

Change in Authorizer Request – Review Rubric

Proposed Authorizer:	Volunteers of America-Minnesota
Current Authorizer:	Winona Area Public Schools
School:	Bluffview Montessori School
Date Request Submitted to MDE:	01/25/2021
Charter Center Review Completion Date:	03/09/2021

The MDE Charter Center applies the following definitions to the review rubric items:

- **Satisfactory:** The documentation evidences compliance with state law and the authorizer’s fulfillment of their commissioner-approved authorizing plan (AAP) or approved authorizer application (AAA).
- **Deficiency and Action:** The documentation does not evidence compliance with state law and/or the authorizer’s fulfillment of their AAP/AAA. Specific deficiencies will be identified.
- **Clarification and Action:** The documentation indicates compliance with state law and the authorizer’s fulfillment of their AAP/AAA; however, it is unclear and warrants further clarification in the revised submission.
- **Continuous Improvement Note(s):** While the required statutory contract element is compliant, MDE’s feedback is provided in alignment with the state’s authorizer performance standards.

Part A – Forms and Assurances	All Items Included & Correct <input checked="" type="checkbox"/> Missing or Incorrect Items <input type="checkbox"/>
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Part B – Authorizer Summary	
B.I – Proposed Authorizer Capacity and Infrastructure – Minnesota Statutes, section 124E.05, subdivision 4(a)(2): Explain how the approval to authorize this school is consistent with the “Capacity and Infrastructure” section of the authorizer’s AAA/AAP.	Satisfactory <input checked="" type="checkbox"/> Deficiency and Action <input type="checkbox"/> Clarification and Action <input type="checkbox"/> Continuous Improvement Note(s) <input type="checkbox"/>
<p>The change in authorizer (CIA) request is for Bluffview Montessori School (BMS), a Preschool-Grade 8 charter school in Winona, to transfer from Winona Area Public Schools (WAPS) to Volunteers of America-Minnesota (VOA-MN). VOA-MN currently authorizes 17 operational schools; one school transferred to another authorizer in FY19, so the addition of BMS will bring the portfolio size back to 18 (p. 7). The increase in portfolio size is consistent with the AAP (Narrative, p. 6). The organizational structure will not be impacted by the addition of BMS to the authorizing portfolio; however, FTE will be increased consistent with the growth model in the AAP (pp. 7-8).</p>	
B.II – Proposed Authorizer’s Review Process – Minnesota Statutes, section 124E.05, subdivision 4(a)(3): Consistent with the AAA/AAP, describe the authorizer’s application and review process used to determine approval of this CIA request.	Satisfactory <input type="checkbox"/> Deficiency and Action <input type="checkbox"/> Clarification and Action <input checked="" type="checkbox"/> Continuous Improvement Note(s) <input type="checkbox"/>
<p>The CIA request outlines the timeline of review process activities conducted by VOA-MN to review the transfer application (pp. 8-9), which is generally consistent with the AAP (Attachment One, pp. 91-93). One alteration to the process necessitated by the pandemic was not conducting a site visit; however, a virtual school tour was provided online (p. 9).</p> <p>The CIA request provides VOA-MN’s review of the school’s eligibility for transfer (pp. 9-10). The AAP states, “In the Letter of Intent to Apply for Change Authorization the board must demonstrate that they meet all of the VOA-MN Authoring [sic] Program required criteria for a change of authorizer” (Attachment One, p. 91). The table in the CIA request indicates the school met all but one criteria; the school “Partially Met” the requirement regarding academic performance (p. 9). VOA-MN’s response to the BMS letter of intent, which is included as Exhibit A, communicates a review process not provided in the AAP (pp. 86-88) and inconsistent with the table on page 9. It’s unclear how the</p>	

ratings in Exhibit A (e.g., Satisfactory, Approaching Satisfactory) align with the Met and Partially Met determinations in the table on page 9, particularly since the area of Service Learning received lower reviewer scores than Academic Performance in Exhibit A, but in the review table the service learning requirement was determined to be Met while the academic performance requirement was determined to be Partially Met.

The CIA request includes scores and comments from peer reviewers (pp. 12-16); however, area VI (Service Learning) is missing from the peer review section of the CIA request (see AAP Attachment One, p. 97). This affects the final scores, which should be out of 100 (see Attachment One, p. 97), but instead are indicated as being out of 90 (p. 16). Both the CIA request and AAP state, “Applicants must earn a base score of no less than 90/100 points (satisfactory rating in all categories)” (CIA request, p. 10; AAP Attachment One, p. 95). It is unclear how this requirement was met. A justification for the contract term offered is provided (p. 17). VOA-MN’s response to the BMS letter of intent, VOA-MN’s letter summarizing the results of its desk review, and VOA-MN’s notification of application approval are included as Exhibits A, B, and C respectively (pp. 86-91).

