

**PROPOSED AMENDMENTS TO  
SENATE BILL 418**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and insert “337.150, 338.025, 338.115, 340.300, 340.305, 340.310, 340.320 and  
3 340.330 and section 10, chapter 519, Oregon Laws 2011; and declaring an  
4 emergency.”.

5 After line 2, insert:

6 “Whereas the benefits from increased access to college-level coursework  
7 by high school students include improved high school graduation rates, im-  
8 proved attainment of college-ready skills, reduced need for remedial courses  
9 in the first year at a post-secondary institution of education, improved ex-  
10 pectations by students of post-secondary institutions of education, improved  
11 transitions between high schools and post-secondary institutions of educa-  
12 tion, improved success rates of students at post-secondary institutions of ed-  
13 ucation, and reduced time spent and debt accrued for completion of studies  
14 at post-secondary institutions of education; and

15 “Whereas this state is committed to the goal that by 2025 at least 40  
16 percent of adult Oregonians will have earned a bachelor’s degree or higher  
17 degree, at least 40 percent of adult Oregonians will have earned an  
18 associate’s degree or post-secondary credential as their highest level of edu-  
19 cational attainment, and the remaining 20 percent or less of all adult  
20 Oregonians will have earned a high school diploma, an extended or modified  
21 high school diploma or the equivalent of a high school diploma as their  
22 highest level of educational attainment; and

1 “Whereas this state can more readily achieve the 40-40-20 goal by better  
2 aligning state funding, standards and assessments, better supporting shared  
3 resources for high schools and post-secondary institutions of education, bet-  
4 ter encouraging efficiencies and cost savings in high schools and post-  
5 secondary institutions of education, better reducing barriers to participation  
6 in post-secondary education and better improving equitable access to  
7 college-level coursework for high school students; and

8 “Whereas this state must support further development of a collaborative  
9 culture among all secondary schools and post-secondary institutions in order  
10 to improve course alignment, student success and shared professional devel-  
11 opment; and

12 “Whereas this state needs a consistent means by which to measure the  
13 impact that increased access to college-level coursework by high school stu-  
14 dents will have toward achieving the 40-40-20 goal; and

15 “Whereas improved access to college-level coursework by high school  
16 students will expose traditionally underrepresented students to higher edu-  
17 cation and increase the likelihood that the students will continue to pursue  
18 college-level coursework in higher education; and

19 “Whereas this state intends to enable students to access all forms of ac-  
20 celerated college credit programs and must ensure that Oregon-oriented pro-  
21 grams meet specified standards and provide consistency to students; now,  
22 therefore,”.

23 Delete lines 4 through 28 and delete page 2 and insert:

24 **“SECTION 1. As used in ORS 340.300 to 340.330:**

25 **“(1) ‘Accelerated college credit programs’ includes dual credit pro-**  
26 **grams, two-plus-two programs, advanced placement programs, Inter-**  
27 **national Baccalaureate programs and any other programs meeting**  
28 **criteria specified by the State Board of Education by rule as enabling**  
29 **high school students to earn college credit.**

30 **“(2) ‘Post-secondary institution of education’ means a community**

1 college in this state or a public university listed in ORS 352.002.

2 **“SECTION 2.** ORS 340.300 is amended to read:

3 “340.300. [(1) As used in this section, ‘accelerated college credit programs’  
4 includes dual credit programs, two-plus-two programs, advanced placement  
5 programs and International Baccalaureate programs.]

6 “[2) Each school district shall:]

7 “[a) Provide students in grades 9 through 12 with accelerated college credit  
8 programs including, but not limited to, accelerated college credit programs re-  
9 lated to English, mathematics and science; or]

10 “[b) Ensure that students in grades 9 through 12 have online access to  
11 accelerated college credit programs including, but not limited to, accelerated  
12 college credit programs related to English, mathematics and science.]

