

Charter School Admissions and Enrollment Guidance

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Introduction

The Minnesota Department of Education (MDE) developed this guidance to provide technical assistance to charter schools, authorizers, parents, and other community members 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.

[Minnesota Statutes 2024, section 124E.11, paragraph \(e\)](#) states a charter school may not “limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not 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](#), specifically [Minnesota Statutes 2024, section 363A.13](#), which prohibits educational institutions from discriminating against students based on a protected class including race, color, creed, religion, national origin, sex, gender identity, age, marital status, status with regard to public assistance, sexual orientation, or disability. These provisions set forth the guiding principles concerning charter school admissions and enrollment.

Information Allowed on Applications for Admission

The application for admission is a document provided to prospective students/families and/or made available on the charter school’s website. It is also known as an application for enrollment, admissions application, enrollment application, charter school application, etc. The application for admission 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.

Charter schools may only seek basic information about applicants seeking admission, such as the student’s name, name of parent or guardian, contact information, and the grade or program for which the student is applying, and information related to possible enrollment preferences for which the prospective student may qualify. 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.

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. Minnesota Statutes 2024, section 363A.13 provides the following:

- 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, gender identify, age, marital status, status with regard to public assistance, sexual orientation, or disability.
- 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, gender identity, sexual orientation, or disability of a person seeking admission, except as permitted by rules of the department.

- 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, gender identity, sexual orientation, 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.

Questions designed to evaluate the effectiveness of marketing or recruitment strategies such as “How did 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.

Information Allowed on Enrollment Forms

The enrollment form is provided to families once their student has been formally accepted in order to register them at the charter school. It is also known as an enrollment packet, registration form, registration packet, etc. Enrollment forms request additional information about the student, such as date of birth, race/ethnicity, special education status, disability data, etc. This information is used to fulfill state and federal reporting requirements, place the student in an appropriate program or class, and identify resources or supports the charter school will provide to enable the student to succeed. In addition, all parents and guardians enrolling a student must complete a Minnesota Language Survey which should be on a separate page of the enrollment packet.

Limits on Admissions

Minnesota Statutes 2024, section 124E.11, paragraph (a) sets forth three instances where charter schools, including its preschool or prekindergarten program established under [Minnesota Statutes 2024, section 124E.06, subdivision 3\(b\)](#) 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.

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 2024, section 124E.11](#), paragraph (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 website a policy for admission of selected pupils at an earlier age” consistent with enrollment preferences and processes provided in Minnesota Statutes 2024, section 124E.11, paragraphs (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. When developing early entrance admission policies, charter schools are encouraged to align with best practice based on [Minnesota Statutes 2024, section 124D.02, subdivision 1](#).

Kindergarten eligibility is an age-based determination. It is not based on what children know or are able to do. Kindergarten enrollment is voluntary; however, once enrolled in kindergarten, attendance is compulsory. Attendance in kindergarten sets a trajectory for attendance in later grades and has a significant impact on cognitive, academic, and social-emotional development.

Per Minnesota Statutes 2024, section 124E.11, paragraph (e), except as permitted regarding early entrance to kindergarten or first grade (as described in the paragraph above) and the optional enrollment preference for charter schools serving at least 90 % of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing (as described in the [section below](#)), “a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with [section 124E.11]”.

Lottery Process

As required by Minnesota Statutes 2024, section 124E.11, paragraph (b), all eligible 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. (Please note, “program” or “class” does not refer to a special education program or class for students with disabilities.) 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. If a charter school’s policy allows for the use of waitlists following the lottery, please note that waitlists can only be used to fill seats in the school year for which the lottery occurred. Waitlists do not carry forward from year to year. In other words, a student’s presence on the waitlist cannot be used as an application to be entered directly into the next open enrollment period and lottery (as applicable) or to admit students in any subsequent years. Families of children not enrolled in the school must submit an application for each open enrollment period in order for the application to be considered timely and thus eligible for the lottery for that open enrollment period.

