

A-Engrossed
House Bill 3313

Ordered by the Senate May 17
Including Senate Amendments dated May 17

Sponsored by Representative BARNHART, Senator BEYER

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.

Allows public charter school to give priority in admission to students who *[had resided within service]* **reside within attendance** boundaries of nonchartered public school *[that closed within two years prior to public charter school beginning to operate]* **if specified conditions are met.**

A BILL FOR AN ACT

1
2 Relating to priority admission to public charter schools; 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 (4) of this section.

11 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
12 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
13 income level, proficiency in the English language or athletic ability but may implement a weighted
14 lottery for historically underserved students as provided by subsection [(3)(c)] **(3)(d)** of this section.

15 (3)(a) Except as provided by *[paragraph (b)]* **paragraphs (b) and (c)** of this subsection, if the
16 number of applications from students who reside in the school district exceeds the capacity of a
17 program, class, grade level or building, the public charter school shall select students through an
18 equitable lottery selection process. An equitable lottery selection process may incorporate the pro-
19 visions described in paragraph [(c)] **(d)** of this subsection.

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

23 **(i) The public charter school began to operate not more than two years after the non-**
24 **chartered public school was closed;**

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

27 **(iii) The public charter school is physically located within the attendance boundaries of**
28 **the closed nonchartered public school; and**

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

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

6 [(b)] (c) After a public charter school has been in operation for one or more years, the public
7 charter school may give priority for admission to students who:

8 (A) Were enrolled in the school in the prior year;

9 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school
10 in the prior year; or

11 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
12 reside in the school district that is the sponsor of the public charter school or in a school district
13 that is a party to the cooperative agreement.

14 [(c)] (d) For the purpose of ameliorating the impact of discrimination against historically
15 underserved students, a public charter school may select students through a weighted lottery that
16 favors historically underserved students. As used in this paragraph, “historically underserved stu-
17 dents” are at risk because of any combination of two or more factors including their race, ethnicity,
18 English language proficiency, socioeconomic status, gender, sexual orientation, disability and ge-
19 ographic location.

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

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

26 (B) Enrollment of the student in a virtual public charter school.

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

34 (B) For the purpose of determining whether more than three percent of the students who reside
35 in the school district are enrolled in virtual public charter schools that are not sponsored by the
36 school district, the school district board shall include any students who:

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

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

40 (C) Students who reside in the school district, regardless of whether the students are considered
41 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
42 school district before enrolling in a virtual public charter school if the limit described in subpara-
43 graph (A) of this paragraph has been met.

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

1 lationship with the student about the right to appeal the decision to the State Board of Education
2 and other online options available to the student. If an appeal is made to the State Board of Edu-
3 cation, the board must issue a decision within 30 days of the submission of the appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **SECTION 2.** ORS 338.125, as amended by section 2, chapter 585, Oregon Laws 2015, is amended
42 to read:

43 338.125. (1) Student enrollment in a public charter school is voluntary.

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

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

4 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
5 orientation, ethnicity, national origin, disability, the terms of an individualized education program,
6 income level, proficiency in the English language or athletic ability.

7 (3)(a) Except as provided by [paragraph (b)] **paragraphs (b) and (c)** of this subsection, if the
8 number of applications from students who reside in the school district exceeds the capacity of a
9 program, class, grade level or building, the public charter school shall select students through an
10 equitable lottery selection process.

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

14 **(i) The public charter school began to operate not more than two years after the non-**
15 **chartered public school was closed;**

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

18 **(iii) The public charter school is physically located within the attendance boundaries of**
19 **the closed nonchartered public school; and**

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

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

25 [(b)] (c) After a public charter school has been in operation for one or more years, the public
26 charter school may give priority for admission to students who:

27 (A) Were enrolled in the school in the prior year;

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

30 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
31 reside in the school district that is the sponsor of the public charter school or in a school district
32 that is a party to the cooperative agreement.

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

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

39 (B) Enrollment of the student in a virtual public charter school.

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

1 district.

2 (B) For the purpose of determining whether more than three percent of the students who reside
3 in the school district are enrolled in virtual public charter schools that are not sponsored by the
4 school district, the school district board shall include any students who:

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

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

8 (C) Students who reside in the school district, regardless of whether the students are considered
9 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
10 school district before enrolling in a virtual public charter school if the limit described in subpara-
11 graph (A) of this paragraph has been met.

12 (c) If the school district does not give approval under paragraph (b) of this subsection, the
13 school district must provide information to the parent, legal guardian or person in parental re-
14 lationship with the student about the right to appeal the decision to the State Board of Education
15 and other online options available to the student. If an appeal is made to the State Board of Edu-
16 cation, the board must issue a decision within 30 days of the submission of the appeal.

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

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

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

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

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

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

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

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

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

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

45 (b) If a student described in subsection (5) of this section withdraws from a public charter school

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

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

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

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