Senate Bill 707

Sponsored by Senator LINTHICUM (Presession 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.

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

Relating to enrollment in virtual public charter schools; creating new provisions; amending ORS 338.125; and declaring an emergency.

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

SECTION 1. ORS 338.125 is amended to read:

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

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

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

(c) A public charter school may not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability. A public charter school may implement a weighted lottery that favors historically underserved students as provided by subsection (3)(a) of this section.

(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applications from students exceeds the capacity of a program, class, grade level or building, the public charter school shall select students through an equitable lottery selection process. For the purpose of ameliorating the impact of discrimination against historically underserved students, an equitable lottery selection process may include weights that favor historically underserved students. As used in this paragraph, “historically underserved students” are students who are at risk because of any combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level, proficiency in the English language, socioeconomic status or geographic location.

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

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

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

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.

LC 208
(iii) The public charter school is physically located within the attendance boundaries of the closed nonchartered public school; and
(iv) The school district board, through board action, approved the public charter school giving priority as described in this paragraph.

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

(c) After a public charter school has been in operation for one or more years, the public charter school may give priority for admission to students who:
(A) Were enrolled in the prior year in the public charter school;
(B) Were enrolled in a public preschool or prekindergarten program operated by the public charter school;
(C) Have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year;
(D) Are at risk because the student has an economic or academic disadvantage that requires special services or assistance, including students who:
(i) Are from economically disadvantaged families;
(ii) Are identified as having special educational needs;
(iii) Are limited in proficiency in the English language;
(iv) Are at risk of dropping out of high school; or
(v) Do not meet minimum standards of academic proficiency; or
(E) If the public charter school is a party to a cooperative agreement described in ORS 338.080, reside in the school district that is the sponsor of the public charter school or in a school district that is a party to the cooperative agreement.

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

(A) Intent to enroll the student in a virtual public charter school; and
(B) Enrollment of the student in a virtual public charter school.

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

(B) For the purpose of determining whether more than [three] five percent of the students who reside in the school district are enrolled in virtual public charter schools that are not sponsored by the school district, the school district board shall include any students who:
(i) Reside in the school district, regardless of whether the students are considered residents of different school districts as provided by ORS 339.133 (5); and
(ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.
(C) Students who reside in the school district, regardless of whether the students are considered
residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
school district before enrolling in a virtual public charter school that is not sponsored by the
school district if the limit described in subparagraph (A) of this paragraph has been met.

(c) If the school district does not give approval under paragraph (b) of this subsection, the
school district must provide information to the parent, legal guardian or person in parental re-

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

(6) Within 10 days of receiving the notice described in subsection (5) of this section, the school
district in which the public charter school is located shall provide to the student’s parent, legal

guardian or person in parental relationship written information about:

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

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

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

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

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

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

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

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

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

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

(10) A public charter school may conduct fund-raising activities but may not require a student
to participate in fund-raising activities as a condition of admission to the public charter school.
SECTION 2. (1) The amendments to ORS 338.125 by section 1 of this 2023 Act become operative on July 1, 2023.

(2) The amendments to ORS 338.125 by section 1 of this 2023 Act first apply to the 2023-2024 school year.

(3) Notwithstanding the operative date specified in subsection (1) of this section, a student may enroll in a virtual public charter school that is not sponsored by the student’s resident school district before the operative date specified in subsection (1) of this section without receiving approval from that school district if:

(a) Five percent or less of the students who reside in the school district are enrolled in virtual public charter schools that are not sponsored by the school district; and

(b) The student intends to enroll in a virtual public charter school that is not sponsored by the school district for the 2023-2024 school year or any other subsequent school year.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.