

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, SCHAUFLE, 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)

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 if school is providing educational services under cooperative agreement.

Directs Department of Education, Department of Community Colleges and Workforce Development and Bureau of Labor and Industries to collaborate on issues related to career and technical education.

Establishes Career and Technical Education Revitalization Grant Program for purpose of awarding grants to enhance collaboration between education providers and employers.

Appropriates moneys from General Fund to Department of Education for purpose of grant program.

Declares emergency, effective July 1, 2011.

A BILL FOR 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 se-

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 lection process.

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

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

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

7 (C) **If the public charter school is a party to a cooperative agreement described in section**
 8 **2 of this 2011 Act, reside in the school district that is the sponsor of the public charter school**
 9 **or in a school district that is a party to the cooperative agreement.**

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

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

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

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

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

24 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
 25 public schools do not apply to public charter schools. However, the following laws do apply to public
 26 charter schools:

27 (a) Federal law;

28 (b) ORS 192.410 to 192.505 (public records law);

29 (c) ORS 192.610 to 192.690 (public meetings law);

30 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

31 (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

32 (f) ORS 337.150 (textbooks);

33 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);

34 (h) ORS 659.850, 659.855 and 659.860 (discrimination);

35 (i) ORS 30.260 to 30.300 (tort claims);

36 (j) Health and safety statutes and rules;

37 (k) Any statute or rule that is listed in the charter;

38 (L) The statewide assessment system developed by the Department of Education for mathemat-
 39 ics, science and English under ORS 329.485 (2);

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

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

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

44 (p) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on pre-
 45 vention and identification of child abuse);

1 (q) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
 2 tificate);

3 (r) ORS chapter 657 (Employment Department Law);

4 (s) ORS 339.326;

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

6 (u) This chapter.

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

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

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

15 (5) A public charter school shall maintain an active enrollment of at least 25 students, **unless**
 16 **the public charter school is providing educational services under a cooperative agreement**
 17 **as described in section 2 of this 2011 Act.**

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

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

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

26 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
 27 ability.

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

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

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

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

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

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

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

- 4 (a) Federal law;
- 5 (b) ORS 192.410 to 192.505 (public records law);
- 6 (c) ORS 192.610 to 192.690 (public meetings law);
- 7 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 8 (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 9 (f) ORS 337.150 (textbooks);
- 10 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 11 (h) ORS 659.850, 659.855 and 659.860 (discrimination);
- 12 (i) ORS 30.260 to 30.300 (tort claims);
- 13 (j) Health and safety statutes and rules;
- 14 (k) Any statute or rule that is listed in the charter;
- 15 (L) The statewide assessment system developed by the Department of Education for mathemat-
 16 ics, science and English under ORS 329.485 (2);
- 17 (m) ORS 329.045 (academic content standards and instruction);
- 18 (n) ORS 329.496 (physical education);
- 19 (o) Any statute or rule that establishes requirements for instructional time provided by a school
 20 during each day or during a year;
- 21 (p) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- 22 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on pre-
 23 vention and identification of child abuse);
- 24 (r) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
 25 tificate);
- 26 (s) ORS chapter 657 (Employment Department Law);
- 27 (t) ORS 339.326;
- 28 (u) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and
- 29 (v) This chapter.

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

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

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

38 (5) A public charter school shall maintain an active enrollment of at least 25 students, **unless**
 39 **the public charter school is providing educational services under a cooperative agreement**
 40 **as described in section 2 of this 2011 Act.**

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

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

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

4 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
 5 ability.

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

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

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

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

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

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

25 **(2) Issues to be addressed by the agencies shall include the development and implemen-**
 26 **tation of long-term goals that:**

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

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

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

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

38 **(e) Establish partnerships between public and private entities for the purpose of educat-**
 39 **ing students, parents, teachers, school advisors, policymakers and the general public about**
 40 **the benefits and opportunities related to career and technical education.**

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

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

3 **(2) Subject to the availability of funds, the department shall award grants each biennium**
4 **to school districts, education service districts, public schools or public charter schools, or**
5 **any combination thereof, to provide career and technical education programs.**

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

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

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

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

14 **(d) Supporting the achievement of the high school diploma requirements established un-**
15 **der ORS 329.451.**

16 **(4) Any school district, education service district, public school or public charter school,**
17 **or any combination thereof, may apply for a grant under this section. The department shall**
18 **award grants based on the ability of the applicant to use a grant as provided under sub-**
19 **section (3) of this section and shall, to the extent practicable, ensure representation of a di-**
20 **versity of grant recipients in terms of the number of students served by the applicant and**
21 **the applicant's geographic location.**

22 **(5) The State Board of Education may adopt any rules necessary for the implementation**
23 **of this section.**

24 **SECTION 8. In addition to and not in lieu of any other appropriation, there is appropri-**
25 **ated to the Department of Education, for the biennium beginning July 1, 2011, out of the**
26 **General Fund, the amount of \$_____ , which may be expended for the purpose of awarding**
27 **grants under the Career and Technical Education Revitalization Grant Program established**
28 **under section 7 of this 2011 Act.**

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

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