

A-Engrossed
House Bill 3179

Ordered by the House May 9
Including House Amendments dated May 9

Sponsored by Representatives DALLUM, ROBLAN; Representatives BUCKLEY, GIROD, KOMP, MINNIS, Senator WALKER

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.

Changes information that school district board may [*request*] **require** from public charter school applicant. [*Changes criteria for approving*] **Allows school district board to conditionally approve** public charter school proposal.

Specifies time periods for appeal of denial of application for public charter school and for State Board of Education review. Allows public charter school or sponsor to request state board review of whether specified provisions have been violated.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to public charter schools; creating new provisions; amending ORS 338.045, 338.055 and
3 338.075; and declaring an emergency.

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

5 **SECTION 1.** ORS 338.045 is amended to read:

6 338.045. (1) An applicant seeking to establish a public charter school shall submit a written
7 proposal to a school district board.

8 (2) The proposal shall include, but need not be limited to:

9 (a) The identification of the applicant;

10 (b) The name of the proposed public charter school;

11 (c) A description of the philosophy and mission of the public charter school;

12 (d) A description of the curriculum of the public charter school;

13 (e) A description of the expected results of the curriculum and the verified methods of measuring
14 and reporting objective results that will show the growth of knowledge of students attending the
15 public charter school and allow comparisons with public schools;

16 (f) The governance structure of the public charter school;

17 (g) The projected enrollment to be maintained and the ages or grades to be served;

18 (h) The target population of students the public charter school will be designed to serve;

19 (i) A description of any distinctive learning or teaching techniques to be used in the public
20 charter school;

21 (j) The legal address, facilities and physical location of the public charter school, if known;

22 (k) A description of admission policies and application procedures;

23 (L) The statutes and rules that shall apply to the public charter school;

24 (m) The proposed budget and financial plan for the public charter school and evidence that the
25 proposed budget and financial plan for the public charter school are financially sound;

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 (n) The standards for behavior and the procedures for the discipline, suspension or expulsion
2 of students;

3 (o) The proposed school calendar for the public charter school, including the length of the
4 school day and school year;

5 (p) A description of the proposed staff members and required qualifications of teachers at the
6 public charter school;

7 (q) The date upon which the public charter school would begin operating;

8 (r) The arrangements for any necessary special education and related services provided pursuant
9 to ORS 338.165 for children with disabilities who may attend the public charter school;

10 (s) Information on the manner in which community groups may be involved in the planning and
11 development process of the public charter school;

12 (t) The term of the charter;

13 (u) The plan for performance bonding or insuring the public charter school, including buildings
14 and liabilities;

15 (v) A proposed plan for the placement of public charter school teachers, other school employees
16 and students of the public charter school upon termination or nonrenewal of a charter;

17 (w) The manner in which the program review and fiscal audit will be conducted; and

18 (x) In the case of an existing public school being converted to charter status:

19 (A) The alternative arrangements for students who choose not to attend the public charter
20 school and for teachers and other school employees who choose not to participate in the public
21 charter school; and

22 (B) The relationship that will exist between the public charter school and its employees, in-
23 cluding evidence that the terms and conditions of employment have been addressed with affected
24 employees and their recognized representative, if any.

25 (3) In addition to the requirements of subsection (2) of this section, the school district board
26 may require any additional information the board considers relevant to the formation or operation
27 of a public charter school **to ensure that the board and school meet:**

28 **(a) The requirements of federal and state law; and**

29 **(b) Board policies that support the legislative intent and goals listed in ORS 338.015.**

30 (4) At the request of the applicant, the school district board may provide technical assistance
31 in developing the proposal for operation of the public charter school.

32 (5) To the extent such information is reasonably available, education service districts shall make
33 available to the public lists of vacant and unused public and private buildings or portions of
34 buildings that may be suitable for the operation of a public charter school. School districts shall
35 provide to the public and to their education service districts lists of unused or underutilized
36 buildings that are owned by the school districts. Nothing in this subsection requires the owner of
37 a building on the list to sell or lease to a public charter school a building or any portion of a
38 building.

39 **SECTION 2.** ORS 338.055 is amended to read:

40 338.055. (1) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school
41 district board shall hold a public hearing on the provisions of the proposal.

42 (2) The school district board shall evaluate a proposal in good faith using the following criteria:

43 (a) The demonstrated, sustainable support for the public charter school by teachers, parents,
44 students and other community members, including comments received at the public hearing held
45 under subsection (1) of this section;

1 (b) The demonstrated financial stability of the public charter school;

2 (c) The capability of the applicant, in terms of support and planning, to provide comprehensive
3 instructional programs to students pursuant to an approved proposal;

4 (d) The capability of the applicant, in terms of support and planning, to specifically provide,
5 pursuant to an approved proposal, comprehensive instructional programs to students identified by
6 the applicant as academically low achieving;

7 (e) The extent to which the proposal addresses the information required in ORS 338.045;

8 (f) Whether the value of the public charter school is outweighed by any directly identifiable,
9 significant and adverse impact on the quality of the public education of students residing in the
10 school district in which the public charter school will be located;

11 (g) Whether there are arrangements for any necessary special education and related services for
12 children with disabilities pursuant to ORS 338.165; and

13 (h) Whether there are alternative arrangements for students and for teachers and other school
14 employees who choose not to attend or who choose not to be employed by the public charter school.

