



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS LOTTERY PROCESS

3506.1
Procedure No.
September 1, 2016
Date

- I. **PURPOSE:** To establish procedures that ensures consistency, fairness, equity and transparency when conducting a random lottery for enrolling students in Public Charter Schools.
- II. **BACKGROUND:** During the 2003 and 2015 Sessions, the General Assembly enacted the Maryland Public Charter School Act and Public Charter School Improvement Act respectively, codified in Title 9 of the Education Article. The purpose of the program is to establish an alternative means within the existing public school system to provide innovative learning opportunities and creative educational approaches to improve the education of students. Pursuant to Board of Education Policy 3506, the Chief Executive Officer has developed and implemented administrative procedures governing Public Charter Schools in Prince George’s County.
- III. **DEFINITIONS:**
- “Public Charter School” means a public school that has all of the following characteristics:
- A. Is nonsectarian in all its programs, policies, and operations;
 - B. Is a school to which parents choose to send their children;
 - C. Except as provided in §§ 9-102.1, 9-102.2, and 9-102.3 of the Education Article, is open to all students on a space-available basis and admits students on a lottery basis if more students apply than can be accommodated;
 - D. Is a newly established public school or a conversion of an existing public school;
 - E. Provides a program of elementary or secondary education or both;
 - F. Operates in pursuit of a specific set of educational objectives;
 - G. Is tuition-free for all students who are eligible to attend any other Prince George’s County public school tuition-free;
 - H. Is subject to federal and state laws prohibiting discrimination;
 - I. Is in compliance with all applicable health and safety laws;



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- J. Is in compliance with § 9-107 of the Education Article;
- K. Operates under the supervision of the public chartering authority from which its charter is granted and in accordance with its charter and, except as provided in §§ 9-104.1 and 9-106 of the Education Article, the provisions of law and regulation governing other public schools;
- L. Requires students to be physically present on school premises for a period of time substantially similar to that which other Prince George's County Public Schools students are required to spend on school premises; and
- M. Is created in accordance with state law and regulations, and is under the control of the Board of Education of Prince George's County.

IV. **PROCEDURES: The following procedures provide guidance for processing the charter school lottery.**

A. **STUDENT ENROLLMENT**

1. Students must be residents of Prince George's County and have a valid student identification number in order to enroll in a public charter school and its lottery. No other criteria for acceptance into the Public Charter School shall be established, except the standard requirements for age, guardianship, and eligibility to enroll in Prince George's County Public Schools. For the purposes of eligibility for enrollment, a child placed in a foster home in Prince George's County whose enrollment has been authorized by the Department of Pupil Accounting and School Boundaries will be treated as a county resident.
2. In the case of a public charter school operating on a military base, lottery provisions shall be applied in accordance with the approved waiver to the Maryland Public Charter School Program, Maryland Code, Education Article §9-102.1. The waiver will allow 65% of the seats available to be randomly assigned by lottery to children of military personnel assigned to the Joint Andrews Military Base. The other 35% will be randomly assigned by lottery to children of



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other eligible county residents.

3. Public Charter Schools are subject to federal and state laws prohibiting discrimination on the basis of disability, sex, age, race, color or national origin. If the Prince George’s County Board of Education has authorized the charter school to operate a gender specific program in compliance with the U.S. Department of Education guidelines and Administrative Procedure 5181, admission of only students of that gender shall not be considered discrimination.

