

Charter School Enrollment Toolkit

Frequently Asked Questions About K-12 Charter School Admissions and Enrollment

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The Colorado Charter School Institute (CSI) has created this Enrollment Toolkit to assist with compliance with laws, rules, and regulations applicable to Colorado charter schools related to Kindergarten through 12th grade school application, admissions, and enrollment processes. Though some considerations are made for preschool programs, schools should consult guidance from the Department of Early Childhood when establishing policies and procedures for preschool enrollment. The toolkit is provided for informational purposes only and is not to be construed as legal advice or formal legal opinion on the behalf of the authors or CSI. Use of this information does not create an attorney-client relationship, nor is the creation of such relationship intended by the provision of this information. This information does not constitute a formal administrative opinion on behalf of CSI. Legal advice regarding any issue should be obtained from your own attorney.

All CSI Schools should review their policies and practices to ensure compliance with the requirements established in law, rule, and regulation, including ensuring equitable access for all students. The CSI Legal & Policy Team will conduct periodic audits of all CSI schools’ websites and other sources to ensure compliance with the laws and regulations cited in this guidance and will provide feedback and compliance notices as appropriate.

# Admissions and Enrollment Process Overview

Students’ attendance in a Colorado charter school begins with a process that is broken into two major steps: 1) Admissions; and 2) Enrollment. The purpose of this guidance document is to explain the distinction between these two steps and to answer questions about how each should be administered by CSI schools.

Federal and state law prohibit undue barriers during either admissions or enrollment that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.i To ensure that prospective students do not face any of these discriminatory barriers, it is important that the process is conducted in these two distinct parts.

## Admissions

The **admissions process** is the first stage in any student’s access to a school. During this stage, a family applies to the school by completing an intent to enroll/application form (or similar). During the admissions process, the school should collect only basic information for students such as name, grade level entering, parent name and contact information. Except under very specific circumstances, such as a weighted lottery or other purposes discussed in this document, intent to enroll or application forms cannot ask about students’ disability status or status as another protected class.

Schools must admit students through a publicly verifiable selection process that is either random (public lottery) or first-come, first-served.ii Under either process, if applications exceed the available spots for new students, a student may be offered a defined spot on a waitlist.

## Enrollment

The **enrollment process** begins after a student has been offered a seat or a spot on a waitlist at the school. During this stage, the school may gather more specific information about the student. The family/student can complete detailed registration paperwork, such as the student’s enrollment history, any pre-existing identification for special programming such as English language development, special education services, etc. Once the school has collected the required information and documentation, the school can enroll any student that has been offer a seat into classes and the school’s information system.

In some instances, the student may be required to complete diagnostic assessments. Results may be used to determine the grade and classroom in which the student will be placed. For student with disabilities, the current CSI [IEP/504 review process](https://resources.csi.state.co.us/sped-enrollment-procedures/) to determine placement should be followed.

The distinction between the **admissions** and **enrollment** stages of the process is illustrated by the flow charts on the next page.

**Public Lottery Process**

### Admissions

**Enrollment**

Family submits Intent- to-Enroll form (only basic information)

School conducts public lottery

School offers seat or waitlist position based on lottery

Family accepts seat

School may collect additional information,

e.g. registration packet, diagnostic

assessments

Student is enrolled in the school/classes

**First-Come, First-Served Process**

### Admissions

**Enrollment**

Family submits Intent- to-Enroll form (only basic information)

Student placed on waitlist (if applicable)

School offers a seat

Family accepts seat

School may collect additional information,

e.g. registration packet, diagnostic

assessments

Student is enrolled in the school/classes

# Frequently Asked Questions

## General Admissions and Enrollment Questions

1. **Who must CSI Schools serve?**

Enrollment in a CSI School shall be open to any child who resides within the state.iii Federal and state law prohibit undue barriers during either admissions or enrollment that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.iv

1. **What anti-discrimination requirements apply to CSI Schools?**

CSI Schools are subject to all federal and state anti-discrimination requirements.v As such, CSI Schools cannot discriminate against students on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin (including English Language Learners), language, religion, ancestry, need for special education services, or membership in any other protected class. Recently, the CROWN Act clarified that discrimination based on racially distinctive hair textures or hairstyles (as in school dress codes or handbooks) constitutes unlawful racial discrimination.

These antidiscrimination rules also extend to recruiting and marketing practices.vi Schools should have a reasonable plan to provide for outreach and recruitment of students whose race, gender, ethnicity, and other characteristics generally reflect the demographics of the community that the school intends to serve.

