

Requested by Senator THOMSEN

**PROPOSED AMENDMENTS TO  
SENATE BILL 225**

1 In line 2 of the printed bill, after the semicolon insert “creating new  
2 provisions; amending ORS 338.125;”.

3 Delete lines 4 through 11 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) of this section.

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

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

21 “(b)(A) A public charter school may give priority for admission to stu-

1 dents who reside within the attendance boundaries that were in effect at the  
2 time a school district closed a nonchartered public school if:

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

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

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

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

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

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

17 “(A) Were enrolled in the school in the prior year;

18 “(B) Have siblings who are presently enrolled in the school and who were  
19 enrolled in the school in the prior year; or

20 “(C) If the public charter school is a party to a cooperative agreement  
21 described in ORS 338.080, reside in the school district that is the sponsor of  
22 the public charter school or in a school district that is a party to the coop-  
23 erative agreement.

24 “(4)(a) A student who wishes to enroll in a virtual public charter school  
25 does not need the approval of the school district where the student is a res-  
26 ident before the student enrolls in the virtual public charter school. If a  
27 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  
29 the following notices to the school district where the student is a resident:

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

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

2 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,  
3 if more than [*three*] **five** percent of the students who reside in a school dis-  
4 trict are enrolled in virtual public charter schools that are not sponsored  
5 by the school district, a student who is a resident of the school district must  
6 receive approval from the school district before enrolling in a virtual public  
7 charter school **that is not sponsored by the school district**. A school dis-  
8 trict is not required to give approval if more than [*three*] **five** percent of the  
9 students who reside in the school district are enrolled in virtual public  
10 charter schools that are not sponsored by the school district.

11 “(B) For the purpose of determining whether more than [*three*] **five** per-  
12 cent of the students who reside in the school district are enrolled in virtual  
13 public charter schools that are not sponsored by the school district, the  
14 school district board shall include any students who:

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

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

20 “(C) Students who reside in the school district, regardless of whether the  
21 students are considered residents of different school districts as provided by  
22 ORS 339.133 (5), must receive approval from the school district before en-  
23 rolling in a virtual public charter school **that is not sponsored by the**  
24 **school district** if the limit described in subparagraph (A) of this paragraph  
25 has been met.

26 “(c) If the school district does not give approval under paragraph (b) of  
27 this subsection, the school district must provide information to the parent,  
28 legal guardian or person in parental relationship with the student about the  
29 right to appeal the decision to the State Board of Education [*and other online*  
30 *options available to the student*]. If an appeal is made to the State Board of

1 Education, the board must issue a decision within 30 days of the submission  
2 of the appeal.

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

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

12 “(a) The school district’s responsibility to identify, locate and evaluate  
13 students enrolled in the public charter school to determine which students  
14 may be in need of special education and related services as provided by ORS  
15 338.165; and

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

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

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

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

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

30 “(B) The methods by which the school district in which the student re-

1 sides may be contacted to answer questions or provide information related  
2 to special education and related services.

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

9 “(b) If a student described in subsection (5) of this section withdraws from  
10 a public charter school and has an individualized education program, the  
11 school district in which the student resides must implement the individual-  
12 ized education program and follow the terms of the individualized education  
13 program until a new individualized education program is developed.

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

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

21 **“SECTION 2. (1) The amendments to ORS 338.125 by section 1 of this**  
22 **2021 Act become operative on July 1, 2021.**

23 **“(2) The amendments to ORS 338.125 by section 1 of this 2021 Act**  
24 **first apply to the 2021-2022 school year.**

25 **“(3) Notwithstanding the operative date specified in subsection (1)**  
26 **of this section, a student may enroll in a virtual public charter school**  
27 **that is not sponsored by the student’s resident school district before**  
28 **the operative date specified in subsection (1) of this section without**  
29 **receiving approval from that school district if:**

30 **“(a) Five percent or fewer of the students who reside in the school**

1 district are enrolled in virtual public charter schools that are not  
2 sponsored by the school district; and

3 “(b) The student intends to enroll in a virtual public charter school  
4 that is not sponsored by the school district for the 2021-2022 school  
5 year or any other subsequent school year.

6 SECTION 3. This 2021 Act being necessary for the immediate  
7 preservation of the public peace, health and safety, an emergency is  
8 declared to exist, and this 2021 Act takes effect on its passage.”

9

---