

Requested by SENATE COMMITTEE ON EDUCATION

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

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
3 by section 1 of this 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
6 charter school is located are eligible for enrollment in the public charter
7 school if space is available.

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

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

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

1 rating the impact of discrimination against historically underserved students,
2 an equitable lottery selection process may include weights that favor his-
3 torically underserved students. As used in this paragraph, ‘historically
4 underserved students’ are students who are at risk because of any combina-
5 tion of their race, sex, sexual orientation, **gender identity**, ethnicity, disa-
6 bility, income level, proficiency in the English language, socioeconomic
7 status or geographic location.

8 “(b)(A) A public charter school may give priority for admission to stu-
9 dents who reside within the attendance boundaries that were in effect at the
10 time a school district closed a nonchartered public school if:

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

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

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

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

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

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

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

26 “(B) Were enrolled in a public preschool or prekindergarten program op-
27 erated by the public charter school;

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

30 “(D) Are at risk because the student has an economic or academic disad-

1 vantage that requires special services or assistance, including students who:

2 “(i) Are from economically disadvantaged families;

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

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

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

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

7 “(E) If the public charter school is a party to a cooperative agreement
8 described in ORS 338.080, reside in the school district that is the sponsor of
9 the public charter school or in a school district that is a party to the coop-
10 erative agreement.

11 “(4)(a) A student who wishes to enroll in a virtual public charter school
12 does not need the approval of the school district where the student is a res-
13 ident before the student enrolls in the virtual public charter school. If a
14 student wishes to enroll in a virtual public charter school, the parent, legal
15 guardian or person in parental relationship with the student must provide
16 the following notices to the school district where the student is a resident:

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

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

19 “(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133,
20 if more than three percent of the students who reside in a school district are
21 enrolled in virtual public charter schools that are not sponsored by the
22 school district, a student who is a resident of the school district must receive
23 approval from the school district before enrolling in a virtual public charter
24 school. A school district is not required to give approval if more than three
25 percent of the students who reside in the school district are enrolled in vir-
26 tual public charter schools that are not sponsored by the school district.

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

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

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

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

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

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

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

27 “(a) The school district’s responsibility to identify, locate and evaluate
28 students enrolled in the public charter school to determine which students
29 may be in need of special education and related services as provided by ORS
30 338.165; and

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

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

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

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

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

15 “(B) The methods by which the school district in which the student re-
16 sides may be contacted to answer questions or provide information related
17 to special education and related services.

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

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

29 “(9) When a virtual public charter school enrolls a student or a student
30 no longer is enrolled in a virtual public charter school, the virtual public

1 charter school shall provide the written notices described in ORS 338.120
2 (1)(m) and (n) to the school district where the student is a resident.

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

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