

A-Engrossed
House Bill 2037

Ordered by the House May 7
Including House Amendments dated May 7

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

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.

[Removes restriction on public charter schools offering online courses that 50 percent or more of students in school must reside in school district where school is located.]

Allows State Board of Education to waive specified student residency requirement for virtual public charter school or applicant if virtual public charter school or applicant meets certain other requirements. Defines "virtual public charter school."

Provides appeal mechanism if board denies waiver. Establishes reporting requirements for virtual public charter school or applicant that is granted waiver.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to public charter schools; creating new provisions; amending ORS 338.005 and 338.025; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 338.005 is amended to read:

6 338.005. As used in this chapter, unless the context requires otherwise:

7 (1) "Applicant" means any person or group that develops and submits a written proposal for a
8 public charter school to a sponsor.

9 (2) "Public charter school" means an elementary or secondary school offering a comprehensive
10 instructional program operating under a written agreement entered into between a sponsor and an
11 applicant and operating pursuant to this chapter.

12 (3) "Sponsor" means:

13 (a) The board of the common school district or the union high school district in which the public
14 charter school is located that has developed a written charter with an applicant to create a public
15 charter school.

16 (b) The State Board of Education pursuant to ORS 338.075.

17 (4) **"Virtual public charter school" means a public charter school that delivers a se-**
18 **quential program of instruction from a teacher to a student primarily online in a virtual or**
19 **remote setting.**

20 **SECTION 2.** ORS 338.025 is amended to read:

21 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
22 of this chapter. The rules shall follow the intent of this chapter.

23 (2) Upon application by a public charter school **or an applicant**, the State Board of Education
24 may grant a waiver of any provision of this chapter if the waiver promotes the development of

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 programs by providers, enhances the equitable access by underserved families to the public educa-
2 tion of their choice, extends the equitable access to public support by all students or permits high
3 quality programs of unusual cost. The State Board of Education may not waive any appeal provision
4 in this chapter or any provision under ORS 338.115 (1)(a) to (p).

5 **SECTION 3.** Sections 4 to 6 of this 2007 Act are added to and made a part of ORS chapter
6 **338.**

7 **SECTION 4.** (1) Upon application by a virtual public charter school or a virtual public
8 charter school applicant, the State Board of Education may waive the requirements of ORS
9 338.125 (2)(b) pursuant to ORS 338.025 if the virtual public charter school or the virtual public
10 charter school proposed by the applicant meets the requirements of this section.

11 (2) Prior to granting a waiver, the board shall require the virtual public charter school
12 or applicant to:

13 (a) Have a plan for academic achievement that addresses how the school will improve
14 student learning and meet academic content standards required by ORS 329.045;

15 (b) Have performance criteria the school will use to measure the school's progress in
16 meeting its academic performance goals during its first five years of operation;

17 (c) Have a proposal for directly and significantly involving parents and guardians of stu-
18 dents enrolled in the school and the school's professional employees in the implementation
19 of the proposed educational program;

20 (d) Provide to the State Board of Education, to the Department of Education and to
21 parents and guardians of students enrolled in the school an annual report that describes the
22 school's progress in meeting its academic performance goals during the preceding school
23 year;

24 (e) Have a proposed budget, business plan and governance plan for the operation of the
25 school;

26 (f) Agree to operate using an interactive web-based technology platform that monitors
27 and tracks student progress and attendance in conjunction with performing other student
28 assessment functions;

29 (g) Notwithstanding ORS 338.135 (7), agree to employ only licensed teachers who are
30 highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115
31 Stat. 1425);

32 (h) Maintain student records and school records, including financial records, at a desig-
33 nated central office of operations;

34 (i) Ensure equitable access to the educational program provided by the school by ensur-
35 ing that each student enrolled in the school:

36 (A) Has access to and use of computer and printer equipment as needed;

37 (B) Is offered an Internet service cost reimbursement arrangement under which the
38 school reimburses the parent or guardian of the student, at a rate set by the school, for the
39 costs of obtaining Internet service at the minimum connection speed required to effectively
40 access the educational program provided by the school; or

41 (C) Has access to and use of computer and printer equipment and is offered Internet
42 service cost reimbursement;

43 (j) Ensure access to computer and printer equipment and the Internet service cost re-
44 imbursement as described in paragraph (i) of this subsection by students enrolled in the
45 school who are from families that qualify as low-income under Title I of the federal Ele-

1 **mentary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);**

2 **(k) Provide each student enrolled in the school with the materials required to complete**
3 **lessons, including:**

4 **(A) Textbooks; and**

5 **(B) Educational materials;**

6 **(L) Conduct school-sponsored optional educational events at least six times each school**
7 **year at locations selected to provide convenient access to all students enrolled in the school**
8 **who want to participate;**

9 **(m) Conduct biweekly meetings between teachers and students enrolled in the school,**
10 **either in person or through the use of conference calls or other technology;**

11 **(n) Provide opportunities for face-to-face meetings between teachers and students en-**
12 **rolled in the school at least six times each school year; and**

13 **(o) Be in compliance with the provisions of ORS 338.115 (1)(a) to (p) and the provisions**
14 **of this chapter that are not specifically waived by the State Board of Education.**

15 **(3)(a) The State Board of Education shall send to the virtual public charter school or**
16 **applicant, within 10 days of the board's decision, written notice of the board's decision re-**
17 **garding the request for a waiver under this section. If the waiver is not granted, the board**
18 **shall provide the virtual public charter school or applicant with the board's reasons for the**
19 **denial and specific requirements under subsection (2) of this section that were not met by**
20 **the school or applicant.**

21 **(b) If the waiver is not granted, the virtual public charter school or applicant may amend**
22 **its application for a waiver to address any objections in the written notice within 30 days of**
23 **the date the school or applicant received written notice and may submit the amended appli-**
24 **cation to the board.**

25 **SECTION 5. A virtual public charter school that was granted a waiver under section 4**
26 **of this 2007 Act, or a virtual public charter school for which an applicant was granted a**
27 **waiver under section 4 of this 2007 Act shall report annually to the State Board of Education.**
28 **The report must include:**

29 **(1) The number of students enrolled in the school;**

30 **(2) The number of students who completed the courses in which the students enrolled;**

31 **(3) The number of students who were enrolled in the school at the end of the preceding**
32 **school year;**

33 **(4) Demographic information, as required by the board, of students enrolled in the school;**

34 **(5) The number of teachers employed by the school, including the number of teachers**
35 **who are highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L.**
36 **107-110, 115 Stat. 1425); and**

37 **(6) Information regarding the academic performance of students enrolled in the school**
38 **and whether the school met its academic performance goals.**

39 **SECTION 6. (1) The requirements of ORS 338.125 (2)(b) do not apply to a public charter**
40 **school that was in operation on September 2, 2005, until:**

41 **(a) The sponsor and public charter school governing board agree to amend the school's**
42 **charter; or**

43 **(b) The charter that was in effect on September 2, 2005, is renewed.**

44 **(2) A virtual public charter school that is in operation on or after the effective date of**
45 **this 2007 Act may apply for a waiver under section 4 of this 2007 Act.**

1 **SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
3 **July 1, 2007.**

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