

Requested by Representative HUDSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3204**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages
2 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
7 charter school is located are eligible for enrollment in the public charter
8 school if space is available.

9 “(b) Students who do not reside in the school district in which the public
10 charter school is located are eligible for enrollment in the public charter
11 school if space is available and subject to subsection [(4)] (5) of this section.

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

18 “(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if
19 the number of applications from students exceeds the capacity of a program,
20 class, grade level or building, the public charter school shall select students
21 through an equitable lottery selection process. For the purpose of amelio-

1 rating the impact of discrimination against historically underserved students,
2 an equitable lottery selection process may include weights that favor his-
3 torically underserved students. As used in this paragraph, ‘historically
4 underserved students’ are students who are at risk because of any combina-
5 tion of their race, sex, sexual orientation, gender identity, ethnicity, disa-
6 bility, income level, proficiency in the English language, socioeconomic
7 status or geographic location.

8 “(b)(A) A public charter school may give priority for admission to stu-
9 dents who reside within the attendance boundaries that were in effect at the
10 time a school district closed a nonchartered public school if:

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

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

15 “(iii) The public charter school is physically located within the attend-
16 ance boundaries of the closed nonchartered public school; and

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

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

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

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

26 “(B) Were enrolled in a public preschool or prekindergarten program op-
27 erated by the public charter school;

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

30 “(D) Are at risk because the student has an economic or academic disad-

1 vantage that requires special services or assistance, including students who:
2 “(i) Are from economically disadvantaged families;
3 “(ii) Are identified as having special educational needs;
4 “(iii) Are limited in proficiency in the English language;
5 “(iv) Are at risk of dropping out of high school; or
6 “(v) Do not meet minimum standards of academic proficiency; or
7 “(E) If the public charter school is a party to a cooperative agreement
8 described in ORS 338.080, reside in the school district that is the sponsor of
9 the public charter school or in a school district that is a party to the coop-
10 erative agreement.

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

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

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

21 “[~~(b)~~(A)] **(5)(a)** Notwithstanding [*paragraph (a) of this*] subsection **(4) of**
22 **this section** and ORS 339.133, if more than three percent of the students
23 who reside in a school district are enrolled in virtual public charter schools
24 [*that are not sponsored by the school district*], a student who is a resident of
25 the school district must receive approval from the school district before en-
26 rolling in a virtual public charter school. A school district is not required
27 to give approval if more than three percent of the students who reside in the
28 school district are enrolled in virtual public charter schools [*that are not*
29 *sponsored by the school district*]. **A school district must provide notice of**
30 **the decision to not give approval within 10 calendar days of receiving**

1 **notice of intent for the student to enroll in a virtual public charter**
2 **school.**

3 “[*B*] **(b)** For the purpose of determining whether more than three per-
4 cent of the students who reside in the school district are enrolled in virtual
5 public charter schools [*that are not sponsored by the school district*], the
6 school district board shall:

7 **“(A)** Include any students who:

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

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

13 **“(B) Calculate the school district’s percentage of students attending**
14 **a virtual public charter school at least twice each year.**

15 “[*C*] **(c)(A) Except as provided by subparagraph (B) of this para-**
16 **graph,** students who reside in the school district, regardless of whether the
17 students are considered residents of different school districts as provided by
18 ORS 339.133 (5), must receive approval from the school district before en-
19 rolling in a virtual public charter school if the limit described in [*subpara-*
20 *graph (A) of this paragraph*] **paragraph (a) of this subsection** has been
21 met.

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

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

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

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

30 “[*c*] **(d)** If the school district does not give approval under paragraph

1 [(b)] (a) of this subsection, the school district must provide [*information*] to
2 the parent, legal guardian or person in parental relationship with the student
3 **information** about:

4 “(A) **The percentage of students in the resident district that attend**
5 **virtual public charter schools, based on the most recent calculation;**

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

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

9 “(e) If an appeal is made to the State Board of Education **as described**
10 **in paragraph (d) of this subsection**, the board must issue a decision within
11 [30] **14** days of the submission of the appeal.

12 “[5] (6) Within 10 days of a student’s enrollment in a public charter
13 school, the public charter school shall provide written notice of the student’s
14 enrollment to the school district in which the public charter school is lo-
15 cated if the student does not reside in the school district where the public
16 charter school is located.

17 “[6] (7) Within 10 days of receiving the notice described in subsection
18 [(5)] (6) of this section, the school district in which the public charter school
19 is located shall provide to the student’s parent, legal guardian or person in
20 parental relationship written information about:

21 “(a) The school district’s responsibility to identify, locate and evaluate
22 students enrolled in the public charter school to determine which students
23 may be in need of special education and related services as provided by ORS
24 338.165; and

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

28 “[7] (8) When a student described in subsection [(5)] (6) of this section
29 withdraws from a public charter school for a reason other than graduation
30 from high school, the school district in which the public charter school is

1 located shall:

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

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

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

10 “(B) The methods by which the school district in which the student re-
11 sides may be contacted to answer questions or provide information related
12 to special education and related services.

13 “[~~(8)(a)~~] **(9)(a)** If a student described in subsection [~~(5)~~] **(6)** of this section
14 enrolls in a public charter school and has an individualized education pro-
15 gram, the school district in which the public charter school is located must
16 implement the individualized education program and follow the terms of the
17 individualized education program until a new individualized education pro-
18 gram is developed.

19 “(b) If a student described in subsection [~~(5)~~] **(6)** of this section withdraws
20 from a public charter school and has an individualized education program,
21 the school district in which the student resides must implement the individ-
22 ualized education program and follow the terms of the individualized educa-
23 tion program until a new individualized education program is developed.

24 “[~~(9)~~] **(10)** When a virtual public charter school enrolls a student or a
25 student no longer is enrolled in a virtual public charter school, the virtual
26 public charter school shall provide the written notices described in ORS
27 338.120 (1)(m) and (n) to the school district where the student is a resident.

28 “[~~(10)~~] **(11)** A public charter school may conduct fund-raising activities
29 but may not require a student to participate in fund-raising activities as a
30 condition of admission to the public charter school.”.

