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## **Process to Appeal a School District Decision to Deny Student Enrollment in a Virtual Charter School**

**OAR 581-026-0310**

In 2011, House Bill 2301 gave school districts the option to deny a student's enrollment in a virtual charter school if more than 3% of the district's student population was currently enrolled in virtual charter schools located in other districts. When a parent gives the school district notice of intent to enroll a student in a virtual charter school and receives a notice of denial, a parent may appeal the decision of a school district to deny a student's enrollment at a virtual charter school to the Oregon Department of Education (ODE).

### **STEP 1 – Submit Appeal to the Oregon Department of Education**

#### ***Send Appeal Notice to the Oregon Department of Education***

To appeal the decision of the school district, an [appeal form](#) must be submitted to the Oregon Department of Education (ODE). The appeal must be received within **10 calendar days** of the date on which the parent received notice of the denial from the school district.

#### ***Send Copy of Appeal to the Resident District***

A copy of the appeal and any supporting documents must be provided to the resident school district at least within **24 hours** of when the parent delivered the appeal to ODE.

#### ***Format of the Appeal:***

Please use the [appeal form](#) and provide the following information:

1. Parent name and contact information
2. Student initials
3. Name of the virtual public charter school in which the student wants to enroll
4. Name of the district that denied the enrollment
5. The date you provided notice of intent to enroll to the school district
6. The date you received the denial from the district
7. A copy of the notice of intent to enroll provided by the parent to the school district
8. A copy of the school district's notice denying the student enrollment in the virtual charter school
9. The reason for the appeal
10. Any supporting documents (including any evidence the parent would like considered as part of the appeal).

#### ***How to Submit the Appeal:***

Please use the [Department's appeal submission form](#). If you have questions or need assistance, please contact the Department's Charter School Specialist, Kate Pattison at [kate.pattison@state.or.us](mailto:kate.pattison@state.or.us).

**Form to Appeal a School District Decision to Deny Student Enrollment in a Virtual  
Charter School  
OAR 581-026-0310**

**STEP 2 – School District May Reply to ODE**

Once the school district receives a copy of the notice the parent is appealing to ODE the decision of the district to deny a student's enrollment in a virtual charter school, the district may reply to the ODE regarding the notice from the parent:

- The reply and any supporting information must be received by ODE within **10 calendar days** of when the school district received a copy of the appeal from the parent.
- The district must provide a copy of this reply and any supporting documents to the parent.

**STEP 3 – ODE will Decide to Uphold or Overturn School District Decision**

***Criteria for ODE Decision***

ODE will overturn the decision of the school district to not approve the enrollment of the student if:

- The school in which the student intends to enroll is not a virtual public charter school.
- The resident school district does not have more than 3% resident students of the district enrolled in virtual public charter schools not sponsored by the district.
- The parent did not receive the notice of disapproval from the district within **14 calendar days** of when the parent sent the district the notice of intent to enroll.

***Additional Information ODE May Consider:***

ODE may consider the following in deciding whether to uphold or overturn a decision of the school district not to approve the enrollment of a student in a virtual charter school outside of the district:

- The health and safety of the student.
- The student's educational needs and interests.
- The availability of other online options to the student.
- Any other information that the Superintendent deems relevant to the decision.

**STEP 4 – ODE will send Notice of Decision**

ODE will send notice of the decision to uphold or overturn the school district decision within **30 calendar days** of receiving the notice of appeal from the parent. The notice will be sent to the:

- Parent
- School District
- Virtual Charter School

All notices will be sent electronically via email when possible.

**If you have questions please contact:**

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[kate.pattison@state.or.us](mailto:kate.pattison@state.or.us)  
503-580-5749 (v/t)

Legal References: ORS [338.125](#), OAR [581-026-0305](#), OAR [581-026-0310](#)