

A-Engrossed
Senate Bill 1540

Ordered by the Senate February 9
Including Senate Amendments dated February 9

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 Senate Interim Committee on Education and Workforce Development)

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.

Prohibits education service district board from declaring office of director vacant if director resides in school district that withdraws from education service district unless director's term expires or director's office is otherwise declared vacant. **Prohibits board of directors of pilot education service district from declaring office of director vacant prior to June 30, 2013, if director resides in school district that withdraws from pilot education service district unless director's office is otherwise declared vacant.**

Modifies provision relating to term of office for director serving on board of directors of specified education service districts.

Requires children five or six years of age who are enrolled in public school to maintain regular attendance at public school.

Requires State Board of Education to encourage increased learning time.

[Modifies contents of, and process for submitting, proposal to establish public charter school. Modifies process for renewal and termination of charter for public charter school. Clarifies list of statutes and rules that apply to public charter schools.]

Extends deadline for implementing use of model core teaching standards in annual evaluations of teachers.

[Removes authority of education service district to provide entrepreneurial services and facilities to public and private entities and to school districts that are not component school districts.]

Establishes Task Force on Accountable Schools. Directs task force to make recommendations to interim committee of Legislative Assembly no later than November 1, 2012. Sunsets task force on date of convening of 2013 regular session of Legislative Assembly.

Delays implementation of statewide assessment system for all students to July 1, 2013.

Eliminates provision sunseting authority of Teacher Standards and Practices Commission to issue letter of informal reproof to person licensed, registered or certified by commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 329.025, 329.045, 334.095, 338.005,
3 339.010 and 339.020 and section 12, chapter 828, Oregon Laws 2005, section 5, chapter 59,
4 Oregon Laws 2010, section 2, chapter 139, Oregon Laws 2011, and sections 9 and 11, chapter 609,
5 Oregon Laws 2011; repealing sections 6 and 7, chapter 706, Oregon Laws 2009; and declaring
6 an emergency.

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

8 **SECTION 1.** ORS 334.095 is amended to read:

9 334.095. (1) The education service district board shall declare the office of a director vacant
10 *[upon the happening of any of the following]* **when the incumbent:**

11 (a) *[When an incumbent]* Dies or resigns;

12 (b) *[When an incumbent]* Is removed from office or **a court declares** the election *[thereto has*
13 *been declared void by the judgment of any court]* **for the office void;**

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 (c) [*When an incumbent*] Ceases to be a resident of a school district that is [*a component school*
2 *district*] **located within the territory** of the education service district;

3 (d) [*Subject to the provision of subsection (2) of this section, when an incumbent*] **Subject to**
4 **subsection (3) of this section**, ceases to be a resident of the zone from which nominated;

5 (e) [*When an incumbent*] Ceases to discharge the duties of office for two consecutive months
6 unless prevented [*therefrom*] **from discharging the duties** by sickness or other unavoidable cause;
7 or

8 (f) [*When an incumbent*] Is recalled.

9 **(2) The education service district board may not declare the office of a director vacant**
10 **if the director is a resident of a school district that withdraws from the education service**
11 **district as provided by ORS 334.015 unless:**

12 **(a) The director's term expires; or**

13 **(b) The education service district board declares the office vacant for a reason described**
14 **in subsection (1) of this section.**

15 [(2)] (3) A director nominated from a zone who changes permanent residence from one zone to
16 another zone in which another director resides shall continue to serve as director until the next
17 regular election when a successor shall be elected to serve for the remainder of the unexpired term.

18 [(3)] (4) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding,
19 may be removed from office by a court of competent jurisdiction.

20 [(4)] (5) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the
21 member was elected by a zone, the recall petition shall be signed by electors from that zone and
22 electors from the zone are the only electors eligible to vote in the recall election. If the member
23 was elected at large, the recall petition shall be signed by electors from the district and electors
24 from the district are eligible to vote in the recall election.

