

(Including Amendments to Resolve Conflicts)

A-Engrossed House Bill 3093

Ordered by the Senate May 22
Including Senate Amendments dated May 22

Sponsored by Representative DOHERTY; Representatives FREDERICK, GREENLICK, KOMP, WILLIAMSON

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.

[Allows sponsor of public charter school to terminate charter for failure of school to have audit prepared or failure of public charter school to forward other information to sponsor.]

Requires school district that is sponsor of public charter school to include public charter school annual audit to Department of Education as part of audit report for school district. Allows department to withhold State School Fund payments to school district for public charter school until annual audit is submitted.

Allows sponsor to terminate charter for failure to maintain sound financial management system for *[any period of time]* **one or more consecutive years**. Allows sponsor and public charter school to agree to develop plan to correct deficiencies if public charter school fails to maintain financial stability or fails to maintain sound financial management system.

Allows school district board to consider prior history of applicant for public charter school when evaluating proposal for public charter school.

Sets forth circumstances in which for-profit entity may employ employees at virtual public charter school.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public charter schools; creating new provisions; amending ORS 327.137, 338.055, 338.105
3 and 338.135; and declaring an emergency.

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

5 **SECTION 1.** ORS 327.137 is amended to read:

6 327.137. (1)(a) Every common or union high school district or education service district shall file
7 a copy of its audit report with the Department of Education within six months of the end of the
8 fiscal year for which the audit is required. **The audit report shall include:**

9 **(A) Information necessary for the computation required in the administration of ORS**
10 **327.006 to 327.133, 327.348, 327.731, 328.542 and 530.115 and this section; and**

11 **(B) If the district is a sponsor of any public charter schools, a copy of each annual audit**
12 **forwarded to the district as required by ORS 338.095 (4).**

13 **(b)** If the audit report, as submitted to the district, fails to provide the detail necessary for the
14 computation required in the administration of ORS 327.006 to 327.133, 327.348, 327.731, 328.542 and
15 530.115 and this section, the district shall submit the necessary information on forms provided by
16 the department within the time prescribed for filing the audit in this section.

17 **(c) The Superintendent of Public Instruction may withhold any payments from the State**
18 **School Fund for a public charter school that, pursuant to ORS 338.155, are due to a district**
19 **under ORS 327.095 if:**

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 **(A) The audit report filed by the district fails to include the public charter school annual**
2 **audit as required by paragraph (a)(B) of this subsection; and**

3 **(B) The district has not filed the public charter school annual audit with the department**
4 **by April 1.**

5 **(d) If payments are withheld as provided by paragraph (c) of this subsection, the super-**
6 **intendent may allow payments to be made from the State School Fund to the district upon**
7 **receipt of the annual audit or upon the meeting of any other conditions identified by rule of**
8 **the State Board of Education.**

9 **(e) Any district failing to file a copy of [its] an audit report under this section or a report**
10 **under ORS 327.133 [shall] may not receive any payments from the State School Fund until [such**
11 **reports are] the report is filed.**

12 (2) Notwithstanding the timeline provided by this section and pursuant to rules adopted by the
13 State Board of Education, the superintendent [*of Public Instruction*] may waive a reporting date or
14 specify an alternative date to provide the audit report or information if a human-created disaster
15 or a natural disaster affects the ability of a school district or an education service district to pro-
16 vide the audit report or information by a specified date.

17 **SECTION 2.** ORS 338.105 is amended to read:

18 338.105. (1) During the term of a charter, the sponsor may terminate the charter on any of the
19 following grounds:

20 (a) Failure to meet the terms of an approved charter or this chapter.

21 (b) Failure to meet the requirements for student performance stated in the charter.

22 (c) Failure to correct a violation of a federal or state law that is described in ORS 338.115.

23 (d) Failure to maintain insurance as described in the charter.

24 (e) Failure to maintain financial stability.

25 (f) Failure to maintain, for [*two*] **one** or more consecutive years, a sound financial management
26 system described in the proposal submitted under ORS 338.045 and incorporated into the written
27 charter under ORS 338.065.