Clarification and Action:

Please clarify the determinations in the eligibility criteria review table on page 9 in relation to the reviewer scores and ratings provided in Exhibit A.

Please clarify the review of area VI (Service Learning), as review of this area is indicated in VOA-MN’s AAP (Attachment One, p. 97).

Please clarify the final reviewer scores, which should be out of 100 when including area VI (Service Learning) per VOA-MN’s AAP (Attachment One, pp. 95, 97).

Part C – Attachments	
C.I – Attachment 1 – Copy of Letter to Commissioner	All Items Included and Correct <input checked="" type="checkbox"/> Missing or Incorrect Items <input type="checkbox"/>
C.II – Attachment 2 – Copy of Current Authorizer’s Evaluation Report	All Items Included and Correct <input checked="" type="checkbox"/> Missing or Incorrect Items <input type="checkbox"/>

Part D – Proposed Contract Statutory Compliance Review	
Authorizer:	Volunteers of America-Minnesota
School:	Bluffview Montessori School
Proposed Contract Term:	07/01/2021-06/30/2026

Affidavit Approval(s)	Approved by MDE	Included in Contract
Approved Site(s)	One site, p. 32	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved Grade(s)	Preschool-8, p. 45	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved Early Learning Program(s)	Preschool, p. 45	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

The MDE Charter Center applies the following definitions to the review rubric items:

Deficiency and Action: Required statutory contract element is noncompliant or missing. The contract must be revised to make the correction (e.g. missing term dates).

Clarification and Action: Required statutory contract element is compliant; however, it is unclear and warrants further clarification in the revised contract (e.g. goals are stated but are too vague).

Continuous Improvement Note(s): While the required statutory contract element is compliant, MDE’s feedback is provided in alignment with the state’s authorizer performance standards (e.g. document not fully paginated).

Minnesota Statutes, section 124E.10, Subdivision 1 – Charter Contract Contents: To authorize a charter school, the authorizer and the charter school board of directors must sign a written contract within 45 business days of the commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of the charter contract to the commissioner within ten business days after the contract is signed by the contracting parties. The contract must include at least the following:

<p>Minnesota Statutes, section 124E.10, Subdivision 1(a)(1): a declaration that the charter school will carry out the primary purpose in section 124E.01, subdivision 1, and indicate how the school will report its implementation of the primary purpose to its authorizer;</p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p><u>Statutory Review Comments</u> Declaration of primary purpose is stated in the first whereas clause, p. 30, and addendum B.I, p. 56.</p> <p>How the school will report implementation of primary purpose is stated in addendum B.I, p. 56.</p>	
<p><u>Action Required</u> N/A</p>	

<p>Minnesota Statutes, section 124E.10, Subdivision 1(a)(2): a declaration of the additional purpose or purposes in section 124E.01, subdivision 1, that the school intends to carry out and indicate how the school will report its implementation of those purposes to its authorizer;</p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p><u>Statutory Review Comments</u> Declaration of additional purposes is stated in the second whereas clause, p. 30, and addendum B.I, p. 56.</p> <p>How the school will report implementation of additional purposes is stated in addendum B.I, p. 56.</p>	
<p><u>Action Required</u> N/A</p>	

<p>Minnesota Statutes, section 124E.10, Subdivision 1(a)(3): a description of the school program and the specific academic and nonacademic outcomes that pupils must achieve;</p> <p>Per Minnesota Statutes, section 124E.10, Subdivision 1(c): A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students, including world's best workforce goals under section 120B.11, Subdivision 1. In the absence of the commissioner's requirements governing state standards and benchmarks, the school must meet the outcomes contained in the contract with the authorizer. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.</p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p><u>Statutory Review Comments</u> A description of the school program is provided in addendum A, pp. 41-55.</p>	

Academic and nonacademic outcomes are provided in **addendum B.I, pp. 56-67.**

Action Required

N/A

Minnesota Statutes, section 124E.10, Subdivision 1(a)(4): a statement of admission policies and procedures;

Per [Minnesota Statutes, section 124E.11](#): (a) A charter school, including its preschool or prekindergarten program established under [section 124E.06, subdivision 3, paragraph \(b\)](#), may limit admission to:

- (1) pupils within an age group or grade level;
- (2) pupils who are eligible to participate in the graduation incentives program under [section 124D.68](#); or
- (3) 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.

