

Comment [Watermark1]:

MEMORANDUM

TO: Dan Austin, Luckiamute Charter School
FROM: Randy Harnisch,
SUBJ: Charter school enrollment
DATE: December 14, 2007



P.O. Box 1068, Salem, OR 97308 • 1201
Court St., NE, Salem, OR 97301 • (503) 588-
2800 • 1-800-578-OSBA • FAX (503) 588-
2813 • www.osba.org

You asked for clarification of the student enrollment provisions of Oregon's charter school law. Oregon's charter school law is contained in Oregon Revised Statutes Chapter 338, which was first enacted in 1999. The law has been amended several times, but the provisions dealing with student enrollment has been largely untouched. That said, a provision in the 1999 law stated that "at least 80% of the students enrolled in a public charter school shall be residents of the school district within which the public charter school is located." This section limited the number of students who could attend a charter school that is located in a school district other than the student's resident district. This section was drafted to and did "sunset" on January 1, 2004.

ORS 338.125 (2)(a) says "If space is available a public charter school may admit students who do not reside in the school district in which the public charter school is located." This section is unique in that it specifically permits an entity other than a school district to admit a student who does not reside in the district. In all other cases, student admission is a function of a school district. The language of the statute specifically permits a charter school to admit and enroll non-resident students without the complying with the requirement of an interdistrict transfer.

Further, ORS 338.155 (5)(a) requires school districts that sponsor charter schools to send 50% of the state school funds that are not transferred to the charter school to the school district where a charter school student's parent or guardian resides. This section would be unnecessary if an interdistrict transfer was required because in the case of an interdistrict transfer, the non-resident school district collects the state school funds for the student, and the resident school district gets nothing.

While ORS 338 does not explicitly state that an interdistrict transfer is not required, the process established in that chapter provides parents the choice to enroll children in a charter school and permits the charter school to enroll those students.