

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 820

By COMMITTEE ON EDUCATION

June 5

1 On page 1 of the printed A-engrossed bill, line 2, after “schools;” insert “creating new pro-
2 visions;”.

3 On page 2, line 4, before “their” insert “two or more factors including”.

4 On page 3, after line 27, insert:

5 “**SECTION 2.** ORS 338.125, as amended by section 1 of this 2015 Act, 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 lo-
8 cated 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 weighted
15 lottery for historically underserved students as provided by subsection (3)(c) of this section*].

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

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

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

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

26 “(C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
27 reside in the school district that is the sponsor of the public charter school or in a school district
28 that is a party to the cooperative agreement.

29 “[*(c) For the purpose of ameliorating the impact of discrimination against historically underserved
30 students, a public charter school may select students through a weighted lottery that favors historically
31 underserved students. As used in this paragraph, ‘historically underserved students’ are at risk because
32 of any combination of two or more factors including their race, ethnicity, English language proficiency,
33 socioeconomic status, gender, sexual orientation, disability and geographic location.*]

34 “(4)(a) A student who wishes to enroll in a virtual public charter school does not need the ap-
35 proval of the school district where the student is a resident before the student enrolls in the virtual

1 public charter school. If a student wishes to enroll in a virtual public charter school, the parent,
2 legal guardian or person in parental relationship with the student must provide the following notices
3 to the school district where the student is a resident:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 “(b) Provide to the student’s parent, legal guardian or person in parental relationship written

1 information about:

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

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

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

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

15 “(9) When a virtual public charter school enrolls a student or a student no longer is enrolled
16 in a virtual public charter school, the virtual public charter school shall provide the written notices
17 described in ORS 338.120 (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 not require a student
19 to participate in fund-raising activities as a condition of admission to the public charter school.

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

22 “**(2) The amendments to ORS 338.125 by section 2 of this 2015 Act first apply to admis-**
23 **sions for the 2020-2021 school year.**

24 “**SECTION 4. No later than September 30, 2019, the Department of Education shall sub-**
25 **mit a report to the interim legislative committees on education. The report shall be produced**
26 **in collaboration with public charter schools and school districts that are sponsors of public**
27 **charter schools and shall provide a review of the implementation of weighted lotteries, as**
28 **provided under ORS 338.125.”.**

29 In line 28, delete “2” and insert “5”.
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