

A-Engrossed
Senate Bill 214

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Superintendent of Public Instruction Susan Castillo for Department of 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.

Requires public charter school operated by school district to be nonprofit organization **unless school is in school district of only one school**.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to public charter schools; creating new provisions; amending ORS 338.035; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 338.035 is amended to read:

6 338.035. (1) A public charter school may be established:

7 (a) As a new public school;

8 (b) From an existing public school or a portion of the school; or

9 (c) From an existing alternative education program, as defined in ORS 336.615.

10 (2)(a) Before a public charter school may operate as a public charter school, it must:

11 (A) Be approved by a sponsor;

12 (B) Be established as a nonprofit organization under the laws of Oregon; and

13 (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal
14 Revenue Code.

15 (b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and
16 (C) of this subsection do not apply to a [*public charter school that is operated by a school district*]
17 **school in a school district that is composed of only one school**.

18 (3) An applicant seeking to establish a public charter school shall submit a proposal pursuant
19 to ORS 338.045 to the school district board of the school district within which the public charter
20 school will be located at least 120 days prior to the date upon which the public charter school would
21 begin operating. However, it is recommended that an applicant consult with the school district
22 board prior to submitting a proposal.

23 (4) An applicant seeking to establish a public charter school shall provide to the State Board
24 of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a
25 copy of any subsequent approval by the school district board.

26 (5)(a) One or more, but not all, schools in a school district may become public charter schools.

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) Notwithstanding paragraph (a) of this subsection, a school in a school district that is com-
2 posed of only one school may become a public charter school.

3 (6)(a) A school district board or the State Board of Education may not approve a public charter
4 school proposal that authorizes the conversion of any private school that is tuition based to a public
5 charter school.

6 (b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board
7 of Education may authorize the conversion of an existing alternative education program, as defined
8 in ORS 336.615, to a public charter school.

9 (7) A school district board or the State Board of Education may not approve a public charter
10 school proposal that is affiliated with a nonpublic sectarian school or a religious institution.

11 **SECTION 2. The amendments to ORS 338.035 by section 1 of this 2007 Act apply to a**
12 **public charter school that:**

13 (1) **First begins operation as a public charter school on or after the effective date of this**
14 **2007 Act; or**

15 (2) **Renews its charter on or after the effective date of this 2007 Act.**

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