



Charter School Enrollment in Illinois

Ensuring that Admissions Practices Welcome All Students

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Equip for Equality

Charter School Project



Charter School Enrollment Practices in Illinois

Enrollment Practice Problems: Federal and Illinois law prohibits discrimination in charter school enrollment practices. Based on a review of the most recent enrollment form for each Illinois charter school, Equip for Equality (EFE) discovered that many charter schools ask for improper or illegal student information. These questions may discourage students with disabilities and others from applying to charter schools. As reported by EFE clients, these questions also lead to conversations in which school staff discourage students from attending. Some charter school applications include questions about:

- Disability status, special education or other related services;
- English Language-Learner services;
- Social Security number;
- Language or country of origin;
- Grades, test scores, or references; and
- Income or public benefits status.

One school even explicitly states that admission is contingent on the availability of special education services. Moreover, most charter school applications lack non-discrimination statements that are required by federal law.

Equip for Equality, Inc. is an independent not-for-profit organization designated by the Governor to administer the federal protection and advocacy system for children and adults in Illinois with disabilities. EFE's mission is to advance the human and civil rights of people with disabilities and is accomplished through self-advocacy technical assistance and training, legal services, and public policy initiatives. Rachel Shapiro (Rachel@EquipforEquality.org) is a supervising attorney and Charlie Wysong (Charlie@EquipforEquality.org) is a Skadden Fellow with the EFE Special Education Clinic. EFE recognizes Christopher Hinojosa and Ingrid O'Connor for their contributions to this report.

Recommendations: EFE offers the following recommendations to ensure that charter school enrollment procedures welcome all students and comply with the law.

- Enrollment materials must include a non-discrimination statement.
- Schools should establish clear enrollment processes that distinguish the lottery from registration.
- Charter schools need to remove inappropriate or illegal questions from application forms.
- Enrollment procedures should maximize parent access and minimize paperwork burdens.
- Transfer applications must follow the rules for initial applications.
- Charter authorizers should review application procedures annually.
- The Illinois State Board of Education should issue clear guidance about charter school enrollment rules.

A self-assessment checklist for use by charter schools is included with this report.

Application forms are summarized in the Appendices and available in full online at: www.EquipforEquality.org/charterapply/.



Current Practices

Charter schools are spreading across Illinois with the promise of bringing educational choice to families. With nearly 150 locations, these schools have developed a complicated web of application procedures that sometimes leave families feeling they have no choice. Many families want to send their children to charter schools, but face barriers to enrollment or are not welcomed. This process is particularly complex for a student with disabilities whose parents must consider not only whether a school has a strong curriculum and good teachers, but also whether staff know how to educate students with disabilities or whether the charter school will even allow their child to attend. EFE regularly speaks with parents who do not know that charter schools provide special education services.

These problems are perpetuated by enrollment processes that lack clear information for parents. Questions about disability status, income, language, or criminal history on enrollment forms suggest that the parents' responses to these questions impact whether a student will be admitted to or can attend a charter school. Moreover, when parents do submit a student's Individualized Education Program (IEP), school staff too often respond by telling parents what they *cannot* do for their child, rather than how they can (and are legally required to) provide appropriate special education services. This counseling-out occurs throughout the enrollment process, but is often triggered when parents provide information about a disability. This happens to students of all ages, as reported by EFE clients:

- A five-year-old EFE client was accepted to a charter school for Kindergarten. But when her adoptive mother turned in the young girl's special education paperwork, the **school director visited the student's family at home to tell them the school was not able to meet the young girl's needs** because no one at the school was even authorized to administer medication.
- An EFE client with autism in the 8th grade sought to transfer to a charter school. His mother was told twice that there was a spot available at a charter school and to schedule a placement test. When the student took the test and turned in his IEP, the **school stopped calling or communicating with the family**. When the parent finally spoke to an administrator, the **administrator stated that the student could not attend due to his disability** because the school did not have the staff or money to implement his IEP.
- Another EFE client with autism attempted to enroll at a charter high school. After initially being told that there was space in the school, the mother signed her son up for school. Then, when the mother provided the student's IEP, the **school case manager told her she could not enroll due to his special education needs and sent him back to the district schools**.

