

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 820**

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

3 On page 3, after line 27, insert:

4 **“SECTION 2.** ORS 338.125, as amended by section 1 of this 2015 Act, is  
5 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  
8 charter school is located are eligible for enrollment in the public charter  
9 school if space is available.

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

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

19 “(3)(a) Except as provided by paragraph (b) of this subsection, if the  
20 number of applications from students who reside in the school district ex-  
21 ceeds the capacity of a program, class, grade level or building, the public  
22 charter school shall select students through an equitable lottery selection

1 process. *[An equitable lottery selection process may incorporate the provisions*  
2 *described in paragraph (c) of this subsection.]*

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

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

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

9 “(C) If the public charter school is a party to a cooperative agreement  
10 described in ORS 338.080, reside in the school district that is the sponsor of  
11 the public charter school or in a school district that is a party to the coop-  
12 erative agreement.

13 “[*(c) For the purpose of ameliorating the impact of discrimination against*  
14 *historically underserved students, a public charter school may select students*  
15 *through a weighted lottery that favors historically underserved students. As*  
16 *used in this paragraph, ‘historically underserved students’ are at risk because*  
17 *of any combination of their race, ethnicity, English language proficiency,*  
18 *socioeconomic status, gender, sexual orientation, disability and geographic lo-*  
19 *cation.]*

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

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

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

28 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,  
29 if more than three percent of the students who reside in a school district are  
30 enrolled in virtual public charter schools that are not sponsored by the

1 school district, a student who is a resident of the school district must receive  
2 approval from the school district before enrolling in a virtual public charter  
3 school. A school district is not required to give approval if more than three  
4 percent of the students who reside in the school district are enrolled in vir-  
5 tual public charter schools that are not sponsored by the school district.

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

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

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

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

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

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

1 school is located.

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

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

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

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

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

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

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

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

27 “(8)(a) If a student described in subsection (5) of this section enrolls in  
28 a public charter school and has an individualized education program, the  
29 school district in which the public charter school is located must implement  
30 the individualized education program and follow the terms of the individ-

1 ualized education program until a new individualized education program is  
2 developed.

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

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

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

15 **“SECTION 3. (1) The amendments to ORS 338.125 by section 2 of this**  
16 **2015 Act become operative on January 2, 2019.**

17 **“(2) The amendments to ORS 338.125 by section 2 of this 2015 Act**  
18 **first apply to admissions for the 2019-2020 school year.**

19 **“SECTION 4. No later than September 30, 2018, the Department of**  
20 **Education shall submit a report to the interim legislative committees**  
21 **on education. The report shall be produced in collaboration with public**  
22 **charter schools and school districts that are sponsors of public charter**  
23 **schools and shall provide a review of the implementation of weighted**  
24 **lotteries, as provided under ORS 338.125.”.**

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

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