

§2404. Public charter school eligibility; enrollment

1. Eligibility. Any student residing in the State is eligible to apply to a public charter school. [PL 2011, c. 414, §5 (NEW).]

1-A. Virtual public charter school eligibility. In addition to the provision in subsection 1, a dependent of a member of the United States Armed Forces who has received official military orders to relocate to this State is eligible to apply to a virtual public charter school. [PL 2021, c. 248, §1 (NEW).]

2. Enrollment. A public charter school shall enroll students in accordance with this subsection.

A. Public charter school organizers shall include all segments of the populations served by the existing noncharter public schools in their area in their recruitment efforts. [PL 2011, c. 414, §5 (NEW).]

B. A public charter school shall enroll all students who wish to attend the school, unless the number of students exceeds the enrollment capacity of a program, class, grade level or building. [PL 2011, c. 414, §5 (NEW).]

C. Except as provided in paragraphs G, H and I, if capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process. A list maintained to fill potential vacancies may be carried over to the succeeding year. [PL 2023, c. 405, Pt. A, §41 (AMD).]

D. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 5% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation, except that if 5% of a school administrative unit's noncharter public school students per grade level is less than one, a public charter school may enroll one student of the school administrative unit per grade level in each of the first 3 years. [PL 2015, c. 448, §3 (AMD).]

E. For a school administrative unit with an enrollment of more than 500 students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 10% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation. [PL 2011, c. 414, §5 (NEW).]

F. A public charter school may limit enrollment to pupils within a given age group or grade level and may be organized around a special emphasis, theme or concept as stated in the school's application for a charter contract pursuant to section 2407. [PL 2011, c. 414, §5 (NEW).]

G. A public charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that noncharter public school. [PL 2015, c. 448, §4 (AMD).]

H. A public charter school shall give enrollment preference to pupils enrolled in the public charter school the previous school year and to siblings of pupils already enrolled in the public charter school. [PL 2011, c. 414, §5 (NEW).]

I. A public charter school may give enrollment preference to children of a public charter school's founders, governing board members and full-time employees, as long as they constitute no more than 10% of the school's total student population. [PL 2011, c. 414, §5 (NEW).]

J. A public charter school may enroll students from outside the State if space is available. [PL 2011, c. 414, §5 (NEW).]

[PL 2023, c. 405, Pt. A, §41 (AMD).]

3. Discrimination prohibited. A public charter school may not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, gender identity, income level, disabling condition, proficiency in the English language or academic or athletic ability, except that nothing in this subsection may be construed to limit the formation of a public charter school that is dedicated to focusing education services on at-risk pupils, students with disabilities and students who pose such severe disciplinary problems that they warrant a specific education program.

[PL 2021, c. 366, §27 (AMD).]

4. Maximum virtual public charter school enrollment. The total enrollment at all virtual public charter schools authorized by the commission may not exceed 1,000 students.

[PL 2019, c. 253, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 414, §5 (NEW). PL 2015, c. 448, §§3, 4 (AMD). PL 2019, c. 253, §1 (AMD). PL 2021, c. 248, §1 (AMD). PL 2021, c. 366, §27 (AMD). PL 2023, c. 405, Pt. A, §41 (AMD).

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