

Senate Joint Resolution 201

Sponsored by Senator ROBINSON (Pre-session filed.)

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**.

Proposes amendment to Oregon Constitution to establish right of parent to choose school that parent's child attends.

Requires establishment of school choice accounts for parents who choose nonpublic education. Allows parents who choose nonpublic education to pay for expenses incurred in relation to education of child with moneys from school choice account.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

1
2 Whereas every child in this state deserves an equal opportunity to receive a quality education;
3 and

4 Whereas a family's zip code or income level should not be a barrier to the type or quality of
5 education that the family's children receive; and

6 Whereas allowing families in this state to have the right to choose among various schools and
7 educational programs will provide fairness to all children; and

8 Whereas many schools in this state persistently fail children from disadvantaged backgrounds
9 and children with special needs; and

10 Whereas Oregon schools rank in the bottom 20 percent nationally for quality and safety; and

11 Whereas parents are now aware that education comes in many forms, some of which better fit
12 the needs of their children; and

13 Whereas no child should be trapped in a particular school or form of schooling if that school
14 or schooling does not fit the educational needs of the child; and

15 Whereas parents have the primary right and duty to educate their children; and

16 Whereas parents are uniquely aware of what is best for their children; and

17 Whereas parents want to choose the schooling options that ensure that their children receive
18 the best education possible; and

19 Whereas empowering parents and their children with the opportunity to customize the education
20 that best serves the children will improve the children's happiness and success in school; and

21 Whereas introducing competition among schools will lead to innovative and cost-saving im-
22 provements to the content and delivery of education to all students in this state; and

23 Whereas improving the education that Oregon children receive will improve the lives of Oregon
24 residents; now, therefore,

25 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

26 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section
27 9 to be added to and made a part of Article VIII, such section to read:

28 **SECTION 9. (1) As used in this section:**

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 (a) "Attendance boundary" means the area within a school district that designates which
2 public school a child will attend based on the location of the child's residence.

3 (b) "Child" means a child who is a resident of this state and who is eligible to attend the
4 schools of this state in any grade from kindergarten through grade 12.

5 (c) "Nonpublic education" means education that is not directly funded by state moneys,
6 including a private school and a homeschool program.

7 (d) "Parent" means the person or persons who have legal custody of a child.

8 (e) "Public school" means a public school that is operated by a school district.

9 (f) "School" includes a public school, a school funded by state moneys, a private school
10 and a homeschool program.

11 (g) "School choice account" means an education savings account that is established for
12 the parent of a child and to which this state transfers moneys to be used by the parent for
13 nonpublic education as provided by subsection (4) of this section.

14 (2) Each parent has the right to choose the school that the parent's child attends.

15 (3)(a) Within each school district, a parent has the right to choose the public school the
16 parent's child will attend, for the appropriate grade level, for each school year, regardless
17 of any attendance boundary established by the school district.

18 (b) For a child who attends a public school in the school district that is outside the at-
19 tendance boundary for the child's residence, the school district shall provide full education
20 services for the child if space is available in the chosen public school.

21 (c) Notwithstanding paragraph (b) of this subsection, a school district is not required to
22 provide transportation services to a child who attends a public school in the school district
23 that is outside the attendance boundary for the child's residence.

24 (4)(a) A parent has the right to choose nonpublic education for the parent's child and to
25 receive funding in a school choice account as provided by this subsection.

26 (b) A parent who chooses nonpublic education shall notify the state agency overseeing
27 education and inform the agency of the parent's choice. Notice must be provided no later
28 than 15 days prior to the date the child will begin the nonpublic education. The notice must
29 identify the child and the child's age, specify that the parent has chosen to have the child
30 educated by nonpublic education and request participation in a school choice account.

31 (c)(A) In each school choice account, the state agency overseeing education shall transfer
32 80 percent of the greater of:

33 (i) \$9,500; or

34 (ii) The average amount distributed to a school district for a public school student based
35 on the state distribution formula.

36 (B) Notwithstanding subparagraph (A) of this paragraph, any amounts transferred to a
37 school choice account shall be prorated for the number of months remaining in a school year
38 if a parent chooses nonpublic education after the beginning of the school year.

39 (d) A parent may use moneys in a school choice account for the following expenses in-
40 curred on behalf of the parent's child related to the education of the child:

41 (A) Education expenses, including tutoring, curriculum and supplemental materials, uni-
42 forms, educational services and therapies, examination and testing fees, education hardware
43 and software, textbooks and other instructional materials and tuition for dual-credit classes,
44 private schools, nonpublic online learning programs and vocational, life-skills, career or
45 technical schooling;

1 **(B) Transportation fees paid to a fee-for-service transportation provider;**

2 **(C) Tuition, textbooks and fees at post-secondary institutions of education; and**

3 **(D) Management fees for the school choice account.**

4 **(e) Moneys in a school choice account shall be considered tax free for the parent of the**
5 **child. Moneys and interest accruing to a school choice account shall remain in the account**
6 **until the child completes grade 12. Any moneys remaining in the school choice account after**
7 **the child completes grade 12 may be used for expenses incurred by the child for post-**
8 **secondary education in this state.**

9 **(f) The state agency overseeing education shall contract with a nonprofit organization to**
10 **administer school choice accounts. The nonprofit organization may charge a management fee**
11 **for each school choice account.**

12
13 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
14 **people for their approval or rejection at the next regular general election held throughout**
15 **this state.**

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