CSI recommends that all CSI Schools include a non-discrimination statement similar to the one provided in the [Sample Policy Language](#_bookmark14) at the end of this document in any Admissions or Enrollment Policy, on the School’s website, and accompanying any admissions or enrollment- related information that is part of a public website or communication.

1. **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.vii Even in preschool, a student with an IEP cannot be charged tuition if special education services are being delivered as part of the pre-kindergarten school day. For more information on Student Fees, please see the [CSI Student Fee Policy](http://www.boarddocs.com/co/csi/Board.nsf/goto?open&amp;id=AV6N3W5B41F8).

## Enrollment-Related Protections for Prospective Students

1. **Can a CSI School place eligibility thresholds on students seeking to enroll?**

A CSI 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.

1. **What enrollment-related protections exist for students with disabilities?**

CSI Schools cannot discriminate against students on the basis of disability or need for special education services.viii Intent to enroll or application forms cannot ask about disability status or status as another protected class unless it is for purposes of a lottery preference/weighted lottery, or (for inquiries related to special education status) the School is chartered to serve students with a particular disability.ix

During the enrollment process—meaning *after* the application/admissions process—families must provide a student’s most recent IEP (including eligibility IEP) or Section 504 Plan, if available. The current CSI [IEP/504 review process](https://resources.csi.state.co.us/sped-enrollment-procedures/) to determine placement shall be followed.

There may be very rare instances in which a student has a disability is so severe that, in accordance with [CSI’s Enrollment Procedures for Students with Disabilities](https://resources.csi.state.co.us/sped-enrollment-procedures/), the student’s IEP team determines that the school is unable to provide FAPE or is otherwise not an appropriate placement.

1. **What enrollment-related protections exist for other special populations?**

CSI Schools are subject to the same federal and state requirements as traditional district schools for providing access and services to other special populations of students, including English language learners, homeless students, and gifted students.x Federal and state law prohibit undue barriers to students applying for enrollment that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement. Intent to enroll/application forms cannot ask about status as a protected class unless it is for purposes of a weighted lottery.

## Application and Admissions Process

1. **What information can a CSI School collect in its Application/Intent to Enroll forms?**

During the admission process, schools should use intent to enroll or application forms to collect only very basic information about students, such as name, grade level entering, parent name and contact information. Intent to enroll or application forms cannot ask about disability status or status as another protected class unless it is for purposes of a lottery preference/weighted lottery or (for inquiries related to special education status) the school is chartered to serve students with a particular disability.

1. **Can a CSI School request information about students’ Special Education status during the admissions process (i.e., prior to enrollment)?**

In accordance with federal regulations and guidance, CSI Schools generally cannot inquire as to disability status of a student prior to admitting the student because doing so would be a form of discrimination on the basis of disability status. This prohibition applies to intent to enroll or application forms, as well as any registration packet if the information is required prior to being considered “admitted” to the school.xi

There are some exceptions to this general rule, such as required remedial action, use in a lottery preference system/weighted lottery, or (for inquiries related to special education status) if the school is chartered to serve students with a particular disability. During the enrollment process (i.e., after a student has been admitted), CSI Schools may request IEPs and 504 plans pursuant to [CSI’s Enrollment Procedures for Students with Disabilities](https://resources.csi.state.co.us/sped-enrollment-procedures/).

1. **Can a CSI School require a Home Language Survey during the admissions process (i.e., prior to enrollment)?**

No. CSI Schools cannot discriminate against students on the basis of citizenship status. To that end, CSI Schools should not include language in registration packets and websites which states that spots will not be saved or enrollment may be forfeited if a Home Language Survey is not

received as this can be viewed as a barrier to enrollment based on protected classifications.

1. **Can a CSI School require students to take an entrance exam during the admissions process (i.e., prior to enrollment)?**

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 disability or prior academic performance.xii A CSI School may administer diagnostic assessments to determine appropriate coursework or academic level, but only *after* a student has been officially enrolled.xiii However, see the section on Enrollment Process below for additional information on how diagnostic assessments may be used after a student has been admitted to the school.

