

# Minnesota's Chartered Public Schools: Welcoming All

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MN ASSOCIATION OF  
CHARTER SCHOOLS

*Unleashing education from convention*

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RECRUITING AND ENROLLING A DIVERSE STUDENT BODY

The concept of 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.

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 has become ever more diverse, **one of the challenges public schools face is how to promote diversity in school populations while increasing 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, protected classes of students or students with special needs.

While charter schools, as well as area alternative centers, alternative learning programs, contract schools, and schools that are specifically designed for serving limited English proficiency and special needs students, are exempt from the [MN Desegregation Rule] – 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 as schools of choice provide tens of thousands of students annually an opportunity for fulfilling the dual goals of school choice and achieving academic success in the public school sector.

The fact that often individual public chartered schools attract concentrations of students of a protected class as a result of parental and student choice is not segregation, no matter what some policy pundits publish.

MN Rule 3535.0110 Subp. 9, states that any concentration of a protected class of students in a school that is the result of choices by parents, or students, or both is not segregation. It 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 of concentration of students of a protected class 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.

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### IN STRIVING FOR INCLUSION AND DIVERSITY WE BELIEVE:

**The definition of diversity needs to go beyond protected classes** of students which is currently defined in terms of “race” to also include students of different socio-economic status, learning styles and abilities, cultural heritages, sexual orientations, and philosophical beliefs;

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

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

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### 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 the diverse youth populations, and sponsoring training to maximize utilization of those resources.

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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** of 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 with 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** available 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.

We believe that public chartered 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 enable 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 being 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, 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 the resources they need to be able to fulfill their responsibilities to the students they serve to become culturally literate and socially competent.

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

**Adopt a mindfulness of equity and a commitment** to provide 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 learning environment; and

**Conduct regular and ongoing assessments** 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.

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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 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** 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, not even a sibling preference.

Over time, there have been efforts to enact enrollment preferences for a variety of students, those of the school founders, school board members, school employees, school teachers, geographic area and siblings. The first enrollment preference enacted in Minnesota was for siblings of students already enrolled in the charter school.

**First Enrollment Preferences**

Over the years there were attempts by various folks to amend the law to allow enrollment preferences. None of those attempts were successful until 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 in the 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

### **More Changes in Enrollment Preferences**

In 2009 the **Minnesota Legislature 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.*”

The compromise language to replace both provisions stated that a charter school could 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*”.

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 issue of enrollment preferences is one that continues to be raised on a somewhat regular basis. There have been calls for a number 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 new 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, schools report how just adopting the optional teacher/staff preference has 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 more diverse student body, and that charter contracts need to include measureable 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 impacts of enrollment preferences needs to be undertaken so that the preferences does not create unintended consequences that actually undermine diversity, equitable opportunity, parental and student choice, and result in producing private academies.

**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 and equitable learning environments?
3. How do we address calls for enrollment preferences and **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 public chartered schools are indeed **Welcoming All**.



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## **MN Association of Charter Schools**

161 St. Anthony Ave.  
St. Paul, MN 55103

Office: 651.789.3090  
Fax: 651.789.3093

[mncharterschools.org](http://mncharterschools.org)  
[facebook.com/mncharterschools](https://facebook.com/mncharterschools)