Charter School Enrollment Process

In general, charter school enrollment must be open to any student who lives in the district where the school is located. 105 ILCS 5/27A-4(d). Charter schools are permitted to have enrollment preferences for returning students, their siblings, and students residing within the charter school's attendance boundaries, if a boundary has been designated. 105 ILCS 5/27A-



Current Practices

4(h). In addition, up to five Chicago schools may be devoted exclusively to re-enrolling high school drop outs and/or students at risk of dropping out. 105 ILCS 5/27A-4(b).

Charter school enrollment has two stages: the lottery and registration. Most schools collect an initial lottery application, which requests basic contact information by a set deadline. Then if there are fewer applicants than spots available, all students are admitted. If there are more applicants than seats available, the school must conduct a public lottery to select students. 105 ILCS 5/27A-4(h). At least 76 schools held a lottery for the 2013-2014 school year. Once a student is admitted (after the lottery deadline), the student registers for school. Just as with a traditional school, registration forms can collect demographic information, proof of residency, home language survey, immunizations, and other paperwork.

Problematic Practices Across Illinois

Charter school lottery applications need to include basic information to run a lottery, such as contact information, grade, and sibling information.¹ Schools should remove questions that ask for unnecessary, improper, or illegal information and should avoid unnecessarily burdensome enrollment procedures. These practices discourage students with disabilities and others from applying to charter schools, and can trigger conversations between the school staff and parents that lead to counseling-out. Schools should also include full non-discrimination statements.

Improper Questions: Schools ask for a wide range of troubling information on their lottery forms. This information is inappropriate and irrelevant to the lottery process, including:

- **Special Education/Disability:** Whether the student currently receives special services and an explanation of those services.
- **Needed Extra Services:** Whether the child has allergies, takes medications, or has health conditions.
- **Language:** Whether the student speaks another language, was born outside the United States, has ever received bilingual instruction, when the parents first entered the United States, or whether the parents understand English.
- **Personal and Family Information:** Whether the student has a criminal record (including a list of all juvenile and adult convictions, with dates, and dates of incarceration), is married, has children (and if so the child's DCFS case worker name and contact information), earns an income (and if so for W-2 statements or information about public

¹ This report uses enrollment materials gathered via FOIA and from school websites; it is current as of July 2015.



Current Practices

assistance), needs free/reduced lunch, whether the parent works for the charter school or has a college degree. Some schools even ask for personal references.

- Academic Information: Whether the student has ever been expelled (with details) or attempted to get a GED and the test results.
- Documentation: Documents to prove residency, a birth certificate, medical tests (such as a TB test), or signed legal releases.

Charter school transfer applications can require even more problematic information. Some schools request information about credits earned, class rank, attendance, GPA, test scores, and a full copy of a student's discipline record. Others require written recommendations from a school's current administrator. These forms plainly suggest that a student's full academic history will factor into the transfer decision, even though the charter school law does not provide any basis for schools to screen and hand-pick transfer students.

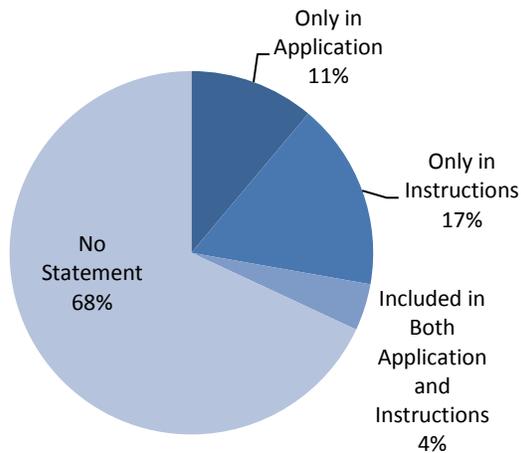
All of these questions have the potential to, and often do, discourage students from applying to a charter school. When a school puts a question on the lottery form, it suggests to parents that the information or answer will impact whether the student is eligible to enroll or will be accepted. Families that are already unsure whether a school serves students with disabilities may be concerned about disclosing medical or disability information (let alone income and criminal history information) for just the *chance* to attend a school. And as reported by EFE clients, the questions can trigger conversations with school staff where parents feel discouraged from applying or enrolling. Yet none of this information, legally, can impact whether a student is admitted.

