

# House Bill 3204

Sponsored by Representatives MCINTIRE, CRAMER

## 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**.

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.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to virtual public charter school enrollment; creating new provisions; amending ORS 338.025  
3 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 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)] (5) of this section.

12 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual  
13 orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized ed-  
14 ucation program, income level, proficiency in the English language or athletic ability. A public  
15 charter school may implement a weighted lottery that favors historically underserved students as  
16 provided by subsection (3)(a) of this section.

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

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

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

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

**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 charter school;

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

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

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

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

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

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

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

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

18 (i) Are from economically disadvantaged families;

19 (ii) Are identified as having special educational needs;

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

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

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

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

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

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

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

34 **(b) A school district that receives notice of enrollment under paragraph (a)(B) of this**  
35 **subsection must submit to the Department of Education information required by the de-**  
36 **partment for purposes of subsection (5)(f) of this section.**

37 *[(b)(A)]* **(5)(a)** Notwithstanding *[paragraph (a) of this]* subsection **(4) of this section** and ORS  
38 339.133, if more than three percent of the students who reside in a school district are enrolled in  
39 virtual public charter schools that are not sponsored by the school district, a student who is a res-  
40 ident of the school district must receive approval from the school district before enrolling in a vir-  
41 tual public charter school **that is not sponsored by the school district where the student is a**  
42 **resident**. A school district is not required to give approval if more than three percent of the stu-  
43 dents who reside in the school district are enrolled in virtual public charter schools that are not  
44 sponsored by the school district. **A school district must provide notice of the decision to give**  
45 **approval or to not give approval within five business days of receiving notice of intent for**

1 **the student to enroll in a virtual public charter school.**

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

5 (A) Include any students who:

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

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

9 (B) **Make the determination based on the most recent enrollment data collected for the**  
10 **school district and the information available to the school district through the central data-**  
11 **base described in paragraph (f) of this subsection.**

12 [(C)] (c) Students who reside in the school district, regardless of whether the students are con-  
13 sidered residents of different school districts as provided by ORS 339.133 (5), must receive approval  
14 from the school district before enrolling in a virtual public charter school **that is not sponsored**  
15 **by the school district** if the limit described in [subparagraph (A) of this paragraph] **paragraph (a)**  
16 **of this subsection** has been met.

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

20 (A) **The data that was used to make the decision;**

21 (B) The right to appeal the decision to the State Board of Education; and

22 (C) Other online options available to the student.

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

25 (f) **The department shall collect and compile enrollment data related to virtual public**  
26 **charter schools in a central database and make that database available for use by school**  
27 **districts for the purpose of making determinations under this subsection.**

28 [(5)] (6) Within 10 days of a student's enrollment in a public charter school, the public charter  
29 school shall provide written notice of the student's enrollment to the school district in which the  
30 public charter school is located if the student does not reside in the school district where the public  
31 charter school is located.

32 [(6)] (7) Within 10 days of receiving the notice described in subsection [(5)] (6) of this section,  
33 the school district in which the public charter school is located shall provide to the student's parent,  
34 legal guardian or person in parental relationship written information about:

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

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

40 [(7)] (8) When a student described in subsection [(5)] (6) of this section withdraws from a public  
41 charter school for a reason other than graduation from high school, the school district in which the  
42 public charter school is located shall:

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

45 (b) Provide to the student's parent, legal guardian or person in parental relationship written

1 information about:

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

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

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

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

15 [(9)] **(10)** When a virtual public charter school enrolls a student or a student no longer is en-  
 16 rolled in a virtual public charter school, the virtual public charter school shall provide the written  
 17 notices described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

18 [(10)] **(11)** A public charter school may conduct fund-raising activities but may not require a  
 19 student to participate in fund-raising activities as a condition of admission to the public charter  
 20 school.

21 **SECTION 2.** ORS 338.025 is amended to read:

22 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
 23 of this chapter. The rules shall follow the intent of this chapter.

24 (2) Upon application by a public charter school, the State Board of Education may grant a  
 25 waiver of any provision of this chapter if the waiver promotes the development of programs by  
 26 providers, enhances the equitable access by underserved families to the public education of their  
 27 choice, extends the equitable access to public support by all students or permits high quality pro-  
 28 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
 29 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 [(4)] **(5)**, 338.135 (2)(b) or  
 30 339.122.

31 **SECTION 3.** (1) **The amendments to ORS 338.025 and 338.125 by sections 1 and 2 of this**  
 32 **2023 Act become operative on January 1, 2024.**

33 **(2) Notwithstanding the operative date set forth in subsection (1) of this section, at any**  
 34 **time prior to the operative date set forth in subsection (1) of this section, the Department**  
 35 **of Education may request that school districts submit virtual public charter school enroll-**  
 36 **ment data to the department for the purpose of the central database described in ORS**  
 37 **338.125 (5)(f).**

38 **SECTION 4.** **This 2023 Act being necessary for the immediate preservation of the public**  
 39 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
 40 **on its passage.**