1. **Can a CSI School require attendance at information nights or a commitment to mandatory parent volunteer hours as a condition of enrollment?**

CSI Schools cannot implement enrollment practices that exclude students based on parental involvement or socioeconomic, family, or language background.xiv A student should not be refused enrollment at a school because the student’s parent did not attend an information night. Additionally, 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 should offer any information sessions at various dates and times, and in parents’ native languages, to ensure that all families are able to attend and obtain the necessary information.xv

Similarly, CSI Schools cannot require mandatory parent volunteer hours and cannot make a commitment to parent volunteer hours a condition of enrollment. A CSI School may *encourage* parental involvement or volunteer hours, but should be cautious about stressing this encouragement too heavily pre-enrollment to avoid a discriminatory impact. Because parent volunteer hours cannot be mandatory, a school also may not allow/require parents to “buy out” volunteer hours.

1. **Can a CSI School offer incentives to families to enroll in the School?**

No, CSI Schools may not offer any items of value prior to, upon, or after enrolling in the School.xvi

## Selection Process

1. **What type of selection process 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.xvii Under either process, if applications exceed the available spots for new students, a student may be offered a defined spot on a waitlist. In a random process, waitlist order is determined by random selection/lottery, while in the first come-first served approach, students are added to the waitlist based on the time that they submit an application.

1. **What enrollment preferences can a CSI School set?**

Schools may establish enrollment preferences, provided they do not otherwise violate federal or state antidiscrimination laws. Preferences may include, for example: children of founding members, children of teachers and staff, siblings of currently enrolled students, students with a particular disability where the school is chartered to serve students with that disability or--in alignment with 22-30.5.507, C.R.S.--when the school has established an enrollment preference for students with disabilities.

If receiving CCSP funds, enrollment preferences may only be set in accordance with [CCSP](https://www.cde.state.co.us/cdechart/grantprograms) [grant requirements.](https://www.cde.state.co.us/cdechart/grantprograms) The process for priority enrollment precedes the lottery or first-come, first- served enrollment process used at a school*.* It is acceptable for enrollment preferences to result in students eligible based on a preference to enroll ahead of students on a waitlist (e.g., an admitted student’s siblings may be prioritized even though they would otherwise be lower on the waitlist than other prospective students).

1. **May a CSI School use a weighted lottery?**

Yes. Some schools use a weighted lottery system, by which additional weight (e.g., two or more chances to win the lottery) is given to students in certain subgroups. Additional weight may be given to students from economically disadvantaged backgrounds (i.e., Free and Reduced Meal eligible students), students with disabilities, migrant students, English learners, neglected or delinquent students, or homeless students.

Although a weight is applied to students from a predesignated subset at the time a lottery is conducted, schools with weighted lotteries should not reserve or set aside seats for individual students or sets of students. Weighted lotteries should be used as part of a broader strategy to recruit and retain all students, including educationally disadvantaged students.

1. **Can a CSI School offer continuous enrollment or lottery preference to students enrolled in the school’s preschool 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. However, a CSI School may conduct a lottery for kindergarten slots in an earlier year (e.g., when students are ready to enroll in the preschool).xviii 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. However, any automatic/continuing enrollment must not disadvantage families on the basis socioeconomic, family, or language background, or parent involvement.

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

## Enrollment Process

1. **What information can a CSI School collect during the enrollment phase?**

After a student has been offered a seat or a defined spot on the waitlist, the school may begin collecting information needed to enroll the student. This information may include, for example:

* Proof of age and identity
* Certificate of Immunizations or proper exemption
* Home Language Survey
* Prior transcripts
* Free and Reduced-Price Meals/Family Economic Data Form
* McKinney-Vento Form
* IEP and 504 plans pursuant to [CSI’s Enrollment Procedures for Students with Disabilities](https://resources.csi.state.co.us/sped-enrollment-procedures/).
* Education and behavioral recordsxix

1. **Can a CSI School require a student birth certificate to establish student age?**

No, CSI Schools may not prevent or discourage a student from enrolling or attending school because the student lacks a birth certificate to prove the student’s age. In such cases, other documents may be used, such as a passport, a state-issued ID, an I-94, an adoption record, an affidavit from a parent, a religious, hospital, or physician’s certificate showing date of birth, an entry in a family bible, or previously verified school records.xx Public communications or required forms from CSI Schools may not include language stating that a birth certificate will be required for enrollment.

1. **Can a CSI School request information about citizenship status to establish residency?**

No, CSI Schools may not ask or require parents to disclose or document their citizenship or immigration status to establish residency. Additionally, CSI Schools may not prevent or discourage a student from enrolling in or attending school because the student has records that indicate a foreign place of birth, such as a foreign birth certificate or passport.

