

Senate Bill 508

Sponsored by Senators ROBLAN, KRUSE; Senators BATES, BOQUIST, GIROD, MONNES ANDERSON, ROSENBAUM, STARR, STEINER HAYWARD, Representatives BUCKLEY, CLEM, DOHERTY, GARRETT, GREENLICK, HOLVEY, KOMP, NATHANSON, WHISNANT, WITT

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**.

Specifies minimum enrollment requirements for public charter school that offers online courses. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to enrollment at public charter schools that provide online courses; amending ORS 338.115;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 338.115, as amended by section 9, chapter 92, Oregon Laws 2012, is amended
6 to read:

7 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
8 public schools do not apply to public charter schools. However, the following laws do apply to public
9 charter schools:

10 (a) Federal law;

11 (b) ORS 30.260 to 30.300 (tort claims);

12 (c) ORS 192.410 to 192.505 (public records law);

13 (d) ORS 192.610 to 192.690 (public meetings law);

14 (e) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

15 (f) ORS 326.565, 326.575 and 326.580 (student records);

16 (g) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

17 (h) ORS 329.045 (academic content standards and instruction);

18 (i) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
19 tificate);

20 (j) The statewide assessment system developed by the Department of Education for mathematics,
21 science and English under ORS 329.485 (2);

22 (k) ORS 337.150 (textbooks);

23 (L) ORS 339.141, 339.147 and 339.155 (tuition and fees);

24 (m) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

25 (n) ORS 339.326 (notice concerning students subject to juvenile court petitions);

26 (o) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training
27 on prevention and identification of abuse and sexual conduct);

28 (p) ORS chapter 657 (Employment Department Law);

29 (q) ORS 659.850, 659.855 and 659.860 (discrimination);

30 (r) Any statute or rule that establishes requirements for instructional time provided by a school

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 during each day or during a year;

2 (s) Health and safety statutes and rules;

3 (t) Any statute or rule that is listed in the charter;

4 (u) ORS 339.119 (consideration for educational services); and

5 (v) This chapter.

6 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
7 that apply to school district boards, school districts and other public schools may apply to a public
8 charter school.

9 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
10 “public school” include public charter school as those terms are used in that statute or rule.

11 (4) A public charter school may not violate the Establishment Clause of the First Amendment
12 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
13 based.

14 (5)[(a)] A public charter school shall maintain an active enrollment [*of at least 25 students.*] **as**
15 **follows:**

16 (a) **At least 25 full-time students;**

17 (b) **At least 25 students who receive educational services under a cooperative agreement**
18 **described in ORS 338.080; or**

19 (c) **If the public charter school provides online courses:**

20 (A) **At least 250 students who are enrolled in the public charter school on a basis that is**
21 **less than full-time and who represent at least six different school districts in which the**
22 **students are resident; and**

23 (B) **At least one percent of the total number of enrolled students who are enrolled in the**
24 **public charter school on a full-time basis, without regard to the number of school districts**
25 **in which the students are resident.**

26 [(b) *For a public charter school that provides educational services under a cooperative agreement*
27 *described in ORS 338.080, the public charter school is in compliance with the requirements of this*
28 *subsection if the public charter school provides educational services under the cooperative agreement*
29 *to at least 25 students, without regard to the school districts in which the students are residents.*]

30 (6) A public charter school may sue or be sued as a separate legal entity.

31 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
32 and employees of a sponsor acting in their official capacities are immune from civil liability with
33 respect to all activities related to a public charter school within the scope of their duties or em-
34 ployment.

35 (8) A public charter school may enter into contracts and may lease facilities and services from
36 a school district, education service district, public university listed in ORS 352.002, other govern-
37 mental unit or any person or legal entity.

38 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
39 ability.

40 (10) A public charter school may receive and accept gifts, grants and donations from any source
41 for expenditure to carry out the lawful functions of the school.

42 (11) The school district in which the public charter school is located shall offer a high school
43 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
44 school student who meets the district’s and state’s standards for a high school diploma, a modified
45 diploma, an extended diploma or an alternative certificate.

1 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
 2 issued by a public charter school grants to the holder the same rights and privileges as a high
 3 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
 4 nonchartered public school.

5 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the
 6 sponsor as specified in the charter.

7 (14) A public charter school may receive services from an education service district in the same
 8 manner as a nonchartered public school in the school district in which the public charter school is
 9 located.

10 **SECTION 2.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, section 12,
 11 chapter 50, Oregon Laws 2008, section 4, chapter 618, Oregon Laws 2009, section 3, chapter 53,
 12 Oregon Laws 2010, section 3, chapter 94, Oregon Laws 2011, section 118, chapter 637, Oregon Laws
 13 2011, section 5, chapter 682, Oregon Laws 2011, and section 10, chapter 92, Oregon Laws 2012, is
 14 amended to read:

15 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
 16 public schools do not apply to public charter schools. However, the following laws do apply to public
 17 charter schools:

- 18 (a) Federal law;
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- 20 (c) ORS 192.410 to 192.505 (public records law);
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- 23 (f) ORS 326.565, 326.575 and 326.580 (student records);
- 24 (g) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 25 (h) ORS 329.045 (academic content standards and instruction);
- 26 (i) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
 27 tificate);
- 28 (j) ORS 329.496 (physical education);
- 29 (k) The statewide assessment system developed by the Department of Education for mathematics,
 30 science and English under ORS 329.485 (2);
- 31 (L) ORS 337.150 (textbooks);
- 32 (m) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 33 (n) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- 34 (o) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 35 (p) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training
 36 on prevention and identification of abuse and sexual conduct);
- 37 (q) ORS chapter 657 (Employment Department Law);
- 38 (r) ORS 659.850, 659.855 and 659.860 (discrimination);
- 39 (s) Any statute or rule that establishes requirements for instructional time provided by a school
 40 during each day or during a year;
- 41 (t) Health and safety statutes and rules;
- 42 (u) Any statute or rule that is listed in the charter;
- 43 (v) ORS 339.119 (consideration for educational services); and
- 44 (w) This chapter.
- 45 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules

1 that apply to school district boards, school districts and other public schools may apply to a public
2 charter school.

3 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
4 “public school” include public charter school as those terms are used in that statute or rule.

5 (4) A public charter school may not violate the Establishment Clause of the First Amendment
6 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
7 based.

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13 (c) **If the public charter school provides online courses:**

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15 **less than full-time and who represent at least six different school districts in which the**
16 **students are resident; and**

17 (B) **At least one percent of the total number of enrolled students who are enrolled in the**
18 **public charter school on a full-time basis, without regard to the number of school districts**
19 **in which the students are resident.**

20 *[(b) For a public charter school that provides educational services under a cooperative agreement*
21 *described in ORS 338.080, the public charter school is in compliance with the requirements of this*
22 *subsection if the public charter school provides educational services under the cooperative agreement*
23 *to at least 25 students, without regard to the school districts in which the students are residents.]*

24 (6) A public charter school may sue or be sued as a separate legal entity.

25 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
26 and employees of a sponsor acting in their official capacities are immune from civil liability with
27 respect to all activities related to a public charter school within the scope of their duties or em-
28 ployment.

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30 a school district, education service district, public university listed in ORS 352.002, other govern-
31 mental unit or any person or legal entity.

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33 ability.

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35 for expenditure to carry out the lawful functions of the school.

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45 sponsor as specified in the charter.

1 (14) A public charter school may receive services from an education service district in the same
2 manner as a nonchartered public school in the school district in which the public charter school is
3 located.

4 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
6 **on its passage.**

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