

Leadership Summit

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Developing Enrollment Policies that Align with Federal and State Requirements

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Agenda

- Welcome & Objectives
- References
- Enrollment versus Lottery
- Federal Definition of a Charter School
- Colorado Charter School Enrollment Law
- Policy Review Activity
- Discussion & Feedback
- Next Steps



Objectives

By the end of this session, participants will be able to:

- Identify key elements of the federal definition of a charter school under ESEA §4310(2)
- Understand how federal requirements intersect with Colorado charter enrollment law
- Apply a compliance checklist to evaluate sample enrollment policies
- Provide feedback to help CDE explore possible waiver requests to federal non-regulatory guidance



References

- Title IV, Part C of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA), [Section 4301 - 4311](#)
- Charter Schools Program Nonregulatory Guidance ([January 2014](#))
- State Facilities Incentive Grant Nonregulatory Guidance ([April 2009](#))
- The Charter Schools Act, Article 30.5 in Title 22 of the [Colorado Revised Statutes](#) (C.R.S.)
- Standards for Charter Schools and Charter School Authorizers, [1 CCR 301-88](#)





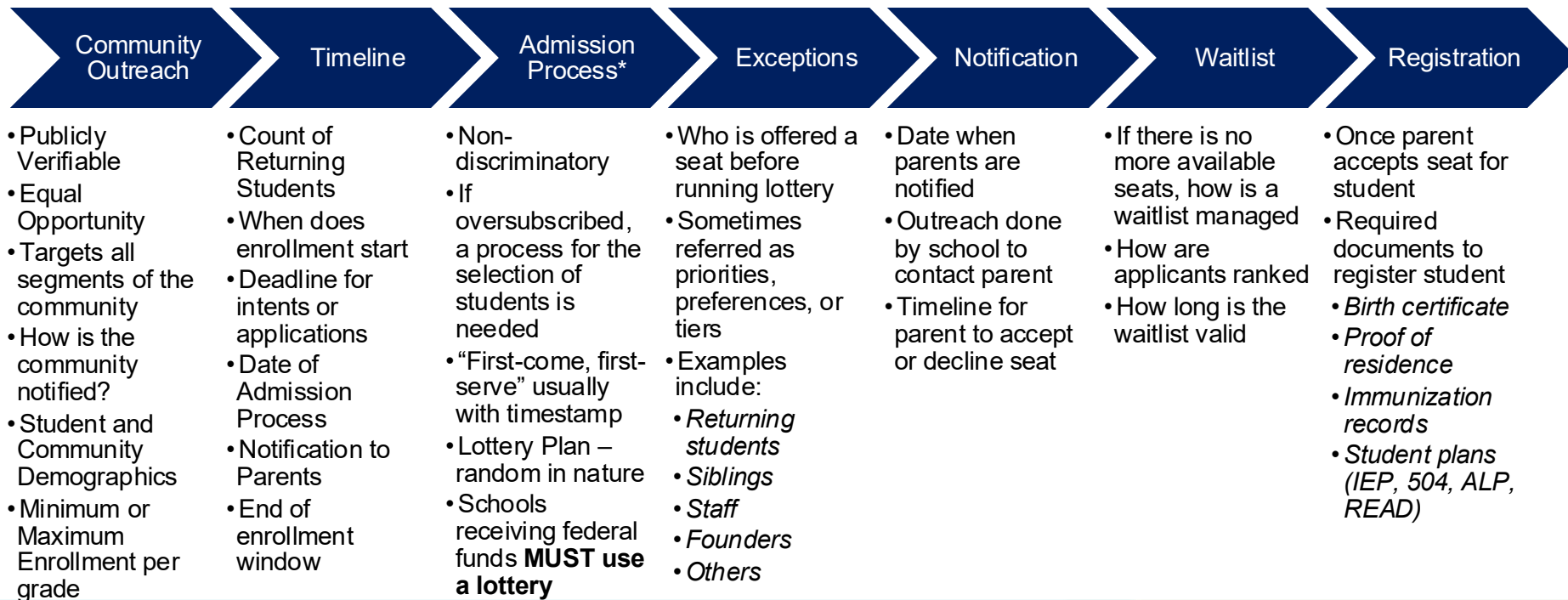
Enrollment Policy

Enrollment vs. Lottery

- Enrollment Policy
 - The rules and procedures for admitting students into the school from start to finish.
 - The policy includes either a lottery or a “first-come, first-serve” plan as a way of admission and is approved by Governing board.
- Lottery Plan
 - This plan outlines the procedures for the random selection of students.
 - It is implemented only if the number of eligible applicants exceeds the number of available seats.



