



Audience for this Policy

Colorado has secured approval from the federal Charter Schools Program (CSP) to allow for the use of weighted lotteries by CCSP grant applicants according to the parameters outlined below.

This policy seeks to enable high quality charter schools to enroll and serve more educationally disadvantaged students in an effort to ensure all students in the state are ensured the opportunity to achieve state content standards, graduate from high school, and enter college or a career with the requisite knowledge and skills to succeed.

Weighted Lottery Policy requirements for applicant schools

Colorado charter schools applying for a CSP subgrant through a CCSP application may thus utilize a weighted lottery – defined as an individual school-based lottery or centralized lottery for multiple public schools that gives additional weight (eg. two or more chances to win the lottery) to students identified as part of a specified set of students, but that does not reserve or set aside seats for individual students or sets of students. For example, a charter school might provide each student in an identified category or set of students with two or more chances to win the lottery, while all other students would have only one chance to win. The weighted lottery proposed by the school must only utilize one or more of the approved categories below, and must be pre-approved by the grant applicant’s authorizer and the CDE Schools of Choice Process.

Category A

Weighted lotteries for schools within geographic school district with desegregation or federal/court orders issued 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; title II of the Americans with Disabilities Act of 1990, as applicable; the equal protection clause of the Constitution; or applicable State law. Weighted lotteries under this case would be allowed to be used only to address the specific deficiency and category of students outlined in the desegregation or federal/court order issued to them and/or their authorizer.

Category B

Provide additional weights within the lottery for students within one or more of the following sets or subsets of students:

- Students seeking to change schools under the public school choice provisions of title I, part A of the ESEA for the limited purpose of providing greater choice to students covered by those provisions.
- To all or a subset of educational disadvantaged students that are described under section 1115(b)(2) of the ESEA, which include economically disadvantaged students (eg. free or reduced priced lunch eligible students), students with disabilities (eg. identified with an IEP), migrant students, English Language Learners, neglected or delinquent students, and homeless students.

Lottery policies where weights are used for student sets or subsets under Category B must identify the weight to be assigned to each set or subset of students and justify the use of such weight(s) in one of the following ways:

- When aligned to the school’s specific vision and mission to meet the needs of an allowable set or subset of students not currently served by existing high-quality schools in the area.



- When addressing specific targets to meet or exceed the geographic district’s or geographic area’s percentage of students in a set or subset of educationally disadvantaged students, or in the case of multi-district school meet or exceed state averages of such students.

Educationally Disadvantaged Student Subsets	2014-15 Statewide population	2014-15 Charter population
Economically Disadvantaged PK-12 (FRL Eligible)	41.59%	35.10%
Students with Disabilities (with IEP) PK-12	10.08%	6.12%
English Language Learners PK-12	14.27%	15.90%
Migrant Students PK-12	0.27%	0.11%
Homeless Students PK-12	1.81%	0.79%

Figures are official October pupil count figures for 2014-15.

Weighted lotteries may not be used for the purpose of creating schools exclusively to serve a particular subset of students. Utilizing a weighted lottery does not relieve a school from its existing responsibility under the Colorado CSP program to ensure a broad strategy of outreach, recruitment, and retention for all students, including educationally disadvantaged students.

Weighted Lottery approval process

Weighted lottery proposals should be included within the Lottery and Enrollment policy submitted by the school with their Eligibility Form and their subsequent CCSP Grant Application where they will be subject to review and approval on the basis of alignment to this policy and applicable federal CSP non-regulatory guidance, statute, and regulation.

Before any potential CCSP grant funds could be released, the school must demonstrate a signed and executed charter contract that includes the approved lottery and enrollment policy, and any subsequent amendment to the policy would require authorizer and CDE Schools of Choice approval.

If a CCSP grant recipient chooses to subsequently add a weighted lottery, they must submit the policy to their CCSP grant manager for pre-approval before being implemented.

