

Resource for Policy BP 0420.4

In January 2014, the U.S. Department of Education issued updated guidance that expanded the circumstances under which public charter schools receiving Charter Schools Program (CSP) funds may elect to use a weighted lottery in admissions. According to the guidance, public charter schools receiving CSP funds may now use weighted lotteries to give slightly better chances for admission to all or a subset of educationally disadvantaged students if state law permits the use of such weighted lotteries.

To make it significantly easier for schools to take advantage of weighted lotteries as a means to serve more educationally disadvantaged students, Congress changed the law changed to permit weighted lotteries under the reauthorized Elementary and Secondary Education Act (ESEA), unless a state's law specifically prohibited the practice. A number of states now expressly permit use of enrollment preferences beyond those authorized in their public charter school statutes, subject to authorizer approval. California is one of the states which has no law to prevent preferences. This allows for authorizers to require preferences and weighted lotteries for educationally disadvantaged students in order to meet the requirements of State Law:

Education Code 47605 (B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in [Section 47614.5](#). Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

- (i) Each type of preference shall be approved by the chartering authority at a public hearing.
- (ii) Preferences shall be consistent with federal law, the California Constitution, and [Section 200](#).
- (iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or

reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with [Section 49011](#) , preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

Sources:

ESEA

California Education Code

The National Alliance for Public Charter Schools