Enrollment Process



Best Practices

Official non-discrimination statement

The school must publish a clear, official non-discrimination statement that is visible on its website, in its student and employee handbooks, and on all recruitment materials. This statement should list all protected classes as defined by federal and state law, including race, color, national origin, religion, sex, and disability.

Website transparency

The school's website must have a dedicated page explaining the enrollment process and clearly state its commitment to non-discrimination.

Translated materials

To ensure equal access for all families, admissions and informational materials should be provided in non-English languages for parents with limited English proficiency.

Complaint procedures

The school should publish clear, accessible procedures for filing and investigating discrimination and harassment complaints.





Charter School Enrollment Law



Federal Definition of a Charter School

- Defined in [ESEA 4310\(2\)](#)
- Schools need to meet definition to be eligible for federal funds
- A charter school is a public school that:

Operates under state charter law with flexibility from many local and state rules

Is publicly supervised and direction

Pursues a specific educational mission

Is nonsectarian in all aspects of operation

Provides elementary and/or secondary education

Does not charge tuition

Admits students by choice and, when oversubscribed, uses a lottery system to ensure fair access

Complies with civil rights and disability laws

Meets health, safety, and audit requirements

Operates under a written performance contract with its authorizer

Federal Enrollment Language

ESEA 4310(2)(H) is a school to which parents choose to send their children, and that—

- admits students based on a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or
- in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);



Lottery Plan

Charter Schools receiving federal funds **MUST include a lottery** (random selection) if most students apply than seats available.

- If under enrolled, the enrollment policy should specify when a lottery would be triggered.

Exemptions from Lottery

- Returning students
- Matriculation from affiliated charter school
- Enrolled/Eligible to enroll pre-conversion
- Siblings of current students
- Founder and Teacher/Staff children (small number of total enrollment)

Weighted Lottery

- Gives a “slightly better chance” to one set of students over another
- In compliance to current federal and state laws
- ESEA Title I targeted students (historically educationally disadvantaged)

Preschool Enrollment

- A tuition-based preschool doesn't meet ESEA 4310(2)(F)
- A student at a tuition-based preschool cannot be guaranteed kindergarten enrollment
- A kindergarten lottery can be conducted in an earlier year
 - i.e., when students are ready to enroll in preschool
- With UPK, a charter which only offers free part-time preschool the year before kindergarten is eligible



Colorado Requirements of a District Charter School

Charter School Definition & Status

- Public, nonsectarian, nonreligious, non-home-based school
- Operates within a school district under a charter contract
- **Nonprofit organization governed by an independent board**

Enrollment & Access

- **Open to any student residing in the district**
- Enrollment must be nondiscriminatory and consistent with state and federal law
- No tuition charged (publicly funded)
- May establish approved preference plans to increase enrollment of students with disabilities

Governance & Oversight

- Subject to district accreditation and state review
- Must comply with civil rights, ADA, IDEA, and desegregation orders
- Independent governing body responsible for operations, budgeting, and contracts
- May contract with education management organizations but retains board independence

Autonomy & Waivers

- May operate free from certain state or district rules through waivers
- Some statutes cannot be waived (e.g., finance, accountability, safety, equity laws)
- District and State Board may grant specific waivers upon request

Facilities & Operations

- May lease or purchase district facilities; districts must post lists of underused buildings
- Subject to annual financial audit and health/safety laws

Colorado Charter Enrollment Law

C.R.S 22-30.5-104(3)(a)

A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

Differences Between Federal and State Law

Federal (ESEA 4310(2))	Colorado (C.R.S. 22-30.5-104)
Must be nonsectarian	Must be nonsectarian and nonreligious
Requires public supervision and direction	Public schools of the district or CSI, governed by a nonprofit board
Established as public school	Public, cannot be converted from private
Enrollment based on parent choice & lottery system	Enrollment open to district residents, may include preferences
No geographic restrictions	Majority of students must live within or adjacent to authorizing district
Must comply with civil rights and disability laws	Must comply with nondiscrimination laws
Must target all community members and have an equity of access (Guidance)	Enrollment process must not place burden on families (CCR 301-88)





Policy Review Activity

Reviewing Sample Enrollment Policies

Directions:

- Scan the QR code to enter the activity folder
- Review sample enrollment policies
- Use the compliance checklist in your review
- Is the school eligible for federal funding?



Task:

- Individual review (5 minutes)
- In groups of 3-4, share observations (15 minutes)
- Whole group share out (10 minutes)



Feedback



Informing CDE's Next Steps

- Reflect on policy implications for your school
- Provide input to shape future guidance

What waivers could CDE/Colorado request to CSP non-regulatory guidance to expand access for Colorado charter schools to receive federal funds?

[Padlet Board](#)



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