

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Background. In an effort to reconcile varying admissions practices within charter schools authorized by Oakland which may inadvertently conflict with the intent of charter law; may apply inconsistently across all charter school; or otherwise unnecessarily reduce the equity and access of charter schools operating in Oakland, the **Oakland Unified School District** has outlined through its **Office of Charter Schools**, criteria equivalent to the provisions established under the Public Charter Schools Grant Program (PCSG). Under these criteria the District will consider, on a case by case basis, granting permission. All exceptions or clarifications to the original criteria of the PCSG Program are noted within the tables below.

This document should NOT be used as a tool for evaluating a school’s admissions practices for purposes of the Public Charter Schools Grant Program, as some modifications have occurred. See the following link for more information: <http://www.cde.ca.gov/sp/cs/as/grantinfo.asp>

General Provisions Regarding Admission

Though the wording is slightly different, the general state and federal provisions are essentially the same in regard to admission of students.

State	Federal
Per state law ¹ , a charter school is a public school that: <ul style="list-style-type: none"> • No pupil is required to attend. • Admits all pupils who wish to attend and who are residents of California, regardless of their place of residence. • Determines admission by a public random drawing if the number of pupils who wish to attend exceeds the school’s capacity. 	Per federal law ² , a charter school is a public school that: <ul style="list-style-type: none"> • Parents choose. • Admits students on the basis of a lottery, if more students apply for admission than can be accommodated. • Operates in accordance with State law.

Exemptions and Preferences in the Public Random Drawing (Lottery)

If a charter school has more students who wish to attend than it has space available, a public random drawing/lottery (hereafter “lottery”) must be held to determine admission. However, in regard to the lottery, questions arise in regard to exemptions (sometimes referred to exceptions) and preferences. A student who is exempt is admitted without participation in the lottery. A student with preference is generally understood to mean a student who has a higher weighting in a single lottery. However, under state law, preference may also be expressed in the form of exemption or selection by categories (i.e., lotteries within categories to establish overall order of admission). The same is not true under federal Non-Regulatory Guidance.

The following tables describe typical categories of students for whom exemptions and preferences are traditionally considered and/or implemented.

¹ See Education Code sections 47605(d)(2), 47605(f), and 47612

² See Section 5210 of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB)

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
Existing pupils of the charter school	Per state law, <ul style="list-style-type: none"> Existing pupils are exceptions to the lottery. 	Per federal law, <ul style="list-style-type: none"> The lottery is exclusively for applicants for admission, not existing students. A charter school must operate in accordance with State law. Per Non-Regulatory Guidance, <ul style="list-style-type: none"> Students already admitted do not need to reapply. 	No reconciliation needed. <u>Students already enrolled are exempt from the lottery.</u>
Students who reside in the district in which the charter school is located.³	Per state law, <ul style="list-style-type: none"> Preference <u>must</u> be given to students in this category. Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> exemption from the lottery; selection ahead of students not in this category, using a separate lottery if necessary; or a weighting higher than that of students not in this category if using a single lottery. 	Per federal law, <ul style="list-style-type: none"> A charter school <u>must</u> operate in accordance with State law. Per Non-Regulatory Guidance, <ul style="list-style-type: none"> A charter school <u>may not</u> have separate lottery pools, but <u>may</u> have weighted lotteries when they are necessary to comply with applicable State law. Students in this category are not listed among those who may be exempted from the lottery or given 	Because preference is required in accordance with State law, the only way to directly reconcile these provisions is for the charter school to <u>employ a single lottery with a higher weighting for students in this category or multiple lotteries to include this category.</u> The weighting factor needs to be established by agreement between the charter school and its chartering authority. In the alternative, the chartering authority may submit a waiver request on the school's behalf per EC Section 33050 to

³ Does not apply to a charter school that is approved by a county board of education and is a countywide charter school or a school that serves students typically served by the county office of education. See Special Cases section below.