(b) A charter school, including its preschool or prekindergarten program established under [section 124E.06, subdivision 3, paragraph \(b\)](#), shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its Web site, a lottery policy and process that it must use when accepting pupils by lot.

(c) A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A charter school that is located in Duluth township in St. Louis County and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children. A charter school may give enrollment preference to children currently enrolled in the school's free preschool or prekindergarten program under [section 124E.06, subdivision 3, paragraph \(a\)](#), who are eligible to enroll in kindergarten in the next school year.

(d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its Web site a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

(e) Except as permitted in paragraph (d), a charter school, including its preschool or prekindergarten program established under [section 124E.06, subdivision 3, paragraph \(b\)](#), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.

(f) The charter school shall not distribute any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(g) Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections [121A.40](#) to [121A.56](#).

(h) A charter school with at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-

Compliant:

Yes No

Deficiency and Action:

Yes N/A

Clarification and Action:

Yes N/A

Continuous Improvement Note(s):

Yes N/A

<p>hearing may enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause (iv).</p>	
<p>Statutory Review Comments A statement of the school’s admission policies and procedures is provided in section 6.17, p. 35, and addendum A, p. 50.</p>	
<p>Action Required N/A</p>	

<p><i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(5): a school governance, management, and administration plan;</i></p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Statutory Review Comments A governance, management, and administration plan for the school is provided in article 6, pp. 33-36, and addendum A, pp. 47-49.</p>	
<p>Action Required N/A</p>	

<p><i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(6): signed agreements from charter school board members to comply with the federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;</i></p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Statutory Review Comments The agreement template for charter school board members is provided in addendum D, p. 73. As noted in the CIA request, the signed agreements “will be submitted with the signed contract after MDE approves the change in authorizer” (p. 28).</p>	
<p>Action Required N/A</p>	

<p><i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(7): the criteria, processes, and procedures the authorizer will use to monitor and evaluate the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs (a) and (b);</i></p>	<p>Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Statutory Review Comments</p>	

The authorizer’s criteria, processes, and procedures to monitor and evaluate the school’s performance is provided in **article 9, p. 38, and addendum B, pp. 56-70.**

Action Required
N/A

Minnesota Statutes, section 124E.10, Subdivision 1(a)(8): for contract renewal, the formal written performance evaluation that is a prerequisite for reviewing a charter contract under [subdivision 3](#);

Does not apply to change in authorizer requests

Minnesota Statutes, section 124E.10, Subdivision 1(a)(9): types and amounts of insurance liability coverage the charter school must obtain, consistent with [section 124E.03, subdivision 2, paragraph \(d\)](#);

Compliant:
Yes No
Deficiency and Action:
Yes N/A
Clarification and Action:
Yes N/A
Continuous Improvement Note(s):
Yes N/A

Statutory Review Comments
Types and amounts of insurance liability coverage to be obtained by the school are provided in **section 6.21, p. 36.**

Action Required
N/A

Minnesota Statutes, section 124E.10, Subdivision 1(a)(10): consistent with [section 124E.09, paragraph \(d\)](#), a provision to indemnify and hold harmless from any suit, claim, or liability arising from any charter school operation: (i) the authorizer and its officers, agents, and employees; and (ii) notwithstanding [section 3.736](#), the commissioner and department officers, agents, and employees;

Compliant:
Yes No
Deficiency and Action:
Yes N/A
Clarification and Action:
Yes N/A
Continuous Improvement Note(s):
Yes N/A

Statutory Review Comments
An indemnification provision is stated in **section 11.4, p. 39.**

Action Required
N/A

Minnesota Statutes, section 124E.10, Subdivision 1(a)(11): the term of the contract, which, for an initial contract, may be up to five years plus a preoperational planning period, or for a renewed contract or a contract with a new authorizer after a transfer of authorizers, may be up to five years, if warranted by the school's academic, financial, and operational performance;

Compliant:
Yes No
Deficiency and Action:
Yes N/A
Clarification and Action:
Yes N/A
Continuous Improvement Note(s):
Yes N/A

Statutory Review Comments
The contract term of **July 1, 2021 through June 30, 2026** is stated in **sections 1.1-1.2, p. 30.**

The authorizer addresses how the term of the contract is warranted based on the school’s academic, financial, and operational performance (**p. 17**). The term of the contract is aligned to the authorizer’s commissioner-approved authorizing plan.

