

Requested by Representative HUDSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3204**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;”.

2 In line 3, delete “; and declaring an emergency”.

3 Delete lines 5 through 30 and delete pages 2 and 3.

4 On page 4, delete lines 1 through 20 and insert:

5 **“SECTION 1.** ORS 338.125 is amended to read:

6 “338.125. (1) Student enrollment in a public charter school is voluntary.

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

10 “(b) Students who do not reside in the school district in which the public  
11 charter school is located are eligible for enrollment in the public charter  
12 school if space is available and subject to subsection [(4)] (5) of this section.

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

19 “(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if  
20 the number of applications from students exceeds the capacity of a program,  
21 class, grade level or building, the public charter school shall select students

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

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

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

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

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

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

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

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

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

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

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

1 “(D) Are at risk because the student has an economic or academic disad-  
2 vantage that requires special services or assistance, including students who:

3 “(i) Are from economically disadvantaged families;

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

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

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

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

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

12 “[4)(a)] (4) A student who wishes to enroll in a virtual public charter  
13 school does not need the approval of the school district where the student  
14 is a resident before the student enrolls in the virtual public charter school.  
15 If a student wishes to enroll in a virtual public charter school **that is not**  
16 **sponsored by the school district where the student is a resident**, the  
17 parent, legal guardian or person in parental relationship with the student  
18 must provide the following notices to the school district where the student  
19 is a resident:

20 “[A)] (a) Intent to enroll the student in a virtual public charter school;  
21 and

22 “[B)] (b) Enrollment of the student in a virtual public charter school.

23 “[b)(A)] (5)(a) Notwithstanding [paragraph (a) of this] subsection (4) of  
24 **this section** and ORS 339.133, if more than three percent of the students  
25 who reside in a school district are enrolled in virtual public charter schools  
26 that are not sponsored by the school district, a student who is a resident of  
27 the school district must receive approval from the school district before en-  
28 rolling in a virtual public charter school **that is not sponsored by the**  
29 **school district**. A school district is not required to give approval if more  
30 than three percent of the students who reside in the school district are en-

1 rolled in virtual public charter schools that are not sponsored by the school  
2 district. **A school district must provide notice of the decision to not**  
3 **give approval within 10 calendar days of receiving notice of intent for**  
4 **the student to enroll in a virtual public charter school that is not**  
5 **sponsored by the school district.**

6 “[B] (b) For the purpose of determining whether more than three per-  
7 cent of the students who reside in the school district are enrolled in virtual  
8 public charter schools that are not sponsored by the school district, the  
9 school district board shall:

10 “(A) Include any students who:

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

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

16 “(B) Calculate, at least twice each year, the school district’s per-  
17 centage of students attending virtual public charter schools that are  
18 not sponsored by the school district.

19 “[C] (c)(A) Except as provided by subparagraph (B) of this para-  
20 graph, 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*  
25 *paragraph*] **paragraph (a) of this subsection** has been met.

26 “(B) A student is not required to receive approval from the school  
27 district in which the student resides if the student:

28 “(i) Previously lived in another school district;

29 “(ii) While living in the other school district, was enrolled in a  
30 virtual public charter school; and

1       “(iii) **Has maintained continuous enrollment in the virtual public**  
2 **charter school since moving into the school district where the student**  
3 **currently resides.**

4       “[(c)] (d) If the school district does not give approval under paragraph  
5 [(b)] (a) of this subsection, the school district must provide [*information*] to  
6 the parent, legal guardian or person in parental relationship with the student  
7 **information** about:

8       “(A) **The percentage of students in the resident district that attend**  
9 **virtual public charter schools that are not sponsored by the school**  
10 **district, based on the most recent calculation;**

11       “(B) The right to appeal the decision to the State Board of Education;  
12 and

13       “(C) Other online options available to the student.

14       “(e) If an appeal is made to the State Board of Education **as described**  
15 **in paragraph (d) of this subsection**, the board must issue a decision within  
16 [30] **14** days of the submission of the appeal.

17       “[(5)] (6) Within 10 days of a student’s enrollment in a public charter  
18 school, the public charter school shall provide written notice of the student’s  
19 enrollment to the school district in which the public charter school is lo-  
20 cated if the student does not reside in the school district where the public  
21 charter school is located.

22       “[(6)] (7) Within 10 days of receiving the notice described in subsection  
23 [(5)] (6) of this section, the school district in which the public charter school  
24 is located shall provide to the student’s parent, legal guardian or person in  
25 parental relationship written information about:

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

30       “(b) The methods by which the school district may be contacted to answer

1 questions or provide information related to special education and related  
2 services.

3 “[7] (8) When a student described in subsection [(5)] (6) of this section  
4 withdraws from a public charter school for a reason other than graduation  
5 from high school, the school district in which the public charter school is  
6 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)] (9)(a) If a student described in subsection [(5)] (6) of this section  
19 enrolls in a public charter school and has an individualized education pro-  
20 gram, the school district in which the public charter school is located must  
21 implement the individualized education program and follow the terms of the  
22 individualized education program until a new individualized education pro-  
23 gram is developed.

24 “(b) If a student described in subsection [(5)] (6) of this section withdraws  
25 from a public charter school and has an individualized education program,  
26 the school district in which the student resides must implement the individ-  
27 ualized education program and follow the terms of the individualized educa-  
28 tion program until a new individualized education program is developed.

29 “[9] (10) When a virtual public charter school enrolls a student or a  
30 student no longer is enrolled in a virtual public charter school, the virtual

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

3 “[~~(10)~~] **(11)** A public charter school may conduct fund-raising activities  
4 but may not require a student to participate in fund-raising activities as a  
5 condition of admission to the public charter school.”.

6 Delete lines 31 through 40.

7 \_\_\_\_\_