What to include for review of a Weighted Lottery policy

- A copy of any district or school desegregation or federal/court orders regarding which they are seeking to utilize a weighted lottery (if applicable).
- When seeking to utilize a weighted lottery, the Lottery and Enrollment Policy must include and address the following:
 - Categories and Sets/Subsets of students to receive weights in lottery
 - Amount of weights to be applied to each category/set/subset
 - Rationale/justification for amount of weight to be applied to each category/set/subset (the amount of weight proposed needs to be based on actual circumstances of the school/district and include an explanation and justification of how that particular weight is decided/justified).
 - Description of mechanism(s) and/or processes that will be utilized to carry out weighted lottery, including district oversight of process.
 - Sign-off from district and school certifying description provided adequately captures mechanisms that will be used to carry out the weighted lottery



Formula to assist in determining a mathematical rationale for weights utilized

Calculating Mathematical Justification:

x= # of educationally disadvantaged students estimated

y= # of expected total applicants

z= % chance in lottery

a= # of additional chances
(weight minus one)

b= revised % chance in lottery

$$\frac{x+(ax)}{y+(ax)} = b$$

Example: 22% educationally disadvantaged applied, seeking target of 50% enrollment. Consider weight of 3.

22
_____ = **22% chance**

100

3 chances would mean an additional 2 chances, so ax = (2)(22) = 44

22+(44) 66
_____ = _____ = **45.8%**

100+(44) 144

Examples of potentially-allowable policies and rationales

As a key basis for our desire to allow weighted lotteries stems from wanting to ensure charter schools are enabled to be better able to work with educationally disadvantaged students currently underrepresented in their schools, the amount and circumstances of weights must be closely aligned to a strong rationale on why the school needs to add such weights. As part of the proposed Weighted Lottery Policy for CSP subgrantees outlined above, the School’s rationale for amount of weights must meet one or more of the following for each set/subset of students ascribed with a weight within the lottery (examples are provided based on real scenarios we expect to see in weighted lottery requests):

- Demonstrate alignment to the school’s specific vision and mission to meet the needs of an allowable set or subset of students not currently served by existing high-quality schools in the area.

Example of type of response we anticipate potentially seeing & approving under this type of rationale:

The four surrounding zip codes adjacent to the neighborhood in which our middle school plans to locate currently have a combined free or reduced lunch eligible student population of 77%, but these students are mostly able to attend local schools that at best have a Priority Improvement status on the state’s School Performance Framework (the second to lowest ranking) and often enter high school significantly behind proficiency. The mission of this particular middle school replication is specifically to serve this group of underserved students within this particular area of the city. Because of our organization’s strong reputation in other areas of the city which may cause students from other geographic areas and backgrounds who do have access to quality options to apply to our school, we want to institute a weighted lottery favoring FRL-eligible students to ensure this particular group of students are not marginalized out of the school during the school’s lottery process. We thus request to provide FRL-eligible students with a weight of 3 within our lottery process by ensuring these students have three times the chance to be selected than other applicants so that the make-up of our school more closely resembles the make-up of the surrounding neighborhood.

- Demonstrate the addressing of specific targets to meet or exceed the geographic district’s or geographic area’s percentage of students in a set or subset of educationally disadvantaged students, or in the case of multi-district school meet or exceed state averages of such students.



Examples of the types of responses we anticipate potentially seeing & approving under this type of rationale:

While our school is authorized by the state's Charter School Institute, we are located within the geographic boundary of Adams-Arapahoe 28J district (Aurora Public Schools) where 10.29% of students district-wide have an IEP. In an effort to meet the needs of students with disabilities within the community in which we operate, we request to provide students with IEPs two times the chance to be selected in our lottery than other applicants. The current population of students with IEPs at our school is 6.8%, which we would like to see be at or above the local district's average. We also know that more students with IEPs apply to our school than are selected in through our current lottery policy, and would use the additional weight to provide these students with an additional chance to be selected through the lottery draw. In an effort to attain a position closer to the district average of students with IEPs, we thus request to provide students with IEPs a weight of 2 within our lottery process, which we believe will help us to meet or exceed the district average.

Our charter school has made it a priority to ensure that English Language Learners (ELL) are provided with the same high-quality education that our other students receive, and as a result we have developed a program that is very effective. However, because we are located in the relatively affluent mountain community of Aspen, Colorado, we often have more ELL students apply than are able to gain entry through our lottery process. As a result our ELL population only makes up 6% of our student body when our local school district has nearly 10% ELL students and collective surrounding school districts in the Mountain BOCES see an average of 23.75% ELL students at their respective schools. While we intend to employ additional recruitment and outreach to this segment of our local population, we do not believe this alone will be able to significantly reduce this gap as we expect to continue to have our more affluent applicants outnumber those applying with ELL needs. We thus would like to employ a weighted lottery where ELL students are provided with a weight of 3 within the lottery process, which we believe combined with additional outreach will enable us to provide significantly more ELL students the opportunity to achieve educational success through our already demonstrated, successful ELL program.