

Charter School Lottery Procedures



State Charter Schools Commission

Best Practices Guidance

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1. Introduction

What is a Charter School Lottery?

A charter school lottery is a random selection process by which applicants are admitted to a charter school to ensure that all applicants that do not have an enrollment priority have an equal chance of being admitted. A charter school must conduct a lottery if more students apply for admission to the charter school than can be admitted. ***A charter school with fewer applicants than spaces available should not conduct a lottery.***

State Charter Schools Commission Rule 691-2-.05 *State Charter School Student Admissions and Lotteries* requires each state charter school to adopt and adhere to a **written policy** detailing how the school will conduct its lotteries. There are many different methods by which a state charter school may choose to conduct its lottery. This guidance is intended to identify issues and topics for each state charter school to consider as it drafts and implements its policies for conducting enrollment lotteries.

Special Note

State charter schools should remember that admissions lotteries are difficult and emotional times for parents and students. Many parents will be disappointed that their children will not gain enrollment while others will be overjoyed. Schools should be open and honest with parents and the public, and the lottery policy adopted by the charter school must be followed consistently. Ensuring that the lottery is conducted in an open and transparent manner and in a way that is accessible to the public will demystify the process and improve the school's relationship with its community. Further, having a person unfamiliar with the school's process review the school's lottery procedures is a great way to identify any potential areas of concern and mitigate the anxiety that accompanies the day of the lottery¹.

2. Pre-Lottery Procedure

Preparation

Schools must be well-prepared and ready before the actual lottery event. In doing so, the school should consider conducting a practice lottery. Practice lotteries, if conducted, should be run in front of impartial observers so that the observers may provide feedback on the lottery process. A practice lottery will assist the school in choosing a method that eases stakeholder concern, identifying potential issues and perceptions with the selected lottery method, and building school capacity to conduct the lottery.

As part of its preparation, the school should start by creating and separating duties for staff members or volunteers before the lottery event. This will assist the school in staying organized and minimize error. The duties during a lottery process should be individualized and separated. For example, prior to the lottery, a school should designate one person to draw the name or number, one person to record the name or number drawn, and another to announce the name or number to attendees. The segregation of duties will increase accuracy and mitigate the risk of interference.

¹ It would not be appropriate for the SCSC to review the lottery policies of state charter schools. While the SCSC may guide the school in adhering to the law and expectations, reviewing decisions of a school's governing board that are within that school's discretion, such as how to conduct an enrollment lottery, would infringe upon the state charter school's autonomy.

A state charter school must also ensure that it adequately informs the public, parents, and other interested parties of the upcoming lottery. Email, media outlets (such as bulletins, newspapers, newsletters, etc.), and the school’s website, are all useful tools to help keep everyone informed. As a reminder, SCSC Rule 691-2-.05 requires state charter schools to actively communicate their enrollment and admissions opportunities and procedures no later than two weeks prior to the enrollment or admission opportunity. In other words, if a school has a deadline for enrollment applications, the school must actively communicate its opportunity and procedures for enrollment at least two weeks prior to that deadline.

3. Conducting a Lottery Generally

The format of the lottery must be fair to all. As such, the method of the lottery must be transparent, random, and conducted in accordance with the policy adopted by each state charter school pursuant to SCSC Rule 691-2-.05. Further, state charter schools should conduct these lotteries **in public and at a time and location that allows for the public to attend.** The state charter school must plan to conduct the lottery in a location that has sufficient room and seating for public attendance. Further, the state charter school’s enrollment and lottery policies must not require a student or his or her representative to attend the lottery to receive an enrollment offer.

Lottery Procedure

A state charter school must conduct a lottery if it received more applications for enrollment than there are available spaces. The determination of available spaces should be grade-specific and consistent with the school’s charter contract and petition. While most state charter schools do not have grade level specific enrollment numbers incorporated into their charter contracts, schools must be careful to select its grade-level capacity appropriately so as to adhere to overall enrollment requirements throughout the term of the charter contract.

