

# House Bill 3046

Sponsored by COMMITTEE ON EDUCATION

## 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**.

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

1  
2 Relating to application process for public charter schools; amending ORS 338.025.

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

4 **SECTION 1.** ORS 338.025 is amended to read:

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

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

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

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

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

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

20 **(D) A description of how the proposed application process promotes the development of**  
21 **programs by providers, enhances the equitable access by underserved families to the public**  
22 **education of their choice, extends the equitable access to public support by all students or**  
23 **permits high quality programs of unusual cost; and**

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

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

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

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

31 **(C) Whether the proposed application process provides accountability; and**

**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       **(D) Whether the proposed application process promotes the development of programs by**  
 2 **providers, enhances the equitable access by underserved families to the public education of**  
 3 **their choice, extends the equitable access to public support by all students or permits high**  
 4 **quality programs of unusual cost.**

5       **(c) For the purpose of the subsection, the application process includes the proposal re-**  
 6 **quirements, the evaluation process and the evaluation criteria described in ORS 338.045 and**  
 7 **338.055.**

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

10       **SECTION 2.** ORS 338.025, as amended by section 8, chapter 839, Oregon Laws 2007, section 14,  
 11 chapter 50, Oregon Laws 2008, section 5, chapter 53, Oregon Laws 2010, section 4, chapter 72,  
 12 Oregon Laws 2010, section 5, chapter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws  
 13 2011, section 27, chapter 718, Oregon Laws 2011, section 9, chapter 98, Oregon Laws 2013, and sec-  
 14 tion 16, chapter 265, Oregon Laws 2013, is amended to read:

15       338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
 16 of this chapter. The rules shall follow the intent of this chapter.

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

23       **(3)(a) The State Board of Education may grant a waiver of the public charter school ap-**  
 24 **plication process upon application by a school district board if the board’s application for the**  
 25 **waiver includes:**

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

27       **(B) A description of how the proposed application process aligns with the school district’s**  
 28 **goals for increasing student achievement;**

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

30       **(D) A description of how the proposed application process promotes the development of**  
 31 **programs by providers, enhances the equitable access by underserved families to the public**  
 32 **education of their choice, extends the equitable access to public support by all students or**  
 33 **permits high quality programs of unusual cost; and**

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

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

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

39       **(B) Whether the proposed application process aligns with the school district’s goals for**  
 40 **increasing student achievement;**

41       **(C) Whether the proposed application process provides accountability; and**

42       **(D) Whether the proposed application process promotes the development of programs by**  
 43 **providers, enhances the equitable access by underserved families to the public education of**  
 44 **their choice, extends the equitable access to public support by all students or permits high**  
 45 **quality programs of unusual cost.**

1       **(c) For the purpose of the subsection, the application process includes the proposal re-**  
2       **quirements, the evaluation process and the evaluation criteria described in ORS 338.045 and**  
3       **338.055.**

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