



## Liberty Tech Charter School Lottery

### Table of Contents

- Policy
- Procedures
  - During Open Enrollment
  - Post Open Enrollment
  - Lottery Day
- Preferences
- Drawing to Select Students

### Policy:

If the number of timely applicants received by Liberty Tech Charter School exceeds the capacity of a program, class, grade level or building, Liberty Tech shall ensure that such applicants have an equal chance of being admitted through a random-selection lottery. Class size is at the discretion of the Principal, with Board approval, as long as within legal limits.

To participate in the lottery, a student's application must be received prior to the enrollment application deadline as established by the school's Board. The lottery will be open to the public and advertised in advance. A nonbiased third party will witness and certify the validity of the lottery. Preference in the lottery is given to students of Liberty Tech board member and full-time staff.

### Procedures:

#### *During Open Enrollment*

Applications will be collected and qualifications will be verified.

- **Sibling by definition is a:**
  1. Biological (including 1/2 sibling)/adoptive sibling.
  2. Stepsiblings residing in the same household.
  3. Foster children residing within the same household.
- **Sibling notes:**
  - Stepsiblings living in different households are not considered for a sibling preference.
  - An alumnus of the school with a sibling applying for the following year does not qualify as a sibling for entrance preference. Further, sibling preferences are only applicable for students who are eligible to enroll based on age.
  - Same-grade siblings will be treated as one single applicant unit, rather than as multiple applicants. When that one applicant unit is drawn in the lottery, the same-grade siblings will be numerically ordered on the waiting list or conditionally accepted, dependent upon where in the lottery that applicant unit was drawn. Siblings of current students must submit an application to the school during the open enrollment period to be considered for admission.

### *Post Open Enrollment*

Upon closing of each Open Enrollment period, if the number of qualified applications from applicants exceeds the number of available seats for any or all grade levels, a random selection (Lottery), which shall be open to the public, will be conducted of those applicants. All qualifying applicants will be contacted of date, time and place of Lottery via phone and/or web-posting.

Stakeholders will be invited to the Lottery, including families, community leaders, representatives from the Georgia Charter Schools Association (GCSA), and representatives from the DeKalb County School System.

Prior to the lottery, chips will be numbered from one through the total number of applications received. Each family will be assigned a random number. The assigned number will be recorded on an application roster along with the student's name, grade-level, applicable preferences, and siblings.

- All chips will be the same in weight and size.

### *Lottery Day*

It is not necessary for an applicant's parent/guardian to be present at the Lottery in order for an applicant to participate in the lottery. The procedure will be explained to the audience.

### **Preferences:**

- Students who are children of current Liberty Tech board members or full-time staff and students who are siblings of current Liberty Tech students receive preference and will be pulled in an initial drawing.
- The remainder of applicants will be pulled during the second drawing.

### **Drawing to Select Students:**

To make this process as transparent as possible, students with preference will be drawn and placed on lists first.

Chips will be drawn at random. Students admitted through a preference and why they are receiving preference will be read aloud and added to the class list for the appropriate grade level.

The random lottery to select students will then be conducted. A third party will draw names, pass the chip to the caller, and verify that the caller is reading the correct number.

- As each family number is selected, the student's assigned number will be placed on the grade lists according to availability. A sibling will be placed based on available space.
- The numbers will be recorded as they are pulled until all the seats are filled. Once all seats are filled, all remaining names will be placed on the waiting list in the order in which they are drawn.
- A student cannot lose his/her seat on the grade list after it has been awarded.
- Applications received after the Open Enrollment period will be placed at the end of the waiting list after the lottery has concluded, in the order in which they were received.

If a grade is not at capacity at the end of the lottery, additional students will be added as qualified applications are received, in the order they are received.

If additional seats become available after the Lottery, they will be filled from the applicants, in order, on the waiting list. Sibling preference will be applied to the waiting list only at the time of the lottery. The waiting list order will not be adjusted after the time of the lottery, even if one sibling gets onto a grade list.

Applications are only valid for one year. New applications for the following year will need to be submitted for the next year's consideration. The waiting list does not carry over from year to year.