Since a school must determine its capacity by grade-level, a charter school may have lotteries in only some grades. For example, Shiny Happy People Charter School is a K-12 state charter school that is required by its charter contract to serve 1300 students by the end of its charter term. Shiny Happy People Charter School allocated 100 spaces for each of its grades. For the upcoming school year Shiny Happy People Charter School received fewer than 100 applications (including currently enrolled students) in all but grades 2, 4, and 7. As a result, Shiny Happy People Charter School will offer enrollment to all applicants except for those in grades 2, 4, and 7 and will conduct three lotteries – one for each of the grades that received more applications than there are available spaces.

While a lottery should be conducted in public setting with parents and students invited to attend, schools should be respectful of student and family privacy. Accordingly, a school may prefer to assign each applicant a number rather than drawing a student’s name. If utilizing numbers rather than student or family names, the school should notify the parent of the applicant’s corresponding number, and the school should provide a staff member the “key” with the names and numbers and assign that individual the duty of translating the numbers drawn to the list of enrollees. In addition to protecting student and family privacy, drawing numbers rather than names may assist the school in randomizing the lottery selection.

Randomization

The foundation of charter school enrollment lotteries is the random selection of students. There are many different acceptable methods of lottery randomization mechanisms used during a lottery event. The two main categories are **computer-generated randomization** and **human randomization**.

Schools may choose to use computer-generated randomization to ensure a random lottery without the possibility of human bias or error. There are academic software programs specifically designed for charter schools that include lottery randomization and generation features. Many of these programs also include admission, lottery, and waitlist management functions. There are also many free or low-cost random number generators available on the internet. Schools may even utilize Microsoft Excel to generate random numbers to select students. Computer-generated randomization is often more mathematically random than human randomization methods, but schools may find it difficult to overcome stakeholder skepticism in a computerized method. If a school chooses to utilize computer-generated randomization, the school should also utilize a screen or projection method that allows each selected number to be displayed to the audience in real-time.

Other schools choose to use human randomization methods. For example, schools may choose to draw pieces of paper out of a hat, select Ping-Pong balls from a rolling drum, or choosing Popsicle sticks from a box. These methods work well, however, it is important to ensure that there is no appearance of bias or preferential treatment in selection. To ensure randomization, the school must be sure to adequately mix the items being selected, and doing so will depend on the method the school chose. For example, Ping-Pong balls often mix better than paper or Popsicle sticks as the shape of the ball allows for more movement. Any selection method is acceptable provided the school ensures that the selected items will be thoroughly mixed. Failure to do so will result in a disproportionate selection that is not truly random. Further, a school utilizing a human randomization method may wish to invite an individual not affiliated with the school to perform the actual drawing. This helps to preclude accusations of tampering or bias. Further, schools must be careful to adequately mix the items being drawn.

A state charter school may utilize either computer or human randomization provided that the method of choice is consistent with the policy adopted by the school pursuant to SCSC Rule 691-2-.05.

Planning for breaks

It may take significant time to complete the admission lottery. As the lottery can be an emotional time for parents and prospective students, it is often wise to schedule breaks in the lottery. A short break can provide a period of calm for the stakeholders as well as an additional opportunity for the school to explain and discuss the lottery process. Most importantly, a break allows the school to examine its progress and adherence to procedure, which promotes accuracy and mitigates the risk for error.

Maintaining Accurate Records

It is important for a state charter school to keep an accurate record of the enrollment lottery. During the lottery drawing, one or two individuals should transcribe the lottery results to record when each child's name or number is selected and the appropriate grade level. In addition, another person should keep detailed minutes of the event. Detailed minutes can be used by the school and its governing board both to refute allegations of impropriety and to guide the conduct of future lotteries.

