

D R A F T

SUMMARY

Allows State Board of Education to grant waiver related to public charter school application process if school district board meets specified criteria.

A BILL FOR AN ACT

Relating to application process for public charter schools; amending ORS 338.025.

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

SECTION 1. ORS 338.025 is amended to read:

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

(2) [*Upon application by a public charter school,*] **Except as provided by subsection (4) of this section,** the State Board of Education may grant a waiver of any provision of this chapter **upon application by a public charter school** if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost.

(3)(a) The State Board of Education may grant a waiver of the public charter school application process upon application by a school district board if the board's application for the waiver includes:

(A) A description of the proposed application process for a public charter school;

(B) A description of how the proposed application process aligns

1 **with the school district's goals for increasing student achievement;**

2 **(C) A description of how the proposed application process provides**
3 **accountability;**

4 **(D) A description of how the proposed application process promotes**
5 **the development of programs by providers, enhances the equitable ac-**
6 **cess by underserved families to the public education of their choice,**
7 **extends the equitable access to public support by all students or per-**
8 **mits high quality programs of unusual cost; and**

9 **(E) Any other information required by the State Board of Education**
10 **by rule.**

11 **(b) Within 60 days of receipt of an application submitted under**
12 **paragraph (a) of this subsection, the State Board of Education shall**
13 **evaluate the proposal in good faith using the following criteria:**

14 **(A) The adequacy of the proposed application process;**

15 **(B) Whether the proposed application process aligns with the school**
16 **district's goals for increasing student achievement;**

17 **(C) Whether the proposed application process provides accountabil-**
18 **ity; and**

19 **(D) Whether the proposed application process promotes the devel-**
20 **opment of programs by providers, enhances the equitable access by**
21 **underserved families to the public education of their choice, extends**
22 **the equitable access to public support by all students or permits high**
23 **quality programs of unusual cost.**

24 **(c) For the purpose of the subsection, the application process in-**
25 **cludes the proposal requirements, the evaluation process and the**
26 **evaluation criteria described in ORS 338.045 and 338.055.**

27 **(4) The State Board of Education may not waive any appeal provision in**
28 **this chapter or any provision under ORS 338.115 (1)(a) to (y), 338.120, 338.125**
29 **(4), 338.135 (2)(b) or 339.122.**

30 **SECTION 2. ORS 338.025, as amended by section 8, chapter 839, Oregon**
31 **Laws 2007, section 14, chapter 50, Oregon Laws 2008, section 5, chapter 53,**

1 Oregon Laws 2010, section 4, chapter 72, Oregon Laws 2010, section 5, chap-
2 ter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws 2011, section
3 27, chapter 718, Oregon Laws 2011, section 9, chapter 98, Oregon Laws 2013,
4 and section 16, chapter 265, Oregon Laws 2013, is amended to read:

5 338.025. (1) The State Board of Education may adopt any rules necessary
6 for the implementation of this chapter. The rules shall follow the intent of
7 this chapter.

8 (2) [*Upon application by a public charter school,*] **Except as provided by**
9 **subsection (4) of this section,** the State Board of Education may grant a
10 waiver of any provision of this chapter **upon application by a public**
11 **charter school** if the waiver promotes the development of programs by pro-
12 viders, enhances the equitable access by underserved families to the public
13 education of their choice, extends the equitable access to public support by
14 all students or permits high quality programs of unusual cost.

15 (3)(a) **The State Board of Education may grant a waiver of the**
16 **public charter school application process upon application by a school**
17 **district board if the board's application for the waiver includes:**

18 (A) **A description of the proposed application process for a public**
19 **charter school;**

20 (B) **A description of how the proposed application process aligns**
21 **with the school district's goals for increasing student achievement;**

22 (C) **A description of how the proposed application process provides**
23 **accountability;**

24 (D) **A description of how the proposed application process promotes**
25 **the development of programs by providers, enhances the equitable ac-**
26 **cess by underserved families to the public education of their choice,**
27 **extends the equitable access to public support by all students or per-**
28 **mits high quality programs of unusual cost; and**

29 (E) **Any other information required by the State Board of Education**
30 **by rule.**

31 (b) **Within 60 days of receipt of an application submitted under**

1 **paragraph (a) of this subsection, the State Board of Education shall**
2 **evaluate the proposal in good faith using the following criteria:**

3 **(A) The adequacy of the proposed application process;**

4 **(B) Whether the proposed application process aligns with the school**
5 **district's goals for increasing student achievement;**

6 **(C) Whether the proposed application process provides accountabil-**
7 **ity; and**

8 **(D) Whether the proposed application process promotes the devel-**
9 **opment of programs by providers, enhances the equitable access by**
10 **underserved families to the public education of their choice, extends**
11 **the equitable access to public support by all students or permits high**
12 **quality programs of unusual cost.**

13 **(c) For the purpose of the subsection, the application process in-**
14 **cludes the proposal requirements, the evaluation process and the**
15 **evaluation criteria described in ORS 338.045 and 338.055.**

16 **(4) The State Board of Education may not waive any appeal provision in**
17 **this chapter or any provision under ORS 338.115 (1)(a) to (z), 338.120, 338.125**
18 **(4), 338.135 (2)(b) or 339.122.**

19