

## **The Museum School of Avondale Estates Enrollment Lottery**

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### **Policy:**

If the number of timely applicants received by The Museum School exceeds the capacity of a program, class, grade level or building, The Museum School shall ensure applicants that do not have an enrollment priority, or extra weights permitted by law, have an equal chance of being admitted through a lottery using a computer generated randomization method.

To participate in the lottery, a student's application must be received prior to the open enrollment application deadline as established by the school's Board. The lottery will take place in late February each year. The exact date will be posted on the school's website no later than two weeks before the BEGINNING of open enrollment. For transparency purposes, the public is welcome to attend the lottery. The lottery location and time will be posted on the school's website. The lottery results will be made available to the public following the lottery. An unbiased third party will certify the validity of the lottery.

The Museum School utilizes federally-approved enrollment preferences and a weighted lottery. See procedures and legal references for additional information.

The attendance zone for The Museum School of Avondale Estates is the DeKalb County School District.

Class size is at the discretion of the Principal, with Board approval, as long as within legal limits.

Residency requirements do not apply to children of governing board members, full-time teachers, professionals or other employees of The Museum School.

Any sibling application received or selected after the lottery would NOT change the wait list order.

### Definitions

**Sibling** by definition is a:

1. Biological (including ½ sibling)/adoptive sibling residing within the attendance Zone.
2. Stepsiblings residing in the same household.
3. Foster children residing within the same household.

#### Sibling notes:

- Stepsiblings living in different households are not considered for a sibling preference.
- An 8th grade student or alumnus of the school with a sibling applying for the following year does not qualify as a sibling for entrance preference. Further, sibling preferences are only applicable for students who are eligible to enroll based on age.
- Same-grade siblings will be treated as one single applicant unit, rather than as multiple applicants. When that one applicant unit is drawn in the lottery, the same-grade siblings will be numerically ordered on the waiting list or conditionally accepted, dependent upon where in the lottery that applicant unit was drawn.
- Siblings of current students must submit an application to the school during the open enrollment period to be considered for admission.

**Residency** must be established as of the open enrollment deadline and proper proof of residency must be submitted with registration documents. NOTE: Residency must be with the primary or shared custodial parent(s) or legal guardian(s) -- not other relatives or friends. Residence must be student's primary home, not a rental property, place of business, etc.

**Residency notes:** Ownership of property/land with stated intent to build and use as primary residence is insufficient. Parents or guardians who live in a residence but do not own or lease the residence will be required to complete a notarized Affidavit of Residence. The parent/guardian and the adult owner/lessee of the residence will both be required to complete the form, attesting that the person does indeed reside there. The parent/guardian will also need to provide evidence that they do live at the specified residence, as detailed on the affidavit.

The information provided in the application must be accurate and align with the school's definitions of residency and sibling. Parents must ensure that all information provided is correct by the registration date. If parents have provided inaccurate information, the lottery results will not be altered to reflect correct, new information. Instead, the impacted student will be moved to the bottom of the waitlist in their respective grade-level.

#### **Procedures:**

##### *During Open Enrollment*

Applications will be collected through an electronic application system. Applicants without the ability to create an online account should reach out to the Registrar or Executive Director for assistance in submitting their application.

Upon a student's admission to The Museum School, if parents are unable to provide sufficient documentation verifying "economically disadvantaged" status, the student will be moved to the bottom of the waitlist. Further, if parents are unable to provide proof of residency for the address listed on the application when the student is offered a spot, the student will be moved to the bottom of the waitlist. The school may implement a process to double check applications for accuracy however, parents are ultimately responsible for completing accurate applications.

#### Preferences

Pursuant to O.C.G.A. 20-2-2066, and The Museum School charter contract, enrollment preferences will be given in the following order to: 1) **siblings of students enrolled in the school** and 2) **students with a parent or guardian who is a member of the governing board or is a full-time teacher, professional, or other employee of The Museum School.**

The Museum School is legally allowed to give students who are economically disadvantaged, as defined by law, additional weight in the lottery. To facilitate the weighted lottery, applicants can indicate their "economically disadvantaged" status on the lottery application and such status will be verified as part of the enrollment process. The weight for economically disadvantaged students will be calculated annually by The Museum School Board of Directors. The Georgia Department of Education defines economically

disadvantaged as a student whose family is below the poverty line, qualifies for free or reduced lunch, or whose family qualifies for federal benefits including SNAP, TANF, WIC, or Medicare.

