

House Bill 2716

Sponsored by Representative ZIKA; Representatives BREESE-IVERSON, LEIF, SMITH DB (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**.

Increases 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.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to enrollment in virtual public charter schools; creating new provisions; amending ORS
3 338.125; 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) of 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
31 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of

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 a charter.

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

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

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

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

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

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

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

17 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than [*three*]
18 **eight** percent of the students who reside in a school district are enrolled in virtual public charter
19 schools that are not sponsored by the school district, a student who is a resident of the school dis-
20 trict must receive approval from the school district before enrolling in a virtual public charter
21 school **that is not sponsored by the school district**. A school district is not required to give ap-
22 proval if more than [*three*] **eight** percent of the students who reside in the school district are en-
23 rolled in virtual public charter schools that are not sponsored by the school district.

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

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

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

30 (C) Students who reside in the school district, regardless of whether the students are considered
31 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
32 school district before enrolling in a virtual public charter school **that is not sponsored by the**
33 **school district** if the limit described in subparagraph (A) of this paragraph has been met.

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

39 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school
40 shall provide written notice of the student's enrollment to the school district in which the public
41 charter school is located if the student does not reside in the school district where the public
42 charter school is located.

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

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

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

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

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

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

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

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

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

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

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

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

31 **SECTION 2. (1) The amendments to ORS 338.125 by section 1 of this 2021 Act become**
32 **operative on July 1, 2021.**

33 **(2) The amendments to ORS 338.125 by section 1 of this 2021 Act first apply to the**
34 **2021-2022 school year.**

35 **(3) Notwithstanding the operative date specified in subsection (1) of this section, a stu-**
36 **dent may enroll in a virtual public charter school that is not sponsored by the student's**
37 **resident school district before the operative date specified in subsection (1) of this section**
38 **without receiving approval from that school district if:**

39 **(a) Eight percent or less of the students who reside in the school district are enrolled in**
40 **virtual public charter schools that are not sponsored by the school district; and**

41 **(b) The student intends to enroll in a virtual public charter school that is not sponsored**
42 **by the school district for the 2021-2022 school year or any other subsequent school year.**

43 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
45 **on its passage.**

