

Charter School Admissions and Enrollment Guidance

Introduction

The Minnesota Department of Education (MDE) Charter Center has developed this document to provide technical assistance to charter schools, their authorizers, parents and other community members that have raised questions about admissions and enrollment policies and practices. This document does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. It is not a comprehensive or definitive response to a specific legal situation.

This document will address: 1) what charter schools can and cannot ask potential students and their parents or guardians on application and enrollment forms, 2) when charter schools can request additional information from students to assist with placement, and 3) charter school enrollment limits, preferences and early enrollment.

[Minnesota Statutes, section 124E.11](#) states a charter school cannot “*limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability,*” nor “*establish any criteria or requirements for admission that are inconsistent with [section 124E.11].*” In addition, charter schools are required to comply with the [Minnesota Human Rights Act](#), found in [Minnesota Statutes, section 363A.13](#), which prohibits educational institutions from discriminating against students based on a protected class (i.e., race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation or disability). These provisions set forth the guiding principles concerning charter school enrollment admissions.

Definitions

Application for admission – also known as an application for enrollment, admissions application, enrollment application, charter school application, etc. The application for admission is a document provided to prospective students/families and/or made available on the charter school’s website. It is completed by families to indicate their desire for their student(s) to be admitted to the charter school. Based on the number of applications received, a charter school may have to conduct a lottery to determine who will be admitted to the school. Only basic information can be requested on this form: the student’s name, name of parent or guardian, contact information, and the grade or program for which the student is applying.

Enrollment form(s) – also known as an enrollment packet, registration form or registration packet. The enrollment form is provided to families once their student has been formally accepted in order to register him or her at the charter school. It requests additional information about the student, such as date of birth, ethnicity,

special education status, etc. The enrollment form is used to identify supports for students and complete necessary reporting requirements.

Information Allowed on Applications for Admission

The Minnesota Human Rights Act specifically protects the rights of Minnesota students in educational settings and governs what information may or may not be asked of an individual seeking admission to a charter school on an application for admission or enrollment form. Minn. Stat. §363A.13,

Charter schools may only seek basic information about applicants seeking admission: the student's name, name of parent or guardian, contact information, and the grade or program for which the student is applying. Additional information such as race, age, ethnicity and disability status can be collected on enrollment forms once a student has been admitted to the school, and is used for state and federal reporting purposes. In addition, disability data assists school staff with meeting individual student needs. For example, after being admitted, a charter school can inquire about a student's disability status, and use this information to better place the student in an appropriate program or class, and identify resources or supports the student will need to succeed.

Minnesota Statutes, section 363A.13, provides the following:

*Subd. 2. **Exclude, expel, or selection.** It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.*

*Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the creed, religion, sexual orientation, or disability of a person seeking admission, except as permitted by rules of the department.*

*Subd. 4. **Purpose for information and record.** It is an unfair discriminatory practice to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information, or to keep a record concerning the race, color, national origin, sex, age, or marital status of a person seeking admission, unless the information is collected for purposes of evaluating the effectiveness of recruitment, admissions, and other educational policies, and is maintained separately from the application.*

As stated above, charter schools must not ask potential students about their protected class status at any point during the admissions process. Minnesota Statute section 363A.13 also forbids a charter school from discriminating against a student during the admissions process on the basis of “race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.”

Questions designed to evaluate the effectiveness of marketing or recruitment strategies such as “How do you hear about us?” or “Why did you choose to apply to this school?” should not be asked on applications for admission, as the answers could disclose identifying characteristics about a student's protected class status. These types of questions can be asked of a student or family after the student is formally admitted to the charter school if such information is maintained separately from the application.

Limits on Admissions

Minnesota Statutes, section 124E.11(a) sets forth three instances where charter schools, including its preschool or prekindergarten program established under Minnesota Statutes, section 124E.06, subdivision 3, paragraph (b) may limit admission, which are as follows:

- (1) pupils within an age group or grade level;*
- (2) pupils who are eligible to participate in the graduation incentives program under [section 124D.68](#); or*
- (3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.*

Per [Minnesota Statutes, section 124E.03, subdivision 2\(j\)](#), “A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections [121A.40](#) to [121A.56](#).” The Pupil Fair Dismissal Act provides the requirements charter schools must follow when dismissing a student from the school’s education program. As described in [Minnesota Statutes, section 121A.41](#), dismissal includes expulsion, which means to prohibit a student from further attendance at a charter school for up to 12 months from the date the student is expelled, and exclusion, which means to prevent enrollment or reenrollment of a student at a charter school for a period of time that can’t extend beyond the school year.

Charter schools must comply with kindergarten and first grade eligibility requirements and may limit admission to students who meet these requirements. As provided in Minnesota Statutes, section 124E.11(d), to attend kindergarten, a student must be “at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences,” and to be eligible for first grade, a student must be “at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its Web site a policy for admission of selected pupils at an earlier age” consistent with enrollment preferences and processes provided in Minnesota Statutes, section 124E.11(b) and (c). The charter school determines the criteria that allows admission of kindergarten and first grade students at earlier ages than those required by statute.

As required by Minnesota Statutes, section 124E.11(b), all students who submit timely applications to a charter school must be enrolled unless the number of applications exceeds the capacity of a program, class, grade level or building. If a charter school faces a situation in which the number of applications exceeds the school’s capacity, then students must be accepted by lottery. The charter school must develop and publish on its website a lottery policy and process that it must use when accepting pupils via lottery.

Enrollment Preferences

Minnesota Statutes, section 124E.11(c) establishes certain preferential situations in which specific students must be given preference in admission over students in the lottery pool. Enrollment preference must be provided to siblings of an enrolled student and foster children of an enrolled student’s parents. Additionally, a charter school that is located in Duluth township and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to siblings of enrolled children. A

charter school may give enrollment preference to children of the school's staff and students who are enrolled in a charter school's free preschool or prekindergarten program before accepting other students in the lottery pool. If a student is enrolled in a charter school preschool or prekindergarten program for free (via scholarship or some other funding source), but other students in the early learning program pay tuition, then none of the students can receive enrollment preference because the early learning program is not free to all participants.

All enrollment preferences applicable to a specific charter school should be stated in that school's published lottery/enrollment policy and process.

To recap, the following mandatory and optional enrollment preferences outlined in Minnesota Statutes, section 124E.11(c) are:

Mandatory enrollment preferences (these are legally required)

- A sibling of an enrolled student.
- Foster child of an enrolled student's parents.
- For K-6 charter schools located in Duluth township in St. Louis County, students residing within a five-mile radius of the school and to siblings of enrolled students.

Optional enrollment preferences (these are preferences the law allows but are not required)

- Children of the school's staff.
- Children currently enrolled in the school's free preschool or prekindergarten program who are eligible to enroll in kindergarten in the next school year. The early learning program must be free for all children.

Conclusion

Charter schools must comply with federal and state laws applicable to charter schools, including Minnesota's Charter School Law, Chapter 124E, and the Minnesota Human Rights Act, Chapter 363A, when enrolling students and placing them in appropriate programs. Charter schools may seek basic information about students or their parents/guardians for the purposes of enrollment, but may not use information sought about students or their parents/guardians for discriminatory purposes. Protected class data can only be collected after the student has gone through the admissions process and is enrolled. Charter schools may seek additional information about a student to assist with placement once a student is enrolled if this information is kept separate from a student's initial application. Certain limits on admissions and enrollment preferences are required of charter schools, while others are optional.

Please contact the [Charter Center](mailto:mde.charterschools@state.mn.us) (mde.charterschools@state.mn.us) at 651-582-8297 if you have questions about charter school application and/or enrollment policies.