

DRAFT

SUMMARY

Allows virtual public charter school or sponsor of virtual public charter school to contract with entity to provide educational services through virtual public charter school by persons who are not licensed or registered by Teacher Standards and Practices Commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to providers of educational services at virtual public charter
3 schools; amending ORS 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 entity to provide educational ser-
18 vices through the virtual public charter school, the for-profit entity may not
19 be the employer of any employees of the virtual public charter 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) **Except as provided by paragraph (c) of this subsection,** any per-
28 son employed as a teacher in a public charter school shall be licensed or
29 registered to teach by the commission.

30 (c) **A virtual public charter school or the sponsor of a virtual public**
31 **charter school may contract with an entity to provide educational**

1 **services through the virtual public charter school by persons who are**
2 **not licensed or registered to teach by the commission only if the re-**
3 **quirements of ORS 338.120 (1)(f)(B) are met.**

4 [(c)] (d) Notwithstanding paragraph (a) or (b) of this subsection, at least
5 one-half of the total full-time equivalent (FTE) teaching and administrative
6 staff at the public charter school shall be licensed by the commission pur-
7 suant to ORS 342.135, 342.136, 342.138 or 342.140.

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

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

19 **SECTION 2. This 2013 Act being necessary for the immediate pres-**
20 **ervation of the public peace, health and safety, an emergency is de-**
21 **clared to exist, and this 2013 Act takes effect on its passage.**

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