15 *[(3) The school district board must approve a proposal or state in writing the reasons for disap-
16 proving a proposal within 30 days after the public hearing held under subsection (1) of this section.]*

17 **(3)(a) The school district board must either approve a proposal, as written with any ad-
18 ditional information required by the board, or state in writing the reasons for disapproving
19 a proposal within 30 days after the public hearing held under subsection (1) of this section.**

20 **(b) Notwithstanding paragraph (a) of this subsection, the school district board may con-
21 ditionally approve a proposal if the conditions placed on the applicant meet:**

22 **(A) The requirements of federal and state law; and**

23 **(B) Board policies that support the legislative intent and goals listed in ORS 338.015.**

24 (4) Written notice of the school district board's action shall be sent to the applicant. If the
25 proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall
26 be clearly stated in the notice sent by the school district board to the applicant. If the proposal is
27 not approved, the applicant may amend the proposal to address objections and any suggested reme-
28 dial measures and resubmit the proposal to the school district board. The school district board shall
29 approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is
30 not approved, the applicant may appeal the decision of the school district board to the State Board
31 of Education.

32 **(5) Through mutual agreement between the sponsor and the public charter school gov-
33 erning body,** individual elements in a public charter school proposal may be changed through the
34 proposal and chartering process.

35 (6) A proposal to convert an existing public school to a public charter school must be approved
36 by the school district board of the public school.

37 (7) The school district board or the State Board of Education shall not charge any fee to appli-
38 cants for the proposal process.

39 (8) Upon request by a school district, the State Board of Education may grant an extension of
40 any timeline required by this section if the district has good cause for requesting the extension.

41 **SECTION 3.** ORS 338.075 is amended to read:

42 338.075. (1) If a school district board does not approve a proposal to start a public charter
43 school pursuant to ORS 338.055, **within 90 days of the denial** the applicant may request that the
44 State Board of Education review the decision of the school district board. **Within 30 days of the
45 denial, the applicant shall send a written notice to the school district board and to the De-**

1 **partment of Education of the applicant's intent to request State Board of Education review**
2 **of the decision.**

3 (2) Upon receipt of a request for review, the State Board of Education:

4 (a) Shall attempt to mediate a resolution between the applicant and the school district board.

5 (b) May recommend to the applicant and school district board revisions to the proposal.

6 (c) If the school district board does not accept the revisions to the proposal and the applicant
7 agrees to the sponsorship, may become the sponsor of the public charter school.

8 (3) Upon receipt of a request for review, in addition to actions described in subsection (2) of this
9 section and at any time during the review process, the State Board of Education may reject a pro-
10 posal to start a public charter school if the school fails to meet the requirements of this chapter.

11 **(4) Within 150 days of receiving a written request for review under subsection (1) of this**
12 **section, the State Board of Education shall complete its duties under subsections (2) and (3)**
13 **of this section unless the applicant and the State Board of Education mutually agree to a**
14 **different timeline.**

15 [(4)] (5) An applicant may seek judicial review of an order of the State Board of Education
16 pursuant to ORS 183.484. If the court finds that the decision of the State Board of Education is not
17 supported by substantial evidence in the record, the court shall enter a judgment directing the State
18 Board of Education to sponsor the public charter school.

19 **SECTION 4. Section 5 of this 2007 Act is added to and made a part of ORS chapter 338.**

20 **SECTION 5. (1) If a public charter school governing body or a sponsor believes that the**
21 **other party has violated ORS 338.055 (3) or (5) or 338.065 (1), the public charter school gov-**
22 **erning body or the sponsor may request, in writing, that the State Board of Education review**
23 **whether the provisions have been violated. Within 120 days of receiving a written request for**
24 **review, the State Board of Education shall determine if either party has violated ORS 338.055**
25 **(3) or (5) or 338.065 (1).**

26 (2) The State Board of Education shall notify both parties of its determination and order
27 the parties to comply with ORS 338.055 (3) or (5) or 338.065 (1).

28 (3) A public charter school governing body or a sponsor may seek judicial review of an
29 order of the State Board of Education pursuant to ORS 183.484.

30 **SECTION 6. Section 5 of this 2007 Act and the amendments to ORS 338.045, 338.055 and**
31 **338.075 by sections 1 to 3 of this 2007 Act apply to proposals for public charter schools re-**
32 **ceived by a school district on or after the effective date of this 2007 Act.**

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

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