

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 767

By COMMITTEE ON RULES

June 8

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 338.105” and insert “, 338.105 and
2 338.135”.

3 On page 9, delete lines 31 through 45 and insert:

4 “**SECTION 13a.** ORS 338.135 is amended to read:

5 “338.135. (1) Employee assignment to a public charter school shall be voluntary.

6 “(2)(a) A public charter school or the sponsor of the public charter school [*may be*] **is** considered
7 the employer of any employees of the public charter school. If a school district board is not the
8 sponsor of the public charter school, the school district board [*shall*] **may** not be the employer of
9 the employees of the public charter school and the school district board may not collectively bargain
10 with the employees of the public charter school. The public charter school governing body shall
11 control the selection of employees at the public charter school.

12 “(b) **If a virtual public charter school or the sponsor of a virtual public charter school**
13 **contracts with a for-profit entity to provide educational services through the virtual public**
14 **charter school, the for-profit entity may not be the employer of any employees of the virtual**
15 **public charter school.**

16 “(3) The school district board of the school district within which the public charter school is
17 located shall grant a leave of absence to any employee who chooses to work in the public charter
18 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
19 board policy. However, the length of the leave of absence may not be less than two years unless:

20 “(a) The charter of the public charter school is terminated or the public charter school is dis-
21 solved or closed during the leave of absence; or

22 “(b) The employee and the school district board have mutually agreed to a different length of
23 time.

24 “(4) An employee of a public charter school operating within a school district who is granted
25 a leave of absence from the school district and returns to employment with the school district shall
26 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
27 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of
28 a public charter school not operating within the school district may make provisions for the return
29 of the employee to employment with the school district.

30 “(5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a
31 public employer and as such shall participate in the Public Employees Retirement System.

32 “(6) For teacher licensing, employment experience in public charter schools shall be considered
33 equivalent to experience in public schools.

34 “(7)(a) Any person employed as an administrator in a public charter school shall be licensed or
35 registered to administer by the Teacher Standards and Practices Commission.

1 “(b) Any person employed as a teacher in a public charter school shall be licensed or registered
2 to teach by the commission.

3 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-
4 time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed
5 by the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

6 “(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
7 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
8 of a labor organization or organize with other employees to bargain collectively. Bargaining units
9 at the public charter school may be separate from other bargaining units of the sponsor or of the
10 school district in which the public charter school is located. Employees of a public charter school
11 may be part of the bargaining units of the sponsor or of the school district in which the public
12 charter school is located.

13 “(9) A school district or the State Board of Education may not waive the right to sponsor a
14 public charter school in a collective bargaining agreement.

15 “**SECTION 13b. (1) Except as provided in subsection (2) of this section, ORS 338.135 (2)(b)**
16 **applies to all virtual public charter schools operating in this state prior to, on or after the**
17 **effective date of this 2009 Act.**

18 “**(2) ORS 338.135 (2)(b) does not apply if a virtual public charter school or sponsor of a**
19 **virtual public charter school entered into a contract with a for-profit entity prior to the ef-**
20 **fective date of this 2009 Act and the contract provided for the employment of employees of**
21 **the virtual public charter school by the for-profit entity. A contract described in this sub-**
22 **section may not be extended or renewed.**

23 “**SECTION 13c. ORS 338.125 (2)(b) applies to all public charter schools operating in this**
24 **state prior to, on or after the effective date of this 2009 Act unless:**

25 “**(1) A public charter school has been granted a waiver of the provisions of ORS 338.125**
26 **(2)(b) by the State Board of Education under ORS 338.025; and**

27 “**(2) The public charter school complies with the terms of the waiver described in sub-**
28 **section (1) of this section.**

29 “**SECTION 14. (1) The Online Learning Task Force is established for the purpose of en-**
30 **sureing that this state provides appropriate access to online learning through public charter**
31 **schools.**

32 “**(2)(a) The President of the Senate and the Speaker of the House of Representatives**
33 **jointly shall appoint 13 members to the task force as follows:**

34 “**(A) Three members of the Senate, of whom two represent the majority party and one**
35 **represents the minority party.**

36 “**(B) Three members of the House of Representatives, of whom two represent the ma-**
37 **jority party and one represents the minority party.**

38 “**(C) One member who represents the Department of Education.**

39 “**(D) One member who is a representative of public education employees.**

40 “**(E) One member who is a representative of school administrators.**

41 “**(F) One member who is a representative of school boards.**

42 “**(G) One member who represents education service districts.**

43 “**(H) One member who represents public charter schools.**

44 “**(I) One member who represents the Oregon University System.**

45 “**(b) All appointments to the task force made under this subsection must be completed**

1 by July 15, 2009.

