

# Senate Bill 905

Sponsored by COMMITTEE ON EDUCATION

## 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**.

Removes limitation on 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 virtual public charter school enrollment; creating new provisions; amending ORS 338.025  
3 and 338.125; and declaring an emergency.

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

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

6 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

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

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

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

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

30 (ii) The school district that closed the nonchartered public school is the sponsor of the public  
31 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.

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

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

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

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

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

11 (B) Were enrolled in a public preschool or prekindergarten program operated by the public  
12 charter school;

13 (C) Have siblings who are presently enrolled in the school and who were enrolled in the school  
14 in the prior year;

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

17 (i) Are from economically disadvantaged families;

18 (ii) Are identified as having special educational needs;

19 (iii) Are limited in proficiency in the English language;

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

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

22 (E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,  
23 reside in the school district that is the sponsor of the public charter school or in a school district  
24 that is a party to the cooperative agreement.

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

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

31 [(B)] (b) Enrollment of the student in a virtual public charter school.

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

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

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

43 [(ii) *Are enrolled in virtual public charter schools that are not sponsored by the school district.*]

44 [(C) *Students who reside in the school district, regardless of whether the students are considered*  
45 *residents of different school districts as provided by ORS 339.133 (5), must receive approval from the*

1 school district before enrolling in a virtual public charter school if the limit described in subparagraph  
2 (A) of this paragraph has been met.]

3 [(c) If the school district does not give approval under paragraph (b) of this subsection, the school  
4 district must provide information to the parent, legal guardian or person in parental relationship with  
5 the student about the right to appeal the decision to the State Board of Education and other online  
6 options available to the student. If an appeal is made to the State Board of Education, the board must  
7 issue a decision within 30 days of the submission of the appeal.]

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

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

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

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

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

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

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

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

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

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

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

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

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

45 **SECTION 2.** ORS 338.025 is amended to read:

1       338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
2 of this chapter. The rules shall follow the intent of this chapter.

3       (2) Upon application by a public charter school, the State Board of Education may grant a  
4 waiver of any provision of this chapter if the waiver promotes the development of programs by  
5 providers, enhances the equitable access by underserved families to the public education of their  
6 choice, extends the equitable access to public support by all students or permits high quality pro-  
7 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
8 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, [338.125 (4),] 338.135 (2)(b) or  
9 339.122.

10       **SECTION 3. (1) The amendments to ORS 338.025 and 338.125 by sections 1 and 2 of this**  
11 **2023 Act become operative on July 1, 2023.**

12       **(2) The amendments to ORS 338.125 by section 1 of this 2023 Act first apply to the**  
13 **2023-2024 school year.**

14       **(3) Notwithstanding the operative date specified in subsection (1) of this section, a stu-**  
15 **dent is not required to receive approval from the student’s resident school district before**  
16 **enrolling in a virtual public charter school that is not sponsored by the student’s resident**  
17 **school district before the operative date specified in subsection (1) of this section if the en-**  
18 **rollment is for the 2023-2024 school year or any other subsequent school year.**

19       **SECTION 4. This 2023 Act being necessary for the immediate preservation of the public**  
20 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
21 **on its passage.**

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