

House Bill 2195

Sponsored by Representative WILDE (Presession filed.)

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**.

Prohibits student from enrolling in virtual public charter school located in school district in which student is not resident if student's resident school district or education service district offers appropriate online instruction.

Applies first to 2022-2023 school year, with exception for students who are already enrolled in virtual public charter schools and who would be enrolled in grade 12 for 2022-2023 school year.

A BILL FOR AN ACT

1
2 Relating to online instruction; creating new provisions; and amending ORS 338.005 and 338.125.

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

4 **SECTION 1.** ORS 338.125 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 charter school is located
7 are eligible for enrollment in the public charter school if space is available.

8 (b) **Notwithstanding ORS 339.133**, students who do not reside in the school district in which
9 the public charter school is located are eligible for enrollment in the public charter school **as res-**
10 **idents** if space is available and, **for a virtual public charter school**, subject to subsection (4) of
11 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 paragraphs (b) and (c) of this subsection, if the number of applica-
16 tions from students who reside in the school district exceeds the capacity of a program, class, grade
17 level or building, the public charter school shall select students through an equitable lottery se-
18 lection process.

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

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

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

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

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

30 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may

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 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
 2 a charter.

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

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

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

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

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

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

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

18 **(4)(a) A student may not enroll in a virtual public charter school that is not located in**
 19 **the school district in which the student is a resident if the school district in which the stu-**
 20 **dent is a resident, or the education service district that serves that school district, offers**
 21 **appropriate online instruction and space is available for the student in that instruction. For**
 22 **purposes of this paragraph, online instruction is appropriate if the instruction is provided:**

23 **(A) Primarily online, with no more than 10 hours of instruction per five-day week pro-**
 24 **vided to students at a common physical location; and**

25 **(B) For the grade in which the student is enrolled.**

26 **(b) If a student is not prohibited from enrolling in a virtual public charter school under**
 27 **paragraph (a) of this subsection, the student may enroll in a virtual public charter school**
 28 **that is not located in the school district in which the student is a resident only if the re-**
 29 **quirements of paragraph (c) or (d) of this subsection are satisfied.**

30 *[(b)(A)] (c)(A) [Notwithstanding paragraph (a) of this subsection and ORS 339.133,] If more than*
 31 *three percent of the students who reside in a school district are enrolled in virtual public charter*
 32 *schools that are not sponsored by the school district, a student who is a resident of the school dis-*
 33 *trict [must receive approval from the school district before enrolling] **may enroll** in a virtual public*
 34 *charter school **that is not sponsored by the school district only if the student receives ap-***
 35 ***proval to enroll from the school district.** A school district is not required to give approval if more*
 36 *than three percent of the students who reside in the school district are enrolled in virtual public*
 37 *charter schools that are not sponsored by the school district.*

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

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

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

44 (C) Students who reside in the school district, regardless of whether the students are considered
 45 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the

1 school district before enrolling in a virtual public charter school **that is not sponsored by the**
 2 **school district** if the limit described in subparagraph (A) of this paragraph has been met.

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

8 (e) **Prior to enrolling a student in a virtual public charter school, the parent, legal**
 9 **guardian or person in parental relationship with the student must provide the following no-**
 10 **tices to the school district in which the student is a resident:**

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in

1 a virtual public charter school, the virtual public charter school shall provide the written notices
2 described in ORS 338.120 (1)(m) and (n) to the school district [where] **in which** the student is a
3 resident.

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

6 **SECTION 2. (1) The amendments to ORS 338.125 by section 1 of this 2021 Act first apply**
7 **to enrollment by students for the 2022-2023 school year.**

8 **(2) Notwithstanding subsection (1) of this section, the provisions of ORS 338.125 (4)(a),**
9 **as amended by section 1 of this 2021 Act, do not apply to enrollment by students who were**
10 **enrolled in virtual public charter schools on the effective date of this 2021 Act and who would**
11 **be enrolled in grade 12 for the 2022-2023 school year.**

12 **SECTION 3.** ORS 338.005 is amended to read:

13 338.005. As used in this chapter, unless the context requires otherwise:

14 (1) “Applicant” means any person or group that develops and submits a written proposal for a
15 public charter school to a sponsor.

16 (2) “Public charter school” means an elementary or secondary school offering a comprehensive
17 instructional program operating under a written agreement entered into between a sponsor and an
18 applicant and operating pursuant to this chapter.

19 (3) “Remote and necessary school district” means a school district that offers kindergarten
20 through grade 12 and has:

21 (a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of
22 less than 110; and

23 (b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest
24 school or from a city with a population of more than 5,000.

25 (4) “Sponsor” means:

26 (a) The board of the common school district or the union high school district in which the public
27 charter school is located that has developed a written charter with an applicant to create a public
28 charter school.

29 (b) The State Board of Education pursuant to ORS 338.075.

30 (5)(a) “Virtual public charter school” means a public charter school that [provides] **primarily**
31 **serves students through** online courses.

32 (b) “Virtual public charter school” does not include a public charter school that primarily serves
33 students in a **common** physical location.

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