

Dear SEAs and CSP Grantees:

We are writing to bring to your attention an update to the Charter Schools Program (CSP) Non-Regulatory Guidance, effective as of January 29, 2014, and posted at: <http://www2.ed.gov/programs/charter/legislation.html>. The U.S. Department of Education (ED) updated the CSP non-regulatory guidance to clarify the circumstances under which a charter school receiving funds may use weighted lotteries and remain eligible for CSP funds. Specifically, we have revised Question E-3 and added Question E-3a.

### **Overview of the Update**

In order to qualify for funds under the CSP, a charter school must admit students by lottery if there are more applicants than spaces available at the charter school. Consistent with the statutory definition of a charter school, the updated guidance clarifies that a charter school receiving CSP funds may weight its lottery to give slightly better chances of admission to educationally disadvantaged students, as identified in the Elementary and Secondary Education Act of 1965—including low-income students, students with disabilities, English learners, migrant students, neglected or delinquent students, and homeless students—if doing so is permitted by State law. Using weighted lotteries should be part of a broader strategy to recruit and retain all students, including educationally disadvantaged students.

ED continues to allow the use of weighted lotteries, if necessary, to comply with federal civil rights laws and for students seeking to change schools under the public school choice provisions of Title I.

There are two primary things to note about this particular update:

First, the newly described permitted use of weighted lotteries by recipients of CSP grant funds is completely voluntary. ED is not requiring grantees to use weighted lotteries, leaving this subject to the discretion of states, authorizers, and individual charter schools, once ED has approved a grant application or any related application amendments.

Second, weighted lotteries for this purpose may only be used by charter schools in states where such lotteries are permitted by State law.

### **Next Steps**

As described in the updated non-regulatory guidance, an existing grantee that wishes to use, or to allow charter schools receiving CSP funds to use, weighted lotteries must seek approval from ED by amending its grant application. Question E-3a in the updated non-regulatory guidance describes the information a grantee should include in its request to amend its approved application.

To aid grantees in their planning, ED is offering the following timelines to grantees for submitting requests to amend grant applications over the next two months:

<b>Grantees seeking ED determination by:</b>	<b>Submit Intent to Request Amendment by:</b>	<b>Submit Amendment Request and other Required Information by:</b>
February 24, 2014	January 31, 2014	February 11, 2014
March 10, 2014	February 4, 2014	February 18, 2014
March 31, 2014	February 11, 2014	February 27, 2014
No review assurance date	Any time thereafter	Any time thereafter

Grantees may express their intent to request an application amendment by emailing their CSP grant Program Officer, with a copy to [CharterSchools@ed.gov](mailto:CharterSchools@ed.gov).

Finally, we are holding a webinar this Friday, January 31<sup>st</sup>, from 1:00 to 2:00 p.m. EST, during which we will provide an overview of these updates to the CSP non-regulatory guidance and respond to general questions. You can access this webinar at the following link: <https://educateevents.webex.com/educateevents/onstage/g.php?d=741267863&t=a>. If you have questions about the webinar, please contact [soumya.sathya@ed.gov](mailto:soumya.sathya@ed.gov).

As always, please contact us should you have any questions.

Best Regards,

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