

**PROPOSED AMENDMENTS TO
HOUSE BILL 3093**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 327.137,
3 338.055, 338.095, 338.105 and 338.135; and declaring an emergency.”.

4 On page 6, after line 14, insert:

5 **“SECTION 6.** ORS 338.135 is amended to read:

6 “338.135. (1) Employee assignment to a public charter school shall be
7 voluntary.

8 “(2)(a) A public charter school or the sponsor of the public charter school
9 is considered the employer of any employees of the public charter school. If
10 a school district board is not the sponsor of the public charter school, the
11 school district board may not be the employer of the employees of the public
12 charter school and the school district board may not collectively bargain
13 with the employees of the public charter school. The public charter school
14 governing body shall control the selection of employees at the public charter
15 school.

16 “(b) If a virtual public charter school or the sponsor of a virtual public
17 charter school contracts with a for-profit entity to provide educational ser-
18 vices through the virtual public charter school, the for-profit entity may not
19 be the employer of any employees of the virtual public charter school[.]
20 **unless:**

21 **“(A) The employee is an administrator who does not have any**
22 **teaching responsibilities; and**

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

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

5 **“(ii) Based on the job categories of the employees who meet the description in subparagraph (A) of this paragraph; or**

6 **“(iii) On a case-by-case basis for each employee who meets the description in subparagraph (A) of this paragraph.**

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

8 “(a) The charter of the public charter school is terminated or the public charter school is dissolved 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 time.

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

11 “(5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a public employer and as such shall participate in the

1 Public Employees Retirement System.

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

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

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

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

13 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-
14 sidered a school district for purposes of ORS 243.650 to 243.782. An employee
15 of a public charter school may be a member of a labor organization or or-
16 ganize with other employees to bargain collectively. Bargaining units at the
17 public charter school may be separate from other bargaining units of the
18 sponsor or of the school district in which the public charter school is lo-
19 cated. Employees of a public charter school may be part of the bargaining
20 units of the sponsor or of the school district in which the public charter
21 school is located.

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

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

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

28 “(2)(a) A public charter school or the sponsor of the public charter school
29 is considered the employer of any employees of the public charter school. If
30 a school district board is not the sponsor of the public charter school, the

1 school district board may not be the employer of the employees of the public
2 charter school and the school district board may not collectively bargain
3 with the employees of the public charter school. The public charter school
4 governing body shall control the selection of employees at the public charter
5 school.

6 “(b) If a virtual public charter school or the sponsor of a virtual public
7 charter school contracts with a for-profit entity to provide educational ser-
8 vices through the virtual public charter school, the for-profit entity may not
9 be the employer of any employees of the virtual public charter school. [*un-*
10 *less:*]

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

13 “[*(B) Both the executive officer of the sponsor and the public charter school*
14 *governing body approve employment by the for-profit entity. The executive of-*
15 *ficer or governing body may choose to grant approval under this*
16 *subparagraph:*]

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

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

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

23 “(3) The school district board of the school district within which the
24 public charter school is located shall grant a leave of absence to any em-
25 ployee who chooses to work in the public charter school. The length and
26 terms of the leave of absence shall be set by negotiated agreement or by
27 board policy. However, the length of the leave of absence may not be less
28 than two years unless:

29 “(a) The charter of the public charter school is terminated or the public
30 charter school is dissolved or closed during the leave of absence; or

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

3 “(4) An employee of a public charter school operating within a school
4 district who is granted a leave of absence from the school district and re-
5 turns to employment with the school district shall retain seniority and ben-
6 efits as an employee pursuant to the terms of the leave of absence.
7 Notwithstanding ORS 243.650 to 243.782, a school district that was the em-
8 ployer of an employee of a public charter school not operating within the
9 school district may make provisions for the return of the employee to em-
10 ployment with the school district.

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

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

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

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

21 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least
22 one-half of the total full-time equivalent (FTE) teaching and administrative
23 staff at the public charter school shall be licensed by the commission pur-
24 suant to ORS 342.135, 342.136, 342.138 or 342.140.

25 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-
26 sidered a school district for purposes of ORS 243.650 to 243.782. An employee
27 of a public charter school may be a member of a labor organization or or-
28 ganize with other employees to bargain collectively. Bargaining units at the
29 public charter school may be separate from other bargaining units of the
30 sponsor or of the school district in which the public charter school is lo-

1 cated. Employees of a public charter school may be part of the bargaining
2 units of the sponsor or of the school district in which the public charter
3 school is located.

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

6 **“SECTION 8. The amendments to ORS 338.135 by section 7 of this
7 2013 Act become operative on July 1, 2018.**

8 **“SECTION 9. The amendments to ORS 327.137, 338.055, 338.095 and
9 338.105 by sections 1 to 5 of this 2013 Act become operative on January
10 1, 2014.**

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

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