

August 21, 2019

1. Who must CSI Schools serve?

Enrollment in an institute charter school shall be open to any child who resides within the state. C.R.S. 22-30.5-507(3).

2. What antidiscrimination requirements apply to CSI Schools?

CSI Schools are subject to all federal and state antidiscrimination requirements. C.R.S. 22-30.5-507(3). Meaning, CSI Schools cannot discriminate against students on the basis of age, disability, race, creed, color, sexual orientation, national origin, religion, ancestry, or need for special education services. *Id.* In addition, CSI Schools cannot establish undue barriers to students applying for enrollment, such as mandated testing prior to acceptance, that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement. 1 CCR 301-88, Section 2.02(E). These antidiscrimination rules also extend to recruiting and marketing practices. 1 CCR 301-88, Section 2.02(D).

3. Can a CSI School charge tuition?

No. CSI Schools are charter public schools and, similar to traditional public schools, cannot charge tuition except for preschool. C.R.S. 22-30.5-507(6). For more information on Student Fees, please see the [CSI Student Fee Policy](#).

4. Do CSI Schools need to accept all students with disabilities?

As mentioned above, CSI Schools cannot discriminate against students on the basis of need for special education services. C.R.S. 22-30.5-507(3). To that extent, and in accordance with federal regulations and guidance, CSI Schools generally cannot inquire as to disability status of a student prior to admitting the student (unless for purposes of required remedial action, weighted lottery, or the school is chartered to serve students with a particular disability). See 34 C.F.R. §§ 104.4(b)(1)(ii), (iv), (4); § 104.6(a)-(b) and "[Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973](#)", Questions 16-17. Enrollment of students with disabilities must be in accordance with [CSI's Enrollment Procedures for Students with Disabilities](#).

5. Is a CSI School required to serve other special populations?

CSI Schools are subject to the same federal and state requirements as traditional district schools with regard to providing access and services for other special populations of students, including English Language Learners, homeless students, and gifted students. 1 CCR 301-88, Section 2.02(F).

6. Can a CSI School require students to take an entrance exam?

No. CSI Schools cannot establish undue barriers to students applying for enrollment, such as mandated testing prior to acceptance, that have the effect of excluding students based on prior academic performance. 1 CCR 301-88, Section 2.02(E). A CSI School may administer diagnostic assessments *after* admitting a student to determine appropriate coursework or

academic level, but only after a student has been officially enrolled. See also [CDE's Colorado Charter School FAQ](#).

7. Can a CSI School place eligibility thresholds on students seeking to enroll in the school?

A charter school may restrict itself to certain grade levels, programs, and educational emphasis, but cannot otherwise implement eligibility thresholds that would have the effect of excluding students based on membership in a protected class or have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement. C.R.S. 22-30.5-507(3); 1 CCR 301-88, Section 2.02(E).

8. What enrollment methods must a CSI School use?

CSI Schools must admit students through a publicly verifiable selection process that is either random (e.g., public lottery) or first-come-first-served (e.g., waitlist). 1 CCR 301-88, Section 2.02(F). If receiving Colorado Charter School Program ("CCSP") grant funds, a lottery will likely be required.

9. What enrollment preferences can a CSI School set?

If receiving CCSP funds, enrollment preferences may only be set in accordance with CCSP grant requirements. If a school is not receiving CCSP funds, other enrollment priorities or preferences may be set provided that they do not otherwise violate federal or state antidiscrimination laws.

10. When can a CSI School deny enrollment to a student?

The following are recognized by state law as grounds for denial of admission to a public school:

- a. Graduation from the 12th grade;
- b. Failure to meet age requirements for kindergarten or first grade enrollment;
- c. Having been expelled from any school district during the preceding 12 months;
- d. Failure to comply with the immunization requirements set forth in C.R.S. 25-4-901, *et seq.*;
- e. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel. C.R.S. 22-33-106(3).

There may be limited instances in which a student has a physical or mental disability so severe that, in accordance with [CSI's Enrollment Procedures for Students with Disabilities](#), the student's IEP team determine that the student cannot reasonably benefit from the programs available, or where enrollment is denied because the student has a physical or mental disability or disease causing the attendance of the student to be inimical to the welfare of other pupils. C.R.S. 22-33-106(2).

Otherwise, no school should be denying enrollment or otherwise setting admission eligibility for reasons beyond the five grounds listed above.