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### *Post Open Enrollment*

Upon closing of each Open Enrollment period, if the number of qualified applications exceeds the number of available seats for any or all grade levels, a random selection (lottery) will be conducted.

### *Lottery Day*

The school's automated Lottery is designed to ensure all applicants are fairly placed on class lists using a random algorithm while taking into account preferences.

The order in which the grades will be drawn is determined by ordering the grades beginning with the grades for which the total # of applicants does not exceed the total number of available spots and ending with the grades for which the opposite is true. In other words, the grade with the smallest percentage when comparing number of spots available and number of applications received will be pulled first.

### Drawing to Select Students:

- The random lottery to select students will be conducted, applying preferences to applicants as self identified during the application process.
- As each student is selected, that student's sibling(s) will be added to the appropriate class list for that grade or any other grades. A sibling will be placed based on available space. If the class is at capacity, the sibling receives preference on the waiting list.
- Students will be selected and placed until all the seats at that grade level are filled. Once all seats are filled, all remaining names will be placed on the waiting list in the order in which they are selected.
- A student cannot lose his/her/their seat on the class list after it has been awarded, unless inaccurate information was provided during open enrollment to give the student preference or weight in the lottery.
- After all names have been drawn, waiting lists will be double checked to ensure sibling preferences were applied.

### *Applications Outside of Open Enrollment*

Applications received after the Open Enrollment period will be placed at the end of the waiting list after the lottery has concluded, in the order in which they were received.

- If a class is not at capacity at the end of the lottery, additional students will be added as qualified applications are received, in the order they are received.
- If additional seats become available after the Lottery, they will be filled from the applicants, in order, on the waiting list. Sibling preference will be applied to the waiting list only at the time of the lottery. The waiting list order will not be adjusted after the time of the lottery, even if one sibling gets onto a class list.

Applications received outside of Open Enrollment are only valid through the school year of interest. New applications for the following year will need to be submitted for the next year's consideration. Applications for the following school year will need to be submitted at the next Open Enrollment period. The waiting list does not carry over from year to year.

### *Post Lottery*

Selected applicants will be notified via email. All applicants must return their Intent to Enroll Form and registration documents within 15 business days after notification of admission. When selected from the wait list during the school year, applicants must return their Intent to Enroll and registration documents within 7 business days after notification of admission. Applicants will be contacted via email and phone. Failure to comply with this deadline will result in the student's admission slot being offered to another applicant.

All applicants who have been offered admission must return their Intent to Enroll Form and registration documents within 15 business days after notification of admission. Failure to comply with this deadline will result in the student's admission slot being offered to another applicant from the wait list.

Selected applicants will be notified via email.

Any sibling application received after lottery would NOT change wait list order.

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### **Registration Documentation – Proof of Qualification**

1. Intent to Enroll form
2. Original certified birth certificate
3. Parent/guardian photo identification - (Parent identification will be verified with the birth certificate). Proof of custody or guardianship will be required if not the birth parent.
4. Social Security card (Social Security card will be verified with the application)

### **Proof of Residency**

- **Two documents** proving residency within the attendance zone - Proof of residency may be established with (1) a copy of the property deed, mortgage or a currently monthly mortgage statement, or a current, unexpired lease and (2) a current utility statement - gas, water or electric only.

### **Appendix - Relevant References and Examples**

1.

### **Georgia Weighted Lottery Provisions**

#### **OCGA § 20-2-2066**

### **Admission, enrollment, and withdrawal of students [new version adopted 2015]**

(a) A local charter school shall enroll students in the following manner: (1)(A) A start-up charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter: (i) A sibling of a student enrolled in the start-up charter school; (ii) A sibling of a student enrolled in another local school designated in the charter; (iii) A student whose parent or guardian is a member of the governing board of the start-up charter school or is a full-time teacher, professional, or other employee at the start-up charter school; (iv) Students matriculating from a local school designated in the charter; and (v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school.

### **OCGA § 20-2-2062 [new definition accompanying new legislation]**

(4.1) "Educationally disadvantaged students" means all or a subset of the following: students who are economically disadvantaged, students with disabilities, limited English proficient students, neglected or delinquent students, and homeless students, as each such subset is defined by the State Board of Education in accordance with federal education guidelines and regulations.

## 2.

### **Georgia Department of Education website: How does a charter school lottery work?**

Charter schools are required to conduct a lottery when there are more timely filed applications for admission than there are seats. The lottery must be by random selection and the results must be validated for accuracy. The results of the lottery must be made public.