Action Required
N/A

<i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(12): how the charter school board of directors or the charter school operators will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, and a description of the financial parameters within which the charter school will provide the special instruction and services to children with a disability;</i>	Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Statutory Review Comments
The school's plan to provide special instruction and services for children with a disability and the financial parameters to provide such services are stated in **section 8.1, p. 37, and addendum C, pp. 71-72.**

Action Required
N/A

<i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(13): the specific conditions for contract renewal that identify the performance of all students under the primary purpose of section 124E.01, subdivision 1, as the most important factor in determining whether to renew the contract; and</i>	Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Statutory Review Comments
The specific conditions for contract renewal that identify performance under the primary purpose of subdivision 1 as the most important factor in determining contract renewal are provided in **addendum B.I, pp. 56-59.**

Action Required
N/A

<i>Minnesota Statutes, section 124E.10, Subdivision 1(a)(14): the additional purposes under section 124E.01, subdivision 1, and related performance obligations under clause (7) contained in the charter contract as additional factors in determining whether to renew the contract.</i>	Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Clarification and Action: Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Continuous Improvement Note(s): Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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Statutory Review Comments
A description of how the additional purposes under subdivision 1 and related performance obligations under clause (7) contained in the charter contract as additional factors in determining contract renewal are provided in **addendum B.I, pp. 56-66.**

Action Required
N/A

<i>Minnesota Statutes, section 124E.10, Subdivision 1(b): In addition to the requirements of paragraph (a), the charter contract must contain the plan for an orderly closing of the school under chapter 317A, that establishes the</i>	Compliant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Deficiency and Action:
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<p>responsibilities of the school board of directors and the authorizer, whether the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan must establish who is responsible for:</p> <p>(1) notifying the commissioner, school district in which the charter school is located, and parents of enrolled students about the closure;</p> <p>(2) providing parents of enrolled students information and assistance to enable the student to re-enroll in another school;</p> <p>(3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to the student's resident school district; and</p> <p>(4) closing financial operations.</p>	<p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action:</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s):</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
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Statutory Review Comments
 The plan for an orderly closing of the school is provided in **addendum E, pp. 74-84.**

Action Required
 N/A

<p>Minnesota Statutes, section 124E.10, Subdivision 3(b): An authorizer shall monitor and evaluate the academic, financial, operational, and student performance of the school, and may assess a charter school a fee according to paragraph (c). The agreed-upon fee structure must be stated in the charter school contract.</p> <p>Per Minnesota Statutes, section 124E.10, Subdivision 3(c): The fee that an authorizer may annually assess is the greater of:</p> <p>(1) the basic formula allowance for that year; or</p> <p>(2) the lesser of:</p> <p>(i) the maximum fee factor times the basic formula allowance for that year; or</p> <p>(ii) the fee factor times the basic formula allowance for that year times the charter school's adjusted pupil units for that year. The fee factor equals .015. The maximum fee factor equals 4.0.</p> <p>(d) An authorizer may not assess a fee for any required services other than as provided in this subdivision.</p> <p>(e) For the preoperational planning period, after a school is chartered, the authorizer may assess a charter school a fee equal to the basic formula allowance.</p>	<p>Compliant:</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Deficiency and Action:</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action:</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s):</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
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Statutory Review Comments
 The agreed-upon fee structure the authorizer will annually assess the school is stated in **section 9.3, p. 38.**

Action Required
 N/A

<p>Minnesota Statutes, section 124E.10, Subdivision 5: The authorizer that is a party to the existing contract must inform the proposed authorizer about the fiscal, operational, and student performance status of the school, including unmet contract outcomes and other outstanding contractual obligations. The charter contract between the proposed authorizer and the school must identify and provide a plan to address any outstanding obligations from the previous contract.</p>	<p>Compliant:</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Deficiency and Action:</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Clarification and Action:</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Continuous Improvement Note(s):</p> <p>Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
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Statutory Review Comments
 The school does not have outstanding contractual obligations from the previous contract (**p. 27**).

Action Required
 N/A

Additional Feedback – Action Required

Admissions Policy

Section III.A.2 of the school's [admissions policy](#) states, "Children must be toilet trained" to attend the school's preschool program. This is inconsistent with Minnesota Statutes, section 124E.11, paragraph (e), which states, "Except as permitted in paragraph (d), a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section."

