

Admission Lotteries: The Ins and Outs

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How can we
make sure
Charters are
casting a
wide net?



Why lotteries?

- South Carolina is considered an open enrollment state because our charters must not have barriers to entrance such as testing, interviewing, etc...
- Equity and access are becoming hotly debated nationally.
- The SC Charter School Act states “if the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor”
- As a sponsor, it is your responsibility to ensure that the public charter schools are providing opportunities for all children to apply in a clear and transparent process.

The term lottery is in the Federal Definition of a charter school

Definition in section 5210(1) of the ESEA, which is as follows:

The term “charter school” means a public school that:

- a) **In accordance with a specific State statute** authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the requirements in paragraphs 1 through 12 of this definition;
- b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- c) **Operates in pursuit of a specific set of educational objectives** determined by the school’s developer and agreed to by the authorized public chartering agency;
- d) Provides a program of elementary or secondary education, or both;
- e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- f) **Does not charge tuition;**
- g) Complies with the Age Discrimination Act of 1975, 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, title II of the Americans with Disabilities Act of 1990, as amended, and part B of the Individuals with Disabilities Education Act;
- h) **Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;**
- i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
- j) Meets all applicable Federal, State, and local health and safety requirements;
- k) Operates in accordance with State law; and
- l) **Has a written performance contract with the authorized public chartering agency** in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school. 20 U.S.C. 7221(1).

<http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc>

Enrollment

According to SECTION 59-40-50 there are certain things a charter school **MUST** do.

A charter school must:

(7) **admit all children eligible to attend public school to a charter school, subject to space limitations,** except in the case of an application to create a single gender charter school.

However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty percent from that population.

This requirement is also subject to the provisions of Section 59-40-70(D).

If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor;

Enrollment Preference

Law

A charter school must:

(8) **not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school;**

a charter school may give enrollment priority to a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year.

A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for returning students excludes those students from entering into a lottery.

A charter school also **may give priority to children of a charter school employee and children of the charter committee**, if priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school.

In addition, a charter school located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school as its principal location also may give enrollment priority to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation not to exceed fifty percent of the total enrollment of the charter school. This priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;

Basics

- Siblings
- Single Gender
- Employees and Charter Committee not exceeding 20%
- Military families

Racial Composition

SECTION 59-40-70.

(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. **A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter** as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

Best practices we see with meeting racial composition

- It is all about relationships and being genuine
- A relentless commitment to having a diverse student population that is always thinking about outreach.
- Great open houses with teachers that engage students and families
- A diverse staff and diverse board
- Word of mouth is better than an expensive ad campaign – not always about amount of money spent on a fancy website. Sometimes it is a simple one page flyer given to key community leaders that believe in educational options for all.
- Transportation does help and we are working on funding for that.

Appeals and Enrollment

Charter Act states:

If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor;

(C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.

(2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.

So, what does this mean for Charter lotteries?

What kinds of procedures should be in place to make sure lotteries are fair and accountable and meet the requirements of the law?

- Charter schools need to have clear, consistent, and transparent enrollment and lottery procedures.
- Ask for a copy or link to the application
- How long do they keep the application process open
- How are they doing outreach to a broad community?
- Are they following what their charter says they will do?
- How are they allowing for preferences?
- Do they have a waitlist? How do they fill vacancies?
- Model equitable admissions and lottery processes with your other choice schools such as magnets and special programs

Lottery Processes

- Application should be simple and should not ask for information that could be considered discriminatory or creating barriers (they do not ask about IEPs or for student essays)
- Computer generated v. Hand pull
- Transparency with no conflicts of interest. Great examples include outside third parties to observe and even participate in the pulling of the lottery cards
- Notification of acceptance and waitlist process is communicated expediently

What can Sponsors do to help ensure equity and access?

Include your charters in school choice fairs, info nights, and websites.

Section 59-40-55-- (A) A charter school sponsor shall:

10) **provide to parents and the general public information about charter schools authorized by the sponsor as an enrollment option within the district in which the charter school is located to the same extent and through the same means as the district in which the charter school is located provides and publicizes information about all public schools in the district.** A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days prior to the first day of its enrollment period.

By working together sponsors and charter schools can make it easy for all students to jump into a great education.



Q&A and Discussion

- Q&A
- Related topics that have come up in recent years:
 - Neighborhood preference
 - Residential treatment facilities and group homes
 - Creating incentives for facilities for public charter schools serving diverse populations and closing achievement gaps