

House Bill 2185

Sponsored by Representative MCINTIRE, Senator BONHAM (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Removes the cap of the percent of students who can attend a virtual public charter school. (Flesch Readability Score: 68.9).

Removes the requirement that a student must receive approval from the student's resident school district before enrolling in a virtual public charter school that is not sponsored by the school district if a specified percentage of students in the school district already are enrolled in virtual public charter schools that are not sponsored by the school district.

Removes the requirement that a school district that does not give approval for enrollment in a virtual public charter school not sponsored by the school district must provide information about other online options available to students.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to enrollment in virtual public charter schools; creating new provisions; amending ORS
3 338.025 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 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 (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

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 school if:

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

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

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

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

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

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

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

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

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

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

22 (i) Are from economically disadvantaged families;

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

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

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

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

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

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

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

36 (b) Enrollment of the student in a virtual public charter school.

37 *[(5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than three percent*
38 *of the students who reside in a school district are enrolled in virtual public charter schools that are*
39 *not sponsored by the school district, a student who is a resident of the school district must receive*
40 *approval from the school district before enrolling in a virtual public charter school. A school district*
41 *is not required to give approval if more than three percent of the students who reside in the school*
42 *district are enrolled in virtual public charter schools that are not sponsored by the school district. A*
43 *school district must provide notice of the decision to not give approval within 10 calendar days of re-*
44 *ceiving notice of intent for the student to enroll in a virtual public charter school.]*

45 *[(b) For the purpose of determining whether more than three percent of the students who reside in*

1 *the school district are enrolled in virtual public charter schools that are not sponsored by the school*
 2 *district, the school district board shall:]*

3 *[(A) Include any students who:]*

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

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

7 *[(B) Calculate, at least twice each year, the school district's percentage of students attending virtual*
 8 *public charter schools that are not sponsored by the school district.]*

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

13 *[(B) A student is not required to receive approval from the school district in which the student*
 14 *resides if the student:]*

15 *[(i) Previously lived in another school district;]*

16 *[(ii) While living in the other school district, was enrolled in a virtual public charter school; and]*

17 *[(iii) Has maintained continuous enrollment in the virtual public charter school since moving into*
 18 *the school district where the student currently resides.]*

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

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

24 *[(B) The right to appeal the decision to the State Board of Education; and]*

25 *[(C) Other online options available to the student.]*

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

28 **[(6)] (5)** 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 **[(7)] (6)** Within 10 days of receiving the notice described in subsection **[(6)] (5)** 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 **[(8)] (7)** When a student described in subsection **[(6)] (5)** 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 [(9)(a)] **(8)(a)** If a student described in subsection [(6)] **(5)** 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 [(6)] **(5)** 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 [(10)] **(9)** 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 [(11)] **(10)** 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 (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 **2025 Act become operative on July 1, 2025.**

33 **(2) The amendments to ORS 338.125 by section 1 of this 2025 Act first apply to the**
 34 **2025-2026 school year.**

35 **(3) Notwithstanding the operative date specified in subsection (1) of this section, a stu-**
 36 **dent is not required to receive approval from the student’s resident school district before**
 37 **enrolling in a virtual public charter school that is not sponsored by the student’s resident**
 38 **school district before the operative date specified in subsection (1) of this section if the en-**
 39 **rollment is for the 2025-2026 school year or any other subsequent school year.**

40 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
 41 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
 42 **on its passage.**