests will be determined by the school's supervising Network Executive Officer.
7. Assigned applicants must confirm their enrollment by registering at their assigned school within the published May specified timeframe. Failure to do so will forfeit their assignment and allow placement of those active on the waitlist. Once enrolled, a student shall not be required to apply for readmission. Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

6/25/08A