13 **“(1) Each school district must provide an accelerated college credit  
14 program at each high school in the school district. The program must  
15 enable all students in grades 9 through 12 to earn college credit while  
16 in high school.**

17 **“(2)(a) An accelerated college credit program:**

18 **“(A) Must include, at a minimum, the greater of:**

19 **“(i) Three college-level courses; or**

20 **“(ii) Nine quarter hours of college-level courses;**

21 **“(B) Must include courses for which college credit is transferable  
22 to a post-secondary institution of education; and**

23 **“(C) May include courses in mathematics, writing, speech, the sci-  
24 ences, arts, humanities, social sciences and other courses that satisfy  
25 the requirement described in subparagraph (B) of this paragraph.**

26 **“(b) For the purpose of this subsection, a college credit is  
27 transferable if a post-secondary institution of education or an  
28 Oregon-based, generally accredited, not-for-profit private institution  
29 of higher education accepts the credit for application toward the re-  
30 quirements of a post-secondary degree or the prerequisites for career**

1 and technical education.

2 “(3)(a) Courses offered through an accelerated college credit pro-  
3 gram may be supported by online resources, but a course may not be  
4 exclusively provided online.

5 “(b) When a post-secondary institution of education provides a  
6 course supported by online resources as described in paragraph (a) of  
7 this subsection, the post-secondary institution of education must make  
8 reasonable efforts to enter into agreements to enable students in  
9 grades 9 through 12 to take the course if space is available in the  
10 course. Efforts must be made under this subsection to serve all stu-  
11 dents regardless of the community college district that serves the  
12 students.

13 “(4) Except as provided by subsection (5) of this section, a student  
14 participating in an accelerated college credit program may not be re-  
15 quired to pay any expenses, including charges for tuition, fees and  
16 instructional materials, imposed by a post-secondary institution of  
17 education.

18 “(5) A student participating in an accelerated college credit program  
19 may be required to pay any of the following expenses that are:

20 “(a) Imposed by an entity that is neither a school district nor a  
21 post-secondary institution of education, including examination costs.

22 “(b) Incurred for courses that are in excess of the three college-  
23 level courses or nine quarter hours of college-level courses that a  
24 school district is required to provide under subsection (2) of this sec-  
25 tion. A school district may charge a minimal fee per course for  
26 college-level courses that are in excess of the requirement under sub-  
27 section (2) of this section.

28 “(6) Each school district that provides an accelerated college credit  
29 program shall collaborate with a post-secondary institution of educa-  
30 tion to ensure that:

1       “(a) Courses offered through an accelerated college credit program  
2 meet the institution’s standards for transferable credits;

3       “(b) Students receive technical assistance in applying for admission  
4 and financial aid at a post-secondary institution of education; and

5       “(c) Students receive instructional support and other nonmonetary  
6 support that are targeted to improve the success of the students at a  
7 post-secondary institution of education.

8       “SECTION 3. Notwithstanding ORS 340.300, a school district that  
9 did not provide an accelerated college credit program at each high  
10 school in the school district during the 2014-2015 school year is not  
11 required to first comply with the requirements of ORS 340.300 until the  
12 2016-2017 school year.

13       “SECTION 4. ORS 340.305 is amended to read:

14       “340.305. [(1) As used in this section:]

15       “[(a) ‘Accelerated learning entity’ means an entity that:]

16       “[(A) Assists school districts and high schools in providing accelerated  
17 learning options that lead to college credit; or]

18       “[(B) Provides standardized testing related to accelerated learning options  
19 that lead to college credit.]

20       “[(b) ‘Accelerated learning options’ has the meaning given that term in  
21 rules adopted by the State Board of Education.]

22       “(1) As used in this section, ‘accelerated college credit program en-  
23 tity’ means an entity that:

24       “(a) Assists school districts in providing accelerated college credit  
25 programs required under ORS 340.300; or

26       “(b) Provides standardized testing, including examinations, related  
27 to accelerated college credit programs.

28       “(2) For the purpose of assisting school districts [*and high schools in in-  
29 creasing the availability of accelerated learning options*] **offering accelerated  
30 college credit programs**, the Superintendent of Public Instruction shall

1 make available the information described in subsections (3) and (4) of this  
2 section.

3 “(3) To the extent that [*accelerated learning entities*] **accelerated college**  
4 **credit program entities** provide information to the Superintendent of Pub-  
5 lic Instruction about resources and the various means for offering or pro-  
6 viding access to [*accelerated learning options*] **accelerated college credit**  
7 **programs**, the superintendent shall ensure that the information is published  
8 on the website of the Department of Education and is updated annually.