25 **SECTION 1a.** Section 12, chapter 828, Oregon Laws 2005, is amended to read:

26 **Sec. 12.** (1) ORS 334.095 does not apply to a pilot education service district. However, the board
27 of directors of a pilot education service district shall declare the office of a director vacant [*upon*
28 *the occurrence of any of the following*] **when the incumbent:**

29 (a) [*When an incumbent*] Dies or resigns;

30 (b) [*When an incumbent*] Is removed from office or **a court declares** the election or appointment
31 [*thereto has been declared void by the judgment of any court*] **for the office void;**

32 (c) [*When an incumbent*] Ceases to be a resident of **a school district that is located within the**
33 **territory of** the pilot education service district;

34 (d) [*When an incumbent*] Ceases to be a resident of the zone from which elected; or

35 (e) [*When an incumbent*] Ceases to discharge the duties of office for two consecutive months
36 unless prevented [*therefrom*] **from discharging the duties** by sickness or other unavoidable cause.

37 **(2) Except for a reason described in subsection (1) of this section, the board of directors**
38 **of a pilot education service district may not declare vacant prior to June 30, 2013, the office**
39 **of a director who is a resident of a school district that withdraws from the pilot education**
40 **service district as provided by ORS 334.015.**

41 [(2)] (3) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding,
42 may be removed from office by a court of competent jurisdiction.

43 **SECTION 1b.** Section 5, chapter 59, Oregon Laws 2010, is amended to read:

44 **Sec. 5.** (1) The term of office of a director who serves on the board of directors of the Northwest
45 Regional Education Service District terminates on June 30, 2013, if:

1 (a) The director was elected or appointed under section 11, chapter 828, Oregon Laws 2005; and

2 (b) The director's term of office has not been completed by June 30, 2013.

3 [(2)(a) *The term of office of a director who serves on the board of directors of the Willamette Ed-*
4 *ucation Service District or the High Desert Education Service District and who was elected or ap-*
5 *pointed under section 11, chapter 828, Oregon Laws 2005, for a term beginning prior to or on June 30,*
6 *2010, terminates on June 30, 2010. Vacancies on the board of directors shall be filled following the*
7 *process described in section 11, chapter 828, Oregon Laws 2005.*]

8 [(b) *The term of office of a director who serves on the board of directors of the Willamette Educa-*
9 *tion Service District or the High Desert Education Service District and who was elected or appointed*
10 *under section 11, chapter 828, Oregon Laws 2005, for a term beginning after June 30, 2010, shall be*
11 *determined by lot. The boards of directors of the Willamette Education Service District and the High*
12 *Desert Education Service District shall draw lots to ensure that the term of office of:*]

13 [(A) *Two of the directors who were elected under section 11, chapter 828, Oregon Laws 2005, ter-*
14 *minate on June 30, 2012;*]

15 [(B) *Two of the directors who were appointed under section 11, chapter 828, Oregon Laws 2005,*
16 *terminate on June 30, 2012;*]

17 [(C) *Three of the directors who were elected under section 11, chapter 828, Oregon Laws 2005,*
18 *terminate on June 30, 2013; and*]

19 [(D) *Two of the directors who were appointed under section 11, chapter 828, Oregon Laws 2005,*
20 *terminate on June 30, 2013.*]

21 [(c)] (2) [Except as provided in paragraph (b) of this subsection,] The term of office of a director
22 who serves on the board of directors of the Willamette Education Service District or the High De-
23 sert Education Service District terminates on June 30, 2013, **if the director was elected or ap-**
24 **pointed under section 11, chapter 828, Oregon Laws 2005.**

25 **SECTION 2.** ORS 339.010 is amended to read:

26 339.010. Except as provided in ORS 339.030[,]:

27 (1) All children between the ages of 7 and 18 years who have not completed the 12th grade are
28 required to attend regularly a public full-time school [of the school district in which the child
29 resides] **during the entire school term.**

30 (2) **All children five or six years of age who have been enrolled in a public school are re-**
31 **quired to attend regularly the public school while enrolled in the public school.**

32 **SECTION 3.** ORS 339.020 is amended to read:

33 339.020. Except as provided in ORS 339.030[,]:

34 (1) Every person having control of [any] a child between the ages of 7 and 18 years who has
35 not completed the 12th grade is required to send [such] **the** child to, and maintain [such] **the** child
36 in, regular attendance at a public full-time school during the entire school term.

