

B-Engrossed
Senate Bill 820

Ordered by the House June 5
Including Senate Amendments dated April 27 and House Amendments
dated June 5

Sponsored by Senators ROBLAN, HASS, KRUSE; Representatives HUFFMAN, KOMP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows] **Authorizes** public charter school to implement weighted lottery for students who are historically underserved. **Sunsets authorization on January 2, 2020, and requires report on weighted lotteries to legislative committees.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to admission to public charter schools; creating new provisions; amending ORS 338.125; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 338.125 is amended to read:

6 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

12 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
13 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
14 income level, proficiency in the English language or athletic ability **but may implement a**
15 **weighted lottery for historically underserved students as provided by subsection (3)(c) of this**
16 **section.**

17 (3)(a) Except as provided by paragraph (b) of this subsection, if the number of applications from
18 students who reside in the school district exceeds the capacity of a program, class, grade level or
19 building, the public charter school shall select students through an equitable lottery selection pro-
20 cess. **An equitable lottery selection process may incorporate the provisions described in par-**
21 **agraph (c) of this subsection.**

22 (b) After a public charter school has been in operation for one or more years, the public charter
23 school may give priority for admission to students who:

24 (A) Were enrolled in the school in the prior year;

25 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school
26 in the prior year; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
2 reside in the school district that is the sponsor of the public charter school or in a school district
3 that is a party to the cooperative agreement.

4 (c) **For the purpose of ameliorating the impact of discrimination against historically**
5 **underserved students, a public charter school may select students through a weighted lottery**
6 **that favors historically underserved students. As used in this paragraph, “historically**
7 **underserved students” are at risk because of any combination of two or more factors in-**
8 **cluding their race, ethnicity, English language proficiency, socioeconomic status, gender,**
9 **sexual orientation, disability and geographic location.**

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

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

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

17 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three
18 percent of the students who reside in a school district are enrolled in virtual public charter schools
19 that are not sponsored by the school district, a student who is a resident of the school district must
20 receive approval from the school district before enrolling in a virtual public charter school. A school
21 district is not required to give approval if more than three percent of the students who reside in the
22 school district are enrolled in virtual public charter schools that are not sponsored by the school
23 district.

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

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

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

30 (C) Students who reside in the school district, regardless of whether the students are considered
31 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
32 school district before enrolling in a virtual public charter school if the limit described in subpara-
33 graph (A) of this paragraph has been met.

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

39 (5) Within 10 days of a student’s enrollment in a public charter school, the public charter school
40 shall provide written notice of the student’s enrollment to the school district in which the public
41 charter school is located if the student does not reside in the school district where the public
42 charter school is located.

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

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

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

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

9 (a) Provide to the school district in which the student resides written notice that the student
10 has withdrawn.

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

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

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

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

22 (b) If a student described in subsection (5) of this section withdraws from a public charter school
23 and has an individualized education program, the school district in which the student resides must
24 implement the individualized education program and follow the terms of the individualized education
25 program until a new individualized education program is developed.

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

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

31 **SECTION 2.** ORS 338.125, as amended by section 1 of this 2015 Act, is amended to read:

32 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

38 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
39 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
40 income level, proficiency in the English language or athletic ability [*but may implement a weighted*
41 *lottery for historically underserved students as provided by subsection (3)(c) of this section*].

42 (3)(a) Except as provided by paragraph (b) of this subsection, if the number of applications from
43 students who reside in the school district exceeds the capacity of a program, class, grade level or
44 building, the public charter school shall select students through an equitable lottery selection pro-
45 cess. [*An equitable lottery selection process may incorporate the provisions described in paragraph (c)*]

1 *of this subsection.]*

2 (b) After a public charter school has been in operation for one or more years, the public charter
3 school may give priority for admission to students who:

4 (A) Were enrolled in the school in the prior year;

5 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school
6 in the prior year; or

7 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
8 reside in the school district that is the sponsor of the public charter school or in a school district
9 that is a party to the cooperative agreement.

10 *[(c) For the purpose of ameliorating the impact of discrimination against historically underserved*
11 *students, a public charter school may select students through a weighted lottery that favors historically*
12 *underserved students. As used in this paragraph, "historically underserved students" are at risk be-*
13 *cause of any combination of two or more factors including their race, ethnicity, English language pro-*
14 *ficiency, socioeconomic status, gender, sexual orientation, disability and geographic location.]*

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

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

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

22 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three
23 percent of the students who reside in a school district are enrolled in virtual public charter schools
24 that are not sponsored by the school district, a student who is a resident of the school district must
25 receive approval from the school district before enrolling in a virtual public charter school. A school
26 district is not required to give approval if more than three percent of the students who reside in the
27 school district are enrolled in virtual public charter schools that are not sponsored by the school
28 district.

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

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

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

35 (C) Students who reside in the school district, regardless of whether the students are considered
36 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
37 school district before enrolling in a virtual public charter school if the limit described in subpara-
38 graph (A) of this paragraph has been met.

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

44 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school
45 shall provide written notice of the student's enrollment to the school district in which the public

1 charter school is located if the student does not reside in the school district where the public
2 charter school is located.

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

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

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

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

14 (a) Provide to the school district in which the student resides written notice that the student
15 has withdrawn.

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

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

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

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

27 (b) If a student described in subsection (5) of this section withdraws from a public charter school
28 and has an individualized education program, the school district in which the student resides must
29 implement the individualized education program and follow the terms of the individualized education
30 program until a new individualized education program is developed.

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

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

36 **SECTION 3. (1) The amendments to ORS 338.125 by section 2 of this 2015 Act become**
37 **operative on January 2, 2020.**

38 **(2) The amendments to ORS 338.125 by section 2 of this 2015 Act first apply to admissions**
39 **for the 2020-2021 school year.**

40 **SECTION 4. No later than September 30, 2019, the Department of Education shall submit**
41 **a report to the interim legislative committees on education. The report shall be produced in**
42 **collaboration with public charter schools and school districts that are sponsors of public**
43 **charter schools and shall provide a review of the implementation of weighted lotteries, as**
44 **provided under ORS 338.125.**

45 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
2 **on its passage.**

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