

House Bill 3165

Sponsored by Representative KOTEK

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**.

Increases minimum percentage of funding that school districts must provide to public charter schools for students enrolled in kindergarten through grade eight if 50 percent or more of students are from population that is historically underserved.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to additional funding for students from historically underserved populations when calcu-
3 lating State School Fund distributions; creating new provisions; amending ORS 338.155 and
4 340.073; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 338.155 is amended to read:

7 338.155. (1)(a) Students of a public charter school shall be considered to be residents of the
8 school district in which the public charter school is located for purposes of distribution of the State
9 School Fund.

10 (b) All amounts to be distributed from the State School Fund for public charter schools shall
11 first be distributed to the school district in which the public charter school is located.

12 (c) For the purpose of determining the amounts to be distributed to a school district from the
13 State School Fund for a public charter school, the district extended ADMw described in ORS 327.013
14 shall be calculated:

15 (A) Except as provided by subparagraph (B) of this paragraph, as though the students enrolled
16 at a public charter school are students enrolled at the public schools of the school district in which
17 the public charter school is located.

18 (B) By not including any portion of the ADM of the public charter school for the previous school
19 year if the public charter school ceased to operate because of dissolution or closure or because of
20 termination or nonrenewal of a charter.

21 (2) A school district shall contractually establish, with any public charter school that is spon-
22 sored by the board of the school district, payment for provision of educational services to the public
23 charter school's students. The payment shall equal an amount per weighted average daily member-
24 ship (ADMw) of the public charter school that is at least equal to:

25 (a) *[Eighty]* **80** percent of the amount of the school district's General Purpose Grant per ADMw
26 as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade
27 eight; *and* **if the public charter school does not have a student population described in par-**
28 **agraph (b) of this subsection.**

29 (b) **96.4 percent of the amount of the school district's General Purpose Grant per ADMw**
30 **as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade**

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 **eight if the public charter school has a student population that is composed of 50 percent or**
 2 **more of kindergarten through grade eight students from one or more populations that are**
 3 **historically underserved. For the purpose of this paragraph, a student is from a population**
 4 **that is historically underserved if the student:**

5 (A) **Is eligible for special education as a child with a disability under ORS 343.035;**

6 (B) **Is eligible for an English language learner program under ORS 336.079;**

7 (C) **Is eligible for free lunches under the United States Department of Agriculture's**
 8 **current Income Eligibility Guidelines; or**

9 (D) **Identifies as African-American, Latino, Native American or Pacific Islander.**

10 [(b)] (c) [Ninety-five] **95** percent of the amount of the school district's General Purpose Grant per
 11 ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

12 (3) A school district shall contractually establish, with any public charter school that is spon-
 13 sored by the State Board of Education and that is within the boundaries of the school district,
 14 payment for provision of educational services to the public charter school's students. The payment
 15 shall equal an amount per weighted average daily membership (ADMw) of the public charter school
 16 that is at least equal to:

17 (a) [Ninety] **90** percent of the amount of the school district's General Purpose Grant per ADMw
 18 as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade
 19 eight[; and].

20 (b) [Ninety-five] **95** percent of the amount of the school district's General Purpose Grant per
 21 ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

22 (4) The estimated amount of each school district's General Purpose Grant per ADMw shall be
 23 determined each year by the Department of Education and made available to all school districts.

24 (5) The school district in which the public charter school is located shall transfer an amount
 25 per weighted average daily membership (ADMw) of the public charter school that is equal to 50
 26 percent of the amount of the school district's General Purpose Grant per ADMw as calculated under
 27 ORS 327.013 that is not paid to the public charter school through a contract created pursuant to
 28 subsection (3) of this section to the Department of Education.

29 (6) The department may use any moneys received under this section for activities related to
 30 public charter schools.

31 (7) A school district and a public charter school may negotiate to establish a payment for the
 32 provision of educational services to the public charter school's students that is more than the min-
 33 imum amounts specified in subsection (2) or (3) of this section.

34 (8) A school district shall send payment to a public charter school based on a contract negoti-
 35 ated under this section within 10 days after receiving payments from the State School Fund pursuant
 36 to ORS 327.095.

37 (9)(a) A public charter school may apply for any grant that is available to school districts or
 38 nonchartered public schools from the Department of Education. The department shall consider the
 39 application of the public charter school in the same manner as an application from a school district
 40 or nonchartered public school.

41 (b) The department shall award any grant that is available to school districts based solely on
 42 the weighted average daily membership (ADMw) of the school district directly to the public charter
 43 school. This paragraph does not apply to any grant from the State School Fund.

44 **SECTION 2. The amendments to ORS 338.155 by section 1 of this 2021 Act first apply to**
 45 **the 2021-2022 school year.**

1 **SECTION 3.** ORS 340.073 is amended to read:

2 340.073. (1) A public charter school may elect to participate in the Expanded Options Program
3 by amending its charter under ORS 338.065.

4 (2) Actual instructional costs associated with participating eligible students shall be negotiated
5 and paid directly to the eligible post-secondary institution by the public charter school.

6 (3) The participating public charter school may not require funding from the sponsor of the
7 school for payment of Expanded Options Program costs that is in addition to funding that already
8 has been contractually established pursuant to ORS 338.155 [(2)(b)] (2)(c) or (3)(b) or 338.165 (2)(b).

9 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
11 **July 1, 2021.**

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