

**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**

1  
2 Relating to virtual public charter school enrollment; amending ORS 338.025 and 338.125; and de-  
3 claring 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.

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

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

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

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

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

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

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

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

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

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

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

24 (i) Are from economically disadvantaged families;

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

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

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

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

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

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

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

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

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

1 **the decision to not give approval within 10 calendar days of receiving notice of intent for the**  
2 **student to enroll in a virtual public charter school.**

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

6 (A) Include any students who:

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

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

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

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

17 (B) A student is not required to receive approval from the school district in which the  
18 student resides if the student:

19 (i) Previously lived in another school district;

20 (ii) While living in the other school district, was enrolled in a virtual public charter  
21 school; and

22 (iii) Has maintained continuous enrollment in the virtual public charter school since  
23 moving into the school district where the student currently resides.

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

27 (A) The percentage of students in the resident district that attend virtual public charter  
28 schools that are not sponsored by the school district, based on the most recent calculation;

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

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

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

33 [(5)] (6) Within 10 days of a student's enrollment in a public charter school, the public charter  
34 school shall provide written notice of the student's enrollment to the school district in which the  
35 public charter school is located if the student does not reside in the school district where the public  
36 charter school is located.

37 [(6)] (7) Within 10 days of receiving the notice described in subsection [(5)] (6) of this section,  
38 the school district in which the public charter school is located shall provide to the student's parent,  
39 legal guardian or person in parental relationship written information about:

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

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

45 [(7)] (8) When a student described in subsection [(5)] (6) of this section withdraws from a public

1 charter school for a reason other than graduation from high school, the school district in which the  
2 public charter school is located shall:

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

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

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

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

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

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

20 [(9)] (10) When a virtual public charter school enrolls a student or a student no longer is en-  
21 rolled in a virtual public charter school, the virtual public charter school shall provide the written  
22 notices described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

23 [(10)] (11) A public charter school may conduct fund-raising activities but may not require a  
24 student to participate in fund-raising activities as a condition of admission to the public charter  
25 school.

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

27 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
28 of this chapter. The rules shall follow the intent of this chapter.

29 (2) Upon application by a public charter school, the State Board of Education may grant a  
30 waiver of any provision of this chapter if the waiver promotes the development of programs by  
31 providers, enhances the equitable access by underserved families to the public education of their  
32 choice, extends the equitable access to public support by all students or permits high quality pro-  
33 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
34 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 [(4)] (5), 338.135 (2)(b) or  
35 339.122.

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

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