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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 323

01/24/2019 Authored by Garofalo
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; creating an enrollment preference for charter school applicants
1.3 living in or near Castle Rock Township; amending Minnesota Statutes 2018, section
1.4 124E.11.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 124E.11, is amended to read:

1.7 124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.

1.8 Subdivision 1. Limits on enrollment. (a) A charter school, including its preschool or
1.9 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
1.10 may limit admission to:

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

1.16 Subd. 2. Timely application; lottery; enrollment preference. (b) A charter school,
1.17 including its preschool or prekindergarten program established under section 124E.06,
1.18 subdivision 3, paragraph (b), shall enroll an eligible pupil who submits a timely application,
1.19 unless the number of applications exceeds the capacity of a program, class, grade level, or
1.20 building. In this case, pupils must be accepted by lot. The charter school must develop and
1.21 publish, including on its website, a lottery policy and process that it must use when accepting
1.22 pupils by lot.

2.1 Subd. 3. Lottery exceptions. ~~(e)~~ (a) A charter school shall give enrollment preference
2.2 to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give
2.3 preference for enrolling children of the school's staff before accepting other pupils by lot.

2.4 (b) A charter school that is located in Duluth township in St. Louis County and admits
2.5 students in kindergarten through grade 6 must give enrollment preference to students residing
2.6 within a five-mile radius of the school and to the siblings of enrolled children.

2.7 (c) A charter school may give enrollment preference to children currently enrolled in
2.8 the school's free preschool or prekindergarten program under section 124E.06, subdivision
2.9 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.

2.10 (d) A charter school that is located in Castle Rock Township in Dakota County must
2.11 give enrollment preference to students residing within a two-mile radius of the school and
2.12 to the siblings of enrolled children.

2.13 Subd. 4. Age of enrollment. ~~(d)~~ A person shall not be admitted to a charter school (1)
2.14 as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the
2.15 calendar year in which the school year for which the pupil seeks admission commences; or
2.16 (2) as a first grade student, unless the pupil is at least six years of age on September 1 of
2.17 the calendar year in which the school year for which the pupil seeks admission commences
2.18 or has completed kindergarten; except that a charter school may establish and publish on
2.19 its website a policy for admission of selected pupils at an earlier age, consistent with the
2.20 enrollment process in ~~paragraphs (b) and (c)~~ subdivisions 2 and 3.

2.21 Subd. 5. Admission limits not allowed. ~~(e)~~ Except as permitted in ~~paragraph (d)~~
2.22 subdivision 4, a charter school, including its preschool or prekindergarten program established
2.23 under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on
2.24 the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and
2.25 may not establish any criteria or requirements for admission that are inconsistent with this
2.26 section.

2.27 Subd. 6. Enrollment incentives prohibited. ~~(f)~~ The A charter school shall not distribute
2.28 any services or goods of value to students, parents, or guardians as an inducement, term, or
2.29 condition of enrolling a student in a charter school.

2.30 Subd. 7. Enrollment continues. ~~(g)~~ Once a student is enrolled in ~~the~~ a charter school,
2.31 the student is considered enrolled in the school until the student formally withdraws or is
2.32 expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

3.1 Subd. 8. Prekindergarten pupils. ~~(h)~~ A charter school with at least 90 percent of enrolled
3.2 students who are eligible for special education services and have a primary disability of
3.3 deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section
3.4 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with
3.5 Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324,
3.6 subsection (2), clause (iv).

3.7 EFFECTIVE DATE. This section is effective for enrollment decisions made on or
3.8 after July 1, 2019.