

D R A F T

SUMMARY

Increases for one school year percentage of students in school district who may enroll in virtual public charter school not sponsored by school district without first receiving approval from school district.

Removes requirement that school district that does not give approval for enrollment in virtual public charter schools not sponsored by school district must provide information about other online options available to students.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to enrollment in virtual public charter schools; creating new pro-
3 visions; amending ORS 338.125; and declaring an 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
8 charter school is located are eligible for enrollment in the public charter
9 school if space is available.

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

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

17 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if
18 the number of applications from students who reside in the school district

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 exceeds the capacity of a program, class, grade level or building, the public
2 charter school shall select students through an equitable lottery selection
3 process.

4 (b)(A) A public charter school may give priority for admission to students
5 who reside within the attendance boundaries that were in effect at the time
6 a school district closed a nonchartered public school if:

7 (i) The public charter school began to operate not more than two years
8 after the nonchartered public school was closed;

9 (ii) The school district that closed the nonchartered public school is the
10 sponsor of the public charter school;

11 (iii) The public charter school is physically located within the attendance
12 boundaries of the closed nonchartered public school; and

13 (iv) The school district board, through board action, approved the public
14 charter school giving priority as described in this paragraph.

15 (B) Nothing in this paragraph requires an amendment to a charter. A
16 school district board may take an action described in subparagraph (A)(iv)
17 of this paragraph at any time during the term of a charter.

18 (c) After a public charter school has been in operation for one or more
19 years, the public charter school may give priority for admission to students
20 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
23 enrolled in the school in the prior year; or

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

28 (4)(a) A student who wishes to enroll in a virtual public charter school
29 does not need the approval of the school district where the student is a res-
30 ident before the student enrolls in the virtual public charter school. If a
31 student wishes to enroll in a virtual public charter school, the parent, legal

1 guardian or person in parental relationship with the student must provide
2 the following notices to the school district where the student is a resident:

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

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

5 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,
6 if more than [*three*] **3.5** percent of the students who reside in a school district
7 are enrolled in virtual public charter schools that are not sponsored by the
8 school district, a student who is a resident of the school district must receive
9 approval from the school district before enrolling in a virtual public charter
10 school **that is not sponsored by the school district**. A school district is
11 not required to give approval if more than [*three*] **3.5** percent of the students
12 who reside in the school district are enrolled in virtual public charter
13 schools that are not sponsored by the school district.

14 (B) For the purpose of determining whether more than [*three*] **3.5** percent
15 of the students who reside in the school district are enrolled in virtual public
16 charter schools that are not sponsored by the school district, the school
17 district board shall include any students who:

18 (i) Reside in the school district, regardless of whether the students are
19 considered residents of different school districts as provided by ORS 339.133
20 (5); and

21 (ii) Are enrolled in virtual public charter schools that are not sponsored
22 by the school district.

23 (C) Students who reside in the school district, regardless of whether the
24 students are considered residents of different school districts as provided by
25 ORS 339.133 (5), must receive approval from the school district before en-
26 rolling in a virtual public charter school **that is not sponsored by the**
27 **school district** if the limit described in subparagraph (A) of this paragraph
28 has been met.

29 (c) If the school district does not give approval under paragraph (b) of
30 this subsection, the school district must provide information to the parent,
31 legal guardian or person in parental relationship with the student about the

1 right to appeal the decision to the State Board of Education [*and other online*
2 *options available to the student*]. If an appeal is made to the State Board of
3 Education, the board must issue a decision within 30 days of the submission
4 of the appeal.

5 (5) Within 10 days of a student's enrollment in a public charter school,
6 the public charter school shall provide written notice of the student's en-
7 rollment to the school district in which the public charter school is located
8 if the student does not reside in the school district where the public charter
9 school is located.

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

14 (a) The school district's responsibility to identify, locate and evaluate
15 students enrolled in the public charter school to determine which students
16 may be in need of special education and related services as provided by ORS
17 338.165; and

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

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

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

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

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

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

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

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

15 (9) When a virtual public charter school enrolls a student or a student
16 no longer is enrolled in a virtual public charter school, the virtual public
17 charter school shall provide the written notices described in ORS 338.120
18 (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
20 not require a student to participate in fund-raising activities as a condition
21 of admission to the public charter school.

22 **SECTION 2. (1) The amendments to ORS 338.125 by section 1 of this**
23 **2020 special session Act apply only to the 2020-2021 school year.**

24 **(2) A student who did not receive approval under ORS 338.125**
25 **(4)(b)(C) because the limit described in ORS 338.125 (4)(b)(A) had been**
26 **met may enroll in a virtual public charter school not sponsored by the**
27 **school district in which the student resides without first receiving**
28 **approval if:**

29 **(a) Approval was requested before the effective date of this 2020**
30 **special session Act for the 2020-2021 school year; and**

31 **(b) The limit described in ORS 338.125 (4)(b)(A), as amended by**

1 **section 1 of this 2020 special session Act, had not been met at the time**
2 **the request was made.**

3 **SECTION 3.** ORS 338.125, as amended by section 1 of this 2020 special
4 session Act, is amended to read:

5 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

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

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

21 (b)(A) A public charter school may give priority for admission to students
22 who reside within the attendance boundaries that were in effect at the time
23 a school district closed a nonchartered public school if:

24 (i) The public charter school began to operate not more than two years
25 after the nonchartered public school was closed;

26 (ii) The school district that closed the nonchartered public school is the
27 sponsor of the public charter school;

28 (iii) The public charter school is physically located within the attendance
29 boundaries of the closed nonchartered public school; and

30 (iv) The school district board, through board action, approved the public
31 charter school giving priority as described in this paragraph.