Non-Discrimination Statements: Too few charter school lottery applications inform families that the charter school does not discriminate on the basis of disability or other protected statuses—even though they are required by law to do so. Without a non-discrimination statement, parents do not know whether the school serves all types of students or just some. Such statements are especially important for parents who mistakenly think or have heard that charter schools have limited special education services. The application is the only place that a school can assure every parent, in writing, that the school is committed to serving all students no matter their disability.



Current Practices

Non-Discrimination Statements



Of the seventy-two charter school applications in Illinois (some covering multiple campuses), just eight lottery applications include a non-discrimination statement. Twelve others include some type of statement about non-discrimination with enrollment instructions, but not directly on the forms. Three charter schools have both statements, but troublingly five non-discrimination statements do not even mention disability.

One school explicitly warns parents in bold text:

“Admission to or continued enrollment at XXX Charter School shall be contingent upon the availability of special education services required for a student.”

Complicated Enrollment Procedures: Multiple schools require a full registration form just to enter the lottery. Such requirements impose an unnecessary barrier to families that may apply to dozens of schools. They also imply that every detailed question about a student’s history and family may impact admission. Other schools require applicants to pay fees with the initial enrollment form, even before a student has been guaranteed a spot at the school. These fees particularly impact low-income students because unlike traditional schools, charter schools are not required to waive fees for low-income students.

Some charter schools require additional promises or releases on the initial enrollment form. Even before a lottery, parents must sign Parent Contracts, behavior agreements, technology agreements, media, research and publicity releases, and volunteer agreements. Most of these agreements and releases do not allow the parent to opt-out or decline.

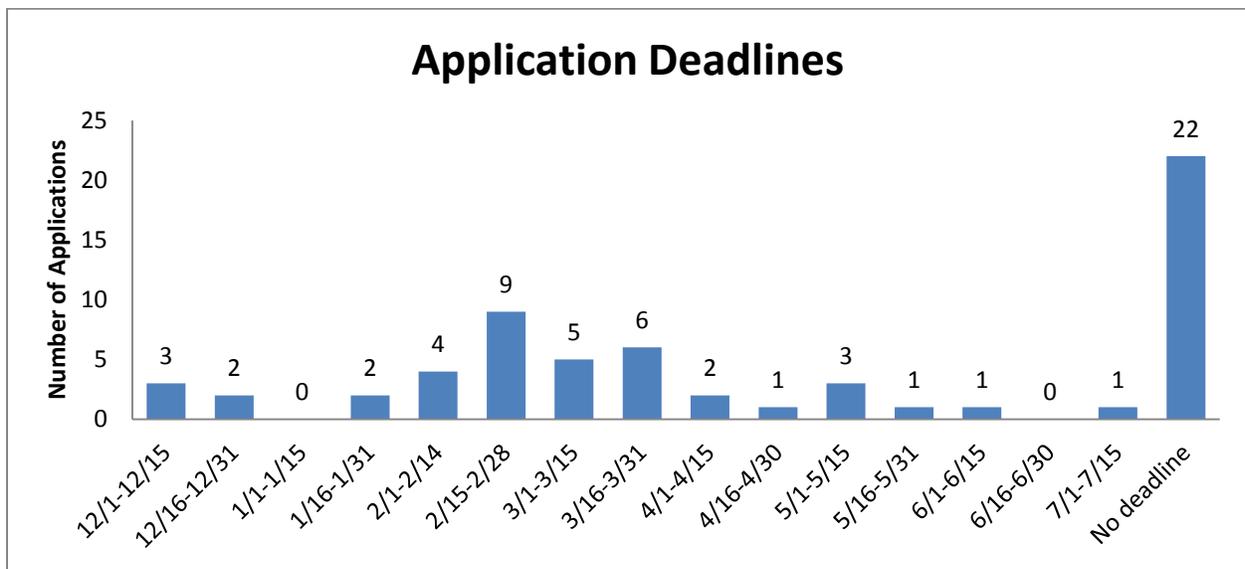
Other schools create logistical barriers. Some schools do not provide instructions or explanation of the enrollment process or lottery. Others have deadlines as early as the December before school starts or do not publish any deadline. Multiple schools provide no explanation for what would happen if more applications were received than seats available or any mention of a lottery. Some schools require applications to be submitted online, and in one case may only be submitted in-person on the school’s computer. Several charter schools require parents to



Current Practices

submit documentation such as birth certificates, legal guardianship proof, or evidence of residency, even before a lottery.