37 (2) **If a person has control of a child five or six years of age and has enrolled the child**
38 **in a public school, the person is required to send the child to, and maintain the child in,**
39 **regular attendance at the public school while the child is enrolled in the public school.**

40 **SECTION 4.** (1) **The amendments to ORS 339.010 and 339.020 by sections 2 and 3 of this**
41 **2012 Act become operative on July 1, 2012.**

42 (2) **The amendments to ORS 339.010 and 339.020 by sections 2 and 3 of this 2012 Act first**
43 **apply to the 2012-2013 school year.**

44 **SECTION 5.** ORS 329.025 is amended to read:

45 329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary

1 and secondary schools that allows students, parents, teachers, administrators, school district boards
2 and the State Board of Education to be accountable for the development and improvement of the
3 public school system. The public school system shall have the following characteristics:

4 (1) Provides equal and open access and educational opportunities for all students in the state
5 regardless of their linguistic background, culture, race, gender, capability or geographic location;

6 (2) Assumes that all students can learn and establishes high, specific skill and knowledge ex-
7 pectations and recognizes individual differences at all instructional levels;

8 (3) Provides each student an education experience that supports academic growth beyond profi-
9 ciency in established academic content standards and encourages students to attain aspirational
10 goals that are individually challenging;

11 (4) Provides special education, compensatory education, linguistically and culturally appropriate
12 education and other specialized programs to all students who need those services;

13 (5) Supports the physical and cognitive growth and development of students;

14 (6) Provides students with a solid foundation in the skills of reading, writing, problem solving
15 and communication;

16 (7) Provides opportunities for students to learn, think, reason, retrieve information, use tech-
17 nology and work effectively alone and in groups;

18 (8) Provides for rigorous academic content standards and instruction in mathematics, science,
19 English, history, geography, economics, civics, physical education, health, the arts and second lan-
20 guages;

21 **(9) Provides increased learning time;**

22 [(9)] (10) Provides students an educational background to the end that they will function suc-
23 cessfully in a constitutional republic, a participatory democracy and a multicultural nation and
24 world;

25 [(10)] (11) Provides students with the knowledge and skills that will provide the opportunities
26 to succeed in the world of work, as members of families and as citizens;

27 [(11)] (12) Provides students with the knowledge and skills that lead to an active, healthy life-
28 style;

29 [(12)] (13) Provides students with the knowledge and skills to take responsibility for their deci-
30 sions and choices;

31 [(13)] (14) Provides opportunities for students to learn through a variety of teaching strategies;

32 [(14)] (15) Emphasizes involvement of parents and the community in the total education of stu-
33 dents;

34 [(15)] (16) Transports children safely to and from school;

35 [(16)] (17) Ensures that the funds allocated to schools reflect the uncontrollable differences in
36 costs facing each district;

37 [(17)] (18) Ensures that local schools have adequate control of how funds are spent to best meet
38 the needs of students in their communities; and

39 [(18)] (19) Provides for a safe, educational environment.

40 **SECTION 6.** ORS 329.045 is amended to read:

41 329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Edu-
42 cation shall regularly and periodically review and revise its Common Curriculum Goals, performance
43 indicators and diploma requirements.

44 (b) [This includes] **The review and revision conducted under this section shall:**

45 (A) **Include** Essential Learning Skills and rigorous academic content standards in mathematics,

1 science, English, history, geography, economics, civics, physical education, health, the arts and sec-
2 ond languages. [*School districts and public charter schools shall maintain control over course content,*
3 *format, materials and teaching methods. The regular review shall*]

4 (B) Involve teachers and other educators, parents of students and other citizens and shall pro-
5 vide ample opportunity for public comment.

