

SENATE AMENDMENTS TO SENATE BILL 819

By COMMITTEE ON EDUCATION

April 30

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages 2 through 7 and insert:

2 **“SECTION 1.** ORS 338.155 is amended to read:

3 “338.155. (1)(a) Students of a public charter school shall be considered to be residents of the
4 school district in which the public charter school is located for purposes of distribution of the State
5 School Fund.

6 “(b)(A) For the purpose of determining the amounts to be distributed from the State School Fund
7 to a school district in which a public charter school is located, the district extended ADMw de-
8 scribed in ORS 327.013 shall be determined by:

9 “(i) Separately calculating the extended ADMw for students at the public charter school and the
10 extended ADMw for students at nonchartered public schools in the school district; and

11 “(ii) Adding the extended ADMw for students at the public charter school and the extended
12 ADMw for students at nonchartered public schools in the school district.

13 “(B) Except as provided in subparagraph (A) of this paragraph:

14 “(i) All other calculations made under ORS 327.013 shall be made as though the students en-
15 rolled at a public charter school were students enrolled at the public schools in the school district
16 in which the public charter school is located; and

17 “(ii) All references to the district extended ADMw shall be based on the calculation made under
18 subparagraph (A)(ii) of this paragraph.

19 “(C) All amounts to be distributed from the State School Fund to public charter schools shall
20 first be distributed to the school district in which the public charter school is located.

21 **“(2) A school district shall enter into a contract with a public charter school that pro-
22 vides for payment to the public charter school for the provision of educational services to
23 the public charter school’s students.**

24 **“(3) Except as provided in subsections (4) and (5) of this section and ORS 338.165, the
25 payment required under subsection (2) of this section shall equal an amount per weighted
26 average daily membership (ADMw) of the public charter school that is at least equal to:**

27 **“(a) Ninety-five percent of the amount of the school district’s General Purpose Grant per
28 ADMw, as calculated under ORS 327.013, for the sponsor if the sponsor is the board of a
29 school district; or**

30 **“(b) Ninety-five percent of the General Purpose Grant per ADMw, as calculated under
31 ORS 327.013, for the school district where the public charter school is located if the sponsor
32 is the State Board of Education or an institution of higher education.**

33 **“[(2)] (4) A school district shall contractually establish, with any virtual public charter school
34 that is sponsored by the board of the school district, payment for provision of educational services
35 to the virtual public charter school’s students. The payment shall equal an amount per weighted**

1 average daily membership (ADMw) of the **virtual** public charter school that is at least equal to:

2 “(a) Eighty percent of the amount of the school district’s General Purpose Grant per ADMw as
3 calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight;
4 and

5 “(b) Ninety-five percent of the amount of the school district’s General Purpose Grant per ADMw
6 as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

7 “[3] **(5)** A school district shall contractually establish, with any **virtual** public charter school
8 that is sponsored by the State Board of Education or an institution of higher education and that is
9 within the boundaries of the school district, payment for provision of educational services to the
10 **virtual** public charter school’s students. The payment shall equal an amount per weighted average
11 daily membership (ADMw) of the **virtual** public charter school that is at least equal to:

12 “(a) Ninety percent of the amount of the school district’s General Purpose Grant per ADMw as
13 calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight;
14 and

15 “(b) Ninety-five percent of the amount of the school district’s General Purpose Grant per ADMw
16 as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

17 “[4] **(6)** The estimated amount of each school district’s General Purpose Grant per ADMw shall
18 be determined each year by the Department of Education and made available to all school districts.

19 “[5] **(7)** The school district in which the public charter school is located shall transfer an
20 amount per weighted average daily membership (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 ADMw as calculated
22 under ORS 327.013 that is not paid to the public charter school through a contract created pursuant
23 to subsection [(2) or (3)] **(3), (4) or (5)** of this section to:

24 “(a) For a public charter school sponsored by a school district, any school district in which the
25 parent or guardian of, or person in parental relationship to, a student of a public charter school
26 resides pursuant to ORS 339.133 and 339.134;

27 “(b) For a public charter school sponsored by the State Board of Education, the Department of
28 Education; or

29 “(c) For a public charter school sponsored by an institution of higher education, the institution
30 of higher education.

31 “**(8)(a) A sponsor may retain any amounts that are not paid to a public charter school**
32 **as provided by subsection (3), (4) or (5) of this section. Any amounts retained by the sponsor**
33 **as provided by this subsection must be used for administrative costs incurred by the sponsor**
34 **in relation to public charter schools.**

35 “[6] **(b)** The department may use any moneys received under this section for activities related
36 to public charter schools.

