

House Bill 2754

Sponsored by COMMITTEE ON EDUCATION

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**.

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 338.135; and declaring an
3 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 voluntary.

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

13 (b) If a [*virtual*] public charter school or the sponsor of a [*virtual*] public charter school con-
14 tracts with [*a for-profit*] **an** entity to provide educational services through the [*virtual*] public charter
15 school, the [*for-profit*] entity may not be the employer of any employees of the [*virtual*] public charter
16 school.

17 (3) The school district board of the school district within which the public charter school is lo-
18 cated shall grant a leave of absence to any employee who chooses to work in the public charter
19 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
20 board policy. However, the length of the leave of absence may not be less than two years unless:

21 (a) The charter of the public charter school is terminated or the public charter school is dis-
22 solved or closed during the leave of absence; or

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

25 (4) An employee of a public charter school operating within a school district who is granted a
26 leave of absence from the school district and returns to employment with the school district shall
27 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
28 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of
29 a public charter school not operating within the school district may make provisions for the return
30 of the employee to employment with the school district.

31 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a

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 public employer and as such shall participate in the Public Employees Retirement System.

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

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

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

8 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
9 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
10 the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

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

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

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

21 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
22 of this chapter. The rules shall follow the intent of this chapter.

23 (2) Upon application by a public charter school, the State Board of Education may grant a
24 waiver of any provision of this chapter if the waiver promotes the development of programs by
25 providers, enhances the equitable access by underserved families to the public education of their
26 choice, extends the equitable access to public support by all students or permits high quality pro-
27 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
28 chapter or any provision under ORS 338.115 (1)(a) to (u), 338.120, 338.125 (4)[, 338.135 (2)(b)] or
29 339.122.

30 **SECTION 3.** ORS 338.025, as amended by section 8, chapter 839, Oregon Laws 2007, section 14,
31 chapter 50, Oregon Laws 2008, section 5, chapter 53, Oregon Laws 2010, section 4, chapter 72,
32 Oregon Laws 2010, section 5, chapter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws
33 2011, and section 27, chapter 718, Oregon Laws 2011, is amended to read:

34 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
35 of this chapter. The rules shall follow the intent of this chapter.

36 (2) Upon application by a public charter school, the State Board of Education may grant a
37 waiver of any provision of this chapter if the waiver promotes the development of programs by
38 providers, enhances the equitable access by underserved families to the public education of their
39 choice, extends the equitable access to public support by all students or permits high quality pro-
40 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
41 chapter or any provision under ORS 338.115 (1)(a) to (v), 338.120, 338.125 (4)[, 338.135 (2)(b)] or
42 339.122.

43 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
45 **on its passage.**