Enrollment Preferences

Minnesota Statutes 2024, section 124E.11, paragraph (c) establishes certain preferential situations in which specific students must be given preference in admission over other students in the lottery pool. Statute also includes optional enrollment preferences that charter schools can elect to include in their enrollment policies and processes. Enrollment preference are as follows:

Mandatory enrollment preferences (these are legally required):

- Any eligible pupil who resides within Minnesota.
- A sibling of an enrolled student.
 - Note: Statute does not provide special enrollment preferences for twins or other multiple-birth siblings. Twins and other multiple-birth siblings receive the same enrollment preferences as other siblings of enrolled students.
- A foster child of an enrolled student's parents.
 - Note: Statute does not indicate that a foster child must be in "long-term placement" to meet this preference criteria.
- A charter school that is located in Duluth township in St. Louis County 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 the siblings of enrolled children.

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

- Children of the school's staff, including foster children.
 - Note: A staff member eligible for an enrollment preference for their child, including a foster child, must be an individual employed at the school whose employment is stipulated in advance to total at least 480 hours in a school calendar year.
- A charter school serving at least 90% of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing. The charter school may not limit admission based on a student's eligibility for additional special education services.

All enrollment preferences applicable to a specific charter school should be stated in that school's published lottery/enrollment policy and process (i.e., all applicable mandatory preferences, and all optional preferences approved by the school, should be explicitly stated).

Please note statute previously allowed charter schools to provide an enrollment preference to children enrolled in the school's free preschool or prekindergarten program who were eligible to enroll in kindergarten in the next school year. Per Minnesota Statutes 2024, section 124E.11, paragraph (g), such children no longer receive an enrollment *preference* – they are simply considered enrolled in the charter school and advance to kindergarten without the need to reapply for admission into kindergarten.

Other Considerations

Students Remain Enrolled until Student Withdraws or is Expelled

Per Minnesota Statutes 2024, section 124E.11, paragraph (g):

Once a student who resides in Minnesota is enrolled in the school in kindergarten through grade 12, or in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), the student is considered enrolled in the school until the student formally withdraws, the

school receives a request for the transfer of educational records from another school, the school receives a written election by the parent or legal guardian of the student withdrawing the student, or the student is expelled under the Pupil Fair Dismissal Act in sections [121A.40](#) to [121A.56](#).

Please note, only students in free preschool or prekindergarten programs retain enrollment. 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 the early learning program is not considered “free” because the early learning program is not free to all participants.

Per [Minnesota Statutes 2024, 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](#) and [121A.575](#), [121A.60](#), [121A.61](#), and [121A.65](#).” The Pupil Fair Dismissal Act provides the requirements charter schools must follow when dismissing a student from the school’s education program.

Per [Minnesota Statutes 2024, section 121A.41](#), subdivision 2, “‘Dismissal’ means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.”

Per Minnesota Statutes, section 121A.41, subdivision 4, “‘Exclusion’ means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period of time that shall not extend beyond the school year.”

Per Minnesota Statutes, section 121A.41, subdivision 5, “‘Expulsion’ means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.”

Schools cannot require enrolled students complete forms regarding their enrollment in the upcoming school year. These are sometimes called “Intent to Return” forms, “Returning Student Enrollment” forms, or even “Re-enrollment” forms. While schools may request for planning purposes information from enrolled students about their plans for the upcoming school year, schools cannot require enrolled students provide such information in order to remain enrolled in the school. Families of enrolled students have no obligation to complete these forms as their children are already enrolled and remain enrolled unless they formally withdraw or are expelled under the Pupil Fair Dismissal Act.

15 Consecutive Days Absent

MDE’s [Minnesota Automated Reporting Student System \(MARSS\) Manual](#), [MARSS Data Elements](#) (p. 64) states:

Students who have 15 consecutive days of absence, without receiving homebound instruction from the reporting district, must be withdrawn. If during the 15 days absence students enroll elsewhere, the Status End Date, Attendance Days and Membership Days must be adjusted to avoid date overlap errors between the two schools’ MARSS files. A new enrollment record is created if students re-enroll. A new enrollment record needs to be created for students who start eligible homebound services during the school year.

