

Weighted admissions lotteries: Will They Reshape Charter Demographics?

By Katie Ash

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New federal regulatory guidance that now allows charter schools to hold weighted admission lotteries in favor of disadvantaged students may affect a small number of charters now, but could have a greater impact in the future, experts say.

Already the guidance has spurred conversations about the use of weighted lotteries and brought greater attention to the demographic makeup of charters around the country.

“The direct impact [of the guidance] may be limited in the immediate future,” said Michael J. Petrilli, the executive vice president of the Washington-based Thomas B. Fordham Institute, which has been supportive of charters. “But I think it could grow over time, and particularly if we see cities gentrify, this is going to become a very important tool.”

“Classrooms that reflect the diversity of their neighborhoods create exceptionally valuable learning opportunities for students.”

- Kriste Dragon, co-founder & CEO
Citizens of the World Charter Schools

The federal guidance, released in January, says that if it is permissible under state law, charter schools may hold weighted lotteries that favor disadvantaged students and still be eligible for federal charter school aid. Disadvantaged students are defined as low-income students, students with disabilities, English-language learners, and students who are migrant, homeless, or delinquent.

“We’ve heard from states, school operators and other stakeholders across the country that weighted lotteries can be an effective tool that can complement public charter schools’ efforts to serve more educationally disadvantaged students,” said Dorie Nolt of the U.S. Department of Education.

“The update to the nonregulatory guidance simply clarifies another tool public charter schools have to

ensure they are able to serve educationally disadvantaged students,” she said.

Previously, charter schools using weighted lotteries had to forgo federal funding. Such lotteries use an algorithm to provide preference or ‘weight’ to certain students that give them a greater chance of being picked.

Requiring a blind lottery without weights ensures that every single student who applies is given an equal chance to be chosen, which some feel is the fairest way to admit students in charter schools with waiting lists.

Charter Demographics

According to a study released last June by Stanford University’s Center for Research on Education Outcomes, or CREDO, charter schools across the United States serve greater percentages of English-language learners, low-income students, African-American students, and Hispanic students than regular public schools.

But, as a whole, charter schools lag behind their district-run counterparts in educating students with special needs. Students with disabilities make up 13 percent of the student population in regular public schools and 8 percent in charter schools, according to the CREDO study.

Part of the reason why the change is likely to affect only a small percentage of schools initially is that federal charter school funding is limited to startup grants through the charter school program, which totaled \$248 million in fiscal 2014.

But regardless of the number of schools it will affect, the change is a symbolic nod from the Education Department toward the importance of diversity in charter school populations, said Halley Potter, a policy associate at the Century Foundation in Washington, a nonpartisan think tank that has studied diversity in charter schools.

The change may have the greatest impact on larger charter-management organizations that are aiming to expand, said Nina Rees, the president and chief executive officer of the Washington-based National Alliance for Public Charter Schools. Those schools

are the most likely to open with waiting lists, thereby requiring the use of lotteries.

Aligning With States

However, Ms. Rees said she sees the move as “a realigning of federal statute with state statute,” rather than “an outright encouragement of weighted lotteries.”

Under the new guidance, charters in a state that doesn’t allow weighted lotteries still will not be able to hold them. Charters in a state that doesn’t specify whether such lotteries are permitted must seek explicit permission from the state attorney general.

“I would hope that more charter schools will take a look at this opening to explore whether their state statutes permit weighted lotteries,” Ms. Rees said.

One of the highest-profile criticisms of the previous federal guidance stemmed from a dust-up between the federal government and the Success Academy charter schools, a rapidly expanding network of 22 schools in New York City.

The network was told by federal officials shortly before holding its lottery for the current school year that it was not allowed to give priority to the admission of English-language learners – something the New York state charter law actually encouraged – while it was receiving federal aid.

Eva S. Moskowitz, the network’s founder and CEO, wrote a letter to U.S. Secretary of Education Arne Duncan calling the decision “both legally and morally wrong.” While the network was allowed to move forward with its weighted lottery, it was told that it must hold a nonweighted lottery if it wanted to continue receiving federal money.

Now that decision has been reversed, although not in time for Success Academy to return to a weighted lottery for the 2014-15 school year.

“It has always been incredibly important to us to serve the most vulnerable student populations, which is why we had set aside seats in our admissions lottery for English-language learners,” said Emily A. Kim, Success Academy’s legal officer.

“We were glad to learn that the U.S. Department of Education reversed its position on English-language-learner lottery preferences so that charter schools across the country can reach and serve as many English-language learners as possible.”

An Important Tool

But some charter advocates felt the reversal did not go far enough.

“It’s only a preference for disadvantaged students, which is potentially less helpful than something that would let you get an even distribution of students” by geographic location or ZIP code, said Ms. Potter of the Century Foundation.

J. Kristean Dragon, the co-founder and CEO of **Citizens of the World charter schools**, said weighted lotteries have been critical to attracting and retaining its diverse mix of students. The network is made up of three schools in Los Angeles and two in New York City.

“As the wait lists have grown, the challenge becomes harder,” Ms. Dragon said. “Without the weighted preference, we would have struggled.”

But, she said, the weighted lottery does not replace the need to reach out to and recruit students from a broad set of stakeholders in the community.

“Classrooms that reflect the diversity of their neighborhoods create exceptionally valuable learning opportunities for students,” she said.

The change in federal guidance also spurred a debate about the use of weighted lotteries by the District of Columbia Public Charter School Board, which authorizes charter schools in Washington. The District of Columbia currently does not allow charter schools to conduct weighted lotteries, in part, said Scott Pearson, the executive director of the board, because it hasn’t been needed.

“The intent of having weighted lotteries is to allow charter schools that wish to have a more diverse student body and higher percentages of low-income students in their schools to do that – we just don’t have that issue in D.C.,” Mr. Pearson said.

“It’s great to know that the federal government has made this possible, and if we have a school that is struggling with this ... we would want to look at it and try to find ways to address the issue,” he said. “But we don’t see the need to tinker with what now is a completely open lottery system.”

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