

Minnesota's Chartered Public Schools: **Welcoming All**



MN ASSOCIATION OF
CHARTER SCHOOLS

Unleashing education from convention

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RECRUITING AND ENROLLING A DIVERSE STUDENT BODY

School choice within public education is a longstanding public policy that enjoys widespread support in the state of Minnesota. Over the last three decades, hundreds of thousands of Minnesota's students have benefited from participating in one or more of the public school choice options available to them.

In 1991, the Minnesota legislature enacted the nation's first charter school law as another means of providing school choice within the state's public education system. Minnesota's Charter School Law, MN Statute 124E.01, states that one of the purposes of chartered public schools is to "*increase learning opportunities for pupils*".

Choice and Diversity

As Minnesota's population becomes ever more diverse, **one of the challenges public schools face is how to reflect diversity while increasing learning opportunities for pupils through parental and student choice in public education.**

For many traditional and chartered public schools this challenge is rooted in geography, housing patterns, transportation, job opportunities and other socio-economic factors. For some chartered public schools, the challenge is even more daunting given that by design, they focus on serving particular populations of immigrants, target groups defined in the charter school law, or students with special needs.

While charter schools are exempt from the state Achievement and Integration Law and MN Desegregation Rule [3535.0110](#) – charter schools strive to fulfill the purpose of that Rule which states that the "*primary goal of public education is to enable all students to have opportunities to achieve academic success.*" The Charter School Law goes further, and states that: "*The primary purpose of charter schools is to improve all pupil learning and all student achievement.*"

Chartered public schools annually provide tens of thousands of students an opportunity for fulfilling the dual goals of school choice and achieving academic success in the public school sector.

The fact that individual chartered public schools often attract concentrations of students of a protected class as a result of parental and student choice is not segregation.

MN Rule 3535.0110 Subp. 9, states that school choices made by parents of students is not segregation “... *if the concentration of protected students has occurred as the result of choices by parents, students or both.*”

While the concentration of students of a protected class, or the lack thereof as a result of parental and/or student choices, is neither segregation nor illegal - it does pose challenges for students, schools and the broader goals of an inclusive and diverse society.

IN STRIVING FOR INCLUSION AND DIVERSITY WE BELIEVE:

While the definition of protected classes of students is currently defined in terms of “race,” that definition needs to also include students of different socio-economic statuses, learning styles and abilities, cultural heritages, sexual orientations, gender identities, and philosophical beliefs;

All chartered public schools, as do all public schools, have a **moral responsibility and duty** to provide equitable educational opportunities and promote diversity and inclusion in its student population while upholding the principle of school choice; and

Addressing diversity is a **collective responsibility** of the entire chartered public school community and of individual charter schools.

IN TERMS OF ADDRESSING THE **COLLECTIVE RESPONSIBILITY OF THE CHARTERED PUBLIC SCHOOL COMMUNITY**, THE MINNESOTA ASSOCIATION OF CHARTER SCHOOLS COMMITS TO:

Raising awareness of the need and duty of charter school boards, school leaders, teachers and other staff to address diversity and inclusiveness in recruitment and enrollment efforts,

Assisting schools in establishing realistic and measurable goals for outreach and recruitment efforts focused on diversity and inclusion; and

Identifying and disseminating resources and tools (*sample policies, effective outreach and recruitment practices, assessments, etc.*) for conducting outreach to diverse youth populations, and sponsoring training to maximize utilization of these resources.

IN TERMS OF ADDRESSING THE **INDIVIDUAL SCHOOL RESPONSIBILITY**, WE CALL ON EVERY CHARTERED PUBLIC SCHOOL BOARD OF DIRECTORS AND SCHOOL ADMINISTRATIONS IN MINNESOTA TO:

Establish policies, and realistic and measurable goals for outreach and recruitment that embody diversity as an important value. Minnesota Statutes **124E Subd. 17** states that: *“Charter schools must disseminate information about how to use the offerings of a charter school. Targeted groups include low-income families and communities, students of color, and students who are at risk of academic failure”*.

Educate the school community on the importance of ensuring diversity in student population as a benefit for the student, the school experience and society;

Disseminate information about the offerings of the charter school and how to enroll, especially to low-income families and communities, students of color, and students who are at risk of academic failure, and document dissemination of the information;

Utilize effective practices, resources and tools to conduct outreach and recruitment efforts;

Conduct regular assessments of the school's successes in conducting its outreach, recruitment efforts and achieving a diverse student body; and

Implement policies and practices to ensure the school environment is culturally responsive to the opportunities of a diverse student body, so students feel welcomed, included and supported.

