



Richard Woods, Georgia's School Superintendent

"Educating Georgia's Future"

To: Charter School Leaders
From: GaDOE District Flexibility and Charter Schools Division
Date: February 26, 2016
Re: Implementing the Weighted Lottery in Charter Schools

House Bill 372 was passed during the 2015 legislative session, was signed by Governor Deal, and went into effect on July 1, 2015. It allows charter schools to give educationally disadvantaged students more weight in a charter school's lottery and thus a greater chance of admittance.¹ Implementing a weighted lottery would demonstrate a charter school's commitment to ensuring those students most need it can benefit from school choice.

State Board of Education Rule defines educationally disadvantaged as students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless youth.²

The phrases within this law are defined in other parts of education law.

- Students with disabilities are students who qualify for IDEA services.
- Migrant students are students younger than 22, who have not graduated from high school, and do not have a high school equivalency certificate. The student is also a migrant agricultural worker or has a parent, spouse, or guardian who is a migrant *and* has moved from one school district to another within the last 36 months to obtain agricultural work.
- Limited English proficient students are students who qualify for English Language Learner services from the school.
- Neglected and delinquent students are those who have been adjudicated delinquent or determined to be neglected by a juvenile court.
- Homeless youth are defined by McKinney Vento. Homeless youth refers to youth who lack a fixed, regular, and adequate nighttime residence. This includes children who are sharing housing due to losing housing, economic hardship, or a similar reason; living in motels, hotels, or trailer parks due to a lack of alternative adequate accommodations; living in emergency or transitional shelters; abandoned in hospitals; or awaiting foster care placement. It also includes children who are living

¹ O.C.G.A. § 20-2-2066(1)(a)(2015).

² SBOE RULE 160-2-9-.04(k), and 160-4-9-.05(2)(g)(3)(ii)(2015)

in cars, parks, public spaces, abandoned buildings, standard housing, bus or train stations, or similar settings.

- GaDOE defines economically disadvantaged as a student whose family lives below the poverty line, qualifies for free or reduced lunch, or whose family qualifies for federal benefits including SNAP, TANF, WIC, Medicare, or PINS.

How does a school implement a weighted lottery?

Charter schools with executed charters must obtain approval of an amendment to its charter contract to include the weighted lottery. New charter petitioners may request to use the weighted lottery in their application.

The school may determine whether the weighted lottery will apply to some or all of the subgroups listed above. GaDOE encourages charter schools that use weighted lotteries to do so as part of a “broader strategy that includes fulfillment of existing responsibilities related to outreach, recruitment, and retention of all students, including educationally disadvantaged students.”³

Once a school has determined which subgroups will be weighted, the school can ask questions tailored to that subgroup on its pre-lottery application. For example, “Does your family qualify for SNAP or TANF?” This question would be included with the initial application to enter the lottery. Documentation may not be requested with the application, but it may be requested with enrollment paperwork.

Please note that the lottery takes place only after any enrollment preferences included in the school’s charter contract are taken into consideration.

How much weight can be given to the weighted category?

There is no legal limit on the maximum weight a charter school can give a category in a weighted lottery. It is presumed that the school’s governing board will take the school’s unique circumstances into consideration when making this decision.

Can race be a weighted category?

Race *cannot* be a weighted category within the weighted lottery provisions.⁴

³ DEPT. OF ED., CHARTER SCHOOLS PROGRAM, TITLE V, PART B OF THE ESEA, NONREGULATORY GUIDANCE, 19 (2014).

⁴ O.C.G.A. § 20-2-2066(a) (2015). SBOE Rule 160-4-9-.04(k), 160-4-9-.05(g)(3)(ii) (2015). Charter schools are required to follow any district-wide desegregation plans that are part of a federal desegregation order regardless of the charter school’s enrollment/lottery process. In a situation where the district is under a federal desegregation order and the district, as part of its plan to desegregate, includes the weighted lottery, race may be a weighted category. Dear Colleague Letter from Catherine E. Lhamon, Asst. Sec’y for Civ. Rts., U.S. Dept. of Ed. (May 14, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>.