28 (2)(a) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the
29 public charter school governing body at least 60 days prior to the proposed effective date of the
30 termination. The notice shall state the grounds for the termination.

31 **(b) If the grounds for termination include failure to maintain financial stability or failure**
32 **to maintain a sound financial management system, the sponsor and the public charter school**
33 **may agree to develop a plan to correct deficiencies. Under a plan to correct deficiencies:**

34 **(A) The public charter school may attempt to correct any deficiencies related to financial**
35 **stability or to a sound financial management system by a date identified by the sponsor,**
36 **which may not be less than 60 days from the date of the notice;**

37 **(B) The proposed effective date of the termination may be extended to the date identified**
38 **under subparagraph (A) of this paragraph;**

39 **(C) The sponsor may withhold up to 50 percent of the moneys owed to the public charter**
40 **school while the public charter school is on the plan to correct deficiencies unless the with-**
41 **holding would create an undue hardship, as determined pursuant to rules of the State Board**
42 **of Education; and**

43 **(D) The sponsor must hold in trust any moneys withheld under subparagraph (C) of this**
44 **paragraph until:**

45 **(i) The public charter school complies with the plan to correct deficiencies, at which time**

1 **the public charter school is entitled to the moneys held in trust; or**

2 **(ii) The public charter school fails to comply with the plan to correct deficiencies, at**
3 **which time the charter is terminated and the public charter school forfeits any claim to the**
4 **moneys held in trust.**

5 **(c) A deadline to correct deficiencies under paragraph (b)(A) of this subsection may be**
6 **extended by mutual agreement of the sponsor and the public charter school.**

7 **(d) The public charter school governing body may request a hearing by the sponsor in relation**
8 **to a termination of the charter or a plan to correct deficiencies.**

9 (3) A public charter school governing body may appeal a decision of a sponsor **that is related**
10 **to a termination of the charter or a plan to correct deficiencies** to:

11 (a) The state board if the sponsor is an entity described in ORS 338.005 (5)(a) or (c). The board
12 shall adopt by rule procedures to ensure a timely appeals process to prevent disruption of students'
13 education.

14 (b) The circuit court pursuant to ORS 183.484 if the sponsor is the State Board of Education.

15 (4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter imme-
16 diately and close a public charter school if the public charter school is endangering the health or
17 safety of the students enrolled in the public charter school.

18 (b) The public charter school governing body may request a hearing from the sponsor on the
19 termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days
20 after receiving the request.

21 (c) The public charter school governing body may appeal a decision of a sponsor under this
22 subsection to the State Board of Education. The State Board of Education shall hold a hearing
23 within 10 days after receiving the appeal request.

24 (d) Throughout the appeals process, the public charter school shall remain closed at the dis-
25 cretion of the sponsor unless the State Board of Education orders the sponsor to open the public
26 charter school and not terminate the charter.

27 (5) Termination of a charter shall not abridge the public charter school's legal authority to op-
28 erate as a private or nonchartered public school.

29 (6) If a charter is terminated or a public charter school is dissolved:

30 (a) The assets of the public charter school that were purchased with public funds shall be given
31 to the State Board of Education. The State Board of Education may disburse the assets of the public
32 charter school to school districts or other public charter schools.

33 (b) All student education records of the public charter school shall be transferred to the ad-
34 ministrative office of the school district in which the public charter school was located.

35 (7) A public charter school governing body may only terminate a charter, dissolve or close a
36 public charter school at the end of a semester. If a charter is terminated by the public charter
37 school governing body or a public charter school is closed or dissolved, the public charter school
38 governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the
39 termination, closure or dissolution.

40 **SECTION 3. If House Bill 2150 becomes law, section 2 of this 2013 Act (amending ORS**
41 **338.105) is repealed and ORS 338.105, as amended by section 10, chapter __, Oregon Laws 2013**
42 **(Enrolled House Bill 2150), is amended to read:**

43 338.105. (1) During the term of a charter, the sponsor may terminate the charter on any of the
44 following grounds:

45 (a) Failure to meet the terms of an approved charter or this chapter.

