

**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 who have**  
6 **historically been underserved due to race or ethnicity, students in**  
7 **low-income households or English language learner students. The**  
8 **public charter school may not give priority under this paragraph for**  
9 **more than 50 percent of the openings available at the public charter**  
10 **school for the school year. A public charter school that gives priority**  
11 **to students under this paragraph shall report on usage of the priority**  
12 **to the school district that sponsors 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 who have histor-  
8 ically been underserved due to race or ethnicity, students in low-income  
9 households or English language learner students. The public charter school  
10 may not give priority under this paragraph for more than 50 percent of the  
11 openings available at the public charter school for the school year. A public  
12 charter school that gives priority to students under this paragraph shall re-  
13 port on usage of the priority to the school district that sponsors the public  
14 charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 options available to the student. If an appeal is made to the State Board of  
2 Education, the board must issue a decision within 30 days of the submission  
3 of the appeal.

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

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

13 “(a) The school district’s responsibility to identify, locate and evaluate  
14 students enrolled in the public charter school to determine which students  
15 may be in need of special education and related services as provided by ORS  
16 338.165; and

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

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

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

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

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



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

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

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

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

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

22 **“SECTION 6. (1) The amendments to ORS 338.125 by section 5 of this**  
23 **2014 Act become operative January 1, 2015.**

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

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

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

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

30 On page 12, after line 41, insert:

1       **“SECTION 10.** The amendments to ORS 338.065 and 338.075 by  
2 sections 7 to 9 of this 2014 Act become operative January 1, 2015.

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

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