1. **Can a CSI School require a government issued ID or Social Security Card for parent(s) and/or student?**

No, CSI Schools may not require parents to provide a government-issued ID or a Social Security number for themselves or their children in order to enroll in or attend school.

1. **How can a CSI School use diagnostic assessments during the enrollment process?**

As stated above, a CSI School may administer diagnostic assessments to determine appropriate coursework or academic level for a student who has been admitted to the school (i.e. offered a seat) and is participating in the enrollment process. A CSI School using diagnostic assessments for grade-level placement must ensure students have access to appropriate accommodations as determined by IEP/504 plans. The school may not withdraw an offer of admission based on the outcome of diagnostic testing.

1. **What special considerations should be made during the enrollment process to support students experiencing homelessness?**

CSI Schools cannot create policies or practices that may act as a barrier to the identification, enrollment, attendance, and success of homeless students.xxi CSI Schools may not deny a homeless child enrollment because the student cannot provide the required documents to establish residency and/or any other required enrollment documents such as guardianship paperwork, proof of age, immunizations, or previous school records.

A homeless student is one that meets the requirements of the McKinney Vento Act and the definition of a homeless child pursuant to 22-1-102.5, C.R.S. Every CSI School is required to have a [liaison](http://www.cde.state.co.us/dropoutprevention/homeless_liaisons) for homeless students who will assist the School, students and families with the implementation of the McKinney-Vento Act. Contact information for Colorado’s State Coordinator can be found [here](http://www.cde.state.co.us/dropoutprevention/homeless_contact).

1. **What special considerations should be made for students whose parents are under a divorce or separation agreement?**

When requesting enrollment documents for a student, CSI Schools should request information pertaining to custody if the student’s information indicates that the student lives in two separate households. A wide range of documents may be used to provide evidence of split households, including divorce decrees or dissolution paperwork, guardianship documentation, custody orders, custody arrangements, paternity proceedings, etc.

CSI Schools should be aware that these documents are only effective for a certain period of time; they are not valid in perpetuity. If there is a question about whether a document is still valid or if a parent tells a school that the document on file is no longer current, the school should request a copy of the new document. The school should inform the parent(s) that it will continue to adhere to the current document on file until a new document has been provided and reviewed by the school to ensure implementation of the orders contained therein.

CSI Schools should remain neutral in all custody disputes and should convey this to the student’s parents. CSI Schools should have a policy in place, approved by their boards, that addresses how they want staff to address these concerns. Consider whether school staff should be involved and/or participate in court proceedings, such as by writing letters of support and/or testifying in court. Although staff may be compelled to testify through a subpoena, the School’s policy should address voluntary involvement and participation.

1. **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:

* Graduation from the 12th grade;
* Failure to meet age requirements for kindergarten or first grade enrollment;
* Having been expelled from any school district during the preceding 12 months;
* Failure to comply with the immunization requirements set forth in 25-4-901 C.R.S., *et seq.*;
* 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.xxii

CSI Schools may not deny enrollment or otherwise set admission eligibility for reasons beyond the five grounds listed above.

1. **Can a CSI School prohibit student enrollment after October 1?**

No, except if there are no seats available in the applicant’s grade or if the grounds for denial of enrollment have been met (see #24 above). Prohibiting enrollment after October 1 poses an enrollment barrier to students who travel seasonally or move multiple times in the course of a year.

# Additional Resources and References

## CSI Resources

* CSI Equal Access Series, Session 1: [School Policy Review Through a Multicultural Lens](https://resources.csi.state.co.us/school-policy-through-a-multicultural-lens/)
  + [Recorded presentation](https://vimeo.com/517252522) (February 10, 2021)
  + [Equitable Policy Review Protocol](https://resources.csi.state.co.us/wp-content/uploads/2021/04/Equitable-Policy-Review-Protocol.pdf)
  + [Policy Data Table](https://resources.csi.state.co.us/wp-content/uploads/2021/04/Policy-Data-Table.xlsx)
* CSI Equal Access Series, Session 2: [Identifying and Addressing Enrollment Barriers for Multi-Lingual Families](https://resources.csi.state.co.us/identifying-and-addressing-enrollment-barriers-for-multi-lingual-families/)
  + [Recorded presentation](https://vimeo.com/525655382) (March 10, 2021)
  + [Creating Diversity Goal Worksheet](https://resources.csi.state.co.us/wp-content/uploads/2021/04/Creating-Diversity-Goal.docx)
  + [Enrollment Policy Checklist](https://resources.csi.state.co.us/wp-content/uploads/2021/04/Enrollment-Policy-Checklist.docx)
* CSI Webinar Slides: [Enrollment Policies and Practices](http://resources.csi.state.co.us/wp-content/uploads/2020/02/Enrollment-Webinar.pdf) (February 2020)