B. WEIGHTED LOTTERIES

1. Effective May 1, 2016, a Public Charter School may request approval from the Prince George’s County Board of Education to include in its initial application, renewal application or to amend its charter to give greater weight to a student’s lottery status if the student is:
 - a. Eligible for free or reduced price meals;
 - b. A student with disabilities;
 - c. A student with limited English proficiency;
 - d. Homeless, as defined under the Federal McKinney-Vento Homeless Assistance Act;
 - e. A sibling of a student currently enrolled in the Public Charter School for which the sibling is applying. If a space becomes available throughout the school year, the Public Charter School may maintain the sibling preference to fill the space;
 - f. A resident within the geographic attendance area, subject to the conditions under section IV.B.2 below;
 - g. A student who attended a Public Charter School during the previous school year that is operated by the same Operator, provided:



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- (i) The Operator operates two or more public charter schools in the county;
- (ii) When combined, the Public Charter Schools operated by the Operator form an integrated multiyear academic program;
- (iii) The Operator provides placement for previous students through a lottery for up to 35% of the available space of the Public Charter School;
- (iv) The Operator admits all other students on a lottery basis for the remaining space; and
- (v) The Operator seeks approval to increase the ratios provided above if it does not fill 100% of its available space.

2. Geographic Attendance Areas

- a. Subject to the approval of the Board of Education, a Public Charter School may also request approval in its initial or renewal application to give greater weight to students within a proposed geographic attendance area with a median income that is equal to or less than the median income of Prince George's County.
- b. Upon approval to use the proposed geographic attendance area, the Public Charter School may provide placement through a lottery to students who live within the geographic attendance area for up to 35% of the available space of the Public Charter School. A Public Charter School shall admit students on a lottery basis to its remaining available space.
- c. If a Public Charter School is unable to fill 100% of its available space through the process described under Section IV.B.2.b., the Public Charter School may request approval to admit more than the percentage of students initially reserved from the geographic attendance area.

3. Process for Requesting Weighted Lottery

- a. A Public Charter School shall submit a written request to include a



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weighted lottery during the next lottery process to the Office of Charter & Contract School Support by 5 p.m. on the first Friday in March.

- b. The Office of Charter & Contract School Support shall confer with the CEO's office, or designee, and the Office of General Counsel on a recommendation for the application, which shall be presented for approval to the Board of Education at its next regularly scheduled business meeting.
- c. The Board of Education's decision shall be provided in writing. If approved, the proposed weighted lottery shall take effect during the next lottery process.
- d. If the Board of Education rejects a proposed weighted lottery that gives priority to students in a specific geographic attendance area, the Board of Education's decision is final and may not be appealed to the State Board of Education.

A Public Charter School may appeal any other rejection of a proposed weighted lottery to the State Board of Education.

C. LOTTERY APPLICATION PROCESS

1. Prince George's County Public Schools reserves the authority to oversee the implementation of any Public Charter School lottery.
2. Prior to accepting lottery applications, the PGCPS shall notify the public and make publicly known that the lottery is open to all students on a non-discriminatory basis; the opening and closing of lottery timeline for submitting applications; lottery drawing date and time; and timeline for notification of lottery status.
3. Lottery applications will be accepted with validated student numbers and all applications must be submitted electronically through the designated PGCPS website, unless an alternate application and validation process has been authorized by the CEO or his designee.



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4. Prior to the lottery drawing, all applicants' student numbers will be validated by a PGCPS school. If an alternate lottery process has been approved, the charter school operator shall validate the student's residency and unique identifier.

5. PGCPS shall accept lottery enrollment applications for vacant seats during the open lottery application period from November - January annually, as specified on the PGCPS website and printed lottery brochure. ***The deadline for public charter school student lottery applications for the upcoming year will be annually on the last Friday in January.*** Lottery applications can be submitted during the application period by visiting the designated PGCPS Website.

6. Should the charter school have seats available after the lottery drawing, it will draw from sequential placement on the established wait list resulting from the lottery drawing, as described in Section E. below.

