



# SPCSC Admission Policy Guidelines

## I. OVERVIEW

This document offers an overview of Federal and State laws and contractual requirements that govern charter school admission policies and practices, including those regarding enrollment preferences and lottery procedures. These guidelines are not intended to take the place of legal counsel and the Commission strongly recommends that schools consult with their Deputy Attorney General to ensure that a school's admission policies and enrollment procedures and forms comply with Federal and State law, contractual requirements, and will not result in a discriminatory effect upon implementation.

Charter schools are public schools and as such they are open to any student who wishes to attend. Hawai'i State Law requires charter schools to enroll all eligible students who apply as long as the school has capacity. As noted in [HRS §302D-34](#), State law prohibits charter schools from discriminating, “against any student or limit admission based on race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability.”

However, unlike schools in the Department of Education that have open enrollment, charter schools may limit enrollment due to space and other approved enrollment preferences.<sup>1</sup> For this reason, charter school admissions and enrollment policies are subject to greater scrutiny.

Per a school's Charter Contract, the school shall comply with its admission policies and procedures as approved by the Commission. The current contract requires schools to post its admission policy and procedures on its website so that it is readily accessible to the public (see Charter Contract 4.0, Section 9.3). It is not sufficient to post a summary. Any amendment to a school's admission policy shall be effective only if approved by the Commission at a public meeting.

Schools should develop and implement admission policies and practices that are:

- Consistent with and meet Federal and State Laws;
- Fair to all student populations and are not likely to discourage any student or parent group from seeking enrollment;
- Nondiscriminatory on their face, are implemented in a nondiscriminatory manner, and do not have the effect of excluding students on the basis of race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability;
- Designed to contribute to the diverse student population that is reflective of the community and State; and
- Designed to assist the charter school in carrying out its educational mission and vision.

---

<sup>1</sup> *Public schools are obligated to enroll all students and may only limit what school they attend based upon their place of residence.*

In order to ensure that charter schools are in compliance with State and Federal law and open to all eligible students, the Hawai'i State Public Charter School Commission ("The Commission") will review each school's admission policy and procedures as adopted by the school's Governing Board. Material changes to a school's Admission Policy must be approved by the Commission at a General Business meeting.

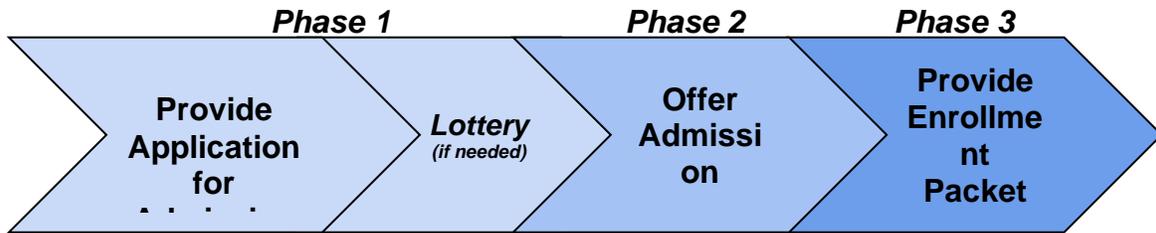
## II. DEFINITIONS

- **Admission Policy**: A Charter School's policy regarding the student admission process and procedure. This policy must be approved by the school's governing board and the Commission, align with State and Federal law, fair to all student populations, nondiscriminatory, designed to contribute to the diverse student population that is reflective of the community and State, and may be designed to assist the charter school in carrying out its educational mission and vision (Charter Contract 4.0 Section 9.3). This policy must be publically accessible through the school's website.
- **Enrollment Preference For Admission**: Commission-approved condition which gives certain students priority in the process for admission (§302D-34(b)(4)).
- **Weighted Lottery**: Any lottery that gives additional weight to individual students who are identified as part of a specified set of students but does not reserve or set aside seats for individual students or sets of students (§302D-34(b)(6)).
- **Educationally Disadvantaged Students**: Students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students (§302D-34(b)(6)).
- **Application for Admission**: Form to be completed and submitted by prospective students and their families **prior** to admission and enrollment.
- **Enrollment Packet**: Forms and information to be completed after the student has been offered admission to the school via the school's approved Admission policy.
- **Student Admission Packet**: Includes the School's Commission approved Admission Policy, School's Lottery Procedure, and the School's Application form. This needs to be uploaded to the Kuleana Portal annually.
- **School's Enrollment Checklist**. A list of all documents the school must have before enrolling the student into the Student Information System.

*Exceptions: HRS §§[302D-34\(c\)](#) and [302H-2](#).*

## III. ADMISSION PROCESS

Pursuant to HRS §302D-34(b), the school "shall enroll all students who submit an application, unless the number of students who submit an application exceeds the capacity of a program, class, grade level, or building". If the number of students who submit an application exceeds the school's capacity, the school shall select students through a public lottery process.



The admission process is three fold:

1. Application for admission forms are submitted by prospective applicants and their families; if a school receives more applications than it has seats, the school must institute a public, random lottery process to determine admission as outlined in a school’s Admission Policy (if needed);
2. If there is a sufficient number of seats and all applicants have been offered admission or if a student is selected by lottery, the students and parents/guardians are notified and offered admission; and
3. The school then sends the applicant families an enrollment packet to officially enroll a student in their school. Schools should provide a deadline to complete the enrollment packet especially if they have a waitlist of students wanting to enroll.

*\*The application for admission form and the enrollment form are different forms. On your website, forms, and other printed material, please be sure to distinguish between the “application for admission”, “enrollment form”, and “enrollment packet” (enrollment packet includes the enrollment form and all other school required documents).*

Exceptions: [HRS §§302D-34\(c\)](#) and [302H-2](#).

