

LC 1906
2021 Regular Session
10/9/20 (HRL/ps)

D R A F T

SUMMARY

Removes limitation on 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 school not sponsored by school district provide information about other online options available to students.

Declares emergency, effective on passage.

1 A BILL FOR AN ACT

2 Relating to enrollment in virtual public charter schools; creating new pro-
3 visions; amending ORS 338.025 and 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)] (4) A student who wishes to enroll in a virtual public charter
29 school does not need the approval of the school district where the student
30 is a resident before the student enrolls in the virtual public charter school.

31 If a student wishes to enroll in a virtual public charter school, the parent,

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

4 [(A)] (a) Intent to enroll the student in a virtual public charter school;
5 and

6 [(B)] (b) Enrollment of the student in a virtual public charter school.

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

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

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

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

24 [(C) Students who reside in the school district, regardless of whether the
25 students are considered residents of different school districts as provided by
26 ORS 339.133 (5), must receive approval from the school district before enrolling
27 in a virtual public charter school if the limit described in subparagraph (A)
28 of this paragraph has been met.]

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

1 *to appeal the decision to the State Board of Education and other online options*
2 *available to the student. If an appeal is made to the State Board of Education,*
3 *the board must issue a decision within 30 days of the submission of the*
4 *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.** ORS 338.025 is amended to read:

23 338.025. (1) The State Board of Education may adopt any rules necessary
24 for the implementation of this chapter. The rules shall follow the intent of
25 this chapter.

26 (2) Upon application by a public charter school, the State Board of Edu-
27 cation may grant a waiver of any provision of this chapter if the waiver
28 promotes the development of programs by providers, enhances the equitable
29 access by underserved families to the public education of their choice, ex-
30 tends the equitable access to public support by all students or permits high
31 quality programs of unusual cost. The State Board of Education may not

1 waive any appeal provision in this chapter or any provision under ORS
2 338.115 (1)(a) to (aa), 338.120, [338.125 (4,)] 338.135 (2)(b) or 339.122.

3 **SECTION 3.** **(1) The amendments to ORS 338.025 and 338.125 by**
4 **sections 1 and 2 of this 2021 Act become operative on July 1, 2021.**

5 **(2) The amendments to ORS 338.125 by section 1 of this 2021 Act first**
6 **apply to the 2021-2022 school year.**

7 **(3) Notwithstanding the operative date specified in subsection (1)**
8 **of this section, a student is not required to receive approval from the**
9 **student's resident school district before enrolling in a virtual public**
10 **charter school that is not sponsored by the student's resident school**
11 **district before the operative date specified in subsection (1) of this**
12 **section if the enrollment is for the 2021-2022 school year or any other**
13 **subsequent school year.**

14 **SECTION 4.** **This 2021 Act being necessary for the immediate pres-**
15 **ervation of the public peace, health and safety, an emergency is de-**
16 **clared to exist, and this 2021 Act takes effect on its passage.**