

# House Bill 3151

Sponsored by Representative FLORES; Representatives BOQUIST, CAMERON, DALLUM, THATCHER, WHISNANT

## 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**.

Prohibits State Board of Education from adopting rules that apply to public charter schools.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public charter schools; amending ORS 338.025, 338.105, 338.185 and 659.855; and declar-  
3 ing an emergency.

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

5 **SECTION 1.** ORS 338.025 is amended to read:

6 338.025. (1) The State Board of Education may **not** adopt [*any*] rules [*necessary for the imple-*  
7 *mentation of this chapter. The rules shall follow the intent of this chapter.*] **that apply to public**  
8 **charter schools. Any rules that are in effect on the effective date of this 2007 Act may re-**  
9 **main in effect until repealed by the board.**

10 (2) Upon application by a public charter school, the State Board of Education may grant a  
11 waiver of any provision of this chapter if the waiver promotes the development of programs by  
12 providers, enhances the equitable access by underserved families to the public education of their  
13 choice, extends the equitable access to public support by all students or permits high quality pro-  
14 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
15 chapter or any provision under ORS 338.115 (1)(a) to (p).

16 **SECTION 2.** ORS 338.105 is amended to read:

17 338.105. (1) During the term of a charter, the sponsor may terminate the charter on any of the  
18 following grounds:

- 19 (a) Failure to meet the terms of an approved charter or this chapter.  
20 (b) Failure to meet the requirements for student performance stated in the charter.  
21 (c) Failure to correct a violation of a federal or state law that is described in ORS 338.115.  
22 (d) Failure to maintain insurance as described in the charter.  
23 (e) Failure to maintain financial stability.

24 (2) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the  
25 public charter school governing body at least 60 days prior to the proposed effective date of the  
26 termination. The notice shall state the grounds for the termination. The public charter school gov-  
27 erning body may request a hearing by the sponsor.

28 (3) A public charter school governing body may appeal any decision of a sponsor that is:

29 (a) A school district board to the State Board of Education. [*The State Board of Education shall*  
30 *adopt by rule procedures to ensure a timely appeals process to prevent disruption of students' educa-*  
31 *tion.*]

**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 (b) The State Board of Education to the circuit court pursuant to ORS 183.484.

2 (4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter imme-  
 3 diately and close a public charter school if the public charter school is endangering the health or  
 4 safety of the students enrolled in the public charter school.

5 (b) The public charter school governing body may request a hearing from the sponsor on the  
 6 termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days  
 7 after receiving the request.

8 (c) The public charter school governing body may appeal a decision of a sponsor under this  
 9 subsection to the State Board of Education. The State Board of Education shall hold a hearing  
 10 within 10 days after receiving the appeal request.

11 (d) Throughout the appeals process, the public charter school shall remain closed at the dis-  
 12 cretion of the sponsor unless the State Board of Education orders the sponsor to open the public  
 13 charter school and not terminate the charter.

14 (5) Termination of a charter shall not abridge the public charter school’s legal authority to op-  
 15 erate as a private or nonchartered public school.

16 (6) If a charter is terminated or a public charter school is dissolved, the assets of the public  
 17 charter school that were purchased with public funds shall be given to the State Board of Education.  
 18 The State Board of Education may disburse the assets of the public charter school to school districts  
 19 or other public charter schools.

20 (7) A public charter school governing body may only terminate a charter, dissolve or close a  
 21 public charter school at the end of a semester. If a charter is terminated by the public charter  
 22 school governing body or a public charter school is closed or dissolved, the public charter school  
 23 governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the  
 24 termination, closure or dissolution.

25 **SECTION 3.** ORS 338.185 is amended to read:

26 338.185. (1) The Department of Education shall award grants and loans to public charter schools  
 27 that have a charter approved by a sponsor or to applicants that wish to establish or expand a public  
 28 charter school. The purpose of the grants and loans is to promote development of high quality public  
 29 charter schools.

30 (2) *[Pursuant to rules adopted by the State Board of Education,]* The Department of Education  
 31 shall award grants and loans on the basis of need. Priority for awarding grants and loans shall be  
 32 to those public charter schools serving at-risk youth.

33 *[(3) The State Board of Education shall adopt by rule criteria for awarding grants and loans under*  
 34 *this section.]*

35 **SECTION 4.** ORS 659.855 is amended to read:

36 659.855. (1) Any public elementary or secondary school determined by the Superintendent of  
 37 Public Instruction or any community college determined by the Commissioner for Community Col-  
 38 lege Services to be in noncompliance with provisions of ORS 659.850 and this section shall be sub-  
 39 ject to appropriate sanctions, which may include withholding of all or part of state funding, as  
 40 established by rule of the State Board of Education.

41 (2) Any public institution of higher education determined by the Chancellor of the Oregon Uni-  
 42 versity System to be in noncompliance with provisions of ORS 659.850 and this section shall be  
 43 subject to appropriate sanctions, which may include withholding of all or part of state funding, as  
 44 established by rule of the State Board of Higher Education.

45 (3) Any public charter school determined by the sponsor of the school or the Superintendent of

1 Public Instruction to be in noncompliance with the provisions of ORS 659.850 and this section shall  
2 be subject to appropriate sanctions, which may include the withholding of all or part of state fund-  
3 ing by the sponsor or superintendent[, *as established by rule of the State Board of Education*].

4 **SECTION 5. This 2007 Act being necessary for the immediate preservation of the public**  
5 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
6 **on its passage.**

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