## 3.

### **Charter Schools Program, Title V, Part B, Non-Regulatory Guidance, Department of Education, January 2014**

#### E. Lottery, Recruitment, and Admissions

##### E-1. What is a lottery for purposes of the CSP?

A lottery is a random selection process by which applicants are admitted to the charter school. 20 U.S.C. 7221i(1)(H).

##### E-2. Under what circumstances must a charter school use a lottery?

A charter school receiving CSP funds must use a lottery if more students apply for admission to the charter school than can be admitted. A charter school with fewer applicants than spaces available does not need to conduct a lottery. 20 U.S.C. 7221i(1)(H).

##### E-3. Are weighted lotteries permissible?

Weighted lotteries (i.e., lotteries that give additional weight to individual students who are identified as part of a specified set of students, but do not reserve or set aside seats for individual students or sets of students) are permitted only in certain circumstances.

First, weighted lotteries may be used when they are necessary 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.

Second, a charter school may weight its lottery to give a slightly better chance for admission to 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. For example, a charter school might provide each student seeking a transfer under title I with two or more chances to win the lottery, while all other students would have only one chance to win. 20 U.S.C. 7221i(1)(H).

Third, consistent with section 5204(a)(1) of the ESEA<sup>1</sup>, a charter school may weight its lottery to give slightly better chances for admission to all or a subset of educationally disadvantaged students if State law permits the use of weighted lotteries in favor of such students. Permission could be evidenced by the fact that weighted lotteries for such students are expressly permitted under the State charter school law, a State regulation, or a written State policy consistent with the State charter school law or regulation, or, in the absence of express authorization, confirmation from the State's Attorney General, in writing, that State law permits the use of weighted lotteries in favor of such students. Thus, if a State's charter school law permits charter schools to give additional weight to educationally disadvantaged students (or a subset thereof), a charter school in that State could weight its lottery in favor of such students or participate in a centralized lottery for multiple public schools that is weighted in favor of such students and remain eligible for CSP funding. For the purpose of this guidance, educationally disadvantaged students are students in the categories described in section 1115(b)(2) of the

ESEA, which include students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

Weighted lotteries may not be used for the purpose of creating schools exclusively to serve a particular subset of students. In addition, the Department strongly encourages charter schools that use weighted lotteries to do so as part of a broader strategy that includes fulfillment of their existing responsibilities related to outreach, recruitment, and retention for all students, including educationally disadvantaged students.

E-3a. May existing grantees weight, or allow charter schools in the State to weight, their lotteries under the circumstances described in E-3?

An existing grantee that wishes to use, or allow charter schools receiving CSP funds to use, weighted lotteries under the circumstances in E-3 must seek approval from the Department to do so by amending its grant application. Requests for approval to use weighted lotteries should be submitted to the Department and include the following:

<sup>1</sup> Section 5204(a)(1) of the ESEA is the provision of the CSP statute regarding selection criteria for State educational agencies that focuses on the contribution that the CSP will make to assisting educationally disadvantaged and other students in meeting State academic content and achievement standards.

1) Information concerning the circumstances in which a weighted lottery would be used, including the specific categories of students the weighted lottery would favor;

2) Evidence that –

a) When seeking approval to use weighted lotteries under the first circumstance in E-3, the use of weighted lotteries is necessary to comply with Federal or State law; or

b) When seeking approval to use weighted lotteries under the second or third circumstances in E-3, State law permits such use, which could be evidenced by the fact that weighted lotteries for such students are expressly permitted under the State charter school law, a State regulation, or a written State policy consistent with the State charter school law or regulation, or, in the absence of express authorization, confirmation from the State's Attorney General, in writing, that State law permits the use of weighted lotteries in favor of such students;

3) Information concerning the mechanisms that exist (if any) for an oversight entity (e.g., the SEA or an authorized public chartering agency) to review, approve, or monitor specific lottery practices, including establishment of weight amounts if applicable;

4) Information concerning how the use of a weighted lottery for a permitted purpose is within the scope and objectives of the approved project; and

5) Information concerning the amount or range of lottery weights that will be employed or permitted and the rationale for these weights.

An applicant for future CSP competitions that wishes to use a weighted lottery should provide the pertinent information about its proposed lottery in its grant application.

E-4. May a charter school exempt certain categories of applicants from the lottery and admit them automatically?

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply.

