

ACLU Report

School Enrollment Policy Violations: Allegations & Responses

CHARTER SCHOOL	ALLEGED VIOLATION(S)	CHARTER RESPONSE	COMPLIANT Y/N
AIMS CMO AIPCS	Requirements that Discourage Undocumented Students	We were on this list because they looked at the post admission packet which included information needed after enrollment. They were in error, and we are working to have them remove it.	Y
ARISE High School	Pre-Enrollment Essay or Interviews	<p>In looking at our enrollment application. We have, in the past, asked students to answer "get to know you" type questions as part of the enrollment application. We never viewed this as an "admission requirement". We had never declined a student's application based upon what they wrote (or did not write) in response to the questions, nor question in any manner a student's response or failure to respond to one or more of the questions. We have never had an applicant call and express difficulty with the questions. And if a family expressed even the slightest concern at all, we were very clear that it's only purpose was to get to know the student and that they should only do their best and not worry about it. As a result, the School has received a wide range of responses. As you can see from our student body as expressed above, clearly these questions have not resulted in a skewed population.</p> <p>While ARISE does not agree in any manner with the ACLU allegations as applied to ARISE, we have never viewed these questions as an "admissions requirement," and we truly want to avoid even the slightest misperception that these questions were aimed in any way as a "selection tool" rather than a "get to know you" tool. Accordingly, ARISE has already revised our enrollment application, to remove the questions at issue in the report. We have attached the revised enrollment application for your review.</p>	Y
Amethods CMO DCA/OCA/OCH S	Pre-Enrollment Essay or Interviews Requirements that Discourage Undocumented Students	<p>Our registration form (we call it the pre-registration form) is a one pager that collects only basic contact and student information. We track who submits and when. If there is no lottery, everyone gets in. If there are more applicants than spaces, of course we conduct a lottery in accordance with our charter.</p> <p>We then have a student info packet that parents will pick up after the submission and acceptance of the registration form, but it is the one page form that secures their spot. The info packet simply confirms they want to attend and provides us with necessary baseline info.</p> <p>Our student info packet was on our website as we have been trying to drive more traffic there, but we have since removed it so we do not give the impression that we use it for anything besides collecting the necessary info such as immunization info, medical needs the child may have, and other safety info.</p> <p>Our info packet does ask open ended questions such as "Why did you choose to attend Downtown Charter Academy?", but we do plan to remove those and gain this info at start of year.</p>	Y

EOLA	Requirements that Discourage Undocumented Students	After reviewing the ACLU site East Oakland Leadership Academy has determined that having a yes/no check box indicating US Citizen may be viewed as discriminatory even though no student has been denied admittance based on citizenship. This will be removed from the application.	Y
Francophone	Illegal Parent/Guardian Volunteer Requirements Requirements that Discourage Undocumented Students	FSCO's Board Chair has sent a letter to ACLU requested that FSCO be removed from the published list of schools in violation (letter dated 8/20/16) FCSO has also amended its Application Form for 2016-17 to provide a number of options for families of kindergarteners enrolling in public school for the first time, to provide proof of meeting the minimum age for enrollment requirement (see Education Code Section 48000, applicable to charter schools through Education Code Section 47610). These options include: U.S. or foreign birth certificate; immunization record; passport; baptismal records; and affidavits from a parent/guardian or pediatrician. A copy of the Application Form is attached for your convenience. Accordingly, the Charter School's Enrollment Form now aligns with the methodology that the ACLU developed for its report.	Y
LPS R&D	Pre-Enrollment Essay or Interviews Illegal Parent/Guardian Volunteer Requirements Requirements that Discourage Undocumented Students	We are working with staff to review all enrollment and admissions materials and will take immediate action to remove language that is illegal or exclusionary, and to update forms and pages on our network and school websites. We are also carefully reviewing our charter petitions to ensure that they do not include any exclusionary policies or illegal requirements. We have planned to add language to our materials and website that clearly states that Leadership Public Schools are open to all students, including English learners, non-U.S. citizens, students with disabilities, low-income students, and students who are struggling academically and may require additional academic supports. While we had not enforced any exclusionary admissions requirements in practice, we will make sure to share the message above with our school communities. We will also conduct an annual internal compliance review to ensure that all our policies and practices comply with the Charter Schools Act, Education Code, and state and federal civil rights laws.	Y
NOCCS	Requirements that Discourage Undocumented Students	We were flagged in the report for enrollment practices that discourage undocumented families. We are waiting to hear back from the ACLU or Public Advocates to verify the specifics for NOCCS. We have reviewed our policies with our legal counsel and changed the following on both our website and in School mint: <u>What we have changed:</u> <ul style="list-style-type: none">- Birth Certificate is no longer required to verify age of student- CA License or ID are no longer required to verify residence(it is listed among the options)- Website no longer requires parents to tour the school before they apply (This has not been in practice for years).	Y
OMI		After a review of our admission policies with our legal counsel we believe that our admission policies do not violate the letter or spirit of any law or regulation.	