37 “[7] **(9)** A school district and a public charter school may negotiate to establish a payment for
38 the provision of educational services to the public charter school’s students that is more than the
39 minimum [amounts] **amount** specified in subsection [(2) or] (3), (4) or (5) of this section.

40 “**(10)(a) In addition to payments received by a public charter school under subsection (3),**
41 **(4) or (5) of this section and except as provided by ORS 338.165, the public charter school is**
42 **entitled to receive 95 percent of:**

43 “**(A) Any local, state or federal moneys received by a sponsor or by the school district**
44 **in which the public charter school is located.**

45 “**(B) Any local revenues, as described in ORS 327.011, that are available to the school**

1 **district.**

2 **“(b) Moneys described in paragraph (a) of this subsection must be distributed to a public**
3 **charter school in the same proportion that the number of students enrolled at the public**
4 **charter school bears to the number of students enrolled at the nonchartered public schools**
5 **in the school district.**

6 **“(c) Notwithstanding paragraph (a)(B) of this subsection, a virtual public charter school**
7 **is not entitled to receive a portion of local revenues, as described in ORS 327.011, but a school**
8 **district may choose to distribute a portion of local revenues to the virtual public charter**
9 **school.**

10 **“(8) (11) A school district shall send payment to a public charter school based on a contract**
11 **negotiated under this section within 10 days after receiving payments from the State School Fund**
12 **pursuant to ORS 327.095 or after receiving moneys pursuant to subsection (10) of this**
13 **section.**

14 **“(9)(a) (12)(a) A public charter school may apply for any grant that is available to school dis-**
15 **tricts or nonchartered public schools from the Department of Education. The department shall con-**
16 **sider the application of the public charter school in the same manner as an application from a**
17 **school district or nonchartered public school.**

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

21 **“SECTION 2. The amendments to ORS 338.155 by section 1 of this 2015 Act apply to**
22 **contracts entered into or renewed by a sponsor and public charter school prior to, on or af-**
23 **ter the effective date of this 2015 Act.**

24 **“SECTION 3. ORS 327.297, as amended by section 3, chapter 6, Oregon Laws 2014, is amended**
25 **to read:**

26 **“327.297. (1) In addition to those moneys distributed through the State School Fund, the De-**
27 **partment of Education shall award grants to school districts, education service districts, the Youth**
28 **Corrections Education Program and the Juvenile Detention Education Program for activities that**
29 **relate to increases in student achievement, including:**

30 **“(a) Early childhood support including establishing, maintaining or expanding quality**
31 **prekindergarten programs and full-day kindergarten programs;**

32 **“(b) Class size reduction with an emphasis on the reduction of kindergarten through grade three**
33 **class sizes;**

34 **“(c) Increases in instructional time including summer programs and before- and after-school**
35 **programs;**

36 **“(d) Mentoring, teacher retention and professional development;**

37 **“(e) Remediation, alternative learning and student retention;**

38 **“(f) Services to at-risk youth;**

39 **“(g) Programs to improve a student achievement gap between student groups identified by cul-**
40 **ture, poverty, language and race and other student groups;**

41 **“(h) Vocational education programs;**

42 **“(i) Literacy programs;**

43 **“(j) School library programs; and**

44 **“(k) Other research-based student improvement strategies approved by the State Board of Edu-**
45 **cation.**

1 “(2)(a) Each school district, each education service district, the Youth Corrections Education
2 Program and the Juvenile Detention Education Program may apply to the Department of Education
3 for a grant.

4 “(b) The department shall review and approve applications based on criteria established by the
5 State Board of Education. In establishing the criteria, the State Board of Education shall consider
6 the recommendations of the Quality Education Commission established under ORS 327.500.

7 “(c) The applications shall include the activities to be funded and the goals of the district or
8 program for increases in student performance. The applications shall become part of the local dis-
9 trict continuous improvement plan described in ORS 329.095.

10 “(3)(a) Notwithstanding ORS 338.155 [(9)] (12), the Department of Education may not award a
11 grant under this section directly to a public charter school.

12 “(b) A school district that receives a grant **for a public charter school** under this section
13 [may] **shall** transfer a portion of the grant to [a] **the** public charter school based on the **criteria**
14 **used to transfer grants to any nonchartered public school in the school district or based on**
15 **the** charter of the school or any other agreement between the school district and the public charter
16 school.

17 “(c) A public charter school that receives grant funds under this subsection [shall] **must** use
18 those funds for the activities specified in subsection (1) of this section.