Specifically, the following categories of applicants may be exempted from the lottery on this basis:

a) Students who are enrolled in a public school at the time it is converted into a public charter

- school;
- b) Students who are eligible to attend, and are living in the attendance area of, a public school at the time it is converted into a public charter school;
- c) Siblings of students already admitted to or attending the same charter school;
- d) Children of a charter school's founders, teachers, and staff (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and
- e) Children of employees in a work-site charter school, (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).

When recruiting students, charter schools should target all segments of the parent community. A charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin (including English language learners), religion, or sex, or against students with disabilities; in order to meet this goal, charter schools should consider additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school. 20 U.S.C. 7221b(b)(3)(I) and 7221i(1)(E), (G), and (H).

E-5. May a charter school create separate lottery pools for girls and boys, in order to ensure that it has a reasonably equal gender balance?

No, a charter school receiving CSP funds must hold one lottery that provides qualified students with an equal opportunity to attend the school. Therefore, a charter school receiving funds under the program is precluded from holding separate lotteries for boys and girls. Nor may a school weight its lottery in favor of one gender over another. A school seeking to increase participation of one gender should do so by targeting additional recruitment efforts toward that gender. 20 U.S.C. 7221b(b)(3)(I) and 7221i(1)(H).

E-6. In addition to title V, part B, subpart 1 of the ESEA, what other statutory or regulatory authorities should a charter school receiving a CSP grant consider when developing its admissions policies? To be eligible for CSP start-up grants, a charter school's admissions practices must comply with applicable Federal and State laws. Exemptions from the lottery specified in E-4 above are permissible only to the extent that they are consistent with the State's charter school law, other applicable State laws, the school's charter, and any applicable title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973; and title II of the Americans with Disabilities Act of 1990, as applicable. 20 U.S.C. 7221i(1)(E), (G), (H), and (K). See also A-3.

E-7. What are a charter school's responsibilities with regard to outreach and recruitment? Section 5203(b)(3)(I) of the ESEA requires charter school grant and subgrant recipients to inform students in the community about the charter school and to give each student "an equal opportunity to attend the charter school". Further, section 5203(b)(3)(E) of the ESEA requires charter schools receiving CSP grants or subgrants to involve parents and other members of the community in the planning, program design, and implementation of the charter school.

As noted in E-4 above, charter schools may not discriminate in recruiting. Charter schools should reach out broadly to the community, including to English language learners and students with disabilities.

E-8. May a tuition-based private preschool program that "feeds into" an elementary public charter school at the kindergarten level permit children enrolled in the preschool program to continue in the elementary program without going through a lottery process?

No. In order to qualify for funds under the CSP, a "charter school" must, in addition to meeting other requirements, be created as a public school and may not charge tuition. Therefore, the private preschool would not qualify as a charter school and would have to be operated separately from the elementary "charter

school". Accordingly, all applicants to the charter school, including students attending the private preschool, would have to be selected by lottery if there are more applicants than there are spaces available. See also B 10.

However, the statute does not preclude an elementary charter school in this type of situation from holding its lottery a few years early (e.g., when students are ready to enroll in the preschool). Under this approach, the charter school would have an affirmative responsibility to inform prospective applicants that winning the lottery does not require them to enroll in the private preschool. Thus, any child selected through the lottery would be guaranteed a slot in kindergarten a few years later, whether or not he or she enrolls in the preschool program.

Additionally, given the high mobility of children and families, schools that choose to exercise this option should ensure that families in the area, including those new to the area or that were not aware of the previous lottery are given the opportunity to apply for admission. Such admissions policies must meet the requirements of the CSP and might include holding a second lottery to fill vacancies created by normal attrition or the failure of early lottery winners to enroll in the charter school. 20 U.S.C. 7221b(b)(3)(E) and (b)(3)(I); and 7221i(1)(F) and (1)(H).

#### **4.**

#### **Proof of Residency - Other District Examples**

##### **DeKalb County School District School Choice**

- Parent's email address
- Proof of residence (provide one of the required documents) – gas, water, electric bill, mortgage/lease contract
- Affidavit on DCSD issued form (bring all documents listed for affidavit)
- Birth certificate

##### **City Schools of Decatur**

- Proof of Residency (lease, deed, payment/coupon book, property tax or settlement statement and a current utility bill)
- Birth Certificate (certified original)
- Immunization (Form 3231)
- Vision, Hearing, Dental, and Nutrition (Form 3300)
- Social Security Card
- Picture ID of guardian