## **Appendix - Relevant References and Examples**

### **(1) O.C.G.A. § 20-2-2066 (2009)**

TITLE 20. EDUCATION

CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION ARTICLE 31. CHARTER SCHOOLS ACT OF 1998

§ 20-2-2066. Admission, enrollment, and withdrawal of students

(a) A local charter school shall enroll students in the following manner:

(1)(A) A start-up charter school shall enroll any student who resides in the charter attendance zone as specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the start-up charter school;

(ii) A sibling of a student enrolled in another local school designated in the charter;

(iii) A student whose parent or guardian is a member of the governing board of the charter school or is a full-time teacher, professional, or other employee at the charter school; and

(iv) Students matriculating from a local school designated in the charter;

### **(2) Georgia Department of Education website: How does a charter school lottery work?**

If the number of applications to a charter school exceeds the capacity of the school, all applicants will have an equal chance of being admitted through a random selection process or lottery. The lottery is conducted in the spring before the school opens and the charter school governing board is required to hold the lottery in a public space. While the Charter Schools Act does allow for a limited number of preferences, those preferences must be applied before the lottery is conducted. For example, if a charter school's charter permits it to give enrollment preference to siblings of enrolled students, those siblings should be automatically admitted and the spaces taken by those students excluded from the number of available spaces in the lottery. Weighted lotteries are not permitted under Georgia law.

### **(3) Charter Schools Program, Title V, Part B, Non-Regulatory Guidance, Department of Education, July 2004**

#### **C. Lottery, Recruitment, and Admissions**

##### **C-1. What is a lottery for purposes of the CSP?**

A lottery is a random selection process by which applicants are admitted to the charter school.

##### **C-2. Under what circumstances must a charter school use a lottery?**

A charter school receiving CSP funds must use 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 does not need to conduct a lottery.

##### **C-3. Are weighted lotteries permissible?**

Weighted lotteries (lotteries that give preference to one set of students over another) are permitted only when they are necessary 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, the Equal Protection Clause of the Constitution, or applicable State law.

In addition, a charter school may weight its lottery in favor of students seeking to change schools under the public school choice provisions of ESEA Title I, for the limited purpose of providing greater choice to students covered by those provisions. For example, a charter school could provide each student seeking a transfer under Title I with two or more chances to win the lottery, while all other students would have only one chance to win.

**C-4. May a charter school exempt certain categories of applicants from the lottery and admit them automatically?**

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply.

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2014 Random Lottery Process Policy and Procedures

Specifically, the following categories of applicants may be exempted from the lottery on this basis:

(a) students who are enrolled in a public school at the time it is converted into a public charter school; (b) siblings of students already admitted to or attending the same charter school; (c) children of a charter school's founders (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and (d) children of employees in a work-site charter school (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).

When recruiting students, charter schools should target all segments of the parent community. The charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin, religion, or sex, or against students with disabilities; but the charter school may target additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school.

**C-5 May a charter school create separate lottery pools for girls and boys, in order to ensure that it has a reasonably equal gender balance?**

No, the legislation requires a charter school receiving CSP funds to hold one lottery that provides qualified students with an equal opportunity to attend the school. Therefore, a charter school receiving funds under the program is precluded from holding separate lotteries for boys and girls. Nor may a school weight its lottery in favor of one gender over another. A school seeking to avoid gender imbalance should do so by targeting additional recruitment efforts toward male or female students.

**C-6 May a tuition-based private preschool program that becomes a public charter school at the kindergarten level permit children enrolled in the preschool program to continue in the elementary program without going through a lottery process?**

No, because the preschool program is private, charges tuition, and most likely does not admit all students, allowing its students to gain admission to the elementary program without going through a lottery process would violate the statute. Therefore, all applicants to the charter school (the

elementary program) would have to be selected by lottery if there are more applicants than there are spaces available.