Some requirements do not formally exclude specific students, but they make it more difficult for students to apply for the *chance* to enroll at a charter school. These burdens fall most harshly on students and families with fewer resources, such as many families of students with a disability and parents who themselves have a disability. If such requirements disproportionately dissuade or exclude protected groups, such as students with disabilities, those of specific races or from certain countries, the requirements may also run afoul of federal civil rights laws.²



Charter schools promise to bring choice and educational opportunity to all families, and especially students who most need better education options. Charter schools are already limited to serving students who have a parent with the knowledge, resources, and capacity to find, apply to, and enroll in a charter school. Charter schools should do everything reasonably possible to welcome any student or parent who is interested in applying without unnecessary burdens, hurdles, or discouraging questions.

² U.S. Department of Education, Office for Civil Rights, “Dear Colleague Letter: Charter Schools,” May 14, 2014, at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>.



Recommendations

1. All enrollment materials legally must include a comprehensive non-discrimination statement.

The enrollment instructions, lottery application, and registration form must contain a non-discrimination statement that includes disability and special education status. Federal guidelines for implementing Section 504 of the Rehabilitation Act require charter schools to publish non-discrimination statements relating to disability in recruiting materials, such as applications and enrollment information. 34 C.F.R. § 104.8. Other federal laws likewise require non-discrimination statements that address race, color, national origin, sex, and age.³

A non-discrimination statement for lottery and enrollment materials could be based on the Illinois Charter School Law, which prohibits charter school discrimination “on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or need for special education services.” 105 ILCS 5/27A-4(a). Examples of current non-discrimination statements include:

- “[School] is non-selective and open to all students regardless of race, ethnicity, gender, socioeconomic status, sexual orientation, or disability.” *ACE Technical Charter School*.
- “[School name] are public schools open to all Chicago students. We serve special education students, English Language Learners, talented and gifted students, and everyone else who applies. The only information needed to apply to [school name] is a student’s name, residency in Chicago, and contact information. No test scores, grades, recommendations, or behavioral history will be taken into consideration. [School name] is committed to equal treatment of all individuals. [School name] does not discriminate on the basis of race, color, gender, disability, age, religion, sexual orientation, or national or ethnic origin.” *KIPP Chicago Schools*.

2. Each school should establish a clear enrollment process that distinguishes lottery from registration requirements.

Charter school enrollment materials should clearly describe the enrollment process. To enact best practices, enrollment forms should match the two stages of enrollment. All schools should first have a “lottery application” that only asks for student name, age, grade, and family contact information and informs parents of the due date, lottery date, and date the school will notify the parents of admission.

³ U.S. Department of Education, Office for Civil Rights, “Notice of Non-Discrimination,” August 2010, www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf; 34 C.F.R. §§ 100.6(d), 106.9 and 110.25.



Recommendations

Once the lottery date has passed, students admitted through the lottery (or all students who submit the lottery form, if no lottery is needed) should receive written confirmation of admission. The remaining students (and students who submit a lottery application late) can be placed on a waitlist. A written notice avoids any confusion about whether a student can apply, what information impacts whether a student is admitted, and minimizes the chance of counseling-out conversations with staff.

After the written notice of admission, the family can be asked for full registration information needed to prepare for school. This might include information that many traditional schools request, such as special education status, health, learning, language and other information, along with immunization, residency, or other documentation needed to serve the student

3. Charter schools need to remove inappropriate and illegal questions.

Charter schools should omit unnecessary or illegal information on the initial lottery application form. Before a lottery, a charter school only needs:

- The student's name and date of birth,
- The grade the student is applying to,
- The name and contact information of the parent(s), and
- Sibling information, if the school allows a sibling preference.

Any additional logistical questions (such as how the parent heard about the school or preferred language for communication) should be clearly marked as optional.