7. All deadlines are marked by 5:00 PM. The timeline that shall guide the public charter school lottery and enrollment is:

Charter Schools provide target enrollment by grade to the Office of Charter and Contract School Support, Budget Office and Department of Pupil Accounting & School Boundaries	3 rd Monday October- annually. <i>Any adjustment past this date must be submitted in writing to the Office of Charter and Contract School Support for approval.</i>
Charter School Lottery Opens to Accept Applications Electronically.	1 st Workday November- annually
Charter School Lottery Closes: Last day to Accept Lottery Applications	Last Friday January - annually
Official Lottery Drawings	Two weeks after the close of lottery application period
1 st Round Placement Notifications	One week after the official lottery drawing
Release of Wait List to charter schools	No later than 1 st Monday in April-annually



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D. **PLACEMENT/REGISTRATION**

1. Following the close of the lottery, the Department of Pupil Accounting and School Boundaries and the Charter Office will make available a list of students who have received placement offers to attend a charter school. Parents/guardians of all students entered into the lottery will receive written communication notifying them of placement or waitlist status.
2. Public Charter Schools must fulfill the responsibilities related to children with disabilities under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. Public Charter Schools are open to all students on a non-discriminatory basis.

E. **WAIT LIST**

1. Based on the random lottery, all eligible applicants who did not receive an initial placement are placed on a waitlist with an assigned sequence number for the grade in which application was made.
2. The waitlist notification will provide the student's name, grade and waitlist sequence number for the charter school. In addition, the waitlist notification must inform parents that the waitlist is effective until the next lottery, and that the school will keep the parent informed if a seat becomes available for the student.
3. Parents are notified of a change in the waitlist status only when a seat for which they applied becomes available.
4. Once a parent is notified regarding an available seat and accepts placement for the student at a particular school, the student's name shall be removed from any other charter school wait lists.
5. A charter school must keep record of its effort to exhaust all enrollment offers from the wait list prior to accepting students to fill vacant seats from non-lottery applicants. Once an offer has been made to an applicant on the wait list, a charter school must wait at least five (5) business days for an acceptance and completion of



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registration before moving to the next person on the list.

However, public charter schools may fill vacancies that occur throughout the school year with a sibling of a currently enrolled student. In addition, if previously approved by the Board of Education, public charter schools may fill vacancies throughout the school year with a student who attended the charter school the previous year, or a student within a specified geographic attendance area.

- 6. Once all enrollment offers have been exhausted from the wait list or the next lottery begins, whichever comes first, public charter schools may accept students to fill vacant seats from non-lottery applicants.
- 7. This section shall be applied on a grade by grade basis. In the case of a charter school operating on a military base, the provision shall be applied separately to seats available to children of personnel assigned to the military base and to children of other eligible county residents.

F. **CONTINUOUS ENROLLMENT**

All students admitted to the charter school and currently enrolled at the end of the school year will automatically continue in the school, if they continue to meet the enrollment criteria, unless they are officially withdrawn or officially transferred to another school.

G. **MULTIPLE CAMPUS CHARTER SCHOOL CONTINUITY/PREFERENCE**

All students who gained admission to the charter schools may seek admission to the grade for the next educational level/grade of a charter school with multiple campuses without having to re-enroll in the lottery process. However, if more students seek placement than there are available seats, the Charter School may provide placement for previous students through a lottery for up to 35% of the available space of the Public Charter School.

H. **RECIPROCITY AND TRANSFERS**

There is no reciprocity between or transfer into a public charter school.



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Students who seek enrollment into a PGCPS public charter school must follow the procedures for the lottery process, unless one of the exceptions described in Section IV.I-J applies.

I. **WITHDRAWAL FROM A PUBLIC CHARTER SCHOOL**

A student who withdraws from a charter school will forfeit their placement. Re- entry to the charter school within ten (10) school days may be allowed *if space is still available*. Only in extraordinary circumstances will re-entry be *considered* after more than ten school days has passed after withdrawal.

J. **SIBLING PREFERENCE**

A public charter school may give enrollment preferences to siblings of pupils admitted through the lottery process or currently enrolled in the charter school. Parents must apply for sibling preference through the last Friday in January annually for the placement in the following school year. Application for sibling preference is based on available seats and not a guarantee.

