

**PROPOSED AMENDMENTS TO
SENATE BILL 1538**

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**
6 **2 of this 2014 Act become operative January 1, 2015.**

7 **“(2) The amendments to ORS 338.055 by sections 1 and 2 of this 2014**
8 **Act apply to proposals 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
12 charter school is located are eligible for enrollment in the public charter
13 school if space is available.

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

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

21 “(3)(a) Except as provided by [*paragraph (b)*] **paragraphs (b) and (c)** of
22 this subsection, if the number of applications from students who reside in the

1 school district exceeds the capacity of a program, class, grade level or
2 building, the public charter school shall select students through an equitable
3 lottery selection process.

4 **“(b) For any year of operation of a public charter school, the public**
5 **charter school may give priority for admission to students in ethnic**
6 **or racial minorities, students in low-income households or English**
7 **language learner students. The public charter school may not give**
8 **priority under this paragraph for more than 50 percent of the openings**
9 **available at the public charter school for the school year. A public**
10 **charter school that gives priority to students under this paragraph**
11 **shall report on usage of the priority to the school district that spon-**
12 **sors the public charter school.**

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

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

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

19 **“(C)** If the public charter school is a party to a cooperative agreement
20 described in ORS 338.080, reside in the school district that is the sponsor of
21 the public charter school or in a school district that is a party to the coop-
22 erative agreement.

23 **“(4)(a)** A student who wishes to enroll in a virtual public charter school
24 does not need the approval of the school district where the student is a res-
25 ident before the student enrolls in the virtual public charter school. If a
26 student wishes to enroll in a virtual public charter school, the parent, legal
27 guardian or person in parental relationship with the student must provide
28 the following notices to the school district where the student is a resident:

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

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

1 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,
2 if more than three percent of the students who reside in a school district are
3 enrolled in virtual public charter schools that are not sponsored by the
4 school district, a student who is a resident of the school district must receive
5 approval from the school district before enrolling in a virtual public charter
6 school. A school district is not required to give approval if more than three
7 percent of the students who reside in the school district are enrolled in vir-
8 tual public charter schools that are not sponsored by the school district.

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

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

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

18 “(C) Students who reside in the school district, regardless of whether the
19 students are considered residents of different school districts as provided by
20 ORS 339.133 (5), must receive approval from the school district before en-
21 rolling in a virtual public charter school if the limit described in subpara-
22 graph (A) of this paragraph has been met.

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

30 “(5) Within 10 days of a student’s enrollment in a public charter school,

1 the public charter school shall provide written notice of the student's en-
2 rollment to the school district in which the public charter school is located
3 if the student does not reside in the school district where the public charter
4 school is located.

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

9 “(a) The school district's responsibility to identify, locate and evaluate
10 students enrolled in the public charter school to determine which students
11 may be in need of special education and related services as provided by ORS
12 338.165; and

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

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

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

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

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

27 “(B) The methods by which the school district in which the student re-
28 sides may be contacted to answer questions or provide information related
29 to special education and related services.

30 “(8)(a) If a student described in subsection (5) of this section enrolls in

1 a public charter school and has an individualized education program, the
2 school district in which the public charter school is located must implement
3 the individualized education program and follow the terms of the individ-
4 ualized education program until a new individualized education program is
5 developed.

6 “(b) If a student described in subsection (5) of this section withdraws from
7 a public charter school and has an individualized education program, the
8 school district in which the student resides must implement the individual-
9 ized education program and follow the terms of the individualized education
10 program until a new individualized education program is developed.

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

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

18 **“SECTION 5.** ORS 338.125, as amended by section 4 of this 2014 Act, is
19 amended to read:

20 “338.125. (1) Student enrollment in a public charter school is voluntary.

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

24 “(b) Students who do not reside in the school district in which the public
25 charter school is located are eligible for enrollment in the public charter
26 school if space is available and subject to subsection (4) of this section.

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

1 “(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if
2 the number of applications from students who reside in the school district
3 exceeds the capacity of a program, class, grade level or building, the public
4 charter school shall select students through an equitable lottery selection
5 process.