Section III.A.4 of the school's admissions policy states, "Continued enrollment is subject to the child's ability to contribute to the classroom community and flourish in the Montessori learning environment as determined by the teaching team." This is inconsistent with Minnesota Statutes, section 124E.11, paragraph (g), which states, "Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56." Minnesota Statutes, section 121A.425 further states, "A pupil enrolled in a preschool or prekindergarten program, including a child participating in early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, may not be subject to dismissals under this chapter. Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others."

Section III.A.5 may indicate students enrolled in the preschool program will be provided enrollment preference for kindergarten. Per Minnesota Statutes, section 124E.11, paragraph (c), "A charter school may give enrollment preference to children currently enrolled in the school's *free* preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year" (emphasis added). Since the [preschool program is tuition-based](#), the school cannot provide enrollment preference for kindergarten to children enrolled in the school's preschool program.

Section III.A.7 states, "After preferences are filled, full time students will be offered enrollment first according to the submission date on their enrollment paperwork. Remaining vacancies will be filled as applications fit the needs of the program. Any preferences listed in item 5 or 6 will move to the front of any enrollment waiting list." This is inconsistent with Minnesota Statutes, section 124E.11, paragraph (b), which states, "A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot."

Section III.B.4.d states, "If multiple birth siblings apply for admission to Bluffview Montessori and a lottery is needed, Bluffview shall enter one surname into the lottery to represent all of the multiple birth siblings. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted. In the event that admission of multiples fill the enrollment, the remainder of the multiples will be placed first on the waiting list." If only one surname is entered into the lottery, and not the individual names of the students, and the enrollment cap is exceeded, it is unclear how the school which determine which child(ren) from the siblings with the same surname will be admitted to the school and which child(ren) from the "remainder of the multiples" will be placed on the waiting list. Please clarify.

Section IV lists multiple Required Forms, ostensibly for admissions given the name of the policy. However, most if not all of the forms cannot be required until after a student has been admitted for the purpose of processing enrollment to the school. Charter schools may only seek basic information about applicants seeking admission, such as the student's name, name of parent or guardian, contact information, and the grade or program for which the student is applying, and information related to possible enrollment preferences for which the prospective student may qualify. Additional information such as race, age, ethnicity and disability status can be collected on enrollment forms once a student has been admitted to the school. The Minnesota Human Rights Act specifically protects the rights of Minnesota students in educational settings and governs what information may or may not be asked of an individual seeking admission to a charter school on an application for admission, specifically in Minnesota Statutes, section 363A.13.

The school's admissions policy must be revised to be consistent with Minnesota Statutes, section 124E.11, and to clarify areas that may be inconsistent with Minnesota Statutes, sections 124E.11 and 363A.13.

Additional Feedback – Continuous Improvement (no action required)

Early Admissions Policy

MDE's Early Learning Services division recommends the school's early admissions to kindergarten policy be aligned to [Minnesota Statutes, section 124D.02, subdivision 1](#) regarding early admissions processes and procedures. Under this statute, a school is required to use a valid and reliable assessment of the child's cognitive, social and emotional learning domains, aligned to the kindergarten standards. It is recommended that the school use an authentic assessment such as those approved for the [Kindergarten Entry Profile](#). These assessments are developmentally appropriate, reviewed for alignment with Minnesota's kindergarten academic standards, and are most likely to provide accurate and meaningful information on the child.

The school's policy includes an "Early Admission Kindergarten Readiness Checklist" at the end. It is unclear if the documents listed are required as part of the enrollment decision-making or used after enrollment to inform instruction and services. This is important because making a decision on whether a child has had preschool or Early Childhood Family Education experience is not capturing a child's skills and abilities, but rather family choices made in a variety of circumstances. Please note such experience is not required for early admissions under Minnesota Statutes, section 124D.02. It is important that schools use valid and reliable assessments rather than program-made checklists in order to avoid any unintended bias in decision-making.

Please consider the following on the checklist items stated below:

- **Preschool screening documents:** Screening is a brief, simple procedure used to identify potential health or developmental problems in infants and young children who may need a health assessment, diagnostic assessment, or educational evaluation. Early Childhood Screening is designed to indicate a possible health or developmental challenge, and should never be used to inform decisions in enrollment processes.
- **Social/emotional development analysis:** This should be included in the comprehensive assessment so that it is taken from a valid and reliable instrument.
- **School readiness survey:** It would benefit families' understanding if the survey was described in the policy.
- **Student observation:** It is recommended that the student observation be made in a familiar setting, such as a kindergarten room where the child has had several chances to visit, rather than in a completely new setting.
- **Results academic readiness screening:** This should be included in the comprehensive assessment so that it is taken from a valid and reliable instrument.