9 “(4) To the extent that [*accelerated learning entities*] **accelerated college**  
10 **credit program entities** provide information to the Superintendent of Pub-  
11 lic Instruction about [*accelerated learning options*] **accelerated college**  
12 **credit programs** made available by [*high schools*] **school districts**, the su-  
13 perintendent shall ensure that each [*high school*] **school district** that offers  
14 or provides access to [*accelerated learning options in three or fewer subjects*]  
15 **courses through accelerated college credit programs** is contacted annu-  
16 ally and is provided with information about resources and the various means  
17 for offering or providing access to [*accelerated learning options*] **accelerated**  
18 **college credit programs**.

19 “**SECTION 5.** ORS 340.310, as amended by section 1, chapter 23, Oregon  
20 Laws 2014, is amended to read:

21 “340.310. [(1) *The Higher Education Coordinating Commission shall de-*  
22 *velop statewide standards for dual credit programs to be implemented by pub-*  
23 *lic high schools, community colleges and public universities listed in ORS*  
24 *352.002. The standards must establish the manner by which:]*

25 “(1) **The Higher Education Coordinating Commission, in consulta-**  
26 **tion with the State Board of Education, shall provide statewide stan-**  
27 **dards for accelerated college credit programs that do not have**  
28 **nationally established standards. The standards must be implemented**  
29 **by school districts and post-secondary institutions of education and**  
30 **must establish the manner by which:**

1       “(a) A student in any grade from 9 through 12 may, upon completion of  
2 a course, earn course credit both for high school and for [*a community college*  
3 *or public university; and*] **general education or career and technical ed-**  
4 **ucation at a post-secondary institution of education.**

5       “(b) [*Teachers of courses that are part of a dual credit program will work*  
6 *together to determine*] **Faculty at post-secondary institutions of educa-**  
7 **tion will collaborate with teachers in school districts to ensure** the  
8 quality of the **accelerated college credit** program and [*to ensure*] the  
9 alignment of the content, objectives and outcomes of individual courses.

10       “(c) **Teachers of courses that are part of an accelerated college**  
11 **credit program must be approved by a post-secondary institution of**  
12 **education based on a process established by the Higher Education Co-**  
13 **ordinating Commission, in consultation with the State Board of Edu-**  
14 **cation. The process must:**

15       “(A) **Result in the same outcome regardless of the approving post-**  
16 **secondary institution of education; and**

17       “(B) **Identify teaching criteria specific to entry-level courses that**  
18 **are part of an accelerated college credit program and that are offered**  
19 **as required by ORS 340.300 (2)(a).**

20       “(d) **Payment for accelerated college credit programs is distributed**  
21 **by school districts to high schools and to post-secondary institutions**  
22 **of education, including designating acceptable uses of moneys received**  
23 **from the State School Fund for accelerated college credit programs**  
24 **and establishing a minimum rate and a maximum rate for payment**  
25 **to a post-secondary institution of education for an accelerated college**  
26 **credit program.**

27       “(2) Each [*public high school, community college and public university*]  
28 **school district and post-secondary institution of education** that provides  
29 [*a dual credit program*] **an accelerated college credit program** must im-  
30 plement the statewide standards [*developed*] **adopted** under subsection (1) of

1 this section and must annually review the program to ensure compli-  
2 ance with the standards.

3 “[(3) Each school district, community college and public university that  
4 provides a dual credit program shall submit an annual report to the Higher  
5 Education Coordinating Commission on the academic performance of students  
6 enrolled in a dual credit program. The Higher Education Coordinating Com-  
7 mission shall establish the required contents of the report, which must provide  
8 sufficient information to allow the commission to determine the quality of the  
9 dual credit program.]

10 “(3)(a) Each school district and post-secondary institution of edu-  
11 cation that provides an accelerated college credit program shall submit  
12 to the Higher Education Coordinating Commission a biennial report  
13 on the academic performance of students participating in the program  
14 and the participation level of underrepresented students in the pro-  
15 gram. A school district must provide a separate report for each high  
16 school in the school district.