#### IV. POLICIES, PROCEDURES, AND PREFERENCES

It is vital for the Governing Board and the Commission to ensure that charter schools are meeting their statutory and contractual obligations, are fair to all student populations, and non-discriminatory, by annually reviewing the following steps taken by applicants to gain entrance into a charter school.

##### A. Admission Policy

A charter school’s Admission Policy should address the following:

- Description of the application for admission process;
- Description of the public lottery process;
- Timeline of the application for admission, lottery, and enrollment processes;
- List Commission-approved enrollment preference(s) and how they are determined (if applicable);
- Description of the waiting list process and how students are chosen from the waiting list if openings occur during the school year;
- Date approved by the school governing board which needs to include the agenda, motion and second (including vote), and the approved minutes from the meeting;
- Date approved by the Commission; and
- Posted and readily accessible on the school’s official website (Charter Contract 4.0 Section 9.3).

## **B. Application for Admission Form**

A charter school Application for Admission Form should be limited to gathering the following data:

- Student Name
- Student Birthdate
- Grade Level Applying For (*only grade levels identified in the Charter Contract*)
- Parent Name and Contact Information for notification
- Proof of State of Hawai‘i Residency; conversion charter schools also need proof of geographic residency (see below)
- Questions pertaining to Commission-approved enrollment preferences (if applicable)

*\*An application for admission form requiring or collecting more than the basic information needed to admit a student, may be a violation of Federal and State law.*

Exceptions:

### ○ **Conversion Schools**

- Pursuant to [HRS §§302A-1143](#) and 302D-34(c), a conversion charter school must enroll any student who resides within the school's former geographic service area for the grades that were in place when the department school converted to a charter school. All other applicants, including applicants for grades that were not in place when the school converted to a public charter school, must follow the application process noted in the school's Admission Policy.

### ○ **Hawaiian Language Medium Education**

- Pursuant to [HRS §302H-2](#), all children of compulsory school age choosing to enroll in the Hawaiian language medium program in families of fluent Hawaiian-speaking persons may be given preference for admittance. Other persons may enroll at the discretion of individual school sites under the conditions described above and in compliance with applicable state and federal laws. All students and their families shall abide by the special rules of the program with respect to family participation.

## **C. Lottery**

Pursuant to HRS §302D-34(b), if the number of students who submit a timely application for admission exceeds the capacity of a program, class, grade level, or building:

- The school shall select students through a public lottery process, a double blind process, where neither the participants nor the person(s) administering the lottery are aware of the identities of the participants, is recommended; and
- The process is non-discriminatory and clearly and comprehensively described in a school's Admission Policy.

## **D. Enrollment Preferences**

Enrollment preferences must be approved by the School's Governing Board and then brought before the Commission for final approval before implementation in the Application for Admission.

Pursuant to HRS §302D-34(b), charter schools may give enrollment preference to:

- Students currently enrolled in a charter school that has been notified of the prospect of revocation;
- Students enrolled in the previous year;

- Siblings of already enrolled students;
- Educationally disadvantaged students through a weighted lottery; and
- Other students as approved by the Commission if consistent with law (refer to table below in Section V regarding examples of Commission-approved Enrollment Preferences)

**E. Waitlist**

A charter school’s Admission Policy should clearly address:

- How students are placed on the waitlist;
- How students are chosen from the waitlist if openings occur during the school year; and
- Whether the waitlist will carry over from year to year or is used only for a particular school year.

**F. Enrollment**

- After students are offered admission, schools may use the SIS-10W form (or a similar form requesting the same information) to enroll students.

**V. EXAMPLES OF ENROLLMENT PREFERENCES**

Examples of Enrollment Preferences	Hawai‘i State Law & Commission Motions
Current students	Yes
Student currently enrolled in a charter school that has been notified of the prospect of revocation	Yes, “the student may be given first priority to enroll at another charter school to which the student applies, or placed at the top of the waitlist for enrollment” ( <i>HRS 302D-34(b)(2)</i> )
Conversion Charter school: Geographic attendance area	Yes ( <i>HRS 302D-34(c)(1)</i> )
Siblings of current students	Yes ( <i>HRS 302D-34(b)(5)</i> )
Children of full-time employees	Yes, provided that the number of students utilizing this preference, combined with the preference for children of Governing Board members, does not exceed 10% of the total student population. Situations in which the combined percentage could exceed 10% of the total student population require Commission approval ( <i>Commission General Business Meeting motion passed on November 18, 2014</i> )
Children of board members	Yes, provided that the number of students utilizing this preference, combined with the preference for children of full-time employees, does not exceed 10% of the total student population. Situations in which the combined percentage could exceed 10% of the total student population require Commission approval ( <i>Commission General Business Meeting motion passed on November 18, 2014</i> )
Economically disadvantaged students	Yes, through a weighted lottery with Commission approval.

Examples of Enrollment Preferences	Hawai'i State Law & Commission Motions
<i>HRS 302D-34(b)(6)</i>	
Students with disabilities <i>HRS 302D-34(b)(6)</i>	Yes, through a weighted lottery with Commission approval.
Migrant students <i>HRS 302D-34(b)(6)</i>	Yes, through a weighted lottery with Commission approval.
Limited English proficient students <i>HRS 302D-34(b)(6)</i>	Yes, through a weighted lottery with Commission approval.
Neglected or delinquent students <i>HRS 302D-34(b)(6)</i>	Yes, through a weighted lottery with Commission approval.
Homeless students <i>HRS 302D-34(b)(6)</i>	Yes, through a weighted lottery with Commission approval.
Other Enrollment Preferences	Consult with your Deputy Attorney General prior to requesting Commission approval.