

**SENATE AMENDMENTS TO
HOUSE BILL 2954
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON EDUCATION

June 7

1 On page 4 of the printed bill, after line 4, insert:

2 “**SECTION 1a.** If House Bill 3041 becomes law, ORS 338.125, as amended by section 1 of this
3 2021 Act, is amended to read:

4 “338.125. (1) Student enrollment in a public charter school is voluntary.

5 “(2)(a) All students who reside in the school district in which the public charter school is lo-
6 cated are eligible for enrollment in the public charter school if space is available.

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

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

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

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

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

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

30 “(iii) The public charter school is physically located within the attendance boundaries of the
31 closed nonchartered public school; and

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

34 “(B) Nothing in this paragraph requires an amendment to a charter. A school district board may

1 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
2 a charter.

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

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

6 “(B) Were enrolled in a public preschool or prekindergarten program operated by the public
7 charter school;

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

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

12 “(i) Are from economically disadvantaged families;

13 “(ii) Are identified as having special educational needs;

14 “(iii) Are limited in proficiency in the English language;

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

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

17 “(E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
18 reside in the school district that is the sponsor of the public charter school or in a school district
19 that is a party to the cooperative agreement.

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
38 of 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 consid-
41 ered residents of different school districts as provided by ORS 339.133 (5), must receive approval
42 from the school district before enrolling in a virtual public charter school if the limit described in
43 subparagraph (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
5 school shall provide written notice of the student’s enrollment to the school district in which the
6 public 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
27 to 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
33 school and has an individualized education program, the school district in which the student resides
34 must implement the individualized education program and follow the terms of the individualized ed-
35 ucation 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
37 in 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.”.