## References

* 22-30.5-507(3), C.R.S. (Institute Charter School Requirements)
* 22-1-102.5, C.R.S. (Colorado Definition of Homeless Child)
* 34 C.F.R. § 99.3 (FERPA Definitions)
* 34 C.F.R. § 99.4 (FERPA Rights)
* 34 C.F.R. §§ 104.4(b)(1)(ii), (iv), (4); § 104.6(a)-(b) (Rights of Students with Disabilities)
* [McKinney-Vento Homeless Assistance Act](http://www.cde.state.co.us/dropoutprevention/homeless_index)

# Sample Admissions and Enrollment Policy

This section provides sample language that can be used by CSI Schools in drafting their own Admissions and Enrollment Policies. While these samples may provide a helpful starting point, each school’s policy should be tailored to its own practices and preferences, within the confines of the compliance requirements outlined in this document. Where applicable, multiple variations have been included to address common variations in school policies. These samples should not be considered to be inclusive of everything a school should have in its policy, and schools are encouraged to have all policies reviewed by legal counsel and by CSI prior to adoption. Schools receiving Colorado Charter Schools Program funds should consult the [CCSP Grant Guidance](https://www.cde.state.co.us/cdechart/grantprograms) for additional requirements.

In general, a CSI School’s Admissions and Enrollment Policy should address the following major subjects:

* Enrollment eligibility (including non-discrimination)
* Admissions process and timeline
* Selection process

## Enrollment Eligibility

***Eligibility Reminders***

This section should address the following:

* Who does the School serve? (i.e. notice of non-discrimination)
* What are the grade levels served?
* What are the age requirements and cut-off dates?
* Who receives priority enrollment?
* Is there a weighted lottery? If so, what is the rationale and what is the goal?

Consider:

* Does this process establish undue barriers to enrollment?
* Does this process prioritize students from subgroups that are currently underrepresented in the School?

**Sample Non-Discrimination Statement**

*SCHOOL welcomes all students and strives to create and maintain a diverse student population. Enrollment in SCHOOL is open to all students residing in the state. Student recruitment and enrollment decisions shall be made in a nondiscriminatory manner as outlined in 22-30.5-507(3), C.R.S. In all cases, student recruitment and enrollment decisions shall be made without regard to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, language, religion, ancestry, need for special education services, or any other protected class.*

**Sample Eligibility Statement**

*SCHOOL serves grades X through XX. To enroll, students must meet the appropriate age requirements set forth by state law and school policy. To be eligible for Kindergarten enrollment, students must be at least 5 years old on or before October 1 of the enrollment year. The School may approve enrollment of students eligible for Early Access in accordance with state law. To be eligible for 1st Grade enrollment, students must be at least 6 years old on or before October 1 of the enrollment year.*

**Sample Priority Enrollment Statement**

*Students who are members of selected groups will be granted priority enrollment, in the following order:*

1. *Siblings of currently enrolled students, which includes children whose primary guardian(s) are also the primary guardian(s) of other children already enrolled in the program (in the case of joint custody, primary guardians must have custody at least 50% of the time). This could include half-siblings, step-siblings, adopted siblings, cousins, nieces, or nephews being cared for by grandparents, etc.;*
2. *Children of founding families, which includes children of the founding school team who completed at least thirty hours of volunteer work with SCHOOL prior to the date by which Letters of Intent are due for Year 1 enrollment;*
3. *Children of School employees, which includes children of staff or faculty members that work at least half-time, have full or joint custody of the child, and who started work on or before the first day of school of the year in which they are submitting the application.*

*In no case shall categories 2 and 3 exceed 20 percent of total enrollment. The processes for re- enrollment and priority enrollment will precede the [lottery, weighted lottery or first-come, first- served] enrollment process described below.*

