

HOUSE AMENDMENTS TO HOUSE BILL 2153

By COMMITTEE ON EDUCATION

April 18

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages 2 and 3.

2 On page 4, delete lines 1 through 41 and insert:

3 **“SECTION 1.** ORS 338.055 is amended to read:

4 **“338.055. (1) A school district board that receives a written proposal from an applicant**
5 **seeking to establish a public charter school must conduct a public hearing and make a good**
6 **faith evaluation of the proposal as described in subsections (3) and (4) of this section unless**
7 **the provisions of subsection (2) of this section apply.**

8 **“(2)(a) A school district board may place limitations on the proposals the school district**
9 **board will evaluate if:**

10 **“(A) More than three percent of the students who reside in the school district are en-**
11 **rolled in a public charter school located in the school district; and**

12 **“(B) Three or more public charter schools are located in the school district.**

13 **“(b) For the purpose of making the calculation under paragraph (a)(A) of this subsection,**
14 **the school district board shall not include students who are not required to attend public**
15 **full-time schools as provided by ORS 339.030.**

16 **“(c) A school district board shall annually determine whether to place limitations on the**
17 **proposals the school district board will evaluate. The determination is valid for two years**
18 **unless the school district board decides after one year to no longer place limitations on the**
19 **proposals the school district board will consider.**

20 **“(d) If a school district board places limitations on the proposals the school district board**
21 **will evaluate, the school district board must identify one or more educational goals the**
22 **school district board will use to evaluate proposals. The identification is valid for two years,**
23 **except that a school district board may decide after one year to modify the educational goals.**
24 **The school district board shall forward a copy of the educational goals, and any modifications**
25 **of the educational goals, to the State Board of Education.**

26 **“(e) A school district board that identifies educational goals as provided by paragraph (d)**
27 **of this subsection may:**

28 **“(A) Decide to evaluate only proposals that seek to advance one or more of the educa-**
29 **tional goals; or**

30 **“(B) Determine how well a proposal advances one or more educational goals compared**
31 **to one or more other proposals submitted to the school district board.**

32 **“(f) Any proposal submitted to a school district board that has determined to place limi-**
33 **tations on the proposals the school district board will evaluate must include a description**
34 **of how the public charter school will advance an educational goal identified by the school**
35 **district board. Advancement of the educational goal shall be an element of the charter.**

1 **Failure to make reasonable progress toward the advancement of an educational goal may be**
2 **grounds for termination of the charter. Whether a public charter school is making reason-**
3 **able progress shall be determined by the school district board.**

4 **“(g) The following decisions of a school district board are final and not subject to appeal:**

5 **“(A) The determination that a proposal does not advance an educational goal identified**
6 **by the school district board; and**

7 **“(B) The determination that the public charter school is not making reasonable progress**
8 **toward the advancement of an educational goal.**

9 “[1] (3) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school dis-
10 trict board shall hold a public hearing on the provisions of the proposal.

11 “[2] (4) The school district board shall evaluate a proposal in good faith using the following
12 criteria:

13 “(a) The demonstrated, sustainable support for the public charter school by teachers, parents,
14 students and other community members, including comments received at the public hearing held
15 under subsection [1] (3) of this section;

16 “(b) The demonstrated financial stability of the public charter school, including the demon-
17 strated ability of the school to have a sound financial management system that is in place at the
18 time the school begins operating and that meets the requirements of ORS 338.095 (1);

19 “(c) The capability of the applicant, in terms of support and planning, to provide comprehensive
20 instructional programs to students pursuant to an approved proposal;

21 “(d) The capability of the applicant, in terms of support and planning, to specifically provide,
22 pursuant to an approved proposal, comprehensive instructional programs to students identified by
23 the applicant as academically low achieving;

24 “(e) The extent to which the proposal addresses the information required in ORS 338.045;

25 “(f) Whether the value of the public charter school is outweighed by any directly identifiable,
26 significant and adverse impact on the quality of the public education of students residing in the
27 school district in which the public charter school will be located;

28 “(g) Whether there are arrangements for any necessary special education and related services
29 for children with disabilities pursuant to ORS 338.165; and

30 “(h) Whether there are alternative arrangements for students and for teachers and other school
31 employees who choose not to attend or who choose not to be employed by the public charter school.