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
		preference. <ul style="list-style-type: none"> Minimum qualifications <u>may</u> be established for enrollment eligibility and, thus, eligibility for participation in the lottery. 	eliminate the requirement that the charter school give preference to students in this category. The waiver would be effective if approved by the SBE.
Students who reside in the “former attendance area” of a charter school created by conversion of an existing public school.	Per state law, <ul style="list-style-type: none"> Preference <u>must</u> be given to students in this category. Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> exemption from the lottery; selection ahead of students not in this category, using a separate lottery if necessary; or a weighting higher than that of students not in this category if using a single lottery. 	Per federal law, <ul style="list-style-type: none"> A charter school <u>must</u> operate in accordance with State law. Per Non-Regulatory Guidance, <ul style="list-style-type: none"> A charter school <u>may not</u> have separate lottery pools, but <u>may</u> have weighted lotteries when they are necessary to comply with applicable State law. Students in this category are not listed among those who may be exempted from the lottery or given preference. Minimum qualifications <u>may</u> be established for enrollment eligibility and, thus, eligibility for participation in the lottery. 	Because preference is required in accordance with State law, the only way to directly reconcile these provisions is for the charter school to employ a single lottery with a higher weighting for students in this category or multiple lotteries to include this category . The weighting factor needs to be established by agreement between the charter school and its chartering authority. In the alternative, the chartering authority may submit a waiver request on the school’s behalf per EC Section 33050 to eliminate the requirement that the charter school give preference to these students. The waiver would be effective if approved by the SBE.

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
<p>Students for whom special consideration is required to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, or the Equal Protection Clause of the United States Constitution.</p>	<p>Per state law,</p> <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	<p>Per federal law,</p> <ul style="list-style-type: none"> • A charter school complies with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the Individuals with Disabilities Education Act. <p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> • A charter school <u>may not</u> have separate lottery pools, but <u>may</u> have weighted lotteries when they are necessary to comply with the provisions cited here. • Students in this category are not listed among those who may be exempted from the lottery. • Preference must be in the form of a weighted lottery, not an exemption from the lottery • Minimum qualifications <u>may</u> be established for enrollment eligibility and, thus, eligibility for participation in the lottery. 	<p>Because preference is required under federal law, but only a weighted lottery is permissible under federal guidance, the only way to directly reconcile these provisions is for the charter school to <u>employ a single lottery with a higher weighting for students in this category or multiple lotteries to include this category</u>. The weighting factor needs to be established by agreement between the charter school and its chartering authority.</p>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
Siblings of existing pupils	Per state law, <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	Per Non-Regulatory Guidance, <ul style="list-style-type: none"> • Students in this category <u>may</u> be exempted from the lottery. • A charter school <u>may not</u> have separate lottery pools, and may have weighted lotteries only when they are necessary to comply with applicable State law. 	Because preference is optional under State law, use of a weighting factor is precluded by the federal provision. <u>Students in this category may be exempted from the lottery with the approval of the chartering authority.</u>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
Children of faculty	Per state law, <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	Per Non-Regulatory Guidance, <ul style="list-style-type: none"> • Students in this category <u>may</u> be exempted from the lottery, provided the total number of students allowed under the exemption constitutes a small percentage of the school’s total enrollment. • A charter school <u>may not</u> have separate lottery pools, and may have weighted lotteries only when they are necessary to comply with applicable State law. 	Because preference is optional under State law, use of a weighting factor is precluded by the federal provision. <u>Students in this category may be exempted from the lottery with the approval of the chartering authority.</u> Under the State RFA, the sum of all exceptions that are subject to the “small percentage” limitation is <u>not to exceed 10 percent of total enrollment.</u>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
<p>Children of employees other than faculty, <u>regardless of whether the school is work-site charter school</u></p>	<p>Per state law,</p> <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	<p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> • Students in this category are not listed among those who may be exempted from the lottery or given preference. • A charter school <u>may not</u> have separate lottery pools, and may have weighted lotteries only when they are necessary to comply with applicable State law. 	<p>Because preference is optional under State law, use of a weighting factor is precluded by the federal provision. Moreover, students in this category may not be exempted from the lottery under the federal provisions. Therefore, <u>students in this category may neither be exempted nor given preference.</u></p>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
<p>Children of founders*</p> <p><i>* For purposes of OUSD, this will be defined as cases in which documentation, such as sign-in sheets and meeting agendas, exist prior to the date in which the lottery, if necessary, is to occur, prior to the school's first year of operation; which provides sufficient evidence that specific parents or legal guardians of prospective students have meaningfully participated in the development of the approved charter petition and/or have participated in or have signed a commitment statement indicating that they will contribute meaningfully to the tasks required for the successful opening of the proposed charter school and that failure to do so could result in loss of priority enrollment status. Such tasks must occur in advance of the first day of classes in the school's opening year.</i></p>	<p>Per state law,</p> <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ol style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	<p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> • Students in this category <u>may</u> be exempted from the lottery, provided the total number of students allowed under the exemption constitutes a small percentage of the school's total enrollment. • A charter school <u>may not</u> have separate lottery pools, and may have weighted lotteries only when they are necessary to comply with applicable State law. 	<p>Because preference is optional under State law, use of a weighting factor is precluded by the federal provision. <u>Students in this category may be exempted from the lottery with the approval of the chartering authority.</u> Under the State RFA, the sum of all exceptions that are subject to the "small percentage" limitation is <u>not to exceed 10 percent of total enrollment.</u></p>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Category of Students	State Law	Federal Law and Guidance	Reconciliation
<p>Other preference categories, such as (1) children from families in which neither parent attended college (“first to college”), (2) children of governing board or advisory board members (non-founders), or (3) children who qualify for free or reduced-price meals*</p> <p><i>* In the case of number (3) above, EC 47605.3 does permit a preference to those students who attend or reside within the attendance areas of an elementary school that enrolls students for whom 50% qualify for free or reduced lunch, if the charter school is located within that same elementary school attendance boundary.</i></p>	<p>Per state law,</p> <ul style="list-style-type: none"> • Preference <u>may</u> be given if the preference is approved by the chartering authority. • Preference <u>may</u> be reflected as: <ul style="list-style-type: none"> (1) exemption from the lottery; (2) selection ahead of students not in this category, using a separate lottery if necessary; or (3) a weighting higher than that of students not in this category if using a single lottery. 	<p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> • Students in this category <u>may</u> be exempted from the lottery, provided the total number of students allowed under the exemption constitutes a small percentage of the school’s total enrollment. • A charter school <u>may not</u> have separate lottery pools, and may have weighted lotteries only when they are necessary to comply with applicable State law. 	<p>Because preference is optional under State law, use of a weighting factor is precluded by the federal provision. Moreover, students in these categories may not be exempted from the lottery under the federal provisions. Therefore, <u>students in these categories may neither be exempted nor given preference.</u></p> <p>For Purposes of OUSD under category (3) in this section, the charter school may <u>employ a single lottery with a higher weighting for students in this category or multiple lotteries to include this category.</u> The weighting factor needs to be established by agreement between the charter school and its chartering authority.</p>