IN TERMS OF ADDRESSING THE **RESPONSIBILITY FOR ACCOUNTABILITY**, WE CALL ON AUTHORIZERS TO:

Hold schools accountable for fulfilling their statutory responsibilities to do outreach about the school's offerings and enrollment through measurable goals in the charter school contract;

Ensure that authorized new schools address equity, diversity, and inclusion in the school design.

We believe that chartered public schools have a unique opportunity as schools of choice to enable all students to achieve academic success and realize the goal of a diverse, inclusive, just, and equitable society in Minnesota.

CREATING AND SUSTAINING A CULTURALLY RESPONSIVE LEARNING ENVIRONMENT IN CHARTERED PUBLIC SCHOOLS

Recruiting and enrolling a diverse student population that is reflective of the communities the chartered public school serves is but the first step in addressing the opportunity and challenge of creating a charter school that is diverse, respects diversity and is culturally responsive.

Once students are enrolled, the question becomes how to provide, create and maintain a learning environment that is welcoming, hospitable and respectful to all cultures that make up the mosaic of Minnesota's ever more diverse society.

THE MINNESOTA ASSOCIATION OF CHARTER SCHOOLS BELIEVES THAT:

The purpose of creating and sustaining a culturally responsive learning environment is to give all students opportunities to achieve academic success, and equip them to be culturally literate and socially competent – which means possessing the ability to learn from and relate respectfully with people of their own culture, as well as those of other cultures that comprise the diversity of people that make up Minnesota society;

There is a **civic, social and economic benefit to young people** having opportunities to learn and understand people of diverse

cultures, given that Minnesota's students live in a globally dynamic and ever-changing demographic society and therefore need to be culturally literate and socially competent;

All of Minnesota's public schools have a responsibility to the young people they serve to assist them in becoming culturally literate and socially competent. However, schools need to have the flexibility to develop and design their own approach, using broad goals and criteria, to be culturally responsive learning environments in accord with the unique needs and challenges of its student population;

Every individual school has the responsibility to create an environment that is welcoming, inclusive, hospitable, and respectful of diverse people and cultures through its policies and practices; and

The State of Minnesota has a responsibility to assist schools with acquiring the resources they need to be able to fulfill their responsibilities to their students they serve to become culturally literate and socially competent citizens.

THESE BELIEFS LEAD THE ASSOCIATION TO RECOMMEND THAT MINNESOTA'S CHARTERED PUBLIC SCHOOLS TAKE THE FOLLOWING ACTIONS TO CREATE AND SUSTAIN A CULTURALLY RESPONSIVE LEARNING ENVIRONMENT:

Adopt a mindfulness of equity and commit to providing its students with a culturally responsive learning environment in which they can develop their cultural literacy and social competency so they can fulfill their academic, civic and economic potential;

Recruit board members, administrators, teachers and staff that reflect the mosaic of Minnesota's diverse society and the cultures reflected in the student body;

Provide board members, administrators, teachers and staff with professional development opportunities to understand diverse cultures, and enhance their own cultural responsiveness competencies and skills;

Develop and implement curriculum (*the intentional and unintentional learning activities and experiences*) to address an appropriate scope of culturally responsive activities which reflect the cultural and social competency needs of the school's student population;

Provide opportunities for educators, administrators and boards to share effective curricular and organizational practices, programs and policies on creating and sustaining a culturally responsive and inclusive learning environment; and

Conduct regular and ongoing audits of their school's cultural responsiveness and equity – as reflected in its policies, practices, programs, climate and leadership, as well as the social and academic impact of these institutional actions on student cultural literacy and social competency.

BASED ON OUR BELIEFS, THE ASSOCIATION WILL ASSIST OUR MEMBER SCHOOLS IN CREATING AND SUSTAINING CULTURALLY RESPONSIVE AND EQUITABLE LEARNING ENVIRONMENTS THROUGH:

Providing policy and administrative guidance on creating and sustaining a culturally responsive school and inclusive learning environment;

Sponsoring opportunities for school leadership (*boards, administrators, teachers and staff*) to develop their own understanding of culture and enhance their own cultural responsiveness competencies and skills; and

Assist in identifying and securing the resources and tools that schools need to assist students in developing their cultural literacy and social competencies, and assess school initiatives.

MAINTAINING THE "PUBLIC" CHARACTER OF PUBLIC CHARTERED SCHOOLS?