1 (b) Failure to meet the requirements for student performance stated in the charter.

2 (c) Failure to correct a violation of a federal or state law that is described in ORS 338.115.

3 (d) Failure to maintain insurance as described in the charter.

4 (e) Failure to maintain financial stability.

5 (f) Failure to maintain, for [two] **one** or more consecutive years, a sound financial management
6 system described in the proposal submitted under ORS 338.045 and incorporated into the written
7 charter under ORS 338.065.

8 (2)(a) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the
9 public charter school governing body at least 60 days prior to the proposed effective date of the
10 termination. The notice shall state the grounds for the termination.

11 **(b) If the grounds for termination include failure to maintain financial stability or failure**
12 **to maintain a sound financial management system, the sponsor and the public charter school**
13 **may agree to develop a plan to correct deficiencies. Under a plan to correct deficiencies:**

14 **(A) The public charter school may attempt to correct any deficiencies related to financial**
15 **stability or to a sound financial management system by a date identified by the sponsor,**
16 **which may not be less than 60 days from the date of the notice;**

17 **(B) The proposed effective date of the termination may be extended to the date identified**
18 **under subparagraph (A) of this paragraph;**

19 **(C) The sponsor may withhold up to 50 percent of the moneys owed to the public charter**
20 **school while the public charter school is on the plan to correct deficiencies unless the with-**
21 **holding would create an undue hardship, as determined pursuant to rules of the State Board**
22 **of Education; and**

23 **(D) The sponsor must hold in trust any moneys withheld under subparagraph (C) of this**
24 **paragraph until:**

25 **(i) The public charter school complies with the plan to correct deficiencies, at which time**
26 **the public charter school is entitled to the moneys held in trust; or**

27 **(ii) The public charter school fails to comply with the plan to correct deficiencies, at**
28 **which time the charter is terminated and the public charter school forfeits any claim to the**
29 **moneys held in trust.**

30 **(c) A deadline to correct deficiencies under paragraph (b)(A) of this subsection may be**
31 **extended by mutual agreement of the sponsor and the public charter school.**

32 **(d) The public charter school governing body may request a hearing by the sponsor in relation**
33 **to a termination of the charter or a plan to correct deficiencies.**

34 (3) A public charter school governing body may appeal a decision of a sponsor under this sec-
35 tion. The appeal shall be to:

36 (a) The State Board of Education if the sponsor is an entity described in ORS 338.005 (5)(a) or
37 (c). The State Board of Education shall:

38 (A) Review only:

39 (i) The grounds for termination under this section as stated by the school district board; **or**

40 (ii) **A plan to correct deficiencies;** and

41 (B) Adopt by rule procedures to ensure a timely appeals process to prevent disruption of
42 students' education.

43 (b) The circuit court pursuant to ORS 183.484 if the sponsor is the State Board of Education.

44 (4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter imme-
45 diately and close a public charter school if the public charter school is endangering the health or

1 safety of the students enrolled in the public charter school.

2 (b) The public charter school governing body may request a hearing from the sponsor on the
3 termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days
4 after receiving the request.

5 (c) The public charter school governing body may appeal a decision of a sponsor under this
6 subsection to the State Board of Education. The State Board of Education shall hold a hearing
7 within 10 days after receiving the appeal request.

8 (d) Throughout the appeals process, the public charter school shall remain closed at the dis-
9 cretion of the sponsor unless the State Board of Education orders the sponsor to open the public
10 charter school and not terminate the charter.

11 (5) Termination of a charter shall not abridge the public charter school's legal authority to op-
12 erate as a private or nonchartered public school.

13 (6) If a charter is terminated or a public charter school is dissolved:

14 (a) The assets of the public charter school that were purchased with public funds shall be given
15 to the State Board of Education. The State Board of Education may disburse the assets of the public
16 charter school to school districts or other public charter schools.

17 (b) All student education records of the public charter school shall be transferred to the ad-
18 ministrative office of the school district in which the public charter school was located.

