

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.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to virtual public charter school enrollment; 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, gender identity, ethnicity, national
15 origin, disability, the terms of an individualized education program, income
16 level, proficiency in the English language or athletic ability. A public char-
17 ter school may implement a weighted lottery that favors historically under-
18 served students as provided by subsection (3)(a) of this section.

19 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if
20 the number of applications from students exceeds the capacity of a program,

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 class, grade level or building, the public charter school shall select students
2 through an equitable lottery selection process. For the purpose of amelio-
3 rating the impact of discrimination against historically underserved students,
4 an equitable lottery selection process may include weights that favor his-
5 torically underserved students. As used in this paragraph, “historically
6 underserved students” are students who are at risk because of any combina-
7 tion of their race, sex, sexual orientation, gender identity, ethnicity, disa-
8 bility, income level, proficiency in the English language, socioeconomic
9 status or geographic location.

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

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

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

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

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

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

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

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

28 (B) Were enrolled in a public preschool or prekindergarten program op-
29 erated by the public charter school;

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

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

- 3 (i) Are from economically disadvantaged families;
4 (ii) Are identified as having special educational needs;
5 (iii) Are limited in proficiency in the English language;
6 (iv) Are at risk of dropping out of high school; or
7 (v) Do not meet minimum standards of academic proficiency; or

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

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

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

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

22 [(b)(A) *Notwithstanding paragraph (a) of this subsection and ORS 339.133,*
23 *if more than three percent of the students who reside in a school district are*
24 *enrolled in virtual public charter schools that are not sponsored by the school*
25 *district, a student who is a resident of the school district must receive approval*
26 *from the school district before enrolling in a virtual public charter school. A*
27 *school district is not required to give approval if more than three percent of*
28 *the students who reside in the school district are enrolled in virtual public*
29 *charter schools that are not sponsored by the school district.]*

30 [(B) *For the purpose of determining whether more than three percent of the*
31 *students who reside in the school district are enrolled in virtual public charter*

1 *schools that are not sponsored by the school district, the school district board*
2 *shall include any students who:]*

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

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

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

13 *[(c) If the school district does not give approval under paragraph (b) of this*
14 *subsection, the school district must provide information to the parent, legal*
15 *guardian or person in parental relationship with the student about the right*
16 *to appeal the decision to the State Board of Education and other online options*
17 *available to the student. If an appeal is made to the State Board of Education,*
18 *the board must issue a decision within 30 days of the submission of the*
19 *appeal.]*

20 (5) Within 10 days of a student's enrollment in a public charter school,
21 the public charter school shall provide written notice of the student's en-
22 rollment to the school district in which the public charter school is located
23 if the student does not reside in the school district where the public charter
24 school is located.

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

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

1 338.165; and

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

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

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

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

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

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

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

25 (b) If a student described in subsection (5) of this section withdraws from
26 a public charter school and has an individualized education program, the
27 school district in which the student resides must implement the individual-
28 ized education program and follow the terms of the individualized education
29 program until a new individualized education program is developed.

30 (9) When a virtual public charter school enrolls a student or a student
31 no longer is enrolled in a virtual public charter school, the virtual public

1 charter school shall provide the written notices described in ORS 338.120
2 (1)(m) and (n) to the school district where the student is a resident.

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

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

7 338.025. (1) The State Board of Education may adopt any rules necessary
8 for the implementation of this chapter. The rules shall follow the intent of
9 this chapter.

10 (2) Upon application by a public charter school, the State Board of Edu-
11 cation may grant a waiver of any provision of this chapter if the waiver
12 promotes the development of programs by providers, enhances the equitable
13 access by underserved families to the public education of their choice, ex-
14 tends the equitable access to public support by all students or permits high
15 quality programs of unusual cost. The State Board of Education may not
16 waive any appeal provision in this chapter or any provision under ORS
17 338.115 (1)(a) to (aa), 338.120, [338.125 (4),] 338.135 (2)(b) or 339.122.

18 **SECTION 3.** (1) **The amendments to ORS 338.025 and 338.125 by**
19 **sections 1 and 2 of this 2023 Act become operative on July 1, 2023.**

20 (2) **The amendments to ORS 338.125 by section 1 of this 2023 Act first**
21 **apply to the 2023-2024 school year.**

22 (3) **Notwithstanding the operative date specified in subsection (1)**
23 **of this section, a student is not required to receive approval from the**
24 **student's resident school district before enrolling in a virtual public**
25 **charter school that is not sponsored by the student's resident school**
26 **district before the operative date specified in subsection (1) of this**
27 **section if the enrollment is for the 2023-2024 school year or any other**
28 **subsequent school year.**

29 **SECTION 4.** **This 2023 Act being necessary for the immediate pres-**
30 **ervation of the public peace, health and safety, an emergency is de-**
31 **clared to exist, and this 2023 Act takes effect on its passage.**