Welcoming All: is not just a slogan for public chartered schools – by design and law, charter schools are to conduct outreach and recruit students from the entire community.

When Minnesota enacted the nation's first charter school ("Outcome-Based Schools") law in 1991 it **did not** provide for any enrollment preferences.

While not an enrollment preference, the charter school law was amended in the late 1990's and early 2000's to require chartered public schools to **reach out to targeted groups of students** which are defined in the charter school law as *"low-income families and communities, students of color, and students who are at risk of academic failure"*;

First Enrollment Preferences

The first enrollment preference enacted in Minnesota was in 2000 when a **sibling preference was enacted**.

In that same legislation, a **proximity preference was also enacted** that stated: *"If a charter school is the only school located in a town serving pupils within a particular grade level, then pupils that are residents of the **town** must be given preference for enrollment before accepting pupils by lot. If a pupil lives within two miles of the charter school and the next closest public school is more than five miles away, the charter school must give those pupils preference for enrollment before accepting other pupils by lot."*

The proximity preference became the focus of a 2008 lawsuit brought by two families of children in the city of Ramsey, Minnesota, who contended that since they lived within two miles of the charter school and there was no other public kindergarten within five miles, they should get preference for their children before the lottery.

The legal questions in the court case were, *"What is the definition of a town?"* and *"Is Ramsey, Minnesota a town or a city?"*

By definition, Ramsey qualified as a city for other purposes under the law. The case was decided by the Minnesota State Court of Appeals in April 2009, when it ruled that a "town" and a "city" were indeed different and that the proximity preference did not apply in this case.

Changes in Enrollment Preferences

As a result of the Court decision, **the Minnesota Legislature in 2009 repealed the proximity preference** along with an obsolete provision from the 1991 law that stated a charter school could limit enrollment *“by residents of a specific geographic area if the percentage of the non-Caucasian people in the geographic area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic areas is located, as long as the school reflects the racial and ethnic diversity of that area.”*

These two provisions were replaced with compromise language. The language states that a charter school can limit enrollment to: *“residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.”*

[Note: This compromise language over the last decade has caused confusion as to its actual meaning to the point that it needs to be clarified by the legislature.]

In 2009, the Minnesota Legislature also amended the charter school law to allow charter schools to adopt an **optional enrollment preference for the children of teachers who teach in the school**. That optional enrollment preference was expanded to the children of all staff who are employed by the school in 2011.

The question of enrollment preferences is one that continues to be raised on a regular basis. There have been calls for a variety of new enrollment preferences, including:

- A preference for low-income students;
- A geographical preference for rural areas of the state;
- A preference for students who are in pre-schools operated as tuition programs by the school;
- A preference for the children of the alumni of the school;
- A preference to allow schools to limit the number of students with IEP's; and
- A preference for founders of the school.

Each preference idea raises philosophical and practical questions that need to be thought through carefully for their potential impacts.

Enrollment preferences always have, at their root, a noble goal - sibling preferences to keep families together, teacher and staff preferences to acknowledge the value of employees, etc., but enrollment preferences can also have unintended consequences.

Today, there are schools which report how adopting the optional teacher/staff preference changed the enrollment character of the school, because it limits the seats available in the lottery.

THE MINNESOTA ASSOCIATION OF CHARTER SCHOOLS BELIEVES THAT BEFORE THE LEGISLATURE ENACTS ANY OTHER ENROLLMENT PREFERENCES, THAT:

First, charter schools need to be more aggressive in their outreach and recruitment initiatives to ensure a diverse student body, and that charter contracts need to include measurable and demonstrable goals for outreach and recruitment, to which authorizers can hold schools accountable;

Second, the charter school community needs to make a concerted effort to create and sustain culturally responsive learning environments that support diverse student populations;

Third, an analysis of the impact of enrollment preferences needs to be undertaken so that the preferences do not create unintended consequences that undermine diversity, equitable opportunity, parental and student choice, and result in producing "*private academies or schools.*"

The bottom-line questions for the charter school community and policy makers are:

1. How do we respect and encourage parental/student educational choice and strive for inclusion and diversity in student enrollments?
2. How do we create, support and sustain quality culturally responsive, *inclusive*, and equitable learning environments?
3. How do we **maintain the public character of public chartered schools?**

Finally, our hope is that this publication will raise awareness, initiate discussions, and spark action to ensure that all of Minnesota's chartered public schools are indeed **Welcoming to All.**



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