19 (7) A public charter school governing body may only terminate a charter, dissolve or close a
20 public charter school at the end of a semester. If a charter is terminated by the public charter
21 school governing body or a public charter school is closed or dissolved, the public charter school
22 governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the
23 termination, closure or dissolution.

24 **SECTION 4.** ORS 338.055 is amended to read:

25 338.055. (1) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school
26 district board shall hold a public hearing on the provisions of the proposal.

27 (2) The school district board shall evaluate a proposal in good faith using the following criteria:

28 (a) The demonstrated, sustainable support for the public charter school by teachers, parents,
29 students and other community members, including comments received at the public hearing held
30 under subsection (1) of this section;

31 (b) The demonstrated financial stability of the public charter school, including the demonstrated
32 ability of the school to have a sound financial management system that is in place at the time the
33 school begins operating and that meets the requirements of ORS 338.095 (1);

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

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

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

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

43 (g) Whether there are arrangements for any necessary special education and related services for
44 children with disabilities pursuant to ORS 338.165; *[and]*

45 (h) Whether there are alternative arrangements for students and for teachers and other school

1 employees who choose not to attend or who choose not to be employed by the public charter
2 school[.]; and

3 **(i) The prior history, if any, of the applicant in operating a public charter school or in**
4 **providing educational services.**

5 (3) The school district board must approve a proposal or state in writing the reasons for disap-
6 proving a proposal within 30 days after the public hearing held under subsection (1) of this section.

7 (4) Written notice of the school district board's action shall be sent to the applicant. If the
8 proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall
9 be clearly stated in the notice sent by the school district board to the applicant. If the proposal is
10 not approved, the applicant may amend the proposal to address objections and any suggested reme-
11 dial measures and resubmit the proposal to the school district board. The school district board shall
12 approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is
13 not approved, the applicant may:

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

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

17 (5) Individual elements in a public charter school proposal may be changed through the proposal
18 and chartering process.

19 (6) A proposal to convert an existing public school to a public charter school must be approved
20 by the school district board of the public school.

21 (7) Entities described in ORS 338.005 (5) may not charge any fee to applicants for the proposal
22 process.

23 (8) Upon request by a school district, the State Board of Education may grant an extension of
24 any timeline required by this section if the district has good cause for requesting the extension.

25 **SECTION 5.** ORS 338.055, as amended by section 10, chapter 695, Oregon Laws 2011, is
26 amended to read:

27 338.055. (1) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school
28 district board shall hold a public hearing on the provisions of the proposal.

29 (2) The school district board shall evaluate a proposal in good faith using the following criteria:

30 (a) The demonstrated, sustainable support for the public charter school by teachers, parents,
31 students and other community members, including comments received at the public hearing held
32 under subsection (1) of this section;

33 (b) The demonstrated financial stability of the public charter school, including the demonstrated
34 ability of the school to have a sound financial management system that is in place at the time the
35 school begins operating and that meets the requirements of ORS 338.095 (1);

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

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

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

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

45 (g) Whether there are arrangements for any necessary special education and related services for

1 children with disabilities pursuant to ORS 338.165; [and]

2 (h) Whether there are alternative arrangements for students and for teachers and other school
3 employees who choose not to attend or who choose not to be employed by the public charter
4 school[.]; and

5 **(i) The prior history, if any, of the applicant in operating a public charter school or in**
6 **providing educational services.**

7 (3) The school district board must approve a proposal or state in writing the reasons for disap-
8 proving a proposal within 30 days after the public hearing held under subsection (1) of this section.

9 (4) Written notice of the school district board's action shall be sent to the applicant. If the
10 proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall
11 be clearly stated in the notice sent by the school district board to the applicant. If the proposal is
12 not approved, the applicant may amend the proposal to address objections and any suggested reme-
13 dial measures and resubmit the proposal to the school district board. The school district board shall
14 approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is
15 not approved, the applicant may appeal the decision of the school district board to the State Board
16 of Education.

17 (5) Individual elements in a public charter school proposal may be changed through the proposal
18 and chartering process.

