

Senate Bill 667

Sponsored by Senators LINTHICUM, HEARD; Senators KNOPP, THATCHER, Representatives BARRETO, BOLES, BOSHAART DAVIS, DRAZAN, NEARMAN, RESCHKE, STARK, WILSON

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**.

Increases enrollment percentage at which student must receive approval from school district before enrolling in virtual public charter school.

A BILL FOR AN ACT

1
2 Relating to enrollment in virtual public charter schools; creating new provisions; and amending ORS
3 338.125.

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 (4) of this section.

12 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
13 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
14 income level, proficiency in the English language or athletic ability but may implement a weighted
15 lottery for historically underserved students as provided by subsection (3)(d) of this section.

16 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-
17 tions from students who reside in the school district exceeds the capacity of a program, class, grade
18 level or building, the public charter school shall select students through an equitable lottery se-
19 lection process. An equitable lottery selection process may incorporate the provisions described in
20 paragraph (d) of this subsection.

21 (b)(A) A public charter school may give priority for admission to students who reside within the
22 attendance boundaries that were in effect at the time a school district closed a nonchartered public
23 school if:

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

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

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

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

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

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

6 (A) Were enrolled in the school in the prior year;

7 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school
 8 in the prior year; or

9 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
 10 reside in the school district that is the sponsor of the public charter school or in a school district
 11 that is a party to the cooperative agreement.

12 (d) For the purpose of ameliorating the impact of discrimination against historically underserved
 13 students, a public charter school may select students through a weighted lottery that favors histor-
 14 ically underserved students. As used in this paragraph, “historically underserved students” are at
 15 risk because of any combination of two or more factors including their race, ethnicity, English lan-
 16 guage proficiency, socioeconomic status, gender, sexual orientation, disability and geographic lo-
 17 cation.

18 (4)(a) A student who wishes to enroll in a virtual public charter school does not need the ap-
 19 proval of the school district where the student is a resident before the student enrolls in the virtual
 20 public charter school. If a student wishes to enroll in a virtual public charter school, the parent,
 21 legal guardian or person in parental relationship with the student must provide the following notices
 22 to the school district where the student is a resident:

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

24 (B) Enrollment of the student in a virtual public charter school.

25 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than *[three]*
 26 **five** percent of the students who reside in a school district are enrolled in virtual public charter
 27 schools that are not sponsored by the school district, a student who is a resident of the school dis-
 28 trict must receive approval from the school district before enrolling in a virtual public charter
 29 school. A school district is not required to give approval if more than *[three]* **five** percent of the
 30 students who reside in the school district are enrolled in virtual public charter schools that are not
 31 sponsored by the school district.

32 (B) For the purpose of determining whether more than *[three]* **five** percent of the students who
 33 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
 34 the school district, the school district board shall include any students who:

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

37 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

38 (C) Students who reside in the school district, regardless of whether the students are considered
 39 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
 40 school district before enrolling in a virtual public charter school if the limit described in subpara-
 41 graph (A) of this paragraph has been met.

42 (c) If the school district does not give approval under paragraph (b) of this subsection, the
 43 school district must provide information to the parent, legal guardian or person in parental re-
 44 lationship with the student about the right to appeal the decision to the State Board of Education
 45 and other online options available to the student. If an appeal is made to the State Board of Edu-

1 cation, the board must issue a decision within 30 days of the submission of the appeal.

2 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school
3 shall provide written notice of the student's enrollment to the school district in which the public
4 charter school is located if the student does not reside in the school district where the public
5 charter school is located.

6 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school
7 district in which the public charter school is located shall provide to the student's parent, legal
8 guardian or person in parental relationship written information about:

9 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the
10 public charter school to determine which students may be in need of special education and related
11 services as provided by ORS 338.165; and

12 (b) The methods by which the school district may be contacted to answer questions or provide
13 information related to special education and related services.

14 (7) When a student described in subsection (5) of this section withdraws from a public charter
15 school for a reason other than graduation from high school, the school district in which the public
16 charter school is located shall:

17 (a) Provide to the school district in which the student resides written notice that the student
18 has withdrawn.

19 (b) Provide to the student's parent, legal guardian or person in parental relationship written
20 information about:

21 (A) The responsibility of the school district in which the student resides to identify, locate and
22 evaluate students who reside in the school district to determine which students may be in need of
23 special education and related services as provided by ORS 338.165; and

24 (B) The methods by which the school district in which the student resides may be contacted to
25 answer questions or provide information related to special education and related services.

26 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school
27 and has an individualized education program, the school district in which the public charter school
28 is located must implement the individualized education program and follow the terms of the indi-
29 vidualized education program until a new individualized education program is developed.

