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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 59

01/05/2023 Authored by Richardson
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; modifying charter school admission requirements; amending
1.3 Minnesota Statutes 2022, section 124E.11.

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

1.5 Section 1. Minnesota Statutes 2022, section 124E.11, is amended to read:

1.6 124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.

1.7 (a) A charter school, including its preschool or prekindergarten program established
1.8 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

1.9 (1) pupils within an age group or grade level;

1.10 (2) pupils who are eligible to participate in the graduation incentives program under
1.11 section 124D.68; or

1.12 (3) residents of a specific geographic area in which the school is located when the
1.13 majority of students served by the school are members of underserved populations.

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

1.20 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
1.21 and to a foster child of that pupil's parents and may give preference for enrolling children

2.1 of the school's staff before accepting other pupils by lot. A charter school that is located in
2.2 Duluth township in St. Louis County and admits students in kindergarten through grade 6
2.3 must give enrollment preference to students residing within a five-mile radius of the school
2.4 and to the siblings of enrolled children. A charter school may give enrollment preference
2.5 to children currently enrolled in the school's free preschool or prekindergarten program
2.6 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten
2.7 in the next school year.

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

2.16 (e) Except as permitted in ~~paragraph (d)~~ paragraphs (d) and (i), a charter school, including
2.17 its preschool or prekindergarten program established under section 124E.06, subdivision
2.18 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,
2.19 measures of achievement or aptitude, or athletic ability and may not establish any criteria
2.20 or requirements for admission that are inconsistent with this section.

2.21 (f) The charter school shall not distribute any services or goods of value to students,
2.22 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
2.23 school.

2.24 (g) Once a student is enrolled in the school, the student is considered enrolled in the
2.25 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
2.26 Act in sections 121A.40 to 121A.56.

2.27 (h) A charter school with at least 90 percent of enrolled students who are eligible for
2.28 special education services and have a primary disability of deaf or hard-of-hearing may
2.29 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
2.30 paragraph (a), and must comply with the federal Individuals with Disabilities Education
2.31 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
2.32 (iv).

2.33 (i) A charter school serving at least 90 percent of enrolled students who are eligible for
2.34 special education services and have a primary disability of deaf or hard-of-hearing may

- 3.1 give enrollment preference to students who are eligible for special education services and
- 3.2 have a primary disability of deaf or hard-of-hearing. The charter school may not limit
- 3.3 admission based on the student's eligibility for additional special education services.