

Senate Bill 587

Sponsored by Senator ROBLAN

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**.

Removes prohibition on virtual public charter schools related to employment of persons employed by for-profit entity.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment by a virtual public charter school; amending ORS 338.025 and 338.135; and
3 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
8 employer 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
31 public employer and as such shall participate in the Public Employees Retirement System.

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

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

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

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

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

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

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

20 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
 21 of this chapter. The rules shall follow the intent of this chapter.

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

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

33 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
 34 of this chapter. The rules shall follow the intent of this chapter.

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

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