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## Introduction

Prior to amendments made to the 2014 Federal Non-Regulatory Charter Schools Program (CSP) Guidance, charter schools receiving CSP funds were not permitted to weight admissions lotteries to favor certain student subgroups.<sup>1</sup>

With the approval of the US Department of Education, New York State charter schools may now weight admissions through the use of the Weighted Lottery Generator created by the New York State Education Department's Charter School Office.

Please review the guidelines set forth below for use of the NYSED Weighted Lottery Generator. To avoid jeopardizing a CSP award, schools receiving CSP funds must not use weighted lotteries until they obtain permission from the NYSED Charter School Office.

## Purpose of the NYSED Weighted Lottery Generator

Consistent with Section 5204(a)(1) of ESEA, the NYSED Weighted Lottery Generator is designed to give slightly better chances for admission to a subset of educationally disadvantaged students.<sup>2</sup> The NYSED Weighted Lottery Generator does not reserve or set aside seats for individual students or sets of students, and may not be used for the purpose of creating schools to exclusively serve a particular subset of students.<sup>3</sup>

All charter schools, including those which use the NYSED Weighted Lottery Generator, must continue to fulfill their existing legal responsibilities related to outreach, recruitment, and retention of students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch.

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<sup>1</sup> A charter school with fewer applicants than spaces available does not need to conduct a lottery pursuant to Section 5210(1)(H) of the ESEA. NYS Education Law §2854(2)(b) requires that charter schools conduct a lottery if applications exceed capacity at the grade level or building.

<sup>2</sup> Section 1115(b)(2) of the ESEA describes educationally disadvantaged students as those who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

<sup>3</sup> See Section 5204(a)(1) of the ESEA.

## **Guidelines for use of the NYSED Weighted Lottery Generator**

**PRIOR TO USING THE NYSED WEIGHTED LOTTERY GENERATOR ALL SCHOOLS MUST:**

1. Modify the existing enrollment policy, or develop an enrollment policy that specifically refers to the use of the NYSED Weighted Lottery Generator. In addition to items currently required by the school's authorizer, the enrollment policy must:
  - a. Identify the order in which the school will enroll returning students, students who live in the district of location, students who are siblings of currently enrolled students, and children of employees;<sup>4</sup>
  - b. Explain the rationale for using the NYSED Weighted Lottery Generator;
  - c. Articulate a plan that evidences the school's outreach, recruitment and retention of economically disadvantaged students, English language learners, or students with disabilities;
  - d. Identify only ONE at-risk subgroup of educationally disadvantaged students to be weighted (i.e., choose economically disadvantaged students, English language learners, or students with disabilities);
  - e. State that the school will only run the NYSED Weighted Lottery Generator once each academic year, and will obtain NYSED approval to use the Generator should the school's enrollment policy change in any way;
  - f. State that the school will not rollover the lottery waitlist from year to year.
2. Obtain authorizer approval of the school's enrollment policy.
3. Submit the policy approved by the authorizer to the NYSED Charter School Office by email to [CHARTERSCHOOLS@nysed.gov](mailto:CHARTERSCHOOLS@nysed.gov) with the subject heading "NYSED Weighted Lottery Generator Approval"
4. Approval requests for the 2015-16 school year must be received by the NYSED Charter School Office no later than March 18, 2016. All approval requests for subsequent school years must be received no later than December 1st of the year prior to the intended lottery.

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<sup>4</sup> Education Law §2854 was amended to allow charter schools to admit children of employees provided the total enrollment of this subgroup may not comprise more than 15% of their overall school population. Schools must not exceed the statutory threshold for children of employees, regardless of their position in the lottery.

## Use of the NYSED Weighted Lottery Generator

USING THE NYSED WEIGHTED LOTTERY GENERATOR (Also see instructional video)

1. Develop a list of all student applicants including the following information: student first and last name, at-risk identification and grade level in the upcoming school year.
2. Upon opening the NYSED Weighted Lottery Generator, read the tabs entitled Introduction, Purpose, Guidelines and Use. Click “Confirm.”
3. Select ONE at-risk weighting category to weight educationally disadvantaged students: economically disadvantaged, English language learners, or students with disabilities.<sup>5</sup>
5. Enter or copy and paste student information into the Applicant Information Worksheet and identify those students who are eligible for weighting criteria (enter "1" for at-risk identification).
6. Submit the applicant information worksheet to run the lottery. NOTE: Schools cannot run the lottery more than once to preference for more than one category of at-risk student.
7. Weighting proportions for educationally disadvantaged enrollment will appear.
8. Each weighting strata is given an applied weight based on selected criteria and the composition of the applicant pool.
9. Students are randomly assigned a number which is multiplied by the associated strata weight; the product is linked to the students’ information and ranked in a new admissions list in lottery results generated in a PDF. Information linking students to each weighting strata is removed from the PDF for the purposes of public lottery display.
10. Schools must save detailed lottery records, including but not limited to printed and electronic documentation of the process, inputs and results for a period of no less than 3 years after the date of the lottery. Again, lotteries may only be run once for each academic year.
11. Schools should have readily available copies of the saved PDF generated from the lottery as required by the Commissioner's regulations.
12. If the enrollment policy changes in any way schools must obtain approval from its authorizer and the NYSED Charter School Office before using the NYSED Weighted Lottery Generator in future CSP years.

**PLEASE NOTE: Failure to strictly follow the procedures set forth above may jeopardize CSP funding.**

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<sup>5</sup> Schools that wish to weight for different subgroup in subsequent years categories must revise their enrollment policy to reflect the subgroup being weighted. The policy must then be submitted to the authorizer for approval. Upon receiving authorizer approval the policy must be submitted to the NYSED Charter School Office for final approval.