

A-Engrossed
Senate Bill 624

Ordered by the Senate April 2
Including Senate Amendments dated April 2

Sponsored by Senator FREDERICK (at the request of Oregon Education Association) (Pre-session filed.)

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.

[Establishes Task Force on Public Charter School Overview. Directs task force to study educational, fiscal, legal and political efficacy of public charter schools and virtual public charter schools in this state and to report to committees of Legislative Assembly related to education.]

[Sunsets June 30, 2022.]

[Declares emergency, effective on passage.]

Modifies calculations of minimum amount that school district must pay to public charter school for provision of educational services.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to public charter school overview; creating new provisions; amending ORS 338.155 and
3 338.165; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 338.155 is amended to read:

6 338.155. (1)(a) Students of a public charter school shall be considered to be residents of the
7 school district in which the public charter school is located for purposes of distribution of the State
8 School Fund.

9 (b) All amounts to be distributed from the State School Fund for public charter schools shall
10 first be distributed to the school district in which the public charter school is located.

11 (c) For the purpose of determining the amounts to be distributed to a school district from the
12 State School Fund for a public charter school, the district extended *[ADMw]* **weighted average**
13 **daily membership (ADMw)** described in ORS 327.013 shall be calculated:

14 (A) Except as provided by subparagraph (B) of this paragraph, as though the students enrolled
15 at a public charter school are students enrolled at the public schools of the school district in which
16 the public charter school is located.

17 (B) By not including any portion of the ADM of the public charter school for the previous school
18 year if the public charter school ceased to operate because of dissolution or closure or because of
19 termination or nonrenewal of a charter.

20 (2) A school district shall contractually establish, with any public charter school that is spon-
21 sored by the board of the school district, payment for provision of educational services to the public
22 charter school's students. The payment shall equal an amount per *[weighted average daily member-*
23 *ship (ADMw)]* **ADMw** of the public charter school that is at least equal to:

24 (a) Eighty percent of the amount of the school district's General Purpose Grant per **extended**
25 **ADMw** as calculated under ORS 327.013 for students who are enrolled in kindergarten through

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 grade eight; and

2 (b) Ninety-five percent of the amount of the school district's General Purpose Grant per **ex-**
3 **tended** ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through
4 12.

5 (3) A school district shall contractually establish, with any public charter school that is spon-
6 sored by the State Board of Education and that is within the boundaries of the school district,
7 payment for provision of educational services to the public charter school's students. The payment
8 shall equal an amount per [*weighted average daily membership (ADMw)*] **ADMw** of the public charter
9 school that is at least equal to:

10 (a) Ninety percent of the amount of the school district's General Purpose Grant per **extended**
11 ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through
12 grade eight; and

13 (b) Ninety-five percent of the amount of the school district's General Purpose Grant per **ex-**
14 **tended** ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through
15 12.

16 (4) The estimated amount of each school district's General Purpose Grant per **extended** ADMw
17 shall be determined each year by the Department of Education and made available to all school
18 districts.

19 (5) The school district in which the public charter school is located shall transfer an amount
20 per [*weighted average daily membership (ADMw)*] **ADMw** of the public charter school that is equal
21 to 50 percent of the amount of the school district's General Purpose Grant per **extended** ADMw as
22 calculated under ORS 327.013 that is not paid to the public charter school through a contract cre-
23 ated pursuant to subsection (3) of this section to the Department of Education.

24 (6) The department may use any moneys received under this section for activities related to
25 public charter schools.

26 (7) A school district and a public charter school may negotiate to establish a payment for the
27 provision of educational services to the public charter school's students that is more than the min-
28 imum amounts specified in subsection (2) or (3) of this section.

29 (8) A school district shall send payment to a public charter school based on a contract negoti-
30 ated under this section within 10 days after receiving payments from the State School Fund pursuant
31 to ORS 327.095.

32 (9)(a) A public charter school may apply for any grant that is available to school districts or
33 nonchartered public schools from the Department of Education. The department shall consider the
34 application of the public charter school in the same manner as an application from a school district
35 or nonchartered public school.

36 (b) The department shall award any grant that is available to school districts based solely on
37 the [*weighted average daily membership (ADMw)*] **ADMw** of the school district directly to the public
38 charter school. This paragraph does not apply to any grant from the State School Fund.

39 **SECTION 2.** ORS 338.165 is amended to read:

40 338.165. (1)(a) The school district in which a public charter school is located shall identify, lo-
41 cate and evaluate students enrolled in the public charter school to determine which students may
42 be in need of special education and related services.

43 (b) The school district in which a public charter school is located:

44 (A) Shall receive funding from the State School Fund as provided by this section for students
45 who are eligible for special education and related services and who are enrolled in the public

1 charter school; and

2 (B) Is eligible to receive high cost disabilities grants as provided by ORS 327.348 for students
3 who are enrolled in the public charter school.

4 (c) Students who are eligible for special education and related services shall be considered stu-
5 dents of the school district in which the public charter school is located for purposes of data col-
6 lection and reporting.

7 (2) If a student is enrolled in a public charter school and is eligible for special education and
8 related services, an additional amount shall be added to the ADM of the public charter school as
9 described in ORS 327.013 (1)(c)(A)(i). The payment per ADMw in the public charter school that is
10 attributable to the student who is eligible for special education and related services shall equal an
11 amount that is at least equal to:

12 (a) 40 percent of the amount of the General Purpose Grant per **extended** ADMw for the school
13 district in which the public charter school is located, as calculated under ORS 327.013, for students
14 who are enrolled in kindergarten through grade eight; and

15 (b) 47.5 percent of the amount of the General Purpose Grant per **extended** ADMw for the school
16 district in which the public charter school is located, as calculated under ORS 327.013, for students
17 who are enrolled in grades 9 through 12.

18 (3) If the State Board of Education is the sponsor of a public charter school, the school district
19 in which the public charter school is located, for each ADMw that is attributable to a student en-
20 rolled in a public charter school who is eligible for special education and related services, shall
21 transfer five percent of the amount of the school district's General Purpose Grant per **extended**
22 ADMw as calculated under ORS 327.013 to the State Board of Education.

23 (4) Notwithstanding subsection (2) of this section, a school district and a public charter school
24 may negotiate on a case-by-case basis for an alternative distribution of funds other than the dis-
25 tribution prescribed by subsection (2) of this section.

26 (5) Payments under this section must be made within 10 days after a school district receives
27 payment from the State School Fund pursuant to ORS 327.095.

28 **SECTION 3. The amendments to ORS 338.155 and 338.165 by sections 1 and 2 of this 2021**
29 **Act apply to State School Fund distributions commencing with 2021-2022 distributions.**

30 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
32 **July 1, 2021.**

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