11. What information can a CSI School Collect in its Intent to Enroll forms (admissions process)?

During the admission process, Intent to Enroll forms should collect only very basic information for students such as name, grade level entering, parent name and contact information. Intent to Enroll forms cannot ask about disability status or status as another protected class unless it is for purposes of a weighted lottery or program designed to serve students with a particular disability.

12. What information can a CSI School collect at enrollment?

After a student has been admitted either via a lottery or first-come, first-served process, the School may begin collecting information needed to enroll the student. This information may include:

- Proof of Age and Identity
- Certificate of Immunizations or Proper Exemption
- Home Language Survey
- Prior Transcripts/Records
- FRL/FEDS Form
- McKinney Vento Form

Please note that enrollment of a student cannot be denied based on lack of records if the student is lacking such records because s/he is homeless, or for students whose records may be affected by immigration status/citizenship. In such cases, [there may be other records that can be used to prove age and identify if a birth certificate is not available](#).

Further, the CSI School will generally request education and behavioral records from a student's prior school during the registration process. There may be instances where the receiving school does not receive those records in a timely manner from the sending school; however, this is likely not the fault of the student and enrollment should not be denied due to lack of records. The school may, however, enroll the student with the condition that the student may later be denied enrollment if the records show that the student exhibited behavior in another school during the preceding 12 months that is detrimental to the welfare or safety of other pupils, or other reason as set forth in C.R.S. 22-33-106(3).

During the enrollment stage, the CSI School can request IEPs and 504 plans pursuant to [CSI's Enrollment Procedures for Students with Disabilities](#).

13. Can a CSI School offer continuous enrollment from its preschool to kindergarten program?

If a CSI School is receiving Colorado Charter School Program ("CCSP") grant funds, the School must adhere to CCSP grant requirements which do not allow for continuous enrollment or a lottery preference for students entering kindergarten based on enrollment in the School's preschool program. The School can, however, allow for students to enter the kindergarten lottery up to 2.7 years prior to the start of kindergarten, effectively providing families engaged in the School more opportunities to enter through the lottery. However, the lottery must (1) be open and publicized to the broader community and not just to families enrolled in the preschool program; (2) enrollment in kindergarten cannot be contingent upon enrollment in the preschool program; and (3) a reasonable percentage of kindergarten seats must be reserved for students that do not attend preschool, were previously uninformed of the early lottery, or who are new to the community.

If the CSI School is not receiving CCSP funds, there may be some flexibility to allow preschool students to enroll more seamlessly into the kindergarten program provided that precautions are written into the policy to ensure that students do not face undue barriers in enrollment due to socioeconomic, family, or language background, or parent involvement. 1 CCR301-88(E). For example, in evaluating whether the enrollment policy would have the effect of creating undue barriers to enrollment, CSI and the School would consider whether (1) the school receives Colorado Preschool Program (“CPP”) funds to allow low-income families to enroll in the preschool and/or provides meaningful preschool tuition assistance for low-income families; (2) the enrollment policy acknowledges a desire to at least mirror the local demographics for low-income and minority students, and implements safeguards, such as a weighted lottery, to ensure the same; and (3) the School reserves some kindergarten seats for families that do not attend preschool, were previously uninformed of the early lottery, or who are new to the community.

A CSI charter school cannot offer automatic enrollment into its kindergarten program from a non-affiliated preschool.

14. Can a CSI School require mandatory parent volunteer hours or information nights as a condition to enrollment?

Because CSI Schools cannot implement enrollment practices that exclude students based on parental involvement or socioeconomic, family, or language background, CSI Schools cannot require mandatory parent volunteer hours. 1 CCR 301-88, Section 3.05(C). This does not mean that a CSI School cannot *encourage* parental involvement or volunteer hours. Because parent volunteer hours cannot be mandatory, a school should also avoid allowing parents to “buyout” volunteer hours, but may encourage charitable donations.

The same concept applies to mandatory parent information nights. A student should not be refused enrollment at a school solely because his or her parent did not attend a parent information night. Accordingly, to encourage participation at a parent information night and ensure that there are no undue barriers to enrollment based on parental involvement or language background, a CSI School would want to offer these information sessions during multiples dates and times, and in parents’ native languages, to ensure that all families are able to attend and obtain the necessary information.

15. Can a CSI School offer incentives to families to enroll in the school?

No. C.R.S. 22-1-127 states that local education providers, including CSI Schools, shall not offer any items of value prior to, upon, or after enrolling in or attending an educational program operated by the school.

Questions?

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