Another method of maintaining accurate records is to videotape the lottery. However, if the school chooses to videotape the process, the school must be mindful that the video is a record that is subject to public review under the Georgia Open Records Act. Further, because children may be present for the lottery and the selection to a school can be a sensitive matter for some parents, schools video recording a lottery should carefully explain to parents that the proceedings are recorded and will be subject to public disclosure.

4. Enrollment Priorities

Pre-lottery Enrollment Priorities

A state charter school may utilize enrollment priorities, also known as enrollment preferences, only if authorized by state law and identified in its charter contract. An enrollment priority allows a charter school to offer available space to certain students prior to conducting the lottery. For example, state law and most charter schools' contracts allow the school to offer available space for siblings of students currently enrolled in the school. As an illustration of this enrollment priority in practice, if Shiny Happy People Charter School has 10 available spaces in 7th grade and 8 prospective age-appropriate students who are siblings of students enrolled in the school, Shiny Happy People Charter School will offer 8 of the 10 available spaces to the prospective sibling students and conduct a lottery for the remaining two spaces.

The charter school's enrollment priorities must be utilized in the order provided in the charter contract. To build upon the previous example of Shiny Happy People Charter School, if the school also had a second-ranked enrollment preference for prospective students of governing board members and the school had two prospective students for 7th grade who were children of a governing board member, those students would be offered the final two available spaces.

If the number of prospective students in an enrollment priority exceeds the available spaces, the charter school should conduct a lottery using only those students in the enrollment priority. For example, if Shiny Happy People Charter School has 10 available spaces in 7th grade and 12 prospective age-appropriate students who are siblings of students in the school, Shiny Happy People Charter School should conduct a lottery for the ten spaces utilizing only the 12 prospective sibling students. As discussed below, the charter school should conduct a lottery of the remaining applicants, including those not in the enrollment priority, to determine the order of students on the wait list.

Students who have been attending the charter school do not need to reapply and participate in the lottery. This allows a student who has attended the school to continue his or her education in an uninterrupted manner.

Defining "Sibling"

State charter schools utilizing an enrollment priority for siblings should include a definition of who qualifies as a "sibling" in the written policy adopted pursuant to SCSC Rule 691-2-.05. While the definition of a sibling is within the discretion of each individual charter school, schools may want to consider adopting a broad definition of sibling, such as, "Children who share at least one common biological or legal parent whether through natural or adoptive means." This definition includes:

- a. Biological siblings that share parents;

- b. “Half” siblings that share a single parent;
- c. “Step” siblings that share a parent or parents through marriage; and
- d. Children who share a parent or parents through adoption or guardianship.

State charter schools should also consider whether to include siblings who reside in different households as well as foster children awaiting permanent placement. To avoid abuse of the sibling enrollment priority, a charter school may wish to explicitly exclude children who live in the same household but do not share a biological or legal parent. Ultimately, each individual state charter school should determine how to define and utilize the sibling enrollment priority in the manner that is most responsive to its needs.

Enrollment Priorities During the Lottery

Enrollment priorities, particularly the sibling enrollment priority, *may* be utilized during the lottery drawing. In practice, this has the effect of enrolling *all* siblings on the drawing of one student. For example, if there are five prospective sibling students in the Jones family, a state charter school may choose to enroll all five siblings immediately upon the selection of only one of the students. If the school chooses to use the priority during the lottery, the charter school should consider assigning one identifier or number to represent all of the siblings applying for admission rather than allowing each sibling to have a separate entry into the lottery. Not only does utilizing one entry per family promote a more equitable lottery across families (a family with five children has the same opportunity as a family with one), but it also eliminates dilemmas for families in cases in which some children are selected while others are not.

