

Enrolled House Bill 3362

Sponsored by Representative CAMERON, Senator ROSENBAUM, Representatives DEMBROW, ESQUIVEL, Senator BOQUIST, Representative GELSER, Senators MORSE, JOHNSON; Representatives BAILEY, BARKER, BARNHART, BEYER, BOONE, BUCKLEY, CLEM, CONGER, DOHERTY, FREDERICK, GARRARD, GREENLICK, HARKER, HOLVEY, HOYLE, HUFFMAN, HUNT, JENSON, JOHNSON, KOMP, KOTEK, KRIEGER, MATTHEWS, NATHANSON, PARRISH, READ, ROBLAN, SCHAUFLER, SHEEHAN, J SMITH, WHISNANT, WITT, Senators BATES, BONAMICI, BURDICK, DEVLIN, DINGFELDER, EDWARDS, GIROD, HASS, KRUSE, MONNES ANDERSON, MONROE, NELSON, OLSEN, PROZANSKI, TELFER, THOMSEN, VERGER, WHITSETT, WINTERS (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

CHAPTER

AN ACT

Relating to collaboration in education; creating new provisions; amending ORS 338.115 and 338.125; appropriating money; and declaring an emergency.

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

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

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

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

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

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

SECTION 3. ORS 338.125 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

(b) For a public charter school that provides educational services under a cooperative agreement described in section 2 of this 2011 Act, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.

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

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

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, state institution of higher education, other governmental unit or any person or legal entity.

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

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

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

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

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

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

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

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

- (a) Federal law;
- (b) ORS 192.410 to 192.505 (public records law);
- (c) ORS 192.610 to 192.690 (public meetings law);
- (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- (f) ORS 337.150 (textbooks);
- (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (h) ORS 659.850, 659.855 and 659.860 (discrimination);
- (i) ORS 30.260 to 30.300 (tort claims);
- (j) Health and safety statutes and rules;
- (k) Any statute or rule that is listed in the charter;

(L) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);

(m) ORS 329.045 (academic content standards and instruction);

(n) ORS 329.496 (physical education);

(o) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;

(p) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

(q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on prevention and identification of child abuse);

(r) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);

(s) ORS chapter 657 (Employment Department Law);

(t) ORS 339.326;

(u) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and

(v) This chapter.

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

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, state institution of higher education, other governmental unit or any person or legal entity.

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

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

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

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

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

SECTION 6. (1) Representatives from the Department of Education, the Department of Community Colleges and Workforce Development and the Bureau of Labor and Industries shall meet at least four times each year for the purpose of promoting collaboration between the agencies on issues related to career and technical education.

(2) Issues to be addressed by the agencies shall include the development and implementation of long-term goals that:

(a) Ensure that career and technical education programs are available at the public schools of this state, are founded on partnerships with business and industry and receive appropriate investments of time, money and other resources.

(b) Develop regional centers of partnerships between public schools, community colleges, state institutions of higher education, businesses, unions and other entities and ensure that every student of this state has access to a regional center in person or online.

(c) Implement accelerated college credit programs that allow students to move seamlessly from public schools to post-secondary education or training to the workforce.

(d) Increase professional development opportunities for teachers and learning opportunities for students through industry mentorships, internships, summer programs, after-school programs and career-based student leadership opportunities.

(e) Establish partnerships between public and private entities for the purpose of educating students, parents, teachers, school advisors, policymakers and the general public about the benefits and opportunities related to career and technical education.

(3) The agencies identified in subsection (1) of this section shall make a joint report each year to the appropriate legislative committees concerning progress on the development and implementation of the goals described in subsection (2) of this section and may submit recommendations for legislation that will promote opportunities related to career and technical education.

SECTION 7. (1) The Career and Technical Education Revitalization Grant Program is established within the Department of Education.

(2) Subject to the availability of funds, the department shall award grants each biennium to school districts, education service districts, public schools or public charter schools, or any combination thereof, for the uses described in subsection (3) of this section.

(3) Grants received under this section must be used to enhance the collaboration between education providers and employers by:

(a) Developing or enhancing career and technical education programs of study;

(b) Expanding the professional growth of and career opportunities for students through career and technical education programs;

(c) Assessing the ability of each career and technical education program to meet workforce needs and give students the skills required for jobs in this state that provide high wages and are in high demand; and

(d) Supporting the achievement of the high school diploma requirements established under ORS 329.451.

(4) Any school district, education service district, public school or public charter school, or any combination thereof, may apply for a grant under this section.

(5)(a) The department shall award grants based on the ability of the applicant to use a grant as described in subsection (3) of this section.

(b) In addition to the requirement of paragraph (a) of this subsection, the department shall give priority to:

(A) Awarding grants to applicants so that the grants awarded represent a diverse number of students served and a diverse selection of geographic locations; and

(B) Applicants that have received commitments from business, industry, labor or education providers to enhance collaboration and to provide resources for any collaborative efforts.

(c) For the purpose of awarding grants, the department shall jointly convene with the Bureau of Labor and Industries a committee that represents business, industry, labor and education providers for the purpose of reviewing applications for grants and recommending determinations on the applications.

(6) The State Board of Education may adopt any rules necessary for the implementation of this section.

(7) The department may pay the expenses incurred by the department in administering this section out of moneys that are available to the department for purposes of awarding grants under this section. For each biennium, the department may spend on administrative expenses an amount that does not exceed five percent of the total amount of moneys available to the department during the biennium for purposes of awarding grants under this section.

SECTION 8. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$2,000,000, which may be expended for the purpose of awarding grants under the Career and Technical Education Revitalization Grant Program established under section 7 of this 2011 Act.

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

Passed by House June 21, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 21, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State