19 (6) A proposal to convert an existing public school to a public charter school must be approved
20 by the school district board of the public school.

21 (7) Entities described in ORS 338.005 (5) may not charge any fee to applicants for the proposal
22 process.

23 (8) Upon request by a school district, the State Board of Education may grant an extension of
24 any timeline required by this section if the district has good cause for requesting the extension.

25 **SECTION 6.** ORS 338.135 is amended to read:

26 338.135. (1) Employee assignment to a public charter school shall be voluntary.

27 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
28 ployer of any employees of the public charter school. If a school district board is not the sponsor
29 of the public charter school, the school district board may not be the employer of the employees of
30 the public charter school and the school district board may not collectively bargain with the em-
31 ployees of the public charter school. The public charter school governing body shall control the
32 selection of employees at the public charter school.

33 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
34 with a for-profit entity to provide educational services through the virtual public charter school, the
35 for-profit entity may not be the employer of any employees of the virtual public charter school[.]

36 **unless:**

37 **(A) The employee is an administrator who does not have any teaching responsibilities;**
38 **and**

39 **(B) Both the executive officer of the sponsor and the public charter school governing**
40 **body approve employment by the for-profit entity. The executive officer or governing body**
41 **may choose to grant approval under this subparagraph:**

42 **(i) For all employees of the for-profit entity who meet the description in subparagraph**
43 **(A) of this paragraph;**

44 **(ii) Based on the job categories of the employees who meet the description in subpara-**
45 **graph (A) of this paragraph; or**

1 **(iii) On a case-by-case basis for each employee who meets the description in subpara-**
2 **graph (A) of this paragraph.**

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

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

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

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

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

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

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

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

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

28 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
29 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
30 of a labor organization or organize with other employees to bargain collectively. Bargaining units
31 at the public charter school may be separate from other bargaining units of the sponsor or of the
32 school district in which the public charter school is located. Employees of a public charter school
33 may be part of the bargaining units of the sponsor or of the school district in which the public
34 charter school is located.

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

37 **SECTION 7.** ORS 338.135, as amended by section 6 of this 2013 Act, is amended to read:

38 338.135. (1) Employee assignment to a public charter school shall be voluntary.

39 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
40 ployer of any employees of the public charter school. If a school district board is not the sponsor
41 of the public charter school, the school district board may not be the employer of the employees of
42 the public charter school and the school district board may not collectively bargain with the em-
43 ployees of the public charter school. The public charter school governing body shall control the
44 selection of employees at the public charter school.

45 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts

1 with a for-profit entity to provide educational services through the virtual public charter school, the
2 for-profit entity may not be the employer of any employees of the virtual public charter school.
3 [*unless:*]

4 [(A) *The employee is an administrator who does not have any teaching responsibilities; and*]

5 [(B) *Both the executive officer of the sponsor and the public charter school governing body approve*
6 *employment by the for-profit entity. The executive officer or governing body may choose to grant ap-*
7 *proval under this subparagraph.;*]

8 [(i) *For all employees of the for-profit entity who meet the description in subparagraph (A) of this*
9 *paragraph.;*]

10 [(ii) *Based on the job categories of the employees who meet the description in subparagraph (A)*
11 *of this paragraph; or*]

12 [(iii) *On a case-by-case basis for each employee who meets the description in subparagraph (A) of*
13 *this paragraph.;*]

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

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

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

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

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

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

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

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

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

39 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
40 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
41 of a labor organization or organize with other employees to bargain collectively. Bargaining units
42 at the public charter school may be separate from other bargaining units of the sponsor or of the
43 school district in which the public charter school is located. Employees of a public charter school
44 may be part of the bargaining units of the sponsor or of the school district in which the public
45 charter school is located.

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

3 **SECTION 8. The amendments to ORS 338.135 by section 7 of this 2013 Act become oper-**
4 **ative on July 1, 2018.**

5 **SECTION 9. The amendments to ORS 327.137, 338.055 and 338.105 by sections 1 to 5 of this**
6 **2013 Act become operative on January 1, 2014.**

7 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
9 **on its passage.**

10