	Requirements that Discourage Undocumented Students	<p>Section 47605 (b) 5 (H) of the California Education Code implies that charter schools may impose admission requirements that are not otherwise illegal. The charter of the Oakland Military Institute clearly states that neither our admission policy nor our recruiting practices will be discriminatory with the stated goal "to reach all students in grades five through eleven (rising into grades 6-12) in the local community and to promote a diverse student base." Nothing in our published or practiced policies and procedures is contrary to our clearly promulgated charter goal.</p> <p>The gist of the ACLU's inclusion of OMI in their report seems to be that we have a stated requirement for a birth certificate since never in our history have we even hinted that a Social Security number or proof of immigration status would be required. The ACLU interprets our request for a birth certificate to be exclusionary. Our position is that we are required by state and federal mandates to affirm the ages of our students. This information is obtained from a birth certificate. Nothing in our policy or practice requires that the birth certificate be from the United States. We are not aware of any nation or state that does not issue some form of birth certificate. The request for a birth certificate is a standard and accepted practice throughout our nation's public school systems. For example, the Oakland Unified School District requires a "birth certificate or I-94" while Sacramento Unified School District requires "Proof of Birth –original COUNTY ISSUED (their emphasis) birth certificate or passport for each child". There are numerous other examples of the same policies and practices throughout the state and nation. Despite the widespread and accepted practice of requesting a birth certificate, the ACLU highlighted 133 California charter schools for scrutiny and allegations of illegal behavior. Between the issuance of the report and today's date, the ACLU has already stricken 8 schools from the list for unspecified reasons.</p> <p>We believe that the ACLU is attempting to hold charter schools to a different standard than other public schools in California. This is discriminatory, defamatory, and unacceptable. OMI has never received a complaint regarding our registration or admission policies and I do not believe that your office has either. Should OMI receive a complaint on this matter, we will address the complaint thoroughly and fairly with a full report to your office. We do not exclude or discourage anyone from applying for admission to our school.</p> <p>*It was confirmed by OCS staff that the birth certificate is not asked for until after the lottery/students have a seat.</p>	Y
OUHS	Illegal Parent/Guardian Volunteer Requirements	<p>We believe that the violation was triggered by an outdated copy of the parent handbook that was linked to our website. This parent handbook contained an old version of our 3-way enrollment. This is a snapshot of the original clause concerning volunteering. We have removed the link to the outdated parent handbook.</p> <ul style="list-style-type: none"> • Volunteering 10 hours of service each year for the benefit of the school. 	Y
OSA	Pre-Enrollment Essay or Interviews	<p>The Oakland School of the Arts has reviewed the report from the ACLU about exclusionary enrollment tactics and believes the school is incorrectly identified. OSA was listed as having enrollment policies or forms online that are clearly illegal or exclusionary and pre-enrollment essays or interviews. Based on the ACLU's methodology, OSA was listed in these categories, because the report,</p>	

	<p>"categorized the school as having exclusionary policy if it stated that enrollment was conditioned upon an "interview," "audition," "appointment," or "meeting" with students or parents." (ACLU website)</p> <p>OSA does require an audition, but this process has been vetted and approved by the OUSD board. We believe the ACLU is mistaken in identifying OSA's audition as an exclusionary process. The California Charter Schools Association also disagrees "that auditions for performing arts schools are not permissible" (CCSA website).</p>	Y
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