19 “(4)(a) The amount of each grant for a program or school district = the program’s or school
20 district’s ADMw × (the total amount available for distribution to programs and school districts as
21 grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a
22 grant).

23 “(b) The amount of each grant for an education service district = the education service
24 district’s ADMw × (the total amount available for distribution to education service districts as
25 grants in each fiscal year ÷ the total ADMw of all education service districts that receive a grant).

26 “(c) As used in this subsection, ‘ADMw’ means:

27 “(A) For a school district, the extended weighted average daily membership as calculated under
28 ORS 327.013, 338.155 (1) and 338.165 (2);

29 “(B) For the Youth Corrections Education Program, the extended weighted average daily mem-
30 bership as calculated under ORS 327.026;

31 “(C) For the Juvenile Detention Education Program, the extended weighted average daily mem-
32 bership as calculated under ORS 327.026; and

33 “(D) For an education service district, the sum of the ADMw of the school districts located
34 within the territory of the education service district.

35 “(5) Each district or program shall deposit the grant amounts it receives under this section in
36 a separate account, and shall apply amounts in that account to pay for activities described in the
37 district’s or program’s application.

38 “(6) The State Board of Education may adopt any rules necessary for the administration of the
39 grant program.

40 “**SECTION 4.** ORS 327.297, as amended by section 9, chapter 704, Oregon Laws 2011, and sec-
41 tion 4, chapter 6, Oregon Laws 2014, is amended to read:

42 “327.297. (1) In addition to those moneys distributed through the State School Fund, the De-
43 partment of Education shall award grants to school districts, education service districts, the Youth
44 Corrections Education Program and the Juvenile Detention Education Program for activities that
45 relate to increases in student achievement, including:

1 “(a) Early childhood support including establishing, maintaining or expanding quality
2 prekindergarten programs;

3 “(b) Class size reduction with an emphasis on the reduction of kindergarten through grade three
4 class sizes;

5 “(c) Increases in instructional time including summer programs and before- and after-school
6 programs;

7 “(d) Mentoring, teacher retention and professional development;

8 “(e) Remediation, alternative learning and student retention;

9 “(f) Services to at-risk youth;

10 “(g) Programs to improve a student achievement gap between student groups identified by cul-
11 ture, poverty, language and race and other student groups;

12 “(h) Vocational education programs;

13 “(i) Literacy programs;

14 “(j) School library programs; and

15 “(k) Other research-based student improvement strategies approved by the State Board of Edu-
16 cation.

17 “(2)(a) Each school district, each education service district, the Youth Corrections Education
18 Program and the Juvenile Detention Education Program may apply to the Department of Education
19 for a grant.

20 “(b) The department shall review and approve applications based on criteria established by the
21 State Board of Education. In establishing the criteria, the State Board of Education shall consider
22 the recommendations of the Quality Education Commission established under ORS 327.500.

23 “(c) The applications shall include the activities to be funded and the goals of the district or
24 program for increases in student performance. The applications shall become part of the local dis-
25 trict continuous improvement plan described in ORS 329.095.

26 “(3)(a) Notwithstanding ORS 338.155 [(9)] **(12)**, the Department of Education may not award a
27 grant under this section directly to a public charter school.

28 “(b) A school district that receives a grant **for a public charter school** under this section
29 [*may*] **shall** transfer a portion of the grant to [*a*] **the** public charter school based on the **criteria**
30 **used to transfer grants to any nonchartered public school in the school district or based on**
31 **the** charter of the school or any other agreement between the school district and the public charter
32 school.

33 “(c) A public charter school that receives grant funds under this subsection [*shall*] **must** use
34 those funds for the activities specified in subsection (1) of this section.

35 “(4)(a) The amount of each grant for a program or school district = the program’s or school
36 district’s ADMw × (the total amount available for distribution to programs and school districts as
37 grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a
38 grant).

39 “(b) The amount of each grant for an education service district = the education service
40 district’s ADMw × (the total amount available for distribution to education service districts as
41 grants in each fiscal year ÷ the total ADMw of all education service districts that receive a grant).

42 “(c) As used in this subsection, ‘ADMw’ means:

43 “(A) For a school district, the extended weighted average daily membership as calculated under
44 ORS 327.013, 338.155 (1) and 338.165 (2);

45 “(B) For the Youth Corrections Education Program, the extended weighted average daily mem-

1 bership as calculated under ORS 327.026;

2 “(C) For the Juvenile Detention Education Program, the extended weighted average daily mem-
3 bership as calculated under ORS 327.026; and

4 “(D) For an education service district, the sum of the ADMw of the school districts located
5 within the territory of the education service district.