17 “(b) The Higher Education Coordinating Commission shall establish  
18 the required contents of the report required by this subsection. The  
19 report must provide sufficient information to allow the commission to  
20 determine the quality of the program and to document progress to-  
21 ward meeting the mission described in ORS 351.009.

22 “(c) For purposes of the report required by this subsection, the  
23 commission shall identify the characteristics of underrepresented stu-  
24 dents.

25 “(4) Based on the reports submitted under subsection (3) of this  
26 section, the Higher Education Coordinating Commission shall submit  
27 a biennial report to the Governor, the legislative committees on edu-  
28 cation and the State Board of Education.

29 “**SECTION 6.** ORS 340.320 is amended to read:

30 “340.320. [(1) As used in this section, ‘accelerated college credit programs’



1 *includes dual credit programs, two-plus-two programs, advanced placement*  
2 *programs and International Baccalaureate programs.]*

3 “[2] (1) The Department of Education shall administer a grant program  
4 that provides grants for the purposes of:

5 “(a) Providing education or training to teachers who will provide or are  
6 providing instruction in accelerated college credit programs;

7 “(b) Assisting students in paying for [*books,*] **instructional** materials and  
8 other costs[, *other than test fees,*] related to accelerated college credit pro-  
9 grams **that are incurred by a student for courses that are in excess of**  
10 **three college-level courses or nine quarter hours of college-level**  
11 **courses;** and

12 “(c) Providing classroom supplies for accelerated college credit programs.

13 “[3] (2) Any school district, [*community college district or state institu-*  
14 *tion of higher education in this state*] **education service district or post-**  
15 **secondary institution of education** may individually or jointly apply for  
16 a grant under this section.

17 “[4] (3) If a grant is awarded for the purpose of providing education or  
18 training to teachers who will provide or are providing instruction in an ac-  
19 celerated college credit program:

20 “(a) The amount of the grant may not exceed one-third of the total cost  
21 of the education or training; and

22 “(b) The department may award the grant on the condition that the  
23 teacher, school district, [*community college district and state institution of*  
24 *higher education*] **education service district and post-secondary institu-**  
25 **tion of education** pay the balance of the cost of the education or training  
26 in a proportion agreed to by the teacher, [*districts*] **the district** and **the in-**  
27 **stitution.**

28 “[5] (4) For the purposes described in subsection [(2)] (1) of this section,  
29 the department may:

30 “(a) Accept contributions of funds and assistance from the United States

1 Government and its agencies or from any other source, public or private, and  
2 agree to conditions placed on the funds not inconsistent with the purposes  
3 of subsection [(2)] (1) of this section; and

4 “(b) Enter into agreements with school districts, [*community college dis-*  
5 *tricts and state institutions of higher education*] **education service districts**  
6 **and post-secondary institutions of education** related to the funding to  
7 provide education or training to teachers who will provide or are providing  
8 instruction in an accelerated college credit program.

9 “[(6)] (5) All funds received by the department under this section shall  
10 be paid into the **Supplemental** Accelerated College Credit Account estab-  
11 lished under ORS 340.330 to be used for the purposes described in subsection  
12 [(2)] (1) of this section.

13 **“SECTION 7.** ORS 340.330 is amended to read:

14 “340.330. The **Supplemental** Accelerated College Credit Account is es-  
15 tablished in the State Treasury, separate and distinct from the General Fund.  
16 Interest earned by the **Supplemental** Accelerated College Credit Account  
17 shall be credited to the account. Moneys in the **Supplemental** Accelerated  
18 College Credit Account are continuously appropriated to the Department of  
19 Education for the purposes described in ORS 340.320 [(2)] (1).

20 **“SECTION 8.** Section 9 of this 2015 Act is added to and made a part  
21 of ORS 340.300 to 340.330.