**Sample Weighted Lottery Statement**

*In order to serve a diverse student body, cultivate respect for and interest in human diversity among students, and have a student population which reflects the geographic region, it is the School’s goal to serve approximately XX percent of [student subgroup, e.g. economically disadvantaged students, students with disabilities, migrant students, English learners, neglected or delinquent students, or homeless students]. To reach this goal, SCHOOL will use a weighted lottery for enrollment selections. The lottery will place a weight of “[NUMBER]” to the following educationally disadvantaged student subsets described under section 1115(b)(2) of ESEA which include:*

* 1. *[List subgroups identified above]*

*Students will be selected by information provided on the Intent to Enroll Forms submitted to the School and by conversations with the parents. The weight in this lottery may be revised to accommodate for emergent circumstances and will never be used to exclusively serve any particular population.*

## Application Process and Timeline

***Application Process and Timeline Reminders***

This section should address the following:

* What is the application and enrollment timeline or where can it be found? (If specified in the policy, keep generic timelines, e.g., the first Monday in April)
* When, where, and how is enrollment advertised?

Consider:

* Is information accessible to all current and prospective families?
* Are there barriers to access such as language and resource/technology availability?

**Sample Process and Timeline Statement**

*Each year, SCHOOL will establish and make publicly available an Enrollment Timeline. Families seeking to enroll must submit a completed Intent to Enroll Form by the deadline set forth in the Enrollment Timeline for enrollment in the subsequent school year. Families of current students seeking to re-enroll should complete an Intent to Re-enroll Form by the deadline set forth in the Enrollment Timeline.*

*SCHOOL will use a variety of means to promote its enrollment process. The Enrollment Timeline, Letter of Intent Form, and instructions for submission of a Letter of Intent will be posted on the SCHOOL website during the fall of the preceding school year. SCHOOL will also use social media, community partnerships, parent newsletters, and other sources to promote the enrollment process. All communication and enrollment material will be available in English and OTHER APPLICABLE LANGUAGES.*

## Selection Process (Lottery)

***Lottery Selection Reminders***

This section should address the following:

* In what instances are the lottery used?
* Where/when is the lottery held?
* How is the lottery is conducted?
* How are families notified? What is the timeframe for responding?
* What is the waitlist selection process?

Consider:

* Are the procedures well-articulated and supervised?
* Is information accessible to all current and prospective families?
* Does the process establish undue barriers to enrollment?
* Are there barriers to access such as language and resource/technology availability?

**Sample Lottery Selection Statement**

*If the number of Intent to Enroll forms exceed the number of available seats by the Intent to Enroll deadline, a lottery will be used to determine the placement of students for any grade level for which the Intent to Enroll forms exceed capacity. The enrollment lottery will be held in public*

*at the School on the date set forth in the Enrollment Timeline.*

* *All students who are of eligible age and have timely submitted an Intent to Enroll will be entered into the lottery. On the day of the lottery, students are assigned random numbers. A random number generator is used to select students to ensure equality.*

OR

* *Once offers are made to students applying for grade levels with sufficient seats available, then names will be drawn, beginning with the highest grade level offered by the School requiring a lottery.*

*Current students are automatically re-enrolled and do not enter the lottery provided they submit an Intent to Re-enroll by the deadline set forth in the Enrollment Timeline.*

*Once a student is selected, either via lottery or from the waitlist, SCHOOL will attempt to contact the family using the contact information provided on the Intent to Enroll form on the same day as the lottery or draw from waitlist. If the family cannot be reached on the same day, SCHOOL will continue to attempt to contact the family for the next four business days. If the family cannot be reached during that time, they will forfeit their child/children’s enrollment and the child/children will be placed at the bottom of the waitlist. Notification to families will be made in the preferred language or mode of communication indicated on the Intent to Enroll form.*

*Students not selected via lottery will be randomly placed on a waitlist based on the student’s randomly generated lottery number. 14 days following the lottery, available seats will be offered to the prospective students at the top of the waitlist. Upon notification of admittance, families will have four business days upon verbal notification to accept the position. SCHOOL will attempt to contact the family for only four business days.*

* *SCHOOL will continue to enroll students from the top of the waitlist as positions become available throughout the year.*

OR

* *SCHOOL’s annual calendar is based on four quarters, intentionally designed to allow more frequent points of entry for students. If space is available, students may enroll in any of the quarters in accordance with the timelines set forth in the Enrollment Timeline.*

## Selection Process (First-Come, First-Served)

***First-Come, First-Served Reminders***

This section should address the following:

* What is the waitlist priority system and in what order is preference given?
* How are families notified? What is the timeframe for responding?
* What is the waitlist selection process?