6 (C) **Encourage increased learning time. As used in this subparagraph, “increased learning**
7 **time” means a schedule that encompasses a longer school day, week or year for the purpose**
8 **of increasing the total number of school hours available to provide:**

9 (i) **Students with instruction in core academic subjects, including mathematics, science,**
10 **English, history, geography, economics, civics, the arts and second languages;**

11 (ii) **Students with instruction in subjects other than the subjects identified in sub-**
12 **subparagraph (i) of this subparagraph, including health and physical education;**

13 (iii) **Students with the opportunity to participate in enrichment activities that contribute**
14 **to a well-rounded education, including learning opportunities that may be based on service,**
15 **experience or work and that may be provided through partnerships with other organizations;**
16 **and**

17 (iv) **Teachers with the opportunity to collaborate, plan and engage in professional devel-**
18 **opment within and across grades and subjects.**

19 (c) **Nothing in this subsection prevents a school district or public charter school from**
20 **maintaining control over course content, format, materials and teaching methods.**

21 (2) The State Board of Education shall continually review and revise all adopted academic con-
22 tent standards necessary for students to successfully transition to the next phase of their education.

23 (3) School districts and public charter schools shall offer students instruction in mathematics,
24 science, English, history, geography, economics, civics, physical education, health, the arts and sec-
25 ond languages that meets the academic content standards adopted by the State Board of Education
26 and meets the requirements adopted by the State Board of Education and the board of the school
27 district or public charter school.

28 **SECTION 7. The amendments to ORS 329.025 and 329.045 by sections 5 and 6 of this 2012**
29 **Act become operative on July 1, 2012.**

30 **SECTION 8.** ORS 338.005 is amended to read:

31 338.005. As used in this chapter, unless the context requires otherwise:

32 (1) “Applicant” means any person or group that develops and submits a written proposal for a
33 public charter school to a sponsor.

34 (2) “Institution of higher education” means a community college operated under ORS chapter
35 341, [*an institution of higher education*] **a public university** listed in ORS 352.002 or the Oregon
36 Health and Science University.

37 (3) “Public charter school” means an elementary or secondary school offering a comprehensive
38 instructional program operating under a written agreement entered into between a sponsor and an
39 applicant and operating pursuant to this chapter.

40 (4) “Remote and necessary school district” means a school district that offers kindergarten
41 through grade 12 and has:

42 (a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of
43 less than 110; and

44 (b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest
45 school or from a city with a population of more than 5,000.

1 (5) "Sponsor" means:

2 (a) The board of the common school district or the union high school district in which the public
3 charter school is located that has developed a written charter with an applicant to create a public
4 charter school.

5 (b) The State Board of Education pursuant to ORS 338.075.

6 (c) An institution of higher education pursuant to ORS 338.075.

7 (6)(a) "Virtual public charter school" means a public charter school that provides online
8 courses.

9 (b) "Virtual public charter school" does not include a public charter school that primarily serves
10 students in a physical location.

11 **SECTION 9.** Section 9, chapter 609, Oregon Laws 2011, is amended to read:

12 **Sec. 9.** (1) As used in this section, "Oregon Coalition for Quality Teaching and Learning" means
13 the collaborative group of state, school district, educator, administrator, community and higher ed-
14 ucation representatives operating as a unit organized under the National Commission on Teaching
15 and America's Future.

16 (2) The Teacher Standards and Practices Commission and the Department of Education, working
17 with the Oregon Coalition for Quality Teaching and Learning, shall propose guidelines to adopt a
18 uniform set of model core teaching standards for teaching preparation, new teachers and experi-
19 enced teachers that align with updated national teaching standards. The guidelines must allow the
20 standards to be customized based on the collaborative efforts of the teachers and administrators of
21 the school district and the exclusive bargaining representative of the employees of the school dis-
22 trict.

23 (3) The guidelines must propose model core teaching standards that:

24 (a) Are research-based;

25 (b) Distinguish different levels of proficiency; and

26 (c) Include multiple measures of student growth and achievement using student, school and
27 school district data.

28 (4) The commission and the department shall report to the Legislative Assembly prior to Janu-
29 ary 1, 2012, on the proposed guidelines for model core teaching standards.

30 (5) The commission shall adopt and distribute the model core teaching standards to school dis-
31 tricts on or before March 1, 2012.

