

Does the “resident district” mean the sponsor district for the purpose of 819 abbreviated day calculations?

Yes. When a student enrolls in a public charter school, the student becomes a resident of the school district in which the charter school is located for the purpose of special education. ORS 338.165(1)(c).

How does a charter school calculate instructional time?

When a charter school calculates instructional time for the purpose of general ORS 338 compliance, they will follow the division 22 rules for instructional time. If they are a virtual or remote school, they can use the flowchart on page 46 in the [Online and Remote Learning Guidance](#).

Does the definition of asynchronous time for 819 change how a school calculates instructional time generally?

The definition of asynchronous time for the purpose of 819 is only used to determine if a student has meaningful access to instruction and educational services. If a student at a public charter school has a disability, the school district must ensure the student has meaningful access to the same number of hours of instruction and educational services as the majority of students without disabilities who are in the same grade within the resident/sponsor district. When this determination is being made, then the school must account for asynchronous instruction which does not meet the definition of meaningful access.

If the charter school uses asynchronous learning time as part of their general instructional approach, do students with IEPs and 504s need to be served differently?

If a student at a public charter school has a disability as defined under SB 819, the school district must ensure the student has meaningful access to the same number of hours of instruction and educational services as the majority of students without disabilities who are in the same grade within the resident/sponsor district. When this determination is being made, then the school must account for asynchronous instruction which does not meet the definition of meaningful access. It is possible that many—or even all—of the students with disabilities at the public charter school will be considered to be on an abbreviated day for purposes of SB 819. If this is the case, the school and district will need to follow all requirements of SB 819.

Are charter schools required to comply with 819?

All public charter schools must comply with the requirements in SB 819. However, SB 819 provides that virtual public charter schools that are in compliance with ORS 338 are exempt from the requirement that meaningful access is defined as synchronous and may count asynchronous learning time.

Can a public charter school or school district discourage students with disabilities from applying to a public charter school because the school may offer abbreviated school days?

A public charter school may not limit enrollment based on the terms of an individualized education program or disability. ORS 338.125. Federal and state civil rights laws apply to public charter schools. ORS 338.115.

Are there any exceptions for nonvirtual charter schools?

SB 819 applies to nonvirtual public charter schools without exception. If the charter school program does not meet “meaningful access” (e.g., because of asynchronous time) then it is likely an abbreviated school day and the charter school and the district will need to follow all of the rules for an abbreviated day.