2 “(3) The task force shall:

3 “(a) Prepare a report that must address:

4 “(A) Grades and ages to be served by public online instruction through public charter
5 schools;

6 “(B) Curriculum descriptions and accreditation or certification standards of online in-
7 struction offered through public charter schools;

8 “(C) Accessibility of online instruction and accommodations of students to public charter
9 schools that offer online instruction;

10 “(D) Methods of financing public charter schools that offer online instruction;

11 “(E) Levels of funding for public charter schools that offer online instruction;

12 “(F) Financial accountability of public charter schools that offer online instruction;

13 “(G) Reporting of student outcomes and compliance with academic accountability stan-
14 dards at public charter schools that offer online instruction;

15 “(H) The use of teachers licensed by the Teacher Standards and Practices Commission,
16 the teaching standards and the frequency of teacher contact at public charter schools that
17 offer online instruction;

18 “(I) Examples of school policies at a public charter school that offers online instruction,
19 including policies involving online harassment, intimidation or bullying;

20 “(J) The method of offering online instruction through school districts and education
21 service districts;

22 “(K) Class sizes of online courses, including the student-to-teacher ratio for the online
23 courses;

24 “(L) How to transition students currently enrolled in public charter schools that offer
25 online instruction to alternative learning options, if necessary;

26 “(M) Methods to determine whether a school district is an appropriate sponsor of a public
27 charter school that provides online instruction; and

28 “(N) Any other topic concerning the provision of high-quality online instruction to stu-
29 dents in this state and the accessibility of online instruction by students attending public
30 schools in this state.

31 “(b) Prepare any necessary legislation based on the findings made in the report described
32 in paragraph (a) of this subsection.

33 “(4) A majority of the members of the task force constitutes a quorum for the trans-
34 action of business.

35 “(5) Official action by the task force requires the approval of a majority of the members
36 of the task force.

37 “(6) The President of the Senate and the Speaker of the House of Representatives shall
38 jointly appoint one member of the Senate who represents the majority party and one member
39 of the House of Representatives who represents the majority party to serve as co-
40 chairpersons of the task force.

41 “(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
42 ment to become immediately effective.

43 “(8) The task force shall meet at times and places specified by:

44 “(a) The work plan developed as provided in subsection (11) of this section;

45 “(b) The call of the co-chairpersons or of a majority of the members of the task force;

1 or

2 “(c) The President of the Senate and the Speaker of the House of Representatives.

3 “(9) The task force may adopt rules necessary for the operation of the task force.

4 “(10) For the first special session of the Legislative Assembly occurring in 2010 or, if
5 there is not a special session in 2010, for the regular session of the Legislative Assembly
6 occurring in 2011, the task force shall presession file legislation in the manner provided in
7 ORS 171.130 for interim committees. All legislation recommended by official action of the
8 task force must indicate that it is introduced at the request of the task force.

9 “(11) No later than September 1, 2009, the co-chairpersons of the task force shall develop
10 and submit to the President of the Senate and the Speaker of the House of Representatives
11 a work plan that describes the timeline of the activities of the task force. The timeline must
12 include the following:

13 “(a) At least four dates between August 1, 2009, and November 30, 2009, when the task
14 force will meet.

15 “(b) The date when the task force will provide to the legislative education committees the
16 report described in subsection (3) of this section and recommendations for legislation. The
17 date may be no later than December 15, 2009.

18 “(12) The Legislative Administrator may employ persons necessary for the performance
19 of the functions of the task force. The Legislative Administrator shall fix the duties and
20 amounts of compensation of these employees. The task force shall use the services of per-
21 manent legislative staff to the greatest extent practicable.

22 “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist
23 the task force in the performance of its duties and, to the extent permitted by laws relating
24 to confidentiality, to furnish such information and advice as the members of the task force
25 consider necessary to perform their duties.”.

26 On page 10, delete lines 1 through 21.

27 In line 28, after “charter” insert “for a virtual public charter school if the charter is”.

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