



Arizona State Board for Charter Schools

Preferential Enrollment Guidance

With few exceptions, charter schools may not give enrollment preference or make ineligible for enrollment specific pupils or classes of pupils. Charter schools may not require pupils or their parent(s) to complete specific pre-enrollment activities as a condition of enrollment or re-enrollment at that school.

Are there pupils that are eligible for enrollment preference at a charter school?

Yes. Arizona law defines specific categories of pupils that shall be eligible for enrollment preference. Charter schools are required to grant enrollment preference to pupils that are returning to the charter school and to siblings of pupils already enrolled in the charter school A.R.S. § 15-184(B).

Arizona law also defines specific categories of pupils that may be eligible for enrollment preference. Charter schools are not required to offer this enrollment preference, but Arizona law provides for a school to allow enrollment preference to:

- Children in foster care or identified as unaccompanied youth under the McKinney-Vento homeless assistance act (42 U.S.C. § 11434a). A.R.S. § 15-184(C);
- Children, grandchildren or legal wards of employees of the school or charter holder. A.R.S. § 15-184(D);
- Children, grandchildren or legal wards of members of the governing body of the school or of directors, officers, partners or board members of the charter holder. A.R.S. § 15-184(D);
- Pupils who attended another charter school or are the siblings of that pupil if the charter school previously attended has the identical charter holder, board and governing board membership as the enrolling charter school or is managed by the same educational management organization or educational service provider as determined by the charter authorizer. A.R.S. § 15-184(D).

Can a charter school deny enrollment to pupils who have been suspended from a prior school or due to their disciplinary history?

No. Arizona law defines the parameters of charter school admission requirements. A.R.S. § 15-184. "A charter school shall enroll all eligible pupils who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building." A.R.S. § 15-184(A). A charter school may limit admission "to pupils within a given age group or grade level" and "to pupils of a single gender, with the approval of the sponsor of the charter school." A.R.S. § 15-184(G), (H). In 1999, the Arizona Legislature extended to charter schools the authority already granted to school districts to refuse admission to a pupil who was expelled or is being expelled.

Current statute allows a district school to refuse admission of a pupil who has been expelled or is being expelled from another public school. . . H.B.

2293 statutorily allows a charter school to refuse admission of a pupil who has been expelled or is being expelled from another school in the same manner as a district school.

Arizona State Senate Fact Sheet for H.B. 2293, 1st Reg. Sess., 1999; A.R.S. § 15-841(C); A.R.S. § 15-184(I) (“A charter school may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.”). Arizona law does not authorize a charter school to deny enrollment to a pupil who has been or is in the process of being suspended or long-term suspended.

Can a charter school give enrollment preference to pupils based on their academic performance or other pre-enrollment activities?

No. Charter schools may not give enrollment preference to pupils based on their academic performance. Nor may charter schools discourage or deny enrollment or re-enrollment to pupils who do not meet certain academic standards, or require pupils or their parents to complete pre-enrollment activities, such as essays, interviews, or school tours as conditions of or prior to enrollment or re-enrollment. “A charter school shall enroll all eligible pupils who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building.” A.R.S. § 15-184(A). While charter schools may give enrollment preferences to certain pupils as stated above, charter schools may not enroll pupils with higher test grades over pupils who are struggling academically. A.R.S. § 15-184.

How should a school select pupils if there are more applications than spaces available?

“If remaining capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall select pupils through an equitable selection process such as a lottery except that preference shall be given to siblings of a pupil selected through an equitable selection process such as a lottery”. A.R.S. § 15-184(E).

The material contained in this document is for informational purposes only. The information is not intended to be and should not be considered legal advice. Charter schools should consult their own legal counsel for further information and advice.