

**NEIL ABERCROMBIE**  
GOVERNOR



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DATE: September 11, 2014

TO: Charter School Directors and Governing Board Chairs

FROM: Thomas E. M. Hutton   
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AGENDA ITEM: Commission Guidance on Admissions and Enrollment Policies and Practices

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In preparation for the charter schools’ review and submittal of their admissions and enrollment policies and practices and their submittal to the Commission for review and approval over the next several months, the Commission has approved some initial guidance to the schools. This guidance addresses one a type of policy that will be categorically approved and identifies certain practices that will be rejected.

Background on this issue, information on the review process, and related resources for schools are available on the [Organizational Performance page](#) of the Commission’s website. If you are unable to access the page at the above link, you may log on to [www.chartercommission.hawaii.gov](http://www.chartercommission.hawaii.gov), click on the yellow “For Schools” button at the top, and then click on “Organizational Performance.” The first item on that page is “Admissions and Enrollment.”

This initial categorical guidance is intended to reduce the number of individual approvals schools may need to request of the Commission on a case-by-case basis. At its September 11, 2014 General Business Meeting, the Commission approved the following motions:

**“Moved that the Commission categorically allow an enrollment preference for the children of full-time employees, provided that the number of students utilizing this preference not exceed 10% of the total student population. Situations in which the percentage exceeds 10% of the total student population shall be reviewed and approved or denied by the Commission on a case-by-case basis.”**

**“Moved that the Commission inform charter schools that admission and enrollment policies that make acceptance of a student contingent on submittal of interviews, tests, essays, past academic performance, and letters of reference will not be approved by the Commission, consistent with state law.”**

The reasons for these two decisions are outlined below.

#### Enrollment Preferences for children of full-time employees

Only two charter school enrollment preferences are expressly permitted by Act 130: (1) preferences for students who are already enrolled in the school; and (2) preferences for siblings of students already enrolled. Other enrollment preferences are permitted that are consistent with the requirement that charter schools be open to any student residing in the State who is entitled to attend public school and that follow general non-discriminatory practices, but these must be approved by the Commission.

Many Hawaii charter schools currently provide an enrollment preference for children of school employees, although this has not been approved by the Commission. The National Alliance for Public Charter Schools' Model Law for Charter Schools includes all of the following elements:

1. Open enrollment to any student in the state;
2. Lottery requirements;
3. Required enrollment preferences for previously enrolled students within conversions, prior year students within charter schools, and siblings of enrolled students at a charter school; and
4. Optional enrollment preference for children of a school's founders, governing board members, and full-time employees, not exceeding 10% of the school's total student population.

About 19 states provide no enrollment preference for children of full-time employees. Three states follow the National Alliance Model Law and allow for the preference capped at 10%. Five states allow an uncapped preference. Several states cap the preference at different percentages ranging from “undefined but low” to 20%. Three states and the District of Columbia allow an enrollment preference only for the children of school founders.

Based on these models the Commission has given its *advance* approval only to the enrollment preference for children of full-time employees, not governing board members or other stakeholders.

Full-time employees are teachers (on 10- or 12-month contracts), administrators, and staff who are in positions classified as 100% FTE (Full-time Equivalent) and not temporary or transitional staff, such as 89-day hires, substitutes, or volunteers. However, schools still can request Commission approval of other preferences, which will be considered on a case-by-case basis.

#### Admission Requirements that May Be Seen as Screening

Act 130 emphasizes that public charter schools are open to any student residing in the State and generally requires charter schools to enroll all students who complete an application unless the number of students applying exceeds the capacity of the school.

Some current admission and enrollment practices appear to impose barriers to enrollment that could discourage or prevent a student from enrolling. Such practices include requiring interviews (as distinct from a general informational session for students and parents), tests, essays, transcript or records of past academic performance, or letters of reference. These kinds of requirements may deter families from applying and may create the impression that schools are screening and selecting students based on ability.

If obtaining certain information from a student by these kinds of means during the admission process is necessary for a legally allowable or legally required purpose, the practice in question will be considered on a case-by-case basis. But an important and helpful question for school leaders to consider is whether the information solicited, even if valuable for the school, is more appropriately requested *after* the student is enrolled than made a condition to even being considered for enrollment in a public school.

#### For further information

The Commission looks forward to continuing the productive discussions we already have had with representatives of numerous charter schools on this subject. Again, resources related to this topic are available on the Commission's website. If you have any questions, would like to request assistance, or would like to discuss or explain your school's desired policies or practices, please contact the Commission's Organizational Performance Specialist, Danny Vasconcellos, at [Danny.Vasconcellos@spcsc.hawaii.gov](mailto:Danny.Vasconcellos@spcsc.hawaii.gov) or (808) 586-5228.