



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 including the reasons why the virtual public charter school is a better choice for your student than the district options
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 at ode.charterschools@ode.oregon.gov.

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 **10 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 **14 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:

Charter School Team
Oregon Department of Education
255 Capitol St NE, Salem, OR 97310
ode.charterschools@ode.oregon.gov

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

581-026-0305

Virtual Public Charter School Student Enrollment

(1) As used in this rule:

- (a) “Notice” means a written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the notice.
- (b) “Parent” means parent, legal guardian or person in parental relationship as defined in ORS 339.133.
- (c) “Reside in a school district” means the school district in which the student’s parent resides.
- (d) “School district” means a school district in which more than three percent of the students who reside in the school district are enrolled in one or more virtual public charter schools.
- (e) “Student” means a student who seeks to enroll in a virtual public charter school on or after August 2, 2011.
- (f) “Virtual public charter school” is as that term is defined in OAR 581-026-0300.

(2) A parent must provide notice to the school district in which the parent resides that the parent intends to enroll a student in a virtual public charter school. Upon receiving the notice, a school district may choose to do nothing further until receiving notice the student is enrolled in the school or if more than three percent of the students who reside in the school district are enrolled in virtual public charter schools not sponsored by the district, the district must provide notice to the parent that the district:

- (a) Approves the student for enrollment in the virtual public charter school; or
- (b) Does not approve the student for enrollment in the virtual public charter school.

(3) A school district that does not approve a student for enrollment in a virtual public charter school must provide the parent and student the following:

- (a) A copy of this rule and OAR 581-026-0310
- (b) A list of two or more other online options available to the student, and
- (c) The percentage of students in the school district that attend virtual public charter schools that are not sponsored by the school district, based on the most recent calculation at the time the intent to enroll was received by the district.

(4) If a parent does not receive a notice of approval or disapproval from a school district under subsection (2) of this rule within 10 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.

(5) A parent may appeal a decision of a school district to not approve a student for enrollment to the State Board of Education pursuant to OAR 581-026-0310.

(6) A virtual public charter school may only enroll a student if the school receives evidence the student’s parent has notified the resident school district of the student’s intent to enroll in the school. A school shall consider any of the following as evidence the resident school district received adequate notice:

- (a) A copy of the notice of intent to enroll sent to the district by the parent;
- (b) A notice of approval for enrollment from the district; or
- (c) A copy of a final order issued by the Director of the Oregon Department of Education or the director's designee pursuant to OAR 581-026-0310 that finds that the student is approved for enrollment in the school.

(7) A virtual public charter school shall send a list of students to each school district in which a student who is enrolled in the school resides. The list shall be sent monthly when the virtual school is in session.

(a) The first list of the school year must be sent on or before the fifteenth day of school for the virtual public charter school.

(b) Lists must minimally include the student identification number, address, grade and must be in a tabular data format compatible with widely used spreadsheet software, allowing for organized data presentation and manipulation through rows and columns.

(8) If a school district chooses to not approve a student for enrollment in a virtual public charter school under this section, the district must have a policy that at a minimum includes the following:

(a) The semiannual dates that the school district used to calculate whether or not three percent or more of the students who reside within the district are enrolled in a virtual public charter school.

(b) The description of the data used by the school district to calculate the number of students who reside in the district and the number of students who are enrolled in virtual public charter schools. A school district is only required to use data that is reasonably available to the district including but not limited to:

- (A) The number of students enrolled in the schools of the school district;
- (B) The number of students enrolled in virtual and non-virtual public charter schools located in the school district;

- (C) The number of students enrolled in virtual public charter schools not sponsored by the district;
- (D) The number homeschooled students who reside within the district and who have registered with an education service district; and
- (E) The number of students enrolled in private schools located within the school district.

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 338.125

History:

[ODE 62-2025, temporary amend filed 12/19/2025, effective 12/22/2025 through 06/19/2026](#)

[ODE 5-2024, amend filed 02/16/2024, effective 02/16/2024](#)

Renumbered from 581-020-0342, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 19-2011, f. & cert. ef. 12-15-11

ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

581-026-0310

Virtual Public Charter School Student Enrollment Appeal Procedure

(1) The State Board of Education delegates to the Director of the Oregon Department of Education or the director's designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation includes issuing a final order. An order issued by the director or the director's designee shall be considered an order in other than a contested case under ORS 183.484.

(2) A parent may appeal a decision of a school district to not approve enrollment of a student in a virtual public charter school under OAR 581-026-0305 by sending a notice of appeal in writing by mail, fax or e-mail or by personally delivering a copy to the director or the director's designee. The notice must be received by the director or the director's designee within 10 days of the date on which the parent received notice from the district, the district did not approve enrollment of a student in a virtual public charter school. The parent must also provide a copy of the notice of appeal and any other supporting documents included with the notice to the school district prior to sending the notice of appeal to the director or the director's designee or within 24 hours of when the parent sent or delivered the notice of appeal to the director or the director's designee.

(3) The notice of appeal must include:

- (a) The parent and student's name and contact information.
- (b) The name of the resident school district.
- (c) The name of the virtual public charter school in which the student wants to enroll.
- (d) A copy of the notice of intent to enroll provided by the parent to the school district.
- (e) A copy of the notice of disapproval of enrollment received by the parent from the school district.
- (f) The reason for the appeal and any supporting documents including evidence the parent would like considered as part of the appeal.

(4) A school district upon receiving a notice of appeal from a parent may file a reply to the notice with the director or the director's designee. The reply must be received by the director or the director's designee within 10 days of when the school district received a copy of the notice of appeal from the parent. The school district shall provide a copy of the reply and any supporting documents included with the reply to the parent.

(5) The director or the director's designee shall overturn the decision of the school district to not approve the enrollment of the student if the director or the director's designee determines that:

- (a) The school in which the student intends to enroll is not a virtual public charter school.
- (b) The resident school district does not have more than three percent of the resident students of the district enrolled in virtual public charter schools not sponsored by the district.
- (c) The parent did not receive the notice of disapproval from the district within 10 days of when the parent sent the district the notice of intent to enroll.

(6) The director or the director's designee may consider the following in deciding whether to uphold or overturn a decision of the school district to not approve the enrollment of a student:

- (a) The health and safety of the student.
- (b) The student's educational needs and interests.
- (c) The availability of other online options to the student.

(d) Any other information that the director or the director's designee deems relevant to the decision.
(7) The director or the director's designee shall issue a final order within 14 days of receiving the notice of appeal from the parent. The director or the director's designee shall send a copy of the final order to the parent, the school district and the virtual public charter school.

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 338.125

History:

[ODE 62-2025, temporary amend filed 12/19/2025, effective 12/22/2025 through 06/19/2026](#)

[ODE 5-2024, amend filed 02/16/2024, effective 02/16/2024](#)

Renumbered from 581-020-0343, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 19-2011, f. & cert. ef. 12-15-11

ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12