32 “[3] (5) The school district board must approve a proposal or state in writing the reasons for
33 disapproving a proposal within 30 days after the public hearing held under subsection [1] (3) of this
34 section.

35 “[4] (6) Written notice of the school district board’s action shall be sent to the applicant. If the
36 proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall
37 be clearly stated in the notice sent by the school district board to the applicant. If the proposal is
38 not approved, the applicant may amend the proposal to address objections and any suggested reme-
39 dial measures and resubmit the proposal to the school district board. The school district board shall
40 approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is
41 not approved, the applicant may:

42 “(a) Appeal the decision of the school district board to the State Board of Education as provided
43 by ORS 338.075; or

44 “(b) Submit a proposal to an institution of higher education as provided by ORS 338.075.

45 “[5] (7) Individual elements in a public charter school proposal may be changed through the

1 proposal and chartering process.

2 “[(6)] (8) A proposal to convert an existing public school to a public charter school must be
3 approved by the school district board of the public school.

4 “[(7)] (9) Entities described in ORS 338.005 (5) may not charge any fee to applicants for the
5 proposal process.

6 “[(8)] (10) Upon request by a school district, the State Board of Education may grant an exten-
7 sion of any timeline required by this section if the district has good cause for requesting the ex-
8 tension.

9 “**SECTION 2.** ORS 338.055, as amended by section 10, chapter 695, Oregon Laws 2011, is
10 amended to read:

11 “338.055. (1) **A school district board that receives a written proposal from an applicant**
12 **seeking to establish a public charter school must conduct a public hearing and make a good**
13 **faith evaluation of the proposal as described in subsections (3) and (4) of this section unless**
14 **the provisions of subsection (2) of this section apply.**

15 “(2)(a) **A school district board may place limitations on the proposals the school district**
16 **board will evaluate if:**

17 “(A) **More than three percent of the students who reside in the school district are en-**
18 **rolled in a public charter school located in the school district; and**

19 “(B) **Three or more public charter schools are located in the school district.**

20 “(b) **For the purpose of making the calculation under paragraph (a)(A) of this subsection,**
21 **the school district board shall not include students who are not required to attend public**
22 **full-time schools as provided by ORS 339.030.**

23 “(c) **A school district board shall annually determine whether to place limitations on the**
24 **proposals the school district board will evaluate. The determination is valid for two years**
25 **unless the school district board decides after one year to no longer place limitations on the**
26 **proposals the school district board will consider.**

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28 **will evaluate, the school district board must identify one or more educational goals the**
29 **school district board will use to evaluate proposals. The identification is valid for two years,**
30 **except that a school district board may decide after one year to modify the educational goals.**
31 **The school district board shall forward a copy of the educational goals, and any modifications**
32 **of the educational goals, to the State Board of Education.**

33 “(e) **A school district board that identifies educational goals as provided by paragraph (d)**
34 **of this subsection may:**

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36 **tional goals; or**

37 “(B) **Determine how well a proposal advances one or more educational goals compared**
38 **to one or more other proposals submitted to the school district board.**

39 “(f) **Any proposal submitted to a school district board that has determined to place limi-**
40 **tations on the proposals the school district board will evaluate must include a description**
41 **of how the public charter school will advance an educational goal identified by the school**
42 **district board. Advancement of the educational goal shall be an element of the charter.**
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44 **be grounds for termination of the charter. Whether a public charter school is making rea-**
45 **sonable progress shall be determined by the school district board.**

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23 significant and adverse impact on the quality of the public education of students residing in the
24 school district in which the public charter school will be located;

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28 employees who choose not to attend or who choose not to be employed by the public charter school.

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30 disapproving a proposal within 30 days after the public hearing held under subsection [(1)] (3) of this
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41 proposal and chartering process.

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