

SENATE AMENDMENTS TO SENATE BILL 1538

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

February 11

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, after “338.125” insert “; and declaring an emergency”.

3 On page 6, delete lines 38 through 45 and delete page 7.

4 On page 8, delete lines 1 through 43 and insert:

5 **“SECTION 3. (1) The amendments to ORS 338.055 by sections 1 and 2 of this 2014 Act**
6 **become operative January 1, 2015.**

7 **“(2) The amendments to ORS 338.055 by sections 1 and 2 of this 2014 Act apply to pro-**
8 **posals received on or after January 1, 2015.**

9 **“SECTION 4.** ORS 338.125 is amended to read:

10 **“338.125. (1)** Student enrollment in a public charter school is voluntary.

11 **“(2)(a)** All students who reside in the school district in which the public charter school is lo-
12 cated are eligible for enrollment in the public charter school if space is available.

13 **“(b)** Students who do not reside in the school district in which the public charter school is lo-
14 cated are eligible for enrollment in the public charter school if space is available and subject to
15 subsection (4) of this section.

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

19 **“(3)(a)** Except as provided by *[paragraph (b)]* **paragraphs (b) and (c)** of this subsection, if the
20 number of applications from students who reside in the school district exceeds the capacity of a
21 program, class, grade level or building, the public charter school shall select students through an
22 equitable lottery selection process.

23 **“(b) For any year of operation of a public charter school, the public charter school may**
24 **give priority for admission to students who have historically been underserved due to race**
25 **or ethnicity, students in low-income households or English language learner students. The**
26 **public charter school may not give priority under this paragraph for more than 50 percent**
27 **of the openings available at the public charter school for the school year. A public charter**
28 **school that gives priority to students under this paragraph shall report on usage of the pri-**
29 **ority to the school district that sponsors the public charter school.**

30 **“[(b)] (c)** After a public charter school has been in operation for one or more years, the public
31 charter school may give priority for admission to students who:

32 **“(A)** Were enrolled in the school in the prior year;

33 **“(B)** Have siblings who are presently enrolled in the school and who were enrolled in the school
34 in the prior year; or

35 **“(C)** If the public charter school is a party to a cooperative agreement described in ORS 338.080,

1 reside in the school district that is the sponsor of the public charter school or in a school district
2 that is a party to the cooperative agreement.

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

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

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

10 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three
11 percent of the students who reside in a school district are enrolled in virtual public charter schools
12 that are not sponsored by the school district, a student who is a resident of the school district must
13 receive approval from the school district before enrolling in a virtual public charter school. A school
14 district is not required to give approval if more than three percent of the students who reside in the
15 school district are enrolled in virtual public charter schools that are not sponsored by the school
16 district.

17 “(B) For the purpose of determining whether more than three percent of the students who reside
18 in the school district are enrolled in virtual public charter schools that are not sponsored by the
19 school district, the school district board shall include any students who:

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

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

23 “(C) Students who reside in the school district, regardless of whether the students are consid-
24 ered residents of different school districts as provided by ORS 339.133 (5), must receive approval
25 from the school district before enrolling in a virtual public charter school if the limit described in
26 subparagraph (A) of this paragraph has been met.

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

32 “(5) Within 10 days of a student’s enrollment in a public charter school, the public charter
33 school shall provide written notice of the student’s enrollment to the school district in which the
34 public charter school is located if the student does not reside in the school district where the public
35 charter school is located.

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

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

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

44 “(7) When a student described in subsection (5) of this section withdraws from a public charter
45 school for a reason other than graduation from high school, the school district in which the public

1 charter school is located shall:

2 “(a) Provide to the school district in which the student resides written notice that the student
3 has withdrawn.

4 “(b) Provide to the student’s parent, legal guardian or person in parental relationship written
5 information about:

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

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

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

15 “(b) If a student described in subsection (5) of this section withdraws from a public charter
16 school and has an individualized education program, the school district in which the student resides
17 must implement the individualized education program and follow the terms of the individualized ed-
18 ucation program until a new individualized education program is developed.

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

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

24 In line 44, delete “6” and insert “5”.

25 On page 10, line 28, delete “7” and insert “6”.

26 On page 11, line 45, delete “8” and insert “7”.

27 On page 12, after line 41, insert:

28 **“SECTION 8. The amendments to ORS 338.065 and 338.075 by sections 5 to 7 of this 2014
29 Act become operative January 1, 2015.**

30 **“SECTION 9. This 2014 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
32 on its passage.”.**

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