22 **“SECTION 9.** (1) **The Oregon Education Investment Board shall**  
23 **identify model programs and best practices for a school district to**  
24 **implement to encourage the students of the school district to partic-**  
25 **ipate in an accelerated college credit program and enroll in a post-**  
26 **secondary institution of education. The board may identify programs**  
27 **and practices tailored for students with specific backgrounds or char-**  
28 **acteristics.**

29 **“(2) Each school district shall annually inform the parents of its**  
30 **students in grades 9 through 12 of the availability and transferability**

1 **of accelerated college credit program credits, including the student**  
2 **eligibility requirements and the financial and academic benefits of**  
3 **earning college credit while in high school.**

4 **“SECTION 10.** Section 9 of this 2015 Act is amended to read:

5 **“Sec. 9.** (1) The [*Oregon Education Investment Board*] **State Board of**  
6 **Education** shall identify model programs and best practices for a school  
7 district to implement to encourage the students of the school district to  
8 participate in an accelerated college credit program and enroll in a post-  
9 secondary institution of education. The board may identify programs and  
10 practices tailored for students with specific backgrounds or characteristics.

11 “(2) Each school district shall annually inform the parents of its students  
12 in grades 9 through 12 of the availability and transferability of accelerated  
13 college credit program credits, including the student eligibility requirements  
14 and the financial and academic benefits of earning college credit while in  
15 high school.

16 **“SECTION 11.** Section 10, chapter 519, Oregon Laws 2011, as amended  
17 by section 1, chapter 37, Oregon Laws 2012, section 5, chapter 286, Oregon  
18 Laws 2013, section 89, chapter 624, Oregon Laws 2013, section 9, chapter 660,  
19 Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section 5,  
20 chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013,  
21 and section 6, chapter 778, Oregon Laws 2013, is amended to read:

22 **“Sec. 10.** (1) Sections 1, 2, 3, 5 and 7, chapter 519, Oregon Laws 2011, are  
23 repealed on March 15, 2016.

24 “(2) The amendments to [*section 2 of this 2013 Act*] **ORS 342.208** by section  
25 **4, chapter 286, Oregon Laws 2013,** [*of this 2013 Act*] become operative on  
26 March 15, 2016.

27 “(3) The amendments to ORS 326.021 by section 88, **chapter 624, Oregon**  
28 **Laws 2013,** [*of this 2013 Act*] become operative on March 15, 2016.

29 “(4) The amendments to [*sections 1, 2, 3 and 4 of this 2013 Act*] **ORS**  
30 **327.800, 327.810, 327.815 and 327.820** by sections 5, 6, 7 and 8, **chapter 660,**

1 **Oregon Laws 2013**, [of this 2013 Act] become operative on March 15, 2016.

2 “(5) The amendments to [section 1 of this 2013 Act] **ORS 342.950** by section  
3 **2, chapter 661, Oregon Laws 2013**, [of this 2013 Act] become operative on  
4 March 15, 2016.

5 “(6) The amendments to [section 1 of this 2013 Act] **ORS 326.500** by section  
6 **4, chapter 739, Oregon Laws 2013**, [of this 2013 Act] become operative on  
7 March 15, 2016.

8 “(7) The amendments to [section 7 of this 2013 Act] **ORS 327.380** by section  
9 **8, chapter 739, Oregon Laws 2013**, [of this 2013 Act] become operative on  
10 March 15, 2016.

11 “(8) The amendments to ORS 342.443 by section 5, **chapter 778, Oregon**  
12 **Laws 2013**, [of this 2013 Act] become operative on March 15, 2016.

13 “**(9) The amendments to section 9 of this 2015 Act by section 10 of**  
14 **this 2015 Act become operative on March 15, 2016.**

15 “[~~(9)~~ **(10)**] The amendments to [section 1 of this 2013 Act] **ORS 326.500** by  
16 section 6, **chapter 739, Oregon Laws 2013**, [of this 2013 Act] become oper-  
17 ative on July 1, 2025.

18 “**SECTION 12.** ORS 338.115 is amended to read:

19 “338.115. (1) Statutes and rules that apply only to school district boards,  
20 school districts or other public schools do not apply to public charter  
21 schools. However, the following laws do apply to public charter schools:

22 “(a) Federal law;

23 “(b) ORS 30.260 to 30.300 (tort claims);

24 “(c) ORS 192.410 to 192.505 (public records law);

25 “(d) ORS 192.610 to 192.690 (public meetings law);

26 “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

27 “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

28 “(g) ORS 326.565, 326.575 and 326.580 (student records);

29 “(h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records  
30 checks);