The MARSS record must be withdrawn from MARSS reporting once the student has reached the 15 consecutive days of absence. [Minnesota Statutes 2024, section 126C.05, subdivision 8](#) and the MARSS Manual, MARSS Data

Elements provide guidance for school finance purposes only, but under Minnesota Statutes 2024, section 124E.11, paragraph (g), a charter school is not permitted to withdraw a student who resides in Minnesota unless the student formally withdraws (i.e., through an direct, express action), the school receives a request for the transfer of educational records from another school, the school receives a written election by the parent or legal guidance of the student withdrawing the student, or the student is expelled by the charter school according to the provisions of the Pupil Fair Dismissal Act in Minnesota Statutes 2024, sections 121A.40 to 121A.56. See the [MARSS Data Elements](#) guide, which provides guidance on using Status End Code 14 (page 112 in MARSS Data Elements) when a student is “Absent for 15 consecutive school days during the regular school year and no notice of withdrawal or request for records have been received” (among other criteria). When 15 consecutive days of absence are exceeded, a charter school must remove a student from the MARSS record for funding purposes using Status End Code 14; however, the student remains enrolled in the school and the school maintains its obligations to the student for education, special education services, truancy follow-up, etc.

Out-of-State Enrollment

Minnesota Statutes 2024, section 124E.11, paragraph (c) states, “Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f).”

A Minnesota public school, including a charter school, may serve a resident of another state. However, that student would not be eligible for Minnesota state aid. The public school may charge the family tuition at whatever rate the two entities agree upon. The school is not obligated to serve a student who is a resident of another state. The student would be reported in MARSS with State Aid Category 15 – ineligible for state funding (see [MARSS Data Elements](#), p. 99; section titled “Non Minnesota resident”). Residents of other states cannot be admitted before Minnesota residents. Residents of other states must reapply to re-enroll in the charter school annually, meaning that re-enrollment is not guaranteed.

Foreign Students

Foreign students are students who are citizens of a foreign country who seek to enter the United States. MDE treats foreign students with J-1 visas as residents of Minnesota and as such do not need to reapply for enrollment at a charter school each year (see [Out-of-State Enrollment](#) above). MDE’s [MARSS Manual, Procedure 25 - Reporting Foreign Students](#) (p. 1) states:

A foreign student with a J-1 visa who is enrolled in a Minnesota public school is eligible to generate state aid for the enrolling school as a resident of Minnesota as long as the cultural exchange program is registered with the Secretary of State’s office. The student is considered a resident of the district in which the student enrolls. If the enrolling school is a charter school, the student is considered a resident of the district in which the student is living. The enrolling school reports the student on MARSS with State Aid Category (SAC) 02 if the exchange program is registered with the Secretary of State’s office. If the program is not registered with the Secretary of State’s office, report the student with a SAC 15.

Procedure 25 adds, “A foreign student with an F-1 visa is required by federal law to pay the full cost of the instructional program and no state aid can be generated by the student. The student is considered a non-Minnesota resident. For MARSS, report Resident District Number 9998, Resident District Type 98 and SAC 15” (p. 1). Such students would need to reapply for enrollment at a charter school each year.

Please review MDE’s [MARSS Manual, Procedure 25 - Reporting Foreign Students](#) for considerations regarding if and how to enroll foreign students with other visa types.

Admission of Homeless Students

While the McKinney-Vento Act requires the immediate enrollment of students experiencing homelessness, some charter schools have [specific criteria for admission](#). Only those students experiencing homelessness who meet the charter school criteria for admission would be eligible to enroll. Children and youth experiencing homelessness who meet the charter school criteria for admission and enroll in the school, like children and youth experiencing homelessness enrolling in any school, must not face barriers to accessing academic and extracurricular activities, including summer school, career and technical education, advanced placement, online learning, and other programs at the charter school. 42 United States Code (U.S.C.) 11432(g)(1)(F)(iii).

Charter schools set the capacity of their programs, classes, grade levels, and/or buildings to determine the number of students that can be enrolled. If the number of applications exceeds capacity, students must be accepted by lot according to the school’s lottery policy and process. If a student experiencing homelessness seeks enrollment in a charter school that is not their school of origin, enrollment policies like enrollment caps would apply. In these instances, a charter school would not have to enroll a student experiencing homelessness but should assist the parents or guardians or unaccompanied youth with finding another school in the local attendance area where the family or youth is staying. The charter school should contact the resident district’s liaison for assistance in this effort. Charter schools may not override the right of a student experiencing homelessness to continue their education at the charter school if the charter school is the student’s school of origin. This lasts for the duration of homelessness in any case in which the student becomes homeless between academic years or during an academic year, or for the remainder of the academic year, if the student becomes permanently housed during an academic year. 42 U.S.C. 11432 (g)(3)(A)(i).