No other information or documentation should be collected before the lottery and written notice of admission. Schools should not ask about a student's disability, need for special education services, language, place of birth, parents' education, public benefits status, or criminal history. Any questions that discourage groups of students, such as students with disabilities, racial groups, or students from other countries, could violate civil rights laws.⁴

Even at registration, charter schools may never require a student's Social Security number, citizenship status or Social Security card.⁵

⁴ U.S. Department of Education, Office for Civil Rights, "Notice of Non-Discrimination," August 2010, www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf; 34 C.F.R. §§ 100.6(d), 106.9 and 110.25.

⁵ U.S. Department of Justice, Civil Rights Division and Department of Education, Office for Civil Rights, "Dear Colleague Letter: School Enrollment Procedures," May 8, 2014, at www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf.



Recommendations

4. Enrollment procedures should maximize access and minimize paperwork burdens.

Charter schools are prohibited from developing enrollment procedures that preclude families from enrolling. 105 ILCS 5/27A-4(h). Recent changes to Illinois charter school law aim to make charter school admission processes more transparent and open. Public Act 98-783 (July 24, 2014). Thus, charter schools cannot legally require essays, parent contracts, or attendance at specific meetings. Likewise, the charter contract for many schools in Chicago explicitly prohibit schools from requiring a school visit or open house to access an application, requesting parent-student behavioral contracts, or reviewing materials. Any essays must be marked optional.⁶ Schools should avoid these activities, or mark them as optional, as they cannot play any role in whether a student is enrolled. 105 ILCS 5/27A-4 (h).

To ensure students and parents with disabilities have access to the admissions process, lottery and registration forms should be available online (to increase access to those with physical disabilities and limited ability to travel) and in paper copy for those without internet access. Federal law requires application materials be made available in accessible formats for a parent who has a disability, and in other languages for parents with limited English proficiency.⁷ To ensure the process welcomes all students and parents, schools should proactively make the lottery forms widely available in multiple accessible formats.

5. Transfer applications must follow the same requirements as initial applications.

Charter schools have no legal basis to subject transfer students to any additional admissions requirements. Illinois law requires that “[e]nrollment in a charter school . . . be open to any pupil who resides within the geographic boundaries of the area served by the local school board.” 105 ILCS 5/27A-4(d). The law makes no distinction for transfer students. Charter school and civil rights laws prohibit schools from considering special education paperwork, full discipline records, current grades, transcript, GPA, test scores, or recommendations in transfer admissions decisions. Schools have no reason to ask for all of this information before a student is admitted, as some schools currently do. If transfer students will be accepted from a waitlist, a student should only be required to provide the basic information for the lottery admission form to get on the waitlist.

⁶ Contracts for UNO, University of Chicago, and Noble Charter schools, obtained via FOIA and on file with EFE.

⁷ U.S. Department of Education, Office for Civil Rights, “Dear Colleague Letter: Charter Schools,” May 14, 2014, at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>.



Recommendations

6. Charter school authorizers should review applications annually.

As the legal entities that authorize, re-authorize and most directly oversee charter schools, authorizers should review charter school enrollment documents and materials annually. Authorizers should ensure that each charter school complies with state and federal law, any contractual requirements, and best practices, including these recommendations.

Authorizers should pay particular attention to transfer applications and admissions procedures. For most schools, transfer policies are not well explained or publicized. Yet charter schools may increasingly accept transfer students as the schools have a new financial incentive to enroll students during the year. Public Act 98-640 (June 9, 2014) (linking reimbursement to daily attendance throughout the year, rather than on specific count days).

7. Illinois State Board of Education should provide clear guidance about charter school enrollment rules.

With the increase in charter schools across Illinois, the Illinois State Board of Education (ISBE) should provide guidance to schools and authorizers about legal requirements and appropriate enrollment practices. Charter schools are authorized by over a dozen local school boards and the charter commission. Central guidance and common practices will ensure consistency and assist authorizers and charter schools in running a fair, open, and legally compliant admissions process. Such guidance should be consistent with these recommendations and cover non-discrimination statements, the information and documentation that can be requested during the lottery and registration processes, and enrollment practices.

Conclusion

Charter schools have the potential to provide new educational opportunities for students with and without disabilities. Some schools welcome all students and provide sound special education services. Too many, however, fail to conduct open, transparent, welcoming, and legally compliant admissions procedures. EFE's recommendations should cost very little in financial terms, but will go a long way in ensuring that every student, parent, staff member, and the public know that each charter school is open equally to any student who wants to attend.