

CONFERENCE COMMITTEE AMENDMENTS TO C-ENGROSSED SENATE BILL 767

June 26

Amended Summary

Requires applicant that seeks to establish public charter school to submit plan for school's financial management system to school district board. Requires board to evaluate soundness of applicant's plan and to evaluate school's use of plan upon application for renewal of charter. Allows termination of charter if school fails to maintain sound financial management system for specified period of time.

Exempts certain public charter schools from requirement that 50 percent or more of enrollment at public charter school that offers online courses be composed of students who reside in school district in which public charter school is located. **Specifies that State Board of Education may waive requirement if certain conditions are met.**

Prohibits virtual public charter school from increasing number of students to whom on-line instruction is provided based on number of students to whom online instruction was provided on May 1, 2009. Creates exceptions.

Requires virtual public charter school to meet specified criteria.

Provides that for-profit entity, if virtual public charter school or sponsor of virtual public charter school contracts with entity to provide education services, may not be employer of school employees. Creates exception.

Establishes Online Learning Task Force for purpose of ensuring appropriate access to online learning through public charter schools. Sunsets task force on convening of next regular biennial legislative session.

[Imposes moratorium on approval of specified charters. Imposes limits on virtual public charter school enrollment. Sunsets moratorium and limits on July 1, 2011.]

Declares emergency, effective on passage.

President Courtney:

Your Conference Committee to whom was referred C-engrossed Senate Bill 767, having had the same under consideration, respectfully reports it back with the recommendation that the Senate concur in the House amendments dated June 17 and that the bill be amended as follows and re-passed.

- 1 On page 6 of the printed C-engrossed bill, delete lines 4 through 9.
- 2 In line 10, delete "(k)" and insert "(j)".
- 3 In line 13, delete "(L)" and insert "(k)".
- 4 In line 15, delete "(m)" and insert "(L)".
- 5 On page 12, line 7, delete "and".
- 6 After line 7, insert:
- 7 "(N) How to best serve students who are learning English as a second language; and".
- 8 In line 8, delete "(N)" and insert "(O)".
- 9 On page 13, delete lines 8 through 45.
- 10 On page 14, delete lines 1 and 2 and insert:
- 11 "**SECTION 17. (1) As used in this section:**
- 12 "**(a) 'District student' means a student who resides in the school district that is the**
- 13 **sponsor of a virtual public charter school.**
- 14 "**(b) 'Nondistrict student' means a student who does not reside in the school district that**
- 15 **is the sponsor of a virtual public charter school.**

1 “(2)(a) Notwithstanding any other provision of this chapter, and based on the number of
2 students to whom online instruction was provided on May 1, 2009, a virtual public charter
3 school may not increase the number of students to whom online instruction is provided. This
4 section applies to all virtual public charter schools established in this state prior to, on or
5 after the effective date of this 2009 Act unless:

6 “(A) Fifty percent or more of the students who attend the virtual public charter school
7 are district students, in which case the number of students receiving online instruction may
8 increase until the number of nondistrict students receiving online instruction is no greater
9 than 50 percent of the total number of students receiving online instruction; or

10 “(B) The virtual public charter school has been granted a waiver by the State Board of
11 Education under ORS 338.025 of the provisions of ORS 338.125 (2)(b), and the school complies
12 with the terms of the waiver.

13 “(b)(A) Notwithstanding the restrictions of paragraph (a) of this subsection, a virtual
14 public charter school may enroll a sibling of a student if the student was enrolled in the
15 virtual public charter school on May 1, 2009, even if the virtual public charter school is re-
16 stricted from increasing the number of students to whom online instruction is provided and
17 only if the virtual public charter school is in compliance with subparagraphs (B) and (C) of
18 this paragraph.

19 “(B) A student who is a sibling of a student who was enrolled in the virtual public charter
20 school on May 1, 2009, may enroll in the virtual public charter school as provided in this
21 paragraph only if the enrollment is for the next academic term during which a student may
22 begin receiving online instruction.

23 “(C) A virtual public charter school that is restricted from increasing the number of
24 students to whom online instruction is provided but that is able to enroll new students within
25 the limits of that restriction must first enroll students who are siblings of students who were
26 enrolled in the virtual public charter school on May 1, 2009.

27 “(c) Notwithstanding the restrictions of paragraph (a) of this subsection, a virtual public
28 charter school that did not provide online instruction to any students on May 1, 2009, may
29 increase the number of students to whom online instruction is provided until the number of
30 nondistrict students receiving online instruction is no greater than 50 percent of the total
31 number of students receiving online instruction.

32 “(d)(A) Notwithstanding the restrictions of paragraph (a) of this subsection and
33 notwithstanding subsection (3) of this section, a virtual public charter school may increase
34 the number of students to whom online instruction is provided if:

35 “(i) The virtual public charter school had students enrolled on May 1, 2009;

36 “(ii) The enrollment of the virtual public charter school was 120 or fewer students on
37 May 1, 2009; and

38 “(iii) The State Board of Education provides a waiver to the virtual public charter school
39 under ORS 338.025 of the restrictions imposed by paragraph (a) of this subsection and the
40 requirements of ORS 338.125 (2)(b).

41 “(B) A waiver allowed under this paragraph may only allow a virtual public charter
42 school described in this paragraph to increase, before July 1, 2011, the number of students
43 to whom online instruction is provided to 120 without violating the provisions of this section
44 or ORS 338.125 (2)(b). After the virtual public charter school has enrolled 120 students, en-
45 rollment of any additional students must comply with the provisions of ORS 338.125 (2)(b).