However, the statute does not preclude an elementary charter school in this type of situation from holding its lottery a few years early – e.g., when students are ready to enroll in the preschool. Under this approach, the charter school would have an affirmative responsibility to inform prospective applicants that winning the lottery would not require them to enroll in the private preschool. Thus, any child selected through the lottery would be guaranteed a slot in kindergarten, a few years later, whether or not she or she enrolls in the preschool program.

Additionally, given the high mobility of children and families, schools that choose to exercise this option should ensure that families new to the area or who were not aware of the previous lottery are given the opportunity to apply for admission. Such actions must meet the admissions requirements of the CSP and might include holding a second lottery to fill vacancies created by normal attrition or failure of early lottery winners to enroll in the charter school.

**C-7 May a charter school receiving its final year of CSP funds select students for the next school year (when the school will not be receiving program funds) without using a lottery?**

A charter school receiving its final year of CSP funds may select students for the upcoming school year without using a lottery, provided that the school obligates all funds under its CSP grant before those students actually enroll in the school. If the school has carry-over funds or extends its grant period, then it must continue to meet all program requirements, including the requirement to hold a lottery if it receives more applications for enrollment than it can accommodate for the upcoming school year.

**C-8 In addition to Title V, Part B, Subpart 1 of the ESEA, what other statutory or regulatory authorities should a charter school consider when developing its admissions policies?**

To be eligible for Federal start-up grants, a charter school's admissions practices must comply with State law and applicable Federal laws. Exemptions from enrollment lotteries are permissible only to the extent that they are consistent with the State's charter school law, other applicable State law, the school's charter, and any applicable Title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with Part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, as applicable.

**C-9 What are a charter school's responsibilities with regard to outreach and recruitment?**

Section 5203(b)(3)(I) of ESEA requires CSP applicants to inform students in the community about the charter school and to give each student "an equal opportunity to attend the charter school" (20 U.S.C. 7221b(b)(3)(I)). Further, section 5203(b)(3)(E) requires charter schools receiving CSP grants or subgrants to involve parents and other members of the community in the planning, program design, and implementation of the charter school. 20 U.S.C. 7221b(b)(3)(E).

**C-10 May a charter school receiving CSP funds set minimum eligibility criteria for admission to the charter school?**

The ESEA does not specifically prohibit charter schools from setting minimum qualifications for determining who is eligible to enroll in a charter school and, thus, to be included in the lottery. As

stated above, however, charter schools receiving CSP funds must inform students in the community about the charter school and give them an "equal opportunity to attend the charter school." Thus, a charter school funded under the CSP may set minimum qualifications for admission only to the extent that such qualifications are: (a) consistent with the statutory purposes of the CSP; (b) reasonably necessary to achieve the educational mission of the charter school; and (c) consistent with civil rights laws and Part B of the Individuals with Disabilities Education Act. CSP grantees should consider using program funds to assist "educationally disadvantaged" and other students to achieve to challenging State content and performance standards.

#### **(4) Georgia Department of Education Georgia Charter School Implementation Grant Application Public Random Drawing (Lottery)**

A lottery is a random selection process by which students are admitted to the charter school. The federal CSP program requires a charter school receiving CSP funds to hold one lottery that provides qualified students with an equal opportunity to attend the school. Charter schools cannot create separate lottery pools for any purpose, including the desire to ensure balance in areas such as gender, disabilities, languages, nationality and poverty.

A school seeking to avoid any imbalance in its student population should do so through its recruitment efforts. However, recruitment must be conducted in a manner that does not discriminate against students by race, color, national origin, religion, or sex, or against students with disabilities. Rather, the charter school may target additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs.

The CSP limits exemptions to the lottery to currently enrolled students (including students reside in the attendance area of a public school converted to a charter school), siblings of currently enrolled students. Children of founders and teachers may also be exempted from the lottery as long as the total number of students in this category is less than 10% of the total enrollment. The CSP allows preferences only through a weighted lottery, and that they be given only when they are necessary 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, the Equal Protection Clause of the Constitution, applicable state law related to addressing these federal laws.

Schools that exempt students or give preferences to them for other reasons than those stated above are not eligible for grant funding through the federal Charter School Program.