

# House Bill 2151

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Higher Education)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies which students are included in calculation to determine if three percent of students who reside in school district are enrolled in virtual public charter school.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to enrollment in virtual public charter schools; amending ORS 338.125; and declaring an  
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 338.125 is amended to read:

6 338.125. (1) Student enrollment in a public charter school is voluntary.

7 (2)(a) All students who reside in the school district in which the public charter school is located  
8 are eligible for enrollment in the public charter school if space is available.

9 (b) Students who do not reside in the school district in which the public charter school is lo-  
10 cated are eligible for enrollment in the public charter school if space is available and subject to  
11 subsection (4) of this section.

12 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual  
13 orientation, ethnicity, national origin, disability, the terms of an individualized education program,  
14 income level, proficiency in the English language or athletic ability.

15 (3)(a) Except as provided by paragraph (b) of this subsection, if the number of applications from  
16 students who reside in the school district exceeds the capacity of a program, class, grade level or  
17 building, the public charter school shall select students through an equitable lottery selection pro-  
18 cess.

19 (b) After a public charter school has been in operation for one or more years, the public charter  
20 school may give priority for admission to students who:

21 (A) Were enrolled in the school in the prior year;

22 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school  
23 in the prior year; or

24 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,  
25 reside in the school district that is the sponsor of the public charter school or in a school district  
26 that is a party to the cooperative agreement.

27 (4)(a) A student who wishes to enroll in a virtual public charter school does not need the ap-  
28 proval of the school district where the student is a resident before the student enrolls in the virtual  
29 public charter school. If a student wishes to enroll in a virtual public charter school, the parent,  
30 legal guardian or person in parental relationship with the student must provide the following notices

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to the school district where the student is a resident:

2 (A) Intent to enroll the student in a virtual public charter school; and

3 (B) Enrollment of the student in a virtual public charter school.

4 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three  
5 percent of the students who reside in a school district are enrolled in virtual public charter schools  
6 that are not sponsored by the school district, a student who is a resident of the school district must  
7 receive approval from the school district before enrolling in a virtual public charter school. A school  
8 district is not required to give approval if more than three percent of the students who reside in the  
9 school district are enrolled in virtual public charter schools that are not sponsored by the school  
10 district.

11 (B) For the purpose of determining whether more than three percent of the students who reside  
12 in the school district are enrolled in virtual public charter schools that are not sponsored by the  
13 school district, the school district board shall [*include any students who*]:

14 (i) **Include any students who** reside in the school district, regardless of whether the students  
15 are considered residents of different school districts as provided by ORS 339.133 (5); [*and*]

16 (ii) **Include any students who** are enrolled in virtual public charter schools that are not  
17 sponsored by the school district[.]; **and**

18 **(iii) Not include any students who are not required to attend public full-time schools as**  
19 **provided by ORS 339.030.**

20 (C) Students who reside in the school district, regardless of whether the students are considered  
21 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the  
22 school district before enrolling in a virtual public charter school if the limit described in subpara-  
23 graph (A) of this paragraph has been met.

24 (c) If the school district does not give approval under paragraph (b) of this subsection, the  
25 school district must provide information to the parent, legal guardian or person in parental re-  
26 lationship with the student about the right to appeal the decision to the State Board of Education  
27 and other online options available to the student. If an appeal is made to the State Board of Edu-  
28 cation, the board must issue a decision within 30 days of the submission of the appeal.

29 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school  
30 shall provide written notice of the student's enrollment to the school district in which the public  
31 charter school is located if the student does not reside in the school district where the public  
32 charter school is located.

33 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school  
34 district in which the public charter school is located shall provide to the student's parent, legal  
35 guardian or person in parental relationship written information about:

36 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the  
37 public charter school to determine which students may be in need of special education and related  
38 services as provided by ORS 338.165; and

39 (b) The methods by which the school district may be contacted to answer questions or provide  
40 information related to special education and related services.

41 (7) When a student described in subsection (5) of this section withdraws from a public charter  
42 school for a reason other than graduation from high school, the school district in which the public  
43 charter school is located shall:

44 (a) Provide to the school district in which the student resides written notice that the student  
45 has withdrawn.

1 (b) Provide to the student's parent, legal guardian or person in parental relationship written  
2 information about:

3 (A) The responsibility of the school district in which the student resides to identify, locate and  
4 evaluate students who reside in the school district to determine which students may be in need of  
5 special education and related services as provided by ORS 338.165; and

6 (B) The methods by which the school district in which the student resides may be contacted to  
7 answer questions or provide information related to special education and related services.

8 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school  
9 and has an individualized education program, the school district in which the public charter school  
10 is located must implement the individualized education program and follow the terms of the indi-  
11 vidualized education program until a new individualized education program is developed.

12 (b) If a student described in subsection (5) of this section withdraws from a public charter school  
13 and has an individualized education program, the school district in which the student resides must  
14 implement the individualized education program and follow the terms of the individualized education  
15 program until a new individualized education program is developed.

16 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in  
17 a virtual public charter school, the virtual public charter school shall provide the written notices  
18 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

19 (10) A public charter school may conduct fund-raising activities but may not require a student  
20 to participate in fund-raising activities as a condition of admission to the public charter school.

21 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
23 **on its passage.**