

Senate Bill 647

Sponsored by Senator BONHAM (at the request of former Senator Dennis Linthicum) (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Increases the cap for students who want to attend a virtual public charter school. (Flesch Readability Score: 65.7).

Increases to five percent the cap on the percentage of students from school districts who may attend certain virtual public charter schools without the approval of the school district.

A BILL FOR AN ACT

1
2 Relating to virtual public charter school enrollment; amending ORS 338.125.

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

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 located
7 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 (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 applica-
17 tions 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 the
25 attendance boundaries that were in effect at the time a school district closed a nonchartered public
26 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;

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

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

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

32 (5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than *[three]* **five**
33 percent of the students who reside in a school district are enrolled in virtual public charter schools
34 that are not sponsored by the school district, a student who is a resident of the school district must
35 receive approval from the school district before enrolling in a virtual public charter school. A school
36 district is not required to give approval if more than *[three]* **five** percent of the students who reside
37 in the school district are enrolled in virtual public charter schools that are not sponsored by the
38 school district. A school district must provide notice of the decision to not give approval within 10
39 calendar days of receiving notice of intent for the student to enroll in a virtual public charter
40 school.

41 (b) For the purpose of determining whether more than *[three]* **five** percent of the students who
42 reside in the school district are enrolled in virtual public charter schools that are not sponsored by
43 the school district, the school district board shall:

44 (A) Include any students who:

45 (i) Reside in the school district, regardless of whether the students are considered residents of

1 different school districts as provided by ORS 339.133 (5); and

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

3 (B) Calculate, at least twice each year, the school district's percentage of students attending
4 virtual public charter schools that are not sponsored by the school district.

5 (c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside in the
6 school district, regardless of whether the students are considered residents of different school dis-
7 tricts as provided by ORS 339.133 (5), must receive approval from the school district before enrolling
8 in a virtual public charter school if the limit described in paragraph (a) of this subsection has been
9 met.

10 (B) A student is not required to receive approval from the school district in which the student
11 resides if the student:

12 (i) Previously lived in another school district;

13 (ii) While living in the other school district, was enrolled in a virtual public charter school; and

14 (iii) Has maintained continuous enrollment in the virtual public charter school since moving into
15 the school district where the student currently resides.

16 (d) If the school district does not give approval under paragraph (a) of this subsection, the
17 school district must provide to the parent, legal guardian or person in parental relationship with the
18 student information about:

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

21 (B) The right to appeal the decision to the State Board of Education; and

22 (C) Other online options available to the student.

23 (e) If an appeal is made to the State Board of Education as described in paragraph (d) of this
24 subsection, the board must issue a decision within 14 days of the submission of the appeal.

25 (6) Within 10 days of a student's enrollment in a public charter school, the public charter school
26 shall provide written notice of the student's enrollment to the school district in which the public
27 charter school is located if the student does not reside in the school district where the public
28 charter school is located.

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

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

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

37 (8) When a student described in subsection (6) of this section withdraws from a public charter
38 school for a reason other than graduation from high school, the school district in which the public
39 charter school is located shall:

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

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

44 (A) The responsibility of the school district in which the student resides to identify, locate and
45 evaluate students who reside in the school district to determine which students may be in need of

1 special education and related services as provided by ORS 338.165; and

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

4 (9)(a) If a student described in subsection (6) of this section enrolls in a public charter school
5 and has an individualized education program, the school district in which the public charter school
6 is located must implement the individualized education program and follow the terms of the indi-
7 vidualized education program until a new individualized education program is developed.

8 (b) If a student described in subsection (6) of this section withdraws from a public charter school
9 and has an individualized education program, the school district in which the student resides must
10 implement the individualized education program and follow the terms of the individualized education
11 program until a new individualized education program is developed.

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

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

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