Consider:

* Are the procedures well-articulated and supervised?
* Is information accessible to all current and prospective families?
* Does the process establish undue barriers to enrollment?
* Are there barriers to access such as language and resource/technology availability?

**Sample First-Come, First-Served Selection Statement**

*If the number of Intent to Enroll forms exceed the number of available seats by the Intent to Enroll deadline, SCHOOL will use a waitlist priority system. Students with priority enrollment will be granted the first available spots (ONLY IF APPLICABLE). The remaining available spots will be granted according to the date and time in which the Intent to Enroll form was received, with the earliest having the first priority.*

*Once a student is selected, SCHOOL will attempt to contact the family using the contact information provided on the Intent to Enroll form on the same day as the student is drawn from the from waitlist. If the family cannot be reached on the same day, SCHOOL will continue to attempt to contact the family for the next four business days. If the family cannot be reached during that time, they will forfeit their child/children’s enrollment and the child/children will be placed at the bottom of the waitlist. Notification to families will be made in the preferred language or mode of communication indicated on the Intent to Enroll form.*

* *SCHOOL will continue to enroll students from the top of the waitlist as positions become available throughout the year.*

OR

* *After the October Pupil Count Day, no new students will be enrolled in the School.*

OR

* *SCHOOL’s annual calendar is based on four quarters, intentionally designed to allow more frequent points of entry for students. If space is available, students may enroll in any of the quarters in accordance with the timelines set forth in the Enrollment Timeline.*

# Endnotes

i 1 CCR 301-88, Section 2.02(E); 22-30.5-509(1)(l), C.R.S. When referring to “parent” throughout this advisory bulletin, a parent shall include a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. *See, e.g.*, 34 C.F.R. § 99.3.

ii 1 CCR 301-88, Section 2.02(F).

iii 22-30.5-507(3), C.R.S.

iv 1 CCR 301-88, Section 2.02(E); 22-30.5-509(1)(l), C.R.S.

v 22-30.5-507(3), C.R.S.

vi 1 CCR 301-88, Section 2.02(D).

vii 22-30.5-507(6), C.R.S.

viii 22-30.5-507(3), C.R.S.

ix *See* [U.S. Dep’t of Educ., Office of Civil Rights, Frequently Asked Questions about the Rights of](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf) [Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973,](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf) Question 16 (Dec. 28, 2016); 22-39.5-507(3)(a.5), C.R.S. for enrollment preferences for students with disabilities.

x 1 CCR 301-88, Section 2.02(F).

xi *See* 34 C.F.R. §§ 104.4(b)(1)(ii), (iv), (4); § 104.6(a)-(b). *See* also [“Frequently Asked Questions about](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf) [the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf) [Act of 1973”,](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf) Questions 16-17. Enrollment of students with disabilities must be in accordance with [CSI’s](https://resources.csi.state.co.us/sped-enrollment-procedures/) [Enrollment Procedures for Students with Disabilities.](https://resources.csi.state.co.us/sped-enrollment-procedures/) [Know Your Rights: Students with Disabilities in](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-charter-school.pdf) [Charter Schools, U.S. Department of Education, Office for Civil Rights (2016).](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-charter-school.pdf)

xii 1 CCR 301-88, Section 2.02(E).

xiii *See also* [CDE’s Colorado Charter School FAQ.](http://www.cde.state.co.us/cdechart/faq)

xiv 1 CCR 301-88, Section 3.05(C).

xv *See generally,* U.S. Department of Education, [*Equal Opportunities for English Learners.*](https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/roi-issue03.html)

xvi 22-1-127, C.R.S.

xvii 1 CCR 301-88, Section 2.02(F).

xviii See the [CSP Nonregulatory Guidance](http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc) for more detailed parameters on how to set up this type of lottery system and still meet CCSP grant eligibility.

xix There may be instances where the receiving school does not receive the education and behavioral 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 or other pupils, or other reason as set forth in 22-33-106(3), C.R.S.

xx *See* [Fact Sheet: Information on the Rights of All Children to Enroll in School](https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf) (2014) and [Record](https://www.cde.state.co.us/datapipeline/ritsdocumentationguidance2020) [Integration Tracking System Guidance](https://www.cde.state.co.us/datapipeline/ritsdocumentationguidance2020) (2020).

xxi 42 U.S.C. 11435(2).

xxii 22-33-106(3), C.R.S.