

# D R A F T

## SUMMARY

Requires, for purposes of calculating district extended ADMw for State School Fund distributions, calculation for virtual public charter school to be separate from calculation for school district if, compared to previous school year, school district has decreasing enrollment.

Modifies calculation of district extended ADMw for school district that is sponsor of virtual public charter school with decreasing enrollment for 2021-2022 or 2022-2023 school year.

Declares emergency, effective July 1, 2021.

## A BILL FOR AN ACT

1  
2 Relating to State School Fund calculations for virtual public charter schools;  
3 creating new provisions; amending ORS 338.155; and declaring an emer-  
4 gency.

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

6 **SECTION 1.** ORS 338.155 is amended to read:

7 338.155. (1)(a) Students of a public charter school shall be considered to  
8 be residents of the school district in which the public charter school is lo-  
9 cated for purposes of distribution of the State School Fund.

10 (b) All amounts to be distributed from the State School Fund for public  
11 charter schools shall first be distributed to the school district in which the  
12 public charter school is located.

13 (c) For the purpose of determining the amounts to be distributed to a  
14 school district from the State School Fund for a public charter school, the  
15 district extended ADMw described in ORS 327.013 shall be calculated:

16 (A) Except as provided by subparagraph (B) **or** (C) of this paragraph, as  
17 though the students enrolled at a public charter school are students enrolled

1 at the public schools of the school district in which the public charter school  
2 is located.

3 (B) By not including any portion of the ADM of the public charter school  
4 for the previous school year if the public charter school ceased to operate  
5 because of dissolution or closure or because of termination or nonrenewal  
6 of a charter.

7 **(C) By calculating the current school year's ADMw separately for**  
8 **a virtual public charter school and for the school district if the school**  
9 **district, without consideration of the ADM of the virtual public char-**  
10 **ter school, had a decrease in ADM compared to the previous school**  
11 **year.**

12 (2) A school district shall contractually establish, with any public charter  
13 school that is sponsored by the board of the school district, payment for  
14 provision of educational services to the public charter school's students. The  
15 payment shall equal an amount per weighted average daily membership  
16 (ADMw) of the public charter school that is at least equal to:

17 (a) Eighty percent of the amount of the school district's General Purpose  
18 Grant per ADMw as calculated under ORS 327.013 for students who are en-  
19 rolled in kindergarten through grade eight; and

20 (b) Ninety-five percent of the amount of the school district's General  
21 Purpose Grant per ADMw as calculated under ORS 327.013 for students who  
22 are enrolled in grades 9 through 12.

23 (3) A school district shall contractually establish, with any public charter  
24 school that is sponsored by the State Board of Education and that is within  
25 the boundaries of the school district, payment for provision of educational  
26 services to the public charter school's students. The payment shall equal an  
27 amount per weighted average daily membership (ADMw) of the public char-  
28 ter school that is at least equal to:

29 (a) Ninety percent of the amount of the school district's General Purpose  
30 Grant per ADMw as calculated under ORS 327.013 for students who are en-  
31 rolled in kindergarten through grade eight; and

1 (b) Ninety-five percent of the amount of the school district's General  
2 Purpose Grant per ADMw as calculated under ORS 327.013 for students who  
3 are enrolled in grades 9 through 12.

4 (4) The estimated amount of each school district's General Purpose Grant  
5 per ADMw shall be determined each year by the Department of Education  
6 and made available to all school districts.

7 (5) The school district in which the public charter school is located shall  
8 transfer an amount per weighted average daily membership (ADMw) of the  
9 public charter school that is equal to 50 percent of the amount of the school  
10 district's General Purpose Grant per ADMw as calculated under ORS 327.013  
11 that is not paid to the public charter school through a contract created  
12 pursuant to subsection (3) of this section to the Department of Education.

13 (6) The department may use any moneys received under this section for  
14 activities related to public charter schools.

15 (7) A school district and a public charter school may negotiate to estab-  
16 lish a payment for the provision of educational services to the public charter  
17 school's students that is more than the minimum amounts specified in sub-  
18 section (2) or (3) of this section.

19 (8) A school district shall send payment to a public charter school based  
20 on a contract negotiated under this section within 10 days after receiving  
21 payments from the State School Fund pursuant to ORS 327.095.

22 (9)(a) A public charter school may apply for any grant that is available  
23 to school districts or nonchartered public schools from the Department of  
24 Education. The department shall consider the application of the public  
25 charter school in the same manner as an application from a school district  
26 or nonchartered public school.

27 (b) The department shall award any grant that is available to school dis-  
28 tricts based solely on the weighted average daily membership (ADMw) of the  
29 school district directly to the public charter school. This paragraph does not  
30 apply to any grant from the State School Fund.

31 **SECTION 2. The amendments to ORS 338.155 by section 1 of this**

1 **2021 Act apply to State School Fund distributions commencing with**  
2 **the 2021-2022 school year distributions.**

3 **SECTION 3. Notwithstanding ORS 338.155 (1)(c), and for the**  
4 **2021-2022 and 2022-2023 school years only, the district extended ADMw**  
5 **for a school district that is the sponsor of a virtual public charter**  
6 **school that had a decrease in ADM for the current school year com-**  
7 **pared to the previous school year shall be determined by making sep-**  
8 **arate calculations of the ADMw for the school district and the ADMw**  
9 **for the virtual public charter school. The calculations shall be as fol-**  
10 **lows:**

11 **(1) The ADMw for the school district shall equal the current school**  
12 **year's ADMw or the previous school year's ADMw, whichever is**  
13 **greater and as those numbers are determined without consideration**  
14 **of the virtual public charter school's ADMw; and**

15 **(2) The ADMw for the virtual public charter school shall equal the**  
16 **current school year's ADMw plus an additional amount that equals 10**  
17 **percent of the difference between the current school year's ADMw and**  
18 **the previous school year's ADMw.**

19 **SECTION 4. This 2021 Act being necessary for the immediate pres-**  
20 **ervation of the public peace, health and safety, an emergency is de-**  
21 **clared to exist, and this 2021 Act takes effect July 1, 2021.**

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