

## **Legislative School Law Update 2011**

by [Rebekah Jacobson, Attorney at Law](#)

The 2011 Legislative Session concluded on June 30, 2011, just a few days after a flurry of bills was passed impacting school districts, ESDs and charter schools. Bills having the most immediate impact are summarized below.

### **Charter School Legislation**

Numerous bills affected charter school operations, particularly virtual schools.

**Special education students:** Effective July 1, 2011, the district in which a charter school is located (DWCSL) is responsible for identifying, locating and evaluating special education students within the charter school, even if they are not resident students. Previously, the resident district retained the responsibility for providing special education services to a student attending charter school located outside the district. Under the new law, the DWCSL will receive funding for special education charter school students and these students are considered the DWCSL's students for the purposes of data collection and reporting.

#### **Action to be taken for districts in which charter schools are located:**

- Amend charter school agreements to reflect changes to the provision of special education services.
- Meet with charter school staff to review IEPs for all students, including non-resident students.
- Obtain special education files from special education charter school students' resident district.

**Notices:** Effective July 1, 2011, within 10 days of a student's enrollment in a charter school, the school must provide written notice of the student's enrollment to the district in which the charter school is located (DWCSL). Within 10 days of receiving this notice, the district must provide written notice to the parents about the district's responsibility to identify, locate and evaluate students enrolled in the charter school to determine which students may need special education services. The notice must also provide the parents with information about how they can contact the district to provide information regarding special education.

If the charter school student withdraws from the charter school for any reason other than graduation, the DWCSL must provide the resident district notice that the student has withdrawn. The DWCSL must also provide the parent with information about the resident district's responsibility to provide special education services.

#### **Action to be taken for districts in which charter schools are located:**

- Draft parental notices to be ready to send when notices are received from the charter school.
- Amend charter school agreement to reflect this notice requirement.

**Virtual Public Charter Schools:** Effective July 1, 2011, a student wishing to enroll in a virtual charter school does not need permission of the resident district, unless more than 3% of the

resident district's students are enrolled in a virtual school located outside the district. For example, if the district has 1000 students and 30 students are currently enrolled in a virtual school, the first 30 students do not need permission, but any additional students would need to receive permission of the resident district. The parents of students who want to enroll in the virtual charter school must provide notice to the resident district of their intent to enroll in the virtual charter school and notice again when the students are actually enrolled in the virtual school.

**Action to be taken:**

- Review enrollment data to determine how many students are currently enrolled in virtual charter schools. Parents may be asking for information about whether they fall below the 3% cap.

**Other charter school changes:**

- Higher education institutions, OHSU and community colleges can sponsor charter schools if a proposal has been rejected by a district and the charter school is located within 25 miles of the institution's main campus.
- The charter school's financial management system must include a budget and accounting system that is compatible with the district's system.
- Upon dissolution of a charter school, all student records must be transferred to the district office of the district in which the charter school is located.
- A sponsoring district and charter school can enter into a cooperative agreement with other districts to provide education services.
- At least 95% of a virtual charter school's instructional hours must be taught by licensed, highly qualified teachers.

**Attendance Notification**

HB 3197 requires school boards to adopt an attendance notification policy requiring that schools notify parents by the end of the school day that their child was absent, if the absence is unplanned. This bill took effect July 1, 2011.

**Action to be taken:**

- Adopt required attendance notification policy.
- Establish system for parental notification.

**District withdrawal from certain ESDs**

SB 250 allows districts located in NWRES, MESD, WESD or Baker County to withdraw from the ESD. This bill requires the ESD to provide a prorated portion of the district's funds to the district. An Office of Regional Educational Services has been created under the direction of the State Board of Education.

**Interdistrict transfers**

Beginning in the 2012-13 school year, students who want to attend a different school district no longer need the consent of the resident district, if the student receives consent from the receiving district. New legislation requires boards to develop standards for when (and if) they will allow non-resident students to transfer into their districts.

**Action to be taken:**

- Review Interdistrict Transfer policy.
- Adopt standards for the acceptance of non-resident students for the 2012-13 school year.
- Develop intake plan for special education students.

**Miscellaneous Legislation**

- **HB 2180** requires districts to submit a written plan to ODE for the instruction of talented and gifted children.
- **HB 2210** allows counties to offer traffic safety education courses.
- **HB 2280** allows ODE to initiate a financial or performance audit of a school district or ESD based on certain factors.
- **HB 2283** establishes timelines for students to satisfy the requirements for modified and extended diplomas or alternative certificates. Provides requirements for modifying instructional hours for students with IEPs.
- **HB 2425** modifies a number of provisions relating to local budget law, which is intended to make budget documents more accessible to the public. It also allows one of the two required publications of the budget meeting notice to be placed on a website as opposed to the newspaper. Effective January 1, 2012.
- **HB 2939** prevents the use of mechanical, chemical or prone restraint on a student.
- **HB 3106** requires districts to give at-risk students priority to participate in the Expanded Options Program if the district exceeds the credit hour cap.
- **HB 3298-A** district's board of county commissioners is now the boundary board for the purposes of boundary changes and district mergers, rather than the ESD board.
- **SB 27** requires ESDs to prepare an annual audit of their books and accounts.
- **SB 552** confirms the Governor is the Superintendent of Public Instruction. The Governor may appoint a Deputy Superintendent of Public Instruction who has at least five years of experience in administration of an elementary or secondary school. This bill will take effect when the current Superintendent leaves office or no later than January 2015.
- **SB 800** removes various requirements and redundancies in education statutes.

**Please contact an attorney in our school law department for further information:**

**Paul A. Dakopolos**

**Bruce A. Zagar**

**Mark B. Comstock**

**Kelly D. Noor**

**Rebekah R. Jacobson**

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