1 (B) Nothing in this paragraph requires an amendment to a charter. A
2 school district board may take an action described in subparagraph (A)(iv)
3 of this paragraph at any time during the term of a charter.

4 (c) After a public charter school has been in operation for one or more
5 years, the public charter school may give priority for admission to students
6 who:

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

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

10 (C) If the public charter school is a party to a cooperative agreement
11 described in ORS 338.080, reside in the school district that is the sponsor of
12 the public charter school or in a school district that is a party to the coop-
13 erative agreement.

14 (4)(a) A student who wishes to enroll in a virtual public charter school
15 does not need the approval of the school district where the student is a res-
16 ident before the student enrolls in the virtual public charter school. If a
17 student wishes to enroll in a virtual public charter school, the parent, legal
18 guardian or person in parental relationship with the student must provide
19 the following notices to the school district where the student is a resident:

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

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

22 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,
23 if more than [3.5] **three** percent of the students who reside in a school dis-
24 trict are enrolled in virtual public charter schools that are not sponsored
25 by the school district, a student who is a resident of the school district must
26 receive approval from the school district before enrolling in a virtual public
27 charter school that is not sponsored by the school district. A school district
28 is not required to give approval if more than [3.5] **three** percent of the stu-
29 dents who reside in the school district are enrolled in virtual public charter
30 schools that are not sponsored by the school district.

31 (B) For the purpose of determining whether more than [3.5] **three** percent

1 of the students who reside in the school district are enrolled in virtual public
2 charter schools that are not sponsored by the school district, the school
3 district board shall include any students who:

4 (i) Reside in the school district, regardless of whether the students are
5 considered residents of different school districts as provided by ORS 339.133
6 (5); and

7 (ii) Are enrolled in virtual public charter schools that are not sponsored
8 by the school district.

9 (C) Students who reside in the school district, regardless of whether the
10 students are considered residents of different school districts as provided by
11 ORS 339.133 (5), must receive approval from the school district before en-
12 rolling in a virtual public charter school that is not sponsored by the school
13 district if the limit described in subparagraph (A) of this paragraph has been
14 met.

15 (c) If the school district does not give approval under paragraph (b) of
16 this subsection, the school district must provide information to the parent,
17 legal guardian or person in parental relationship with the student about the
18 right to appeal the decision to the State Board of Education. If an appeal is
19 made to the State Board of Education, the board must issue a decision within
20 30 days of the submission of the appeal.

21 (5) Within 10 days of a student's enrollment in a public charter school,
22 the public charter school shall provide written notice of the student's en-
23 rollment to the school district in which the public charter school is located
24 if the student does not reside in the school district where the public charter
25 school is located.

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

30 (a) The school district's responsibility to identify, locate and evaluate
31 students enrolled in the public charter school to determine which students

1 may be in need of special education and related services as provided by ORS
2 338.165; and

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

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

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

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

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

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

20 (8)(a) If a student described in subsection (5) of this section enrolls in a
21 public charter school and has an individualized education program, the
22 school district in which the public charter school is located must implement
23 the individualized education program and follow the terms of the individ-
24 ualized education program until a new individualized education program is
25 developed.

26 (b) If a student described in subsection (5) of this section withdraws from
27 a public charter school and has an individualized education program, the
28 school district in which the student resides must implement the individual-
29 ized education program and follow the terms of the individualized education
30 program until a new individualized education program is developed.

31 (9) When a virtual public charter school enrolls a student or a student

1 no longer is enrolled in a virtual public charter school, the virtual public
2 charter school shall provide the written notices described in ORS 338.120
3 (1)(m) and (n) to the school district where the student is a resident.

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

7 **SECTION 4. (1) The amendments to ORS 338.125 by section 3 of this**
8 **2020 special session Act become operative on July 1, 2021.**

9 (2) The amendments to ORS 338.125 by section 3 of this 2020 special
10 session Act first apply to the 2021-2022 school year.

11 (3) Notwithstanding the operative date specified in subsection (1)
12 of this section and for the 2021-2022 school year and subsequent school
13 years, a school district is not required to give approval to students to
14 enroll in virtual public charter schools not sponsored by the school
15 district if more than three percent of the students who reside in the
16 school district are enrolled in virtual public charter schools not spon-
17 sored by the school district.

18 **SECTION 5. This 2020 special session Act being necessary for the**
19 **immediate preservation of the public peace, health and safety, an**
20 **emergency is declared to exist, and this 2020 special session Act takes**
21 **effect on its passage.**

22
