A-Engrossed

House Bill 3204

Ordered by the House March 31
Including House Amendments dated March 31

Sponsored by Representatives MCINTIRE, CRAMER; Representative WRIGHT

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.

[Modifies timelines and requirements for when school district makes determination whether to give approval for student to enroll in virtual public charter school not sponsored by school district.] [Directs Department of Education to collect and compile virtual public charter school enrollment data for purpose of school districts making determinations whether to give approval.]

Establishes and modifies timelines related to enrollment of students in virtual public charter schools. Exempts from calculation of virtual public charter school cap certain students who had previously lived in another school district and been enrolled in virtual public charter school when living in that school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to virtual public charter school enrollment; amending ORS 338.025 and 338.125; and declaring an emergency.

SECTION 1. ORS 338.125 is amended to read:

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

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

(b) Students who do not reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available and subject to subsection [(4)] (5) of this section.

(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applications from students exceeds the capacity of a program, class, grade level or building, the public charter school shall select students through an equitable lottery selection process. For the purpose of ameliorating the impact of discrimination against historically underserved students, an equitable lottery selection process may include weights that favor historically underserved students. As used in this paragraph, “historically underserved students” are students who are at risk because of any combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level, proficiency in the English language, socioeconomic status or geographic location.

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.

LC 2245
(b)(A) A public charter school may give priority for admission to students who reside within the attendance boundaries that were in effect at the time a school district closed a nonchartered public school if:

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

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

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

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

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

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

(A) Were enrolled in the prior year in the public charter school;

(B) Were enrolled in a public preschool or prekindergarten program operated by the public charter school;

(C) Have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year;

(D) Are at risk because the student has an economic or academic disadvantage that requires special services or assistance, including students who:

(i) Are from economically disadvantaged families;

(ii) Are identified as having special educational needs;

(iii) Are limited in proficiency in the English language;

(iv) Are at risk of dropping out of high school; or

(v) Do not meet minimum standards of academic proficiency; or

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

[(4)(a)] (4) A student who wishes to enroll in a virtual public charter school does not need the approval of the school district where the student is a resident before the student enrolls in the virtual public charter school. If a student wishes to enroll in a virtual public charter school, the parent, legal guardian or person in parental relationship with the student must provide the following notices to the school district where the student is a resident:

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

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

[(b)(A)] (5)(a) Notwithstanding [paragraph (a) of this] subsection (4) of this section and ORS 339.133, if more than three percent of the students who reside in a school district are enrolled in virtual public charter schools that are not sponsored by the school district, a student who is a resident of the school district must receive approval from the school district before enrolling in a virtual public charter school. A school district is not required to give approval if more than three percent of the students who reside in the school district are enrolled in virtual public charter schools that are not sponsored by the school district. A school district must provide notice of
the decision to not give approval within 10 calendar days of receiving notice of intent for the
student to enroll in a virtual public charter school.

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

(A) Include any students who:
(i) Reside in the school district, regardless of whether the students are considered residents of
different school districts as provided by ORS 339.133 (5); and
(ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

(B) Calculate, at least twice each year, the school district’s percentage of students at-
tending virtual public charter schools that are not sponsored by the school district.

[(C)] (c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside
in the school district, regardless of whether the students are considered residents of different school
districts as provided by ORS 339.133 (5), must receive approval from the school district before en-
rolling in a virtual public charter school if the limit described in subparagraph (A) of this
paragraph has been met.

(B) A student is not required to receive approval from the school district in which the
student resides if the student:
(i) Previously lived in another school district;
(ii) While living in the other school district, was enrolled in a virtual public charter
school; and
(iii) Has maintained continuous enrollment in the virtual public charter school since
moving into the school district where the student currently resides.

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

(A) The percentage of students in the resident district that attend virtual public charter
schools that are not sponsored by the school district, based on the most recent calculation;
(B) The right to appeal the decision to the State Board of Education; and
(C) Other online options available to the student.

(e) If an appeal is made to the State Board of Education as described in paragraph (d) of this
subsection, the board must issue a decision within [30] 14 days of the submission of the appeal.

[(5)] (6) Within 10 days of a student’s enrollment in a public charter school, the public charter
school shall provide written notice of the student’s enrollment to the school district in which the
public charter school is located if the student does not reside in the school district where the public
charter school is located.

[(6)] (7) Within 10 days of receiving the notice described in subsection [(5)] (6) of this section,
the school district in which the public charter school is located shall provide to the student’s parent,
legal guardian or person in parental relationship written information about:
(a) The school district’s responsibility to identify, locate and evaluate students enrolled in the
public charter school to determine which students may be in need of special education and related
services as provided by ORS 338.165; and
(b) The methods by which the school district may be contacted to answer questions or provide
information related to special education and related services.

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

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

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

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

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

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

(b) If a student described in subsection [(5)(6)] of this section withdraws from a public charter school and has an individualized education program, the school district in which the student resides must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed.

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

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

SECTION 2. ORS 338.025 is amended to read:

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

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 [(4)(5)] 338.135 (2)(b) or 339.122.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.