1 “(i) ORS 329.045 (academic content standards and instruction);  
2 “(j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
3 and alternative certificate);  
4 “(k) The statewide assessment system developed by the Department of  
5 Education for mathematics, science and English under ORS 329.485 (2);  
6 “(L) ORS 337.150 (textbooks);  
7 “(m) ORS 339.119 (consideration for educational services);  
8 “(n) ORS 339.141, 339.147 and 339.155 (tuition and fees);  
9 “(o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);  
10 “(p) ORS 339.326 (notice concerning students subject to juvenile court  
11 petitions);  
12 “(q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and  
13 sexual conduct and training on prevention and identification of abuse and  
14 sexual conduct);  
15 “(r) ORS chapter 657 (Employment Department Law);  
16 “(s) ORS 659.850, 659.855 and 659.860 (discrimination);  
17 “(t) Any statute or rule that establishes requirements for instructional  
18 time provided by a school during each day or during a year;  
19 “(u) Statutes and rules that expressly apply to public charter schools;  
20 “(v) Statutes and rules that apply to a special government body, as de-  
21 fined in ORS 174.117, or a public body, as defined in ORS 174.109;  
22 “(w) Health and safety statutes and rules;  
23 “(x) Any statute or rule that is listed in the charter;  
24 “(y) ORS 336.840 (use of personal electronic devices); [*and*]  
25 “(z) **ORS 340.300 to 340.330 (accelerated college credit programs); and**  
26 “[*z*] **(aa)** This chapter.  
27 “(2) Notwithstanding subsection (1) of this section, a charter may specify  
28 that statutes and rules that apply only to school district boards, school dis-  
29 tricts and other public schools may apply to a public charter school.  
30 “(3) If a statute or rule applies to a public charter school, then the terms

1 'school district' and 'public school' include public charter school as those  
2 terms are used in that statute or rule.

3 "(4) A public charter school may not violate the Establishment Clause of  
4 the First Amendment to the United States Constitution or section 5, Article  
5 I of the Oregon Constitution, or be religion based.

6 "(5)(a) A public charter school shall maintain an active enrollment of at  
7 least 25 students.

8 "(b) For a public charter school that provides educational services under  
9 a cooperative agreement described in ORS 338.080, the public charter school  
10 is in compliance with the requirements of this subsection if the public  
11 charter school provides educational services under the cooperative agreement  
12 to at least 25 students, without regard to the school districts in which the  
13 students are residents.

14 "(6) A public charter school may sue or be sued as a separate legal entity.

15 "(7) The sponsor, members of the governing board of the sponsor acting  
16 in their official capacities and employees of a sponsor acting in their official  
17 capacities are immune from civil liability with respect to all activities re-  
18 lated to a public charter school within the scope of their duties or employ-  
19 ment.

20 "(8) A public charter school may enter into contracts and may lease fa-  
21 cilities and services from a school district, education service district, public  
22 university listed in ORS 352.002, other governmental unit or any person or  
23 legal entity.

24 "(9) A public charter school may not levy taxes or issue bonds under  
25 which the public incurs liability.

26 "(10) A public charter school may receive and accept gifts, grants and  
27 donations from any source for expenditure to carry out the lawful functions  
28 of the school.

29 "(11) The school district in which the public charter school is located  
30 shall offer a high school diploma, a modified diploma, an extended diploma

1 or an alternative certificate to any public charter school student who meets  
2 the district's and state's standards for a high school diploma, a modified di-  
3 ploma, an extended diploma or an alternative certificate.

4 “(12) A high school diploma, a modified diploma, an extended diploma or  
5 an alternative certificate issued by a public charter school grants to the  
6 holder the same rights and privileges as a high school diploma, a modified  
7 diploma, an extended diploma or an alternative certificate issued by a non-  
8 chartered public school.

9 “(13) Prior to beginning operation, the public charter school shall show  
10 proof of insurance to the sponsor as specified in the charter.

11 “(14) A public charter school may receive services from an education  
12 service district in the same manner as a nonchartered public school in the  
13 school district in which the public charter school is located.