If a school wishes to use the sibling enrollment priority but allows a separate entry for each student, the school must account for the possibility of admitting additional students after completing a grade-level drawing or requiring non-selected students to be waitlisted. For example, Shiny Happy People Charter School uses the sibling enrollment priority and allows a separate entry for each student. The school completes its 2nd grade lottery but draws a student in the 4th grade lottery who has a sibling in the 2nd grade who was not selected. Shiny Happy People Charter School, must either – in accordance with its written policy – accept the 2nd grade student and remain overcapacity or place the 2nd grade student in the appropriate slot on the school’s waitlist.

Alternatively, a charter school may choose not to utilize an enrollment priority during the lottery. The state charter school’s policy may provide that a student must be enrolled and attending the school prior to his or her sibling’s use of the enrollment priority. In other words, a student selected at an enrollment lottery would not be defined as a student of the school and his or her siblings would not be entitled to use of the sibling enrollment priority. As a result, if Shiny Happy People Charter School does not utilize enrollment priorities during the lottery and the Jones family had five prospective students but only two are selected, the other three students would not be eligible to utilize the sibling enrollment preference until the following year. The Jones family would need to decide to accept or decline the offers of enrollment for the two students.

Choosing whether to utilize enrollment priorities during the lottery is a decision for each school’s governing board that should be reflected in the school’s written policy established pursuant to SCSC Rule 691-2-.05. In doing so, the school should consider its balance of equity for families of differing sizes as well as disruption to families with students in multiple schools. Unfortunately, given the nature of

random selection, there will always be some level of disappointment. However, it is the role of the school's governing board to establish and implement the procedures that will best meet the needs of its families.

5. Wait Lists

Continue the Drawing Process

The state charter school should continue the lottery's drawing process after the lottery slots are filled to determine the order of students on the wait list. The wait list should be separate from those admitted through the lottery, and each family should be aware of the position of its student(s) on the wait list at the conclusion of the process. For example, if Shiny Happy People Charter School has 12 available places for 4th grade and 35 applicants, the charter school should draw the first 12 names and offer enrollment to those students. The school should also continue to draw the remaining 23 names and place the students on the wait list in the order in which they are drawn. The school will also inform each of the families on the wait list of its respective position on the list.

Update the Wait List and Maintain Accurate Records

The charter school must maintain accurate records related to the order of the wait list. The list **must** be consistently updated as students are admitted. A parent should be able to contact the school and receive a timely answer as to their child's position on the wait list. Some schools choose to use computer software programs to help them maintain and keep track of when children are admitted and reordering the wait list accordingly. However, no matter what record-keeping method is used by the school, the records should be easily accessible and up to date.

6. Post-Lottery Procedure

Discovering Errors After the Lottery

State charter schools should include a section in the school's policy adopted pursuant to SCSC Rule 691-2-.05 that addresses errors that may occur during the lottery and remedies the school will utilize to resolve the error. A school must correct an error in the lottery if the error is the fault of the school. Some schools have made errors such as: placing a student in the wrong grade-level lottery, omitting an eligible student from the lottery entirely, or utilizing an enrollment priority in a manner that is not consistent with the law or the school's established policy.

If the school notices an error, the school's staff needs to take immediate steps to correct the error by applying the appropriate remedy identified in the school's policy. Remedies appropriate to resolve errors that affect one student may include, but are not limited to, adding a student to the top of the waitlist or admitting a student even though the school is oversubscribed. If the error involves multiple students, depending on the severity of the error, the school may need to redo the grade-level lottery to ensure fairness for all stakeholders involved. If the school needs to redo one or more lotteries, it must make a concerted effort to provide all stakeholders clear and consistent information as many parents will be upset - particularly those whose children were already offered enrollment.

As a result of the sensitivity of the lottery, it is imperative that all the data is accurate *prior* to the actual lottery drawing and that the school carefully follows its established process in conducting the lottery so that the school minimizes mistakes and emotional disturbance for parents and students.

Enrollment Offers

State charter schools should provide offers of enrollment to parents in writing, and should require parents to accept or decline that offer in writing. Written enrollment offers not only assists the charter school by promoting consistency with regard to its records, but it also assists parents by providing them a clear and unambiguous determination with regard to enrollment. Further, the school should maintain a separate list of parents who accept and reject the offers of enrollment as these records will assist the school as it updates its wait list.

