

Minority Report
A-Engrossed
House Bill 2954

Ordered by the House April 10
Including House Minority Report Amendments dated April 10

Sponsored by nonconcurring members of the House Committee on Education: Representatives OWENS, SMITH DB, WEBER, WRIGHT

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 public charter school to implement weighted lottery that favors historically underserved students when number of applications for enrollment exceeds capacity of program, class, grade level or building.

Allows public charter school to give enrollment preference to students who were enrolled in public preschool or prekindergarten program operated by public charter school and to students who are at risk because of economic or academic disadvantage that requires special services or assistance.

Increases percentage of students in school district who may enroll in virtual public charter school not sponsored by school district without first receiving approval from school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public charter school enrollment; amending ORS 338.125; and declaring an emergency.

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. **A public charter school may
14 implement a weighted lottery that favors historically underserved students as provided by
15 subsection (3)(a) of this section.**

16 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-
17 tions from students [*who reside in the school district*] exceeds the capacity of a program, class, grade
18 level or building, the public charter school shall select students through an equitable lottery se-
19 lection process. **For the purpose of ameliorating the impact of discrimination against histor-
20 ically underserved students, an equitable lottery selection process may include weights that
21 favor historically underserved students. As used in this paragraph, "historically underserved**

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 **students” are students who are at risk because of any combination of their race, sex, sexual**
2 **orientation, ethnicity, disability, income level, proficiency in the English language,**
3 **socioeconomic status or geographic location.**

4 (b)(A) A public charter school may give priority for admission to students who reside within the
5 attendance boundaries that were in effect at the time a school district closed a nonchartered public
6 school if:

7 (i) The public charter school began to operate not more than two years after the nonchartered
8 public school was closed;

9 (ii) The school district that closed the nonchartered public school is the sponsor of the public
10 charter school;

11 (iii) The public charter school is physically located within the attendance boundaries of the
12 closed nonchartered public school; and

13 (iv) The school district board, through board action, approved the public charter school giving
14 priority as described in this paragraph.

15 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may
16 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
17 a charter.

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

20 (A) Were enrolled [*in the school*] in the prior year **in the public charter school;**

21 **(B) Were enrolled in a public preschool or prekindergarten program operated by the**
22 **public charter school;**

23 [*(B)*] (C) Have siblings who are presently enrolled in the school and who were enrolled in the
24 school in the prior year; [*or*]

25 **(D) Are at risk because the student has an economic or academic disadvantage that re-**
26 **quires special services or assistance, including students who:**

27 **(i) Are from economically disadvantaged families;**

28 **(ii) Are identified as having special educational needs;**

29 **(iii) Are limited in proficiency in the English language;**

30 **(iv) Are at risk of dropping out of high school; or**

31 **(v) Do not meet minimum standards of academic proficiency; or**

32 [*(C)*] **(E)** If the public charter school is a party to a cooperative agreement described in ORS
33 338.080, reside in the school district that is the sponsor of the public charter school or in a school
34 district that is a party to the cooperative agreement.

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

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

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

42 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than [*three*]
43 **four** percent of the students who reside in a school district are enrolled in virtual public charter
44 schools that are not sponsored by the school district, a student who is a resident of the school dis-
45 trict must receive approval from the school district before enrolling in a virtual public charter

1 school. A school district is not required to give approval if more than [*three*] **four** percent of the
2 students who reside in the school district are enrolled in virtual public charter schools that are not
3 sponsored by the school district.

4 (B) For the purpose of determining whether more than [*three*] **four** percent of the students who
5 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
6 the school district, the school district board shall include any students who:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school
44 and has an individualized education program, the school district in which the public charter school
45 is located must implement the individualized education program and follow the terms of the indi-

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

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

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

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

11 **SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
13 **on its passage.**

14