

# House Bill 3033

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**.

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 schools; amending ORS  
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 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 contracts  
14 with a for-profit entity to provide educational services through the virtual public charter school, the  
15 for-profit entity may not be the employer of any employees of the virtual public charter school.

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

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

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

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

30 (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) **Except as provided by paragraph (c) of this subsection**, any person employed as a teacher  
7 in a public charter school shall be licensed or registered to teach by the commission.

8 (c) **A virtual public charter school or the sponsor of a virtual public charter school may**  
9 **contract with an entity to provide educational services through the virtual public charter**  
10 **school by persons who are not licensed or registered to teach by the commission only if the**  
11 **requirements of ORS 338.120 (1)(f)(B) are met.**

12 [(c)] (d) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total  
13 full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be li-  
14 censed by the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

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

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

24 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
26 **on its passage.**

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