30 (b) If a student described in subsection (5) of this section withdraws from a public charter school
31 and has an individualized education program, the school district in which the student resides must
32 implement the individualized education program and follow the terms of the individualized education
33 program until a new individualized education program is developed.

34 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in
35 a virtual public charter school, the virtual public charter school shall provide the written notices
36 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

37 (10) A public charter school may conduct fund-raising activities but may not require a student
38 to participate in fund-raising activities as a condition of admission to the public charter school.

39 **SECTION 2.** ORS 338.125, as amended by section 2, chapter 585, Oregon Laws 2015, and section
40 2, chapter 218, Oregon Laws 2017, is amended to read:

41 338.125. (1) Student enrollment in a public charter school is voluntary.

42 (2)(a) All students who reside in the school district in which the public charter school is located
43 are eligible for enrollment in the public charter school if space is available.

44 (b) Students who do not reside in the school district in which the public charter school is lo-
45 cated are eligible for enrollment in the public charter school if space is available and subject to

1 subsection (4) of this section.

2 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
3 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
4 income level, proficiency in the English language or athletic ability.

5 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-
6 tions from students who reside in the school district exceeds the capacity of a program, class, grade
7 level or building, the public charter school shall select students through an equitable lottery se-
8 lection process.

9 (b)(A) A public charter school may give priority for admission to students who reside within the
10 attendance boundaries that were in effect at the time a school district closed a nonchartered public
11 school if:

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

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

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

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

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

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

25 (A) Were enrolled in the school in the prior year;

26 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school
27 in the prior year; or

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

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

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

37 (B) Enrollment of the student in a virtual public charter school.

38 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than [*three*]
39 **five** percent of the students who reside in a school district are enrolled in virtual public charter
40 schools that are not sponsored by the school district, a student who is a resident of the school dis-
41 trict must receive approval from the school district before enrolling in a virtual public charter
42 school. A school district is not required to give approval if more than [*three*] **five** percent of the
43 students who reside in the school district are enrolled in virtual public charter schools that are not
44 sponsored by the school district.

45 (B) For the purpose of determining whether more than [*three*] **five** percent of the students who

1 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
2 the school district, the school district board shall include any students who:

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

5 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

6 (C) Students who reside in the school district, regardless of whether the students are considered
7 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
8 school district before enrolling in a virtual public charter school if the limit described in subpara-
9 graph (A) of this paragraph has been met.

10 (c) If the school district does not give approval under paragraph (b) of this subsection, the
11 school district must provide information to the parent, legal guardian or person in parental re-
12 lationship with the student about the right to appeal the decision to the State Board of Education
13 and other online options available to the student. If an appeal is made to the State Board of Edu-
14 cation, the board must issue a decision within 30 days of the submission of the appeal.

15 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school
16 shall provide written notice of the student's enrollment to the school district in which the public
17 charter school is located if the student does not reside in the school district where the public
18 charter school is located.

19 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school
20 district in which the public charter school is located shall provide to the student's parent, legal
21 guardian or person in parental relationship written information about:

22 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the
23 public charter school to determine which students may be in need of special education and related
24 services as provided by ORS 338.165; and

25 (b) The methods by which the school district may be contacted to answer questions or provide
26 information related to special education and related services.

27 (7) When a student described in subsection (5) of this section withdraws from a public charter
28 school for a reason other than graduation from high school, the school district in which the public
29 charter school is located shall:

30 (a) Provide to the school district in which the student resides written notice that the student
31 has withdrawn.

32 (b) Provide to the student's parent, legal guardian or person in parental relationship written
33 information about:

34 (A) The responsibility of the school district in which the student resides to identify, locate and
35 evaluate students who reside in the school district to determine which students may be in need of
36 special education and related services as provided by ORS 338.165; and

37 (B) The methods by which the school district in which the student resides may be contacted to
38 answer questions or provide information related to special education and related services.

39 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school
40 and has an individualized education program, the school district in which the public charter school
41 is located must implement the individualized education program and follow the terms of the indi-
42 vidualized education program until a new individualized education program is developed.

43 (b) If a student described in subsection (5) of this section withdraws from a public charter school
44 and has an individualized education program, the school district in which the student resides must
45 implement the individualized education program and follow the terms of the individualized education

1 program until a new individualized education program is developed.

2 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in
3 a virtual public charter school, the virtual public charter school shall provide the written notices
4 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

5 (10) A public charter school may conduct fund-raising activities but may not require a student
6 to participate in fund-raising activities as a condition of admission to the public charter school.

7 **SECTION 3. The amendments to ORS 338.125 by sections 1 and 2 of this 2019 Act apply**
8 **to students who wish to enroll in a virtual public charter school for the 2020-2021 school year**
9 **or any subsequent school year.**

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