

D R A F T

SUMMARY

Expands prohibition related to employment of persons through contract with entity to provide educational services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment at a public entity; amending ORS 338.025 and
3 338.135; and declaring an emergency.

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

5 **SECTION 1.** ORS 338.135 is amended to read:

6 338.135. (1) Employee assignment to a public charter school shall be vol-
7 untary.

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

16 (b) If a [*virtual*] public charter school or the sponsor of a [*virtual*] public
17 charter school contracts with [*a for-profit*] **an** entity to provide educational
18 services through the [*virtual*] public charter school, the [*for-profit*] entity
19 may not be the employer of any employees of the [*virtual*] public charter
20 school.

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

7 (a) The charter of the public charter school is terminated or the public
8 charter school is dissolved or closed during the leave of absence; or

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

11 (4) An employee of a public charter school operating within a school
12 district who is granted a leave of absence from the school district and re-
13 turns to employment with the school district shall retain seniority and ben-
14 efits as an employee pursuant to the terms of the leave of absence.
15 Notwithstanding ORS 243.650 to 243.782, a school district that was the em-
16 ployer of an employee of a public charter school not operating within the
17 school district may make provisions for the return of the employee to em-
18 ployment with the school district.

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

22 (6) For teacher licensing, employment experience in public charter schools
23 shall be considered equivalent to experience in public schools.

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

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

29 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-
30 half of the total full-time equivalent (FTE) teaching and administrative staff
31 at the public charter school shall be licensed by the commission pursuant to

1 ORS 342.135, 342.136, 342.138 or 342.140.

2 (8) Notwithstanding ORS 243.650, a public charter school shall be con-
3 sidered a school district for purposes of ORS 243.650 to 243.782. An employee
4 of a public charter school may be a member of a labor organization or or-
5 ganize with other employees to bargain collectively. Bargaining units at the
6 public charter school may be separate from other bargaining units of the
7 sponsor or of the school district in which the public charter school is lo-
8 cated. Employees of a public charter school may be part of the bargaining
9 units of the sponsor or of the school district in which the public charter
10 school is located.

11 (9) An entity described in ORS 338.005 (5) may not waive the right to
12 sponsor a public charter school in a collective bargaining agreement.

13 **SECTION 2.** ORS 338.025 is amended to read:

14 338.025. (1) The State Board of Education may adopt any rules necessary
15 for the implementation of this chapter. The rules shall follow the intent of
16 this chapter.

17 (2) Upon application by a public charter school, the State Board of Edu-
18 cation may grant a waiver of any provision of this chapter if the waiver
19 promotes the development of programs by providers, enhances the equitable
20 access by underserved families to the public education of their choice, ex-
21 tends the equitable access to public support by all students or permits high
22 quality programs of unusual cost. The State Board of Education may not
23 waive any appeal provision in this chapter or any provision under ORS
24 338.115 (1)(a) to (u), 338.120, 338.125 (4)[, 338.135 (2)(b)] or 339.122.

25 **SECTION 3.** ORS 338.025, as amended by section 8, chapter 839, Oregon
26 Laws 2007, section 14, chapter 50, Oregon Laws 2008, section 5, chapter 53,
27 Oregon Laws 2010, section 4, chapter 72, Oregon Laws 2010, section 5, chap-
28 ter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws 2011, and
29 section 27, chapter 718, Oregon Laws 2011, is amended to read:

30 338.025. (1) The State Board of Education may adopt any rules necessary
31 for the implementation of this chapter. The rules shall follow the intent of

1 this chapter.

2 (2) Upon application by a public charter school, the State Board of Edu-
3 cation may grant a waiver of any provision of this chapter if the waiver
4 promotes the development of programs by providers, enhances the equitable
5 access by underserved families to the public education of their choice, ex-
6 tends the equitable access to public support by all students or permits high
7 quality programs of unusual cost. The State Board of Education may not
8 waive any appeal provision in this chapter or any provision under ORS
9 338.115 (1)(a) to (v), 338.120, 338.125 (4)[, *338.135 (2)(b)*] or 339.122.

10 **SECTION 4. This 2013 Act being necessary for the immediate pres-**
11 **ervation of the public peace, health and safety, an emergency is de-**
12 **clared to exist, and this 2013 Act takes effect on its passage.**

13