“Sibling” is defined as any natural child, adopted child, stepchild or legal foster child actually living in the same household of the parent/guardian who has completed the charter school lottery application of a student who is continuing in the charter school. Cousins, nieces, nephews and unrelated children sharing the same address with the applicant are not considered siblings.

K. **FAMILY APPLICATION**

PGCPS may implement a family application for the charter school lottery as long as the provision was communicated to the public prior to the lottery application period and such applications were entered into the random selection process for the lottery. For the purposes of the lottery, family consideration is defined as assigning the same random lottery number to all applicants who are siblings seeking to enroll in the charter school. Due to variations in seat availability by grade, a family application does not guarantee all family members will receive a placement if one is offered a placement.



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L. **STAFF and BOARD MEMBER PREFERENCE**

Preference may be given to children of public charter school staff applying to attend the school to which their parent is assigned and the members of a public charter school’s founding or governing board who reside in Prince George’s County and have children eligible to attend Prince George’s County Public Schools. No preference is given to other relatives, such as nieces, nephews, grandchildren, cousins, etc. Staff and founding or governing board members’ children may be exempt from the lottery. *Preference is based upon space availability and is not a guaranteed.*

M. **REPORTING REQUIREMENTS**

1. Prince George’s County Public Schools and each Public Charter School must announce in advance at least (45) days prior to opening of the open lottery application period.
2. Each Public Charter School and the Department of Pupil Accounting & School Boundaries shall maintain all lottery information for five (5) years for purposes of appeal or audits.
3. PGCPS Department of Pupil Accounting and School Boundaries (PASB) will provide to each charter school the list of students who have accepted placement by the initial acceptance deadline. After first round placements, PASB will provide to each charter the list of students who are still on the wait list for that specific charter school. The waitlist shall be managed by the charter schools.

Each charter school must report to the Department of Pupil Accounting and School Boundaries any change in the status of students offered admission by the charter school.

N. **APPEAL PROCEDURES:**

1. If an applicant is adversely affected by a decision during the lottery process, the applicant may submit an appeal in writing to The Office of Appeals, within ten (10) business days of the written decision.



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2. The Office of Appeals acts as the Chief Executive Officer’s designee and will determine: (i) if there was a material departure from the policies and procedures by the Department of Pupil Accounting and School Boundaries or an individual charter school which adversely impacted the appellant; and (ii) if the appellant’s circumstances are sufficiently unique to justify deviating from the adopted rules and procedures for the lottery, without injury to the principles of equity and fairness or the degree of autonomy afforded to charter schools.
 3. The appeal may be granted if either of these circumstances are found to exist or at the discretion of the Chief Executive Officer.
 4. An appeal from the decision by the Office of Appeals to the Board of Education must be made in writing and received by the Board Office within thirty (30) days of the date on the decision letter by the Office of Appeals. If there is additional information in the appeal to the Board, the Office of Appeals will be given an opportunity to respond in writing, and shall provide a copy of its response to the appellant before the Board considers the appeal. The Board’s final decision shall be rendered in writing.
- O. **LEGAL AUTHORITY:** Maryland Code, Education Article, Title 9 (Maryland Public Charter School Program).
- P. **RELATED PROCEDURES:** Administrative Procedure 3506, Public Charter Schools; Administrative Procedure 5111, Registration and Withdrawal of Students; Administrative Procedure 5111.1, Admission to Pre- Kindergarten, Kindergarten, and First Grade; and Administrative Procedure 5181, Single Sex Mentoring and Extracurricular Activities.
- Q. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** This Administrative Procedure originates with the Office of Charter and Contract School Support and will be updated, as needed.
- R. **CANCELLATIONS AND SUPERSEDURES:** This administrative procedure cancels and supersedes the version dated October 31, 2014.
- S. **EFFECTIVE DATE:** September 1, 2016.

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, and 11