

House Bill 3237

Sponsored by Representatives DEMBROW, ESQUIVEL; Representatives BARKER, DOHERTY, FREDERICK, HOLVEY

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**.

Allows sponsor and public charter school to enter into cooperative agreement with other school districts for purpose of forming partnership to provide educational services.

Allows public charter school to give admission priority to students who reside in school district that is sponsor or school district that is party to cooperative agreement.

Removes requirement that public charter school must maintain active enrollment of at least 25 students.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to public charter schools; creating new provisions; amending ORS 338.115 and 338.125; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 338.**

6 **SECTION 2. (1) A sponsor and a public charter school may enter into a cooperative
7 agreement with other school districts for the purpose of forming a partnership to provide
8 educational services.**

9 **(2) A cooperative agreement entered into as provided by this section must:**

10 **(a) Be incorporated into the charter of the public charter school; and**

11 **(b) Describe the terms of the partnership between the sponsor, the public charter school
12 and other school districts.**

13 **SECTION 3. ORS 338.125 is amended to read:**

14 **338.125. (1)(a)** Student enrollment in a public charter school shall be voluntary.

15 **(b)** All students who reside within the school district where the public charter school is located
16 are eligible for enrollment at a public charter school.

17 **(c) Except as provided in paragraph (d) of this subsection,** if the number of applications
18 from students who reside within the school district exceeds the capacity of a program, class, grade
19 level or building, the public charter school shall select students through an equitable lottery se-
20 lection process.

21 **(d) [However,]** After a public charter school has been in operation for one or more years, the
22 public charter school may give priority for admission to students **who:**

23 **[(a)] (A) [Who]** Were enrolled in the school in the prior year; **[or]**

24 **[(b)] (B) [Who]** Have siblings who are presently enrolled in the school and who were enrolled
25 in the school in the prior year[.]; **or**

26 **(C) If the public charter school is a party to a cooperative agreement described in section
27 2 of this 2011 Act, reside in the school district that is the sponsor of the public charter school
28 or in a school district that is a party to the cooperative agreement.**

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 (2)(a) If space is available, a public charter school may admit students who do not reside in the
2 school district in which the public charter school is located.

3 (b) Notwithstanding paragraph (a) of this subsection, if a public charter school offers any online
4 courses as part of the curriculum of the school, then 50 percent or more of the students who attend
5 the public charter school must reside in the school district in which the public charter school is
6 located.

7 (3) A public charter school may not limit student admission based on race, religion, sex, sexual
8 orientation, ethnicity, national origin, disability, income level, proficiency in the English language
9 or athletic ability, but may limit admission to students within a given age group or grade level.

10 (4) A public charter school may conduct fund-raising activities. However, a public charter school
11 may not require a student to participate in fund-raising activities as a condition of admission to the
12 public charter school.

13 **SECTION 4.** ORS 338.115, as amended by section 2, chapter 53, Oregon Laws 2010, is amended
14 to read:

15 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
16 public schools do not apply to public charter schools. However, the following laws do apply to public
17 charter schools:

- 18 (a) Federal law;
- 19 (b) ORS 192.410 to 192.505 (public records law);
- 20 (c) ORS 192.610 to 192.690 (public meetings law);
- 21 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 22 (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 23 (f) ORS 337.150 (textbooks);
- 24 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 25 (h) ORS 659.850, 659.855 and 659.860 (discrimination);
- 26 (i) ORS 30.260 to 30.300 (tort claims);
- 27 (j) Health and safety statutes and rules;
- 28 (k) Any statute or rule that is listed in the charter;
- 29 (L) The statewide assessment system developed by the Department of Education for mathemat-
30 ics, science and English under ORS 329.485 (2);
- 31 (m) ORS 329.045 (academic content standards and instruction);
- 32 (n) Any statute or rule that establishes requirements for instructional time provided by a school
33 during each day or during a year;
- 34 (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- 35 (p) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on pre-
36 vention and identification of child abuse);
- 37 (q) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
38 tificate);
- 39 (r) ORS chapter 657 (Employment Department Law);
- 40 (s) ORS 339.326;
- 41 (t) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and
- 42 (u) This chapter.

43 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
44 that apply to school district boards, school districts and other public schools may apply to a public
45 charter school.

1 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
 2 “public school” include public charter school as those terms are used in that statute or rule.

3 (4) A public charter school may not violate the Establishment Clause of the First Amendment
 4 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
 5 based.

6 [(5) *A public charter school shall maintain an active enrollment of at least 25 students.*]

7 [(6) (5) A public charter school may sue or be sued as a separate legal entity.

8 [(7) (6) The sponsor, members of the governing board of the sponsor acting in their official ca-
 9 pacities and employees of a sponsor acting in their official capacities are immune from civil liability
 10 with respect to all activities related to a public charter school within the scope of their duties or
 11 employment.