6 “(b) For any year of operation of a public charter school, the public
7 charter school may give priority for admission to students in ethnic or racial
8 minorities, students in low-income households or English language learner
9 students. The public charter school may not give priority under this para-
10 graph for more than 50 percent of the openings available at the public
11 charter school for the school year. A public charter school that gives priority
12 to students under this paragraph shall report on usage of the priority to the
13 school district that sponsors the public charter school.

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

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

18 “(B) Have siblings who are presently enrolled in the school and who were
19 enrolled in the school in the prior year; or

20 “(C) If the public charter school is a party to a cooperative agreement
21 described in ORS 338.080, reside in the school district that is the sponsor of
22 the public charter school or in a school district that is a party to the coop-
23 erative agreement.

24 “(4)(a) A student who wishes to enroll in a virtual public charter school
25 does not need the approval of the school district where the student is a res-
26 ident before the student enrolls in the virtual public charter school. If a
27 student wishes to enroll in a virtual public charter school, the parent, legal
28 guardian or person in parental relationship with the student must provide
29 the following notices to the school district where the student is a resident:

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

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

2 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,
3 if more than three percent of the students who reside in a school district are
4 enrolled in virtual public charter schools that are not sponsored by the
5 school district, a student who is a resident of the school district must receive
6 approval from the school district before enrolling in a virtual public charter
7 school. A school district is not required to give approval if more than three
8 percent of the students who reside in the school district are enrolled in vir-
9 tual public charter schools that are not sponsored by the school district.

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

14 “(i) **Shall include any students who** reside in the school district, re-
15 gardless of whether the students are considered residents of different school
16 districts as provided by ORS 339.133 (5); [*and*]

17 “(ii) **Shall include any students who** are enrolled in virtual public
18 charter schools that are not sponsored by the school district[.]; **and**

19 “(iii) **May not include any students who are not required to attend**
20 **public full-time schools as provided in ORS 339.030.**

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

26 “(c) If the school district does not give approval under paragraph (b) of
27 this subsection, the school district must provide information to the parent,
28 legal guardian or person in parental relationship with the student about the
29 right to appeal the decision to the State Board of Education and other online
30 options available to the student. If an appeal is made to the State Board of

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

3 “(5) Within 10 days of a student’s enrollment in a public charter school,
4 the public charter school shall provide written notice of the student’s en-
5 rollment to the school district in which the public charter school is located
6 if the student does not reside in the school district where the public charter
7 school is located.

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

12 “(a) The school district’s responsibility to identify, locate and evaluate
13 students enrolled in the public charter school to determine which students
14 may be in need of special education and related services as provided by ORS
15 338.165; and

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

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

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

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

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

30 “(B) The methods by which the school district in which the student re-

1 sides may be contacted to answer questions or provide information related
2 to special education and related services.

3 “(8)(a) If a student described in subsection (5) of this section enrolls in
4 a public charter school and has an individualized education program, the
5 school district in which the public charter school is located must implement
6 the individualized education program and follow the terms of the individ-
7 ualized education program until a new individualized education program is
8 developed.

9 “(b) If a student described in subsection (5) of this section withdraws from
10 a public charter school and has an individualized education program, the
11 school district in which the student resides must implement the individual-
12 ized education program and follow the terms of the individualized education
13 program until a new individualized education program is developed.

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

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

21 **“SECTION 6. (1) The amendments to ORS 338.125 by section 5 of this**
22 **2014 Act become operative January 1, 2015.**

23 **“(2) The amendments to ORS 338.125 by section 5 of this 2014 Act**
24 **apply to students enrolling in virtual public charter schools on or after**
25 **January 1, 2015.”.**

26 In line 44, delete “6” and insert “7”.

27 On page 10, line 28, delete “7” and insert “8”.

28 On page 11, line 45, delete “8” and insert “9”.

29 On page 12, after line 41, insert:

30 **“SECTION 10. The amendments to ORS 338.065 and 338.075 by**

1 sections 7 to 9 of this 2014 Act become operative January 1, 2015.

2 **SECTION 11. This 2014 Act being necessary for the immediate**
3 **preservation of the public peace, health and safety, an emergency is**
4 **declared to exist, and this 2014 Act takes effect on its passage.”.**

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