

HOUSE AMENDMENTS TO HOUSE BILL 3204

By COMMITTEE ON EDUCATION

March 31

- 1 On page 1 of the printed bill, line 2, delete “creating new provisions;”.
- 2 Delete lines 5 through 30 and delete pages 2 and 3.
- 3 On page 4, delete lines 1 through 20 and insert:
- 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 lo-
- 7 cated 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)] (5) of this section.
- 11 “(c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
- 12 orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized ed-
- 13 ucation program, income level, proficiency in the English language or athletic ability. A public
- 14 charter school may implement a weighted lottery that favors historically underserved students as
- 15 provided by subsection (3)(a) of this section.
- 16 “(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of appli-
- 17 cations from students exceeds the capacity of a program, class, grade level or building, the public
- 18 charter school shall select students through an equitable lottery selection process. For the purpose
- 19 of ameliorating the impact of discrimination against historically underserved students, an equitable
- 20 lottery selection process may include weights that favor historically underserved students. As used
- 21 in this paragraph, ‘historically underserved students’ are students who are at risk because of any
- 22 combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level,
- 23 proficiency in the English language, socioeconomic status or geographic location.
- 24 “(b)(A) A public charter school may give priority for admission to students who reside within
- 25 the attendance boundaries that were in effect at the time a school district closed a nonchartered
- 26 public school if:
- 27 “(i) The public charter school began to operate not more than two years after the nonchartered
- 28 public school was closed;
- 29 “(ii) The school district that closed the nonchartered public school is the sponsor of the public
- 30 charter school;
- 31 “(iii) The public charter school is physically located within the attendance boundaries of the
- 32 closed nonchartered public school; and
- 33 “(iv) The school district board, through board action, approved the public charter school giving
- 34 priority as described in this paragraph.
- 35 “(B) Nothing in this paragraph requires an amendment to a charter. A school district board may

1 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
2 a charter.

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

5 “(A) Were enrolled in the prior year in the public charter school;

6 “(B) Were enrolled in a public preschool or prekindergarten program operated by the public
7 charter school;

8 “(C) Have siblings who are presently enrolled in the school and who were enrolled in the school
9 in the prior year;

10 “(D) Are at risk because the student has an economic or academic disadvantage that requires
11 special services or assistance, including students who:

12 “(i) Are from economically disadvantaged families;

13 “(ii) Are identified as having special educational needs;

14 “(iii) Are limited in proficiency in the English language;

15 “(iv) Are at risk of dropping out of high school; or

16 “(v) Do not meet minimum standards of academic proficiency; or

17 “(E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
18 reside in the school district that is the sponsor of the public charter school or in a school district
19 that is a party to the cooperative agreement.

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

25 “[~~(A)~~] **(a)** Intent to enroll the student in a virtual public charter school; and

26 “[~~(B)~~] **(b)** Enrollment of the student in a virtual public charter school.

27 “[~~(b)(A)~~] **(5)(a)** Notwithstanding [~~paragraph (a) of this~~] subsection **(4) of this section** and ORS
28 339.133, if more than three percent of the students who reside in a school district are enrolled in
29 virtual public charter schools that are not sponsored by the school district, a student who is a res-
30 ident of the school district must receive approval from the school district before enrolling in a vir-
31 tual public charter school. A school district is not required to give approval if more than three
32 percent of the students who reside in the school district are enrolled in virtual public charter
33 schools that are not sponsored by the school district. **A school district must provide notice of**
34 **the decision to not give approval within 10 calendar days of receiving notice of intent for the**
35 **student to enroll in a virtual public charter school.**

36 “[~~(B)~~] **(b)** For the purpose of determining whether more than three percent of the students who
37 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
38 the school district, the school district board shall:

39 “**(A)** Include any students who:

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

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

43 “**(B) Calculate, at least twice each year, the school district’s percentage of students at-**
44 **tending virtual public charter schools that are not sponsored by the school district.**

45 “[~~(C)~~] **(c)(A) Except as provided by subparagraph (B) of this paragraph,** students who reside

1 in the school district, regardless of whether the students are considered residents of different school
2 districts as provided by ORS 339.133 (5), must receive approval from the school district before en-
3 rolling in a virtual public charter school if the limit described in [subparagraph (A) of this
4 paragraph] **paragraph (a) of this subsection** has been met.

5 **“(B) A student is not required to receive approval from the school district in which the
6 student resides if the student:**

7 **“(i) Previously lived in another school district;**

8 **“(ii) While living in the other school district, was enrolled in a virtual public charter
9 school; and**

10 **“(iii) Has maintained continuous enrollment in the virtual public charter school since
11 moving into the school district where the student currently resides.**

12 “[c] **(d)** If the school district does not give approval under paragraph [(b)] **(a)** of this sub-
13 section, the school district must provide [information] to the parent, legal guardian or person in
14 parental relationship with the student **information** about:

15 **“(A) The percentage of students in the resident district that attend virtual public charter
16 schools that are not sponsored by the school district, based on the most recent calculation;**

17 **“(B) The right to appeal the decision to the State Board of Education; and**

18 **“(C) Other online options available to the student.**

19 **“(e) If an appeal is made to the State Board of Education as described in paragraph (d) of
20 this subsection, the board must issue a decision within [30] 14 days of the submission of the appeal.**

21 “[5] **(6)** Within 10 days of a student’s enrollment in a public charter school, the public charter
22 school shall provide written notice of the student’s enrollment to the school district in which the
23 public charter school is located if the student does not reside in the school district where the public
24 charter school is located.

25 “[6] **(7)** Within 10 days of receiving the notice described in subsection [(5)] **(6)** of this section,
26 the school district in which the public charter school is located shall provide to the student’s parent,
27 legal guardian or person in parental relationship written information about:

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

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

33 “[7] **(8)** When a student described in subsection [(5)] **(6)** of this section withdraws from a public
34 charter school for a reason other than graduation from high school, the school district in which the
35 public charter school is located shall:

36 **“(a) Provide to the school district in which the student resides written notice that the student
37 has withdrawn.**

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

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

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

45 “[8)(a)] **(9)(a)** If a student described in subsection [(5)] **(6)** of this section enrolls in a public

1 charter school and has an individualized education program, the school district in which the public
2 charter school is located must implement the individualized education program and follow the terms
3 of the individualized education program until a new individualized education program is developed.

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

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

11 “[10] **(11)** A public charter school may conduct fund-raising activities but may not require a
12 student to participate in fund-raising activities as a condition of admission to the public charter
13 school.”

14 Delete lines 31 through 37.

15 In line 38, delete “4” and insert “3”.

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