32 (6) All school districts shall begin using the model core teaching standards in annual evaluations
33 of teachers [*beginning in the 2012-2013 school year*] **occurring on or after July 1, 2013.**

34 **SECTION 10.** Section 11, chapter 609, Oregon Laws 2011, is amended to read:

35 **Sec. 11.** Sections 8, 9 and 10 [*of this 2011 Act*], **chapter 609, Oregon Laws 2011**, are repealed
36 on [*March 2, 2013*] **July 2, 2013.**

37 **SECTION 11.** (1) **The Task Force on Accountable Schools is established, consisting of 14**
38 **members appointed as follows:**

39 (a) **The President of the Senate shall appoint two members from among members of the**
40 **Senate;**

41 (b) **The Speaker of the House of Representatives shall appoint two members from among**
42 **members of the House of Representatives; and**

43 (c) **The President of the Senate and the Speaker of the House of Representatives shall**
44 **jointly appoint:**

45 (A) **Two members who are school district superintendents;**

- 1 **(B) Two members who are school administrators;**
- 2 **(C) Two members who are teachers;**
- 3 **(D) One member from a professional education organization;**
- 4 **(E) One member representing the Department of Education; and**
- 5 **(F) Two members from education advocacy groups.**
- 6 **(2) The task force shall develop a plan to improve accountability practices for schools.**
- 7 **(3) The task force shall recommend:**
- 8 **(a) A new student summative assessment to be used in Oregon schools that:**
- 9 **(A) Is based on a national standard; and**
- 10 **(B) Occurs as required by federal law.**
- 11 **(b) Measures of college and career readiness to be used in Oregon schools that evaluate:**
- 12 **(A) Advanced course and dual enrollment completion;**
- 13 **(B) National and state assessment results;**
- 14 **(C) Dropout and graduation rates;**
- 15 **(D) Post-secondary educational participation; and**
- 16 **(E) Programs to close any achievement gaps.**
- 17 **(c) A statewide standardized simple performance report and rating system based on let-**
- 18 **ter grades that includes:**
- 19 **(A) Absolute student achievement and growth;**
- 20 **(B) School trends over time; and**
- 21 **(C) Comparisons to similar schools.**
- 22 **(d) Implementation of formative testing and instructionally useful student performance**
- 23 **data systems for student achievement.**
- 24 **(e) Tools, resources and targeted assistance for schools needing assistance to meet state**
- 25 **standards.**
- 26 **(4) A majority of the voting members of the task force constitutes a quorum for the**
- 27 **transaction of business.**
- 28 **(5) Official action by the task force requires the approval of a majority of the voting**
- 29 **members of the task force.**
- 30 **(6) The task force shall elect one of its members to serve as chairperson.**
- 31 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
- 32 **ment to become immediately effective.**
- 33 **(8) The task force shall meet at times and places specified by the call of the chairperson**
- 34 **or of a majority of the voting members of the task force.**
- 35 **(9) The task force may adopt rules necessary for the operation of the task force.**
- 36 **(10) The task force shall submit a report that includes recommendations for legislation**
- 37 **to an interim committee of the Legislative Assembly related to education as appropriate no**
- 38 **later than November 1, 2012.**
- 39 **(11) The Legislative Administration Committee shall provide staff support to the task**
- 40 **force.**
- 41 **(12) Members of the task force who are not members of the Legislative Assembly are not**
- 42 **entitled to compensation or reimbursement for expenses and serve as volunteers on the task**
- 43 **force.**
- 44 **(13) All agencies of state government, as defined in ORS 174.111, are directed to assist**
- 45 **the task force in the performance of its duties and, to the extent permitted by laws relating**

1 to confidentiality, to furnish such information and advice as the members of the task force
2 consider necessary to perform their duties.

3 **SECTION 12.** Section 11 of this 2012 Act is repealed on the date of the convening of the
4 2013 regular session of the Legislative Assembly as specified in ORS 171.010.

5 **SECTION 13.** Section 2, chapter 139, Oregon Laws 2011, is amended to read:

6 **Sec. 2.** [*This 2011 Act*] **Chapter 139, Oregon Laws 2011,** takes effect July 1, [2012] 2013.

7 **SECTION 14.** Sections 6 and 7, chapter 706, Oregon Laws 2009, are repealed.

8 **SECTION 15.** This 2012 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
10 on its passage.
11
