

**PROPOSED AMENDMENTS TO
HOUSE BILL 2153**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages
2 2 and 3.

3 On page 4, delete lines 1 through 41 and insert:

4 **“SECTION 1.** ORS 338.055 is amended to read:

5 **“338.055. (1) A school district board that receives a written proposal**
6 **from an applicant seeking to establish a public charter school must**
7 **conduct a public hearing and make a good faith evaluation of the**
8 **proposal as described in subsections (3) and (4) of this section unless**
9 **the provisions of subsection (2) of this section apply.**

10 **“(2)(a) A school district board may place limitations on the pro-**
11 **posals the school district board will evaluate if:**

12 **“(A) More than three percent of the students who reside in the**
13 **school district are enrolled in a public charter school located in the**
14 **school district; and**

15 **“(B) Three or more public charter schools are located in the school**
16 **district.**

17 **“(b) For the purpose of making the calculation under paragraph**
18 **(a)(A) of this subsection, the school district board shall not include**
19 **students who are not required to attend public full-time schools as**
20 **provided by ORS 339.030.**

21 **“(c) A school district board shall annually determine whether to**
22 **place limitations on the proposals the school district board will eval-**

1 uate. The determination is valid for two years unless the school dis-
2 trict board decides after one year to no longer place limitations on the
3 proposals the school district board will consider.

4 “(d) If a school district board places limitations on the proposals the
5 school district board will evaluate, the school district board must
6 identify one or more educational goals the school district board will
7 use to evaluate proposals. The identification is valid for two years,
8 except that a school district board may decide after one year to modify
9 the educational goals. The school district board shall forward a copy
10 of the educational goals, and any modifications of the educational
11 goals, to the State Board of Education.

12 “(e) A school district board that identifies educational goals as
13 provided by paragraph (d) of this subsection may:

14 “(A) Decide to evaluate only proposals that seek to advance one or
15 more of the educational goals; or

16 “(B) Determine how well a proposal advances one or more educa-
17 tional goals compared to one or more other proposals submitted to the
18 school district board.

19 “(f) Any proposal submitted to a school district board that has de-
20 termined to place limitations on the proposals the school district board
21 will evaluate must include a description of how the public charter
22 school will advance an educational goal identified by the school dis-
23 trict board. Advancement of the educational goal shall be an element
24 of the charter. Failure to make reasonable progress toward the ad-
25 vancement of an educational goal may be grounds for termination of
26 the charter. Whether a public charter school is making reasonable
27 progress shall be determined by the school district board.

28 “(g) The following decisions of a school district board are final and
29 not subject to appeal:

30 “(A) The determination that a proposal does not advance an edu-

1 **ational goal identified by the school district board; and**

2 **“(B) The determination that the public charter school is not making**
3 **reasonable progress toward the advancement of an educational goal.**

4 “[1] (3) Within 60 days of receipt of a proposal submitted under ORS
5 338.045, the school district board shall hold a public hearing on the pro-
6 visions of the proposal.

7 “[2] (4) The school district board shall evaluate a proposal in good faith
8 using the following criteria:

9 “(a) The demonstrated, sustainable support for the public charter school
10 by teachers, parents, students and other community members, including
11 comments received at the public hearing held under subsection [(1)] (3) of
12 this section;

13 “(b) The demonstrated financial stability of the public charter school, in-
14 cluding the demonstrated ability of the school to have a sound financial
15 management system that is in place at the time the school begins operating
16 and that meets the requirements of ORS 338.095 (1);

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

20 “(d) The capability of the applicant, in terms of support and planning, to
21 specifically provide, pursuant to an approved proposal, comprehensive in-
22 structional programs to students identified by the applicant as academically
23 low achieving;

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

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

30 “(g) Whether there are arrangements for any necessary special education

1 and related services for children with disabilities pursuant to ORS 338.165;
2 and

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

6 “[3] (5) The school district board must approve a proposal or state in
7 writing the reasons for disapproving a proposal within 30 days after the
8 public hearing held under subsection [(1)] (3) of this section.

9 “[4] (6) Written notice of the school district board’s action shall be sent
10 to the applicant. If the proposal is not approved, the reasons for the denial
11 and suggested remedial measures, if any, shall be clearly stated in the notice
12 sent by the school district board to the applicant. If the proposal is not ap-
13 proved, the applicant may amend the proposal to address objections and any
14 suggested remedial measures and resubmit the proposal to the school district
15 board. The school district board shall approve or disapprove the resubmitted
16 proposal within 20 days after receiving it. If the proposal is not approved,
17 the applicant may:

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

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

22 “[5] (7) Individual elements in a public charter school proposal may be
23 changed through the proposal and chartering process.

24 “[6] (8) A proposal to convert an existing public school to a public
25 charter school must be approved by the school district board of the public
26 school.

27 “[7] (9) Entities described in ORS 338.005 (5) may not charge any fee to
28 applicants for the proposal process.

29 “[8] (10) Upon request by a school district, the State Board of Education
30 may grant an extension of any timeline required by this section if the district

1 has good cause for requesting the extension.

2 **“SECTION 2.** ORS 338.055, as amended by section 10, chapter 695, Oregon
3 Laws 2011, is amended to read:

4 **“338.055. (1) A school district board that receives a written proposal**
5 **from an applicant seeking to establish a public charter school must**
6 **conduct a public hearing and make a good faith evaluation of the**
7 **proposal as described in subsections (3) and (4) of this section unless**
8 **the provisions of subsection (2) of this section apply.**

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10 **posals the school district board will evaluate if:**

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12 **school district are enrolled in a public charter school located in the**
13 **school district; and**

14 **“(B) Three or more public charter schools are located in the school**
15 **district.**

16 **“(b) For the purpose of making the calculation under paragraph**
17 **(a)(A) of this subsection, the school district board shall not include**
18 **students who are not required to attend public full-time schools as**
19 **provided by ORS 339.030.**

20 **“(c) A school district board shall annually determine whether to**
21 **place limitations on the proposals the school district board will eval-**
22 **uate. The determination is valid for two years unless the school dis-**
23 **trict board decides after one year to no longer place limitations on the**
24 **proposals the school district board will consider.**

25 **“(d) If a school district board places limitations on the proposals the**
26 **school district board will evaluate, the school district board must**
27 **identify one or more educational goals the school district board will**
28 **use to evaluate proposals. The identification is valid for two years,**
29 **except that a school district board may decide after one year to modify**
30 **the educational goals. The school district board shall forward a copy**

1 of the educational goals, and any modifications of the educational
2 goals, to the State Board of Education.

3 “(e) A school district board that identifies educational goals as
4 provided by paragraph (d) of this subsection may:

5 “(A) Decide to evaluate only proposals that seek to advance one or
6 more of the educational goals; or

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8 tional goals compared to one or more other proposals submitted to the
9 school district board.

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10 approved proposal;

11 “(d) The capability of the applicant, in terms of support and planning, to
12 specifically provide, pursuant to an approved proposal, comprehensive in-
13 structional programs to students identified by the applicant as academically
14 low achieving;

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

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

21 “(g) Whether there are arrangements for any necessary special education
22 and related services for children with disabilities pursuant to ORS 338.165;
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24 “(h) Whether there are alternative arrangements for students and for
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