In addition, a state charter school's enrollment and lottery policies should provide a reasonable time for parents to accept or decline offers of enrollment. The timeframe utilized by the school is at the discretion of the school and its board, but it should be long enough for parents to reasonably consider their available education options. An appropriate timeframe may range from several days to a few weeks depending on the needs of the community. However, whatever time period utilized by the school, the decision period should be clearly stated in its enrollment or lottery policy. Further, to avoid confusion, the length of the decision period and applicable deadlines should be communicated to parents throughout the entire enrollment process.

After making enrollment offers, the school should actively communicate with parents through email or through telephone calls to remind parents of the importance of accepting or declining an enrollment offer prior to the deadline. The state charter school's enrollment or lottery policy should also be clear regarding the consequences of a parent's failure to accept or decline an enrollment offer by the applicable deadline. The school may consider a parent's failure to accept or decline an enrollment offer as a declination of that offer; however, this should be communicated to parents to mitigate possible conflict.

Changes in Priority Status

A state charter school's enrollment and lottery policies should address instances in which a student was provided an enrollment offer based on an established enrollment priority, but there is a subsequent change that would affect that priority. For example, Student B is offered enrollment to Shiny Happy People Charter School because her sibling, Student A, already attends the school. However, prior to the start of the new school year, Student A withdraws. The school's enrollment and lottery policies adopted by its governing board should clearly identify if Student B can utilize her enrollment offer.

In considering the appropriate course of action in these instances, the state charter school should consider the timing of the status change as well as the equity to the student involved and those on the waiting list. The school may wish to consider different consequences based on when the change in status occurs. For example, the school may wish to allow the student to continue to attend school utilizing the enrollment priority if he or she accepted the enrollment offer and completed the admissions process. Conversely, the school may wish to withdraw the offer of enrollment if the change in status occurs prior to its acceptance by the student. While this decision is at the discretion of the school's governing board, it should be addressed in its written policies adopted pursuant to SCSC Rule 691-2-.05 and should be explained to parents prior to the conduct of the lottery.

Mid-Year Enrollment

State Charter Schools should continue to accept applications from prospective students throughout the school year even after the school reaches capacity. A school's enrollment or lottery policy should clearly identify that a prospective student applying to the school after the conduct of the enrollment lottery that has reached capacity and will be placed on the appropriate wait list. In most cases, students applying to a school at capacity after the enrollment lottery should be placed at the bottom of the wait list. However, a state charter school may identify in its lottery policy adopted pursuant to SCSC Rule 691-2-.05 that students having an enrollment priority (such as a sibling of a currently enrolled student) may be placed higher on the wait list. In doing so, the school must carefully balance the equity of its applicants and the needs of its community. While the school has discretion in establishing its policy on applications from prospective students in an enrollment priority, the school must be sure to continually implement its policy as adopted and ensure that all similarly situated students are treated equally.

7. Conclusion

The goal of the charter school lottery process is to maximize open enrollment and promote equity in student admissions by ensuring that schools do not unlawfully discriminate or otherwise exclude eligible students. Laws and regulations applicable to charter schools require schools to utilize a lottery system as a random selection process when the school has more applicants than it has available spaces. This ensures that all applicants that do not have an enrollment priority have an equal chance of being admitted. The details of **how** a state charter school conducts its lottery is generally at the discretion of the school and its governing board. However, SCSC Rule 691-2-.05 requires each state charter school to adopt a written policy detailing how the admission lottery is to be conducted and to conduct such lottery in accordance with that policy. Accordingly, a state charter school must carefully consider the topics discussed in this guidance as well as the needs of its community in establishing and implementing its enrollment and lottery policies as those policies will ultimately guide the school's lottery process.