

House Bill 3313

Sponsored by Representative BARNHART

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 **as introduced**.

Allows public charter school to give priority in admission to students who had resided within service boundaries of nonchartered public school that closed within two years prior to public charter school beginning to operate.

A BILL FOR AN ACT

1
2 Relating to priority admission to public charter schools; amending ORS 338.125.

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

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

5 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

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

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

20 **(b) A public charter school may give priority for admission to students who had resided**
21 **within the service boundaries of a nonchartered public school that closed not more than two**
22 **school years before the public charter school began to operate.**

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

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

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

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

31 [(c)] **(d)** For the purpose of ameliorating the impact of discrimination against historically

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 underserved students, a public charter school may select students through a weighted lottery that
 2 favors historically underserved students. As used in this paragraph, “historically underserved stu-
 3 dents” are at risk because of any combination of two or more factors including their race, ethnicity,
 4 English language proficiency, socioeconomic status, gender, sexual orientation, disability and ge-
 5 ographic location.

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

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

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

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

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

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

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

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

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

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

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

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

45 (b) The methods by which the school district may be contacted to answer questions or provide

1 information related to special education and related services.

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

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

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

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

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

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

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

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

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

27 **SECTION 2.** ORS 338.125, as amended by section 2, chapter 585, Oregon Laws 2015, is amended
 28 to read:

29 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

35 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
 36 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
 37 income level, proficiency in the English language or athletic ability.

38 (3)(a) Except as provided by [paragraph (b)] **paragraphs (b) and (c)** of this subsection, if the
 39 number of applications from students who reside in the school district exceeds the capacity of a
 40 program, class, grade level or building, the public charter school shall select students through an
 41 equitable lottery selection process.

42 **(b) A public charter school may give priority for admission to students who had resided**
 43 **within the service boundaries of a nonchartered public school that closed not more than two**
 44 **school years before the public charter school began to operate.**

45 [(b)] (c) After a public charter school has been in operation for one or more years, the public

1 charter school may give priority for admission to students who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the
45 public charter school to determine which students may be in need of special education and related

1 services as provided by ORS 338.165; and

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

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

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

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

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

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

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17 and has an individualized education program, the school district in which the public charter school
18 is located must implement the individualized education program and follow the terms of the indi-
19 vidualized education program until a new individualized education program is developed.

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

24 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in
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26 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

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