Charter schools must have open enrollment periods to determine which applications can be entered into the lottery should a lottery be required. Families experiencing homelessness and high mobility could be disadvantaged by these requirements if they are not in the area during the open enrollment period or when the lottery occurs. Charter schools should provide equal opportunity for students experiencing homelessness to attend, and the schools should revise any policies that constitute barriers to enrollment. For example, if there are still enrollment slots available or if the lottery has not already occurred, schools could extend the application deadline for identified students experiencing homelessness who missed the deadline because of their homelessness. All local educational agencies (LEAs), including charter schools, should anticipate and accommodate the needs of McKinney-Vento-eligible students to enroll in school, programs, and activities despite missing application and enrollment deadlines due to a period of homelessness. In addition, LEAs should consider giving children and youth experiencing homelessness priority if there is a waitlist for their school(s), programs, and activities. [U.S. Department of Education, 2018](#).

Voluntary Prekindergarten

As stated above, charter schools may only seek basic information about applicants seeking admission, such as the student's name, name of parent or guardian, contact information, etc. 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. This information can determine whether an admitted student meets the eligibility criteria under [Minnesota Statutes 2024, section 142D.08, subdivision 4\(a\)\(2\)](#) in order for the school's voluntary prekindergarten program to be eligible to receive state funding for the child. An admitted student who does not meet the eligibility criteria under section 142D.08, subdivision 4(a)(2) and who is otherwise eligible to enroll under section 124E.11 must be enrolled in the charter school; however, the charter school will not receive state funds under section 142D.08.

A charter school may notify families that in order for the school to be eligible to receive state funding, their child must meet the eligibility criteria under section 142D.08, subdivision 4(a)(2). A charter school may also notify families that, per section 142D.08, subdivision 4(b), "A child may participate in a voluntary prekindergarten program on a fee-for-service basis if the child does not meet the eligibility criteria in paragraph (a) or state funding is not available. A school district or charter school must adopt a sliding-fee schedule based upon family income and must waive a fee for a participant unable to pay." A charter school may not establish the eligibility criteria under section 142D.08, subdivision 4(a)(2) as criteria or requirements for admission to the school's voluntary prekindergarten program, per Minnesota Statutes 2024, section 124E.11, paragraph (e).

Per Minnesota Statutes 2024, section 142D.08, subdivision 4(a), an eligible child means a child who is four years of age as of September 1 in the calendar year in which the school year commences and meet at least one of the following criteria:

- qualifies for free or reduced-priced meals;
- qualifies for the rate at application specified in [section 142E.10, subdivision 1\(a\)\(2\)](#) in the current calendar year;
- is an English language learner as defined by [section 124D.59, subdivision 2](#);
- is American Indian;
- has experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 1143a;
- was identified as having a potential risk factor that may influence learning through health and developmental screening under sections [142D.09](#) to [142D.093](#);
- is in foster care; is in kinship care, including children receiving Northstar kinship care assistance under sections [142A.60](#) to [142A.612](#); or is in need of child protection services;
- has a parent who is a migrant or seasonal agricultural laborer under [section 181.85](#);
- has a parent who is incarcerated; or
- is defined as at-risk by the school district.

Age Verification

[Minnesota Statutes 2024, section 120A.20, subdivision 4](#) states, "Public schools may request documentation that verifies a pupil falls within the school's minimum and maximum age requirements for admission to publicly funded prekindergarten, preschool, kindergarten, or grades 1 through 12. Documentation may include a

passport, a hospital birth record or physician's certificate, a baptismal or religious certificate, an adoption record, health records, immunization records, immigration records, previously verified school records, early childhood screening records, Minnesota Immunization Information Connection records, or an affidavit from a parent."

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 admissions, 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 at mde.charterschools@state.mn.us or 651-582-8297 if you have questions about charter school admissions and enrollment policies and processes.