12 [(8) (7) A public charter school may enter into contracts and may lease facilities and services
 13 from a school district, education service district, state institution of higher education, other gov-
 14 ernmental unit or any person or legal entity.

15 [(9) (8) A public charter school may not levy taxes or issue bonds under which the public incurs
 16 liability.

17 [(10) (9) A public charter school may receive and accept gifts, grants and donations from any
 18 source for expenditure to carry out the lawful functions of the school.

19 [(11) (10) The school district in which the public charter school is located shall offer a high
 20 school diploma, a modified diploma, an extended diploma or an alternative certificate to any public
 21 charter school student who meets the district’s and state’s standards for a high school diploma, a
 22 modified diploma, an extended diploma or an alternative certificate.

23 [(12) (11) A high school diploma, a modified diploma, an extended diploma or an alternative
 24 certificate issued by a public charter school grants to the holder the same rights and privileges as
 25 a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued
 26 by a nonchartered public school.

27 [(13) (12) Prior to beginning operation, the public charter school shall show proof of insurance
 28 to the sponsor as specified in the charter.

29 [(14) (13) A public charter school may receive services from an education service district in the
 30 same manner as a nonchartered public school in the school district in which the public charter
 31 school is located.

32 **SECTION 5.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, section 12,
 33 chapter 50, Oregon Laws 2008, section 4, chapter 618, Oregon Laws 2009, and section 3, chapter 53,
 34 Oregon Laws 2010, is amended to read:

35 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
 36 public schools do not apply to public charter schools. However, the following laws do apply to public
 37 charter schools:

- 38 (a) Federal law;
- 39 (b) ORS 192.410 to 192.505 (public records law);
- 40 (c) ORS 192.610 to 192.690 (public meetings law);
- 41 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 42 (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 43 (f) ORS 337.150 (textbooks);
- 44 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 45 (h) ORS 659.850, 659.855 and 659.860 (discrimination);

- 1 (i) ORS 30.260 to 30.300 (tort claims);
 2 (j) Health and safety statutes and rules;
 3 (k) Any statute or rule that is listed in the charter;
 4 (L) The statewide assessment system developed by the Department of Education for mathemat-
 5 ics, science and English under ORS 329.485 (2);
 6 (m) ORS 329.045 (academic content standards and instruction);
 7 (n) ORS 329.496 (physical education);
 8 (o) Any statute or rule that establishes requirements for instructional time provided by a school
 9 during each day or during a year;
 10 (p) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
 11 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on pre-
 12 vention and identification of child abuse);
 13 (r) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
 14 tificate);
 15 (s) ORS chapter 657 (Employment Department Law);
 16 (t) ORS 339.326;
 17 (u) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and
 18 (v) This chapter.
 19 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
 20 that apply to school district boards, school districts and other public schools may apply to a public
 21 charter school.
 22 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
 23 “public school” include public charter school as those terms are used in that statute or rule.
 24 (4) A public charter school may not violate the Establishment Clause of the First Amendment
 25 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
 26 based.
 27 *[(5) A public charter school shall maintain an active enrollment of at least 25 students.]*
 28 *[(6)] (5)* A public charter school may sue or be sued as a separate legal entity.
 29 *[(7)] (6)* The sponsor, members of the governing board of the sponsor acting in their official ca-
 30 pacities and employees of a sponsor acting in their official capacities are immune from civil liability
 31 with respect to all activities related to a public charter school within the scope of their duties or
 32 employment.
 33 *[(8)] (7)* A public charter school may enter into contracts and may lease facilities and services
 34 from a school district, education service district, state institution of higher education, other gov-
 35 ernmental unit or any person or legal entity.
 36 *[(9)] (8)* A public charter school may not levy taxes or issue bonds under which the public incurs
 37 liability.
 38 *[(10)] (9)* A public charter school may receive and accept gifts, grants and donations from any
 39 source for expenditure to carry out the lawful functions of the school.
 40 *[(11)] (10)* The school district in which the public charter school is located shall offer a high
 41 school diploma, a modified diploma, an extended diploma or an alternative certificate to any public
 42 charter school student who meets the district’s and state’s standards for a high school diploma, a
 43 modified diploma, an extended diploma or an alternative certificate.
 44 *[(12)] (11)* A high school diploma, a modified diploma, an extended diploma or an alternative
 45 certificate issued by a public charter school grants to the holder the same rights and privileges as

1 a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued
2 by a nonchartered public school.

3 [(13)] (12) Prior to beginning operation, the public charter school shall show proof of insurance
4 to the sponsor as specified in the charter.

5 [(14)] (13) A public charter school may receive services from an education service district in the
6 same manner as a nonchartered public school in the school district in which the public charter
7 school is located.

8 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
10 **July 1, 2011.**

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