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

Special Cases

<p>Charter schools serving pupils for whom county offices of education would otherwise be responsible (EC Section 47605.5)</p>	<p>Per state law,</p> <ul style="list-style-type: none"> Admission is limited to pupils for whom a county office would otherwise be responsible. 	<p>Per federal law,</p> <ul style="list-style-type: none"> A charter school <u>must</u> operate in accordance with State law. <p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> A charter school <u>may not</u> have separate lottery pools, but <u>may</u> have weighted lotteries when they are necessary to comply with applicable State law. Students in this category are not listed among those who may be exempted from the lottery or given preference. Minimum qualifications <u>may</u> be established for enrollment eligibility and, thus, eligibility for participation in the lottery. 	<p>Consistent with state law and federal non-regulatory guidance, the charter school needs to establish minimum eligibility requirements that permit enrollment only by students in this category.</p> <p>In the alternative, the chartering authority may submit a waiver request on the school's behalf per EC Section 33050 to eliminate the requirement that the charter school only serve students in this category. The waiver would be effective if approved by the SBE.</p> <p>Optional preferences (e.g., for siblings or faculty) are governed as described above.</p>
---	---	---	---

OAKLAND UNIFIED SCHOOL DISTRICT
Charter Schools Admissions Preference Eligibility Charter

<p>Nonclassroom-based charter schools (EC 47612.5 and 47634.2)</p>	<p>Per state law,</p> <ul style="list-style-type: none"> Admission is limited (as a consequence of funding) to pupils who reside in the county in which the charter has been approved and adjacent counties. 	<p>Per federal law,</p> <ul style="list-style-type: none"> A charter school <u>must</u> operate in accordance with State law. <p>Per Non-Regulatory Guidance,</p> <ul style="list-style-type: none"> A charter school <u>may not</u> have separate lottery pools, but <u>may</u> have weighted lotteries when they are necessary to comply with applicable State law. Students in this category are not listed among those who may be exempted from the lottery or given preference. Minimum qualifications <u>may</u> be established for enrollment eligibility and, thus, eligibility for participation in the lottery. 	<p>Consistent with state law and federal non-regulatory guidance, the charter school needs to establish minimum eligibility requirements that permit enrollment only by students in this category.</p> <p>In the alternative, the chartering authority may submit a waiver request on the school's behalf per EC Section 33050 to eliminate the requirement that the charter school only serve students in this category. The waiver would be effective if approved by the SBE.</p> <p>Optional preferences (e.g., for siblings or faculty) are governed as described above.</p>
---	---	---	---