

House Bill 3216

Sponsored by Representative DEMBROW

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**.

Makes employees of public charter school members of collective bargaining unit that represents employees of district in which public charter school is located who perform same duties as employees of public charter school.

A BILL FOR AN ACT

1
2 Relating to collective bargaining by employees of a public charter school; amending ORS 338.135.

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

4 **SECTION 1.** ORS 338.135 is amended to read:

5 338.135. (1) Employee assignment to a public charter school shall be voluntary.

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

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

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

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

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

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

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

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

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 equivalent to experience in public schools.

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

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

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

9 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
10 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
11 of a labor organization or organize with other employees to bargain collectively. [*Bargaining units*
12 *at the public charter school may be separate from other bargaining units of the sponsor or of the school*
13 *district in which the public charter school is located. Employees of a public charter school may be part*
14 *of the bargaining units of the sponsor or of the school district in which the public charter school is*
15 *located.*] **Employees of a public charter school who perform the same duties as the employees**
16 **of the district in which the public charter school is located are a part of the bargaining unit**
17 **that represents the district employees who perform those duties.**

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.

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