

Senate Joint Resolution 33

Sponsored by Senator SMITH DB

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Establishes the right of a parent to choose a school choice option. (Flesch Readability Score: 74.8).

Establishes the right of a parent to choose a school choice option. Provides funding for a school choice option.

Refers the proposed amendment to the people for their approval or rejection at the next regular general election.

JOINT RESOLUTION

1
2 Whereas every child in this state deserves an equal opportunity to receive a quality education;
3 and

4 Whereas a family's zip code or income level should not be a barrier to what education a child
5 receives; and

6 Whereas parents are aware that education comes in different forms and that not every form fits
7 the needs of every child; and

8 Whereas a child should not be trapped in a particular school or form of schooling that does not
9 fit the educational needs of the child; and

10 Whereas parents have the primary right and duty to educate their children; and

11 Whereas parents are uniquely aware of what is best for their children; and

12 Whereas parents want to choose the schooling options that ensure that their children receive
13 the best education possible; now, therefore,

14 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

15 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section
16 9 to be added to and made a part of Article VIII, such section to read:

17 **SECTION 9. (1) As used in this section:**

18 (a) **"Account administrator" means an entity that:**

19 (A) **Is recognized as tax exempt under federal law or is otherwise organized for a public,**
20 **religious or charitable purpose; and**

21 (B) **Operates in whole or in part to administer school choice accounts.**

22 (b) **"Child" means a resident of this state who is eligible to enroll in a public school of**
23 **this state in any grade from kindergarten through grade 12.**

24 (c) **"Eligibility date" means:**

25 (A) **For a school year in which a child does not attend any days at a public school in this**
26 **state, the latter of the date that:**

27 (i) **Is the first day of the school year for the school district in which the child resides;**

28 **or**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (ii) The parent provides a notice to the state education agency under subsection (4) of
 2 this section; or

3 (B) For a school year in which a child attends one or more days at a public school in this
 4 state, the date that the child is no longer enrolled in a public school, as identified by the
 5 child's parent in a notice provided to the state education agency under subsection (4) of this
 6 section.

7 (d) "Parent" means a resident of this state who is a parent or legal guardian of a child
 8 or who otherwise has control of a child for educational purposes.

9 (e) "School choice account" means an account created for a parent by an account ad-
 10 ministrator to pay for expenses identified in subsection (6) of this section.

11 (f) "School choice option" means education that is provided by a private school, in a
 12 homeschool setting or by any other entity or in any other manner that is not a public school
 13 in this state for any grade from kindergarten through grade 12.

14 (g) "School year" means the time when a public school student receives educational ser-
 15 vices during a 12-month period.

16 (2) Each parent has the right to choose a school choice option for the parent's child.

17 (3) A parent may voluntarily choose a school choice option for the parent's child and
 18 receive funding for the school choice option through a school choice account. A parent who
 19 chooses a school choice option and who receives funding through a school choice account
 20 satisfies the compulsory school attendance requirements of this state.

21 (4)(a) A parent who chooses a school choice option is entitled to receive funding through
 22 a school choice account for the parent's child if the parent's child is not enrolled in and at-
 23 tending a public school in this state for any grade from kindergarten through grade 12.

24 (b) To choose a school choice option and to receive a funding through a school choice
 25 account, a parent must provide notice to the state education agency. The notice shall:

26 (A) Inform the state education agency that the parent's child will no longer attend a
 27 public school in this state for any grade from kindergarten through grade 12;

28 (B) Inform the state education agency that the parent elects to have the parent's child
 29 educated through a school choice option and to receive funding for that school choice option
 30 through a school choice account;

31 (C) Provide the state education agency with the parent's child's name and the eligibility
 32 date; and

33 (D) Provide the state education agency with the name and address of the account ad-
 34 ministrator chosen by the parent.

35 (c) The election of a parent to have the parent's child educated through a school choice
 36 option shall automatically renew for each school year until the parent's child completes high
 37 school unless the parent provides notice to the state education agency for an earlier termi-
 38 nation date.

39 (5)(a) The state education agency shall transfer, from funding appropriated for distrib-
 40 utions to school districts and education service districts by the Legislative Assembly from
 41 the General Fund for distribution by a formula, an amount of money to the account admin-
 42 istrator designated by the parent. The amount of the transfer shall be 80 percent of the
 43 greater of:

44 (A) \$9,500 per school year; or

45 (B) The average amount that is distributed per student for the school year from the

1 amounts appropriated by the Legislative Assembly, as described in this paragraph.

2 (b) The amount of the transfer, as determined under paragraph (a) of this subsection,
3 shall be prorated if the eligibility date is a date that is after the beginning of a school year
4 for the school district in which the parent's child resides.

5 (c) The state education agency shall transfer amounts to the account administrator on
6 the same distribution schedule that the state agency transfers moneys to school districts and
7 education service districts based on a formula. If notice is received under subsection (4) of
8 this section after the beginning of a school year, the first monthly transfer shall begin in the
9 month following the month in which the state education agency received the notice.

10 (d) The account administrator shall deposit the amount received under this subsection
11 into the parent's school choice account. Amounts in the account, and any interest or other
12 earnings on the amounts, are not considered income for state tax purposes and are not
13 considered public funds.

14 (e) Any amount remaining in a school choice account at the end of a school year shall
15 be made available for use by a parent for the parent's child in subsequent school years. After
16 a parent's child completes high school, any amount remaining in a school choice account
17 may be used to pay for expenses described in subsection (6) of this section at a post-
18 secondary institution of education in this state.

19 (6) A parent who receives funding in a school choice account under this section may use
20 the funds in the school choice account to pay third parties for education expenses incurred
21 for the parent's child, including:

22 (a) Tutoring;

23 (b) Educational services and therapies;

24 (c) Exam and testing fees;

25 (d) Computer hardware, technological devices and educational software and applications;

26 (e) School uniforms;

27 (f) Textbooks, curricula and other instructional materials, including any supplemental
28 materials;

29 (g) Tuition and fees for private schooling, homeschooling, nonpublic online learning pro-
30 grams, vocational or career schooling, life-skills schooling, technical schooling, dual-credit
31 classes and post-secondary institutions of education;

32 (h) Fees for summer and specialized after-school education programs;

33 (i) Fees for navigation services to select, apply for and enroll in school choice options;

34 (j) Transportation fees paid to a fee-for-service transportation provider; and

35 (k) Management fees for the school choice account that are charged by the account ad-
36 ministrator.

37 (7) Neither the parent nor a third party described in subsection (6) of this section that
38 receives or uses funding from a school choice account is required by the state or its agencies
39 to change their creed, curricula, education practices, teaching credentials or qualifications
40 or admissions or hiring policies. The actions of a parent or a third party described in sub-
41 section (6) of this section are not deemed to be the actions of the state.

42 (8) Nothing in this section shall be construed to expand the regulatory authority of the
43 State of Oregon or its agencies to impose any additional regulations on a parent or a third
44 party described in subsection (6) of this section beyond the scope of this section.

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1 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
2 people for their approval or rejection at the next regular general election held throughout
3 this state.

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