6 “(5) Each district or program shall deposit the grant amounts it receives under this section in
7 a separate account, and shall apply amounts in that account to pay for activities described in the
8 district’s or program’s application.

9 “(6) The State Board of Education may adopt any rules necessary for the administration of the
10 grant program.

11 “**SECTION 5.** ORS 338.145 is amended to read:

12 “338.145. (1) The public charter school shall be responsible for providing transportation to stu-
13 dents who reside within the school district and who attend the public charter school. The public
14 charter school may negotiate with a school district for the provision of transportation to students
15 attending the public charter school.

16 “(2) Notwithstanding subsection (1) of this section, the school district within which the public
17 charter school is located shall be responsible for the transportation of students attending the public
18 charter school pursuant to ORS 327.043 in the same manner as students attending nonchartered
19 public schools if the student is a resident of the school district. [However,] A school district may
20 not be required to add or extend existing bus routes or other transportation services pursuant to
21 this subsection.

22 “(3) Students who attend public charter schools and who reside outside of the school district
23 may use existing bus routes and transportation services of the school district in which a public
24 charter school is located.

25 “(4)(a) Any transportation costs incurred by a school district under this section shall be con-
26 sidered approved transportation costs for purposes of ORS 327.013 in the same manner as transpor-
27 tation costs incurred by the school district for transporting students who attend nonchartered public
28 schools are considered approved transportation costs for purposes of ORS 327.013.

29 “**(b) Any transportation costs incurred by a public charter school for providing trans-
30 portation to students who reside within the school district and who attend the public charter
31 school shall be considered approved transportation costs for purposes of ORS 327.013 in the
32 same manner as transportation costs incurred by a school district for transporting students
33 are considered approved transportation costs for purposes of ORS 327.013. A school district
34 shall pay the public charter school the total amount received by the school district for
35 transportation costs incurred by the public charter school within 10 days after the school
36 district receives the amount.**

37 “**SECTION 6.** The amendments to ORS 327.297, 338.145 and 338.155 by sections 1 and 3 to
38 5 of this 2015 Act apply to State School Fund distributions and other distributions of moneys
39 made to school districts commencing with the 2015-2016 distributions.

40 “**SECTION 7.** ORS 340.073 is amended to read:

41 “340.073. (1) A public charter school may elect to participate in the Expanded Options Program
42 by amending its charter under ORS 338.065.

43 “(2) Actual instructional costs associated with participating eligible students shall be negotiated
44 and paid directly to the eligible post-secondary institution by the public charter school.

45 “(3) The participating public charter school may not require funding from the sponsor of the

1 school for payment of Expanded Options Program costs that is in addition to funding that already
2 has been contractually established pursuant to ORS 338.155 [(2)(b) or (3)(b)] (3), (4) or (5) or 338.165
3 (2)(b).

4 **“SECTION 8. (1) The Secretary of State shall conduct an examination of at least five
5 public charter schools in this state.**

6 **“(2) The examination shall be used to:**

7 **“(a) Identify the services provided by the sponsor and by the public charter school re-
8 lating to the operation of the public charter school;**

9 **“(b) Determine the expenses related to the provision of the services identified in para-
10 graph (a) of this subsection; and**

11 **“(c) Identify and determine the amount of all public revenues directly or indirectly re-
12 ceived by a sponsor for public charter schools.**

13 **“(3) For the purpose of the examination described in subsection (2) of this section, the
14 Secretary of State may enter into a contract with an organization that:**

15 **“(a) Is based in this state;**

16 **“(b) Specializes in the evaluation of public schools in this state, including public charter
17 schools; and**

18 **“(c) Is capable of providing an objective and unbiased analysis of the issues identified in
19 subsection (2) of this section.**

20 **“(4) The Secretary of State shall submit to the appropriate legislative committees related
21 to education a summary of the examination described in subsection (2) of this section. The
22 report must be submitted no later than January 15, 2017.**

23 **“SECTION 9. Section 8 of this 2015 Act is repealed on December 31, 2017.**

24 **“SECTION 10. In addition to and not in lieu of any other appropriation, there is appro-
25 priated to the Secretary of State, for the biennium beginning July 1, 2015, out of the General
26 Fund, the amount of \$55,000, which shall be expended for purposes of conducting the exam-
27 ination described in section 8 of this 2015 Act.**

28 **“SECTION 11. This 2015 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
30 July 1, 2015.”.**

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