14 **“SECTION 13.** ORS 338.115, as amended by section 7, chapter 839, Oregon  
15 Laws 2007, section 12, chapter 50, Oregon Laws 2008, section 4, chapter 618,  
16 Oregon Laws 2009, section 3, chapter 53, Oregon Laws 2010, section 3, chap-  
17 ter 94, Oregon Laws 2011, section 118, chapter 637, Oregon Laws 2011, section  
18 5, chapter 682, Oregon Laws 2011, section 10, chapter 92, Oregon Laws 2012,  
19 section 7, chapter 98, Oregon Laws 2013, section 14, chapter 265, Oregon  
20 Laws 2013, and section 9, chapter 267, Oregon Laws 2013, is amended to read:

21 “338.115. (1) Statutes and rules that apply only to school district boards,  
22 school districts or other public schools do not apply to public charter  
23 schools. However, the following laws do apply to public charter schools:

24 “(a) Federal law;

25 “(b) ORS 30.260 to 30.300 (tort claims);

26 “(c) ORS 192.410 to 192.505 (public records law);

27 “(d) ORS 192.610 to 192.690 (public meetings law);

28 “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

29 “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

30 “(g) ORS 326.565, 326.575 and 326.580 (student records);

1 “(h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records  
2 checks);  
3 “(i) ORS 329.045 (academic content standards and instruction);  
4 “(j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
5 and alternative certificate);  
6 “(k) ORS 329.496 (physical education);  
7 “(L) The statewide assessment system developed by the Department of  
8 Education for mathematics, science and English under ORS 329.485 (2);  
9 “(m) ORS 337.150 (textbooks);  
10 “(n) ORS 339.119 (consideration for educational services);  
11 “(o) ORS 339.141, 339.147 and 339.155 (tuition and fees);  
12 “(p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);  
13 “(q) ORS 339.326 (notice concerning students subject to juvenile court  
14 petitions);  
15 “(r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and  
16 sexual conduct and training on prevention and identification of abuse and  
17 sexual conduct);  
18 “(s) ORS chapter 657 (Employment Department Law);  
19 “(t) ORS 659.850, 659.855 and 659.860 (discrimination);  
20 “(u) Any statute or rule that establishes requirements for instructional  
21 time provided by a school during each day or during a year;  
22 “(v) Statutes and rules that expressly apply to public charter schools;  
23 “(w) Statutes and rules that apply to a special government body, as de-  
24 fined in ORS 174.117, or a public body, as defined in ORS 174.109;  
25 “(x) Health and safety statutes and rules;  
26 “(y) Any statute or rule that is listed in the charter;  
27 “(z) ORS 336.840 (use of personal electronic devices); [and]  
28 “(aa) **ORS 340.300 to 340.330 (accelerated college credit programs);**  
29 **and**  
30 “[aa] **(bb)** This chapter.



1       “(2) Notwithstanding subsection (1) of this section, a charter may specify  
2 that statutes and rules that apply only to school district boards, school dis-  
3 tricts and other public schools may apply to a public charter school.

4       “(3) If a statute or rule applies to a public charter school, then the terms  
5 ‘school district’ and ‘public school’ include public charter school as those  
6 terms are used in that statute or rule.

7       “(4) A public charter school may not violate the Establishment Clause of  
8 the First Amendment to the United States Constitution or section 5, Article  
9 I of the Oregon Constitution, or be religion based.

10       “(5)(a) A public charter school shall maintain an active enrollment of at  
11 least 25 students.

12       “(b) For a public charter school that provides educational services under  
13 a cooperative agreement described in ORS 338.080, the public charter school  
14 is in compliance with the requirements of this subsection if the public  
15 charter school provides educational services under the cooperative agreement  
16 to at least 25 students, without regard to the school districts in which the  
17 students are residents.

18       “(6) A public charter school may sue or be sued as a separate legal entity.

19       “(7) The sponsor, members of the governing board of the sponsor acting  
20 in their official capacities and employees of a sponsor acting in their official  
21 capacities are immune from civil liability with respect to all activities re-  
22 lated to a public charter school within the scope of their duties or employ-  
23 ment.

24       “(8) A public charter school may enter into contracts and may lease fa-  
25 cilities and services from a school district, education service district, public  
26 university listed in ORS 352.002, other governmental unit or any person or  
27 legal entity.

28       “(9) A public charter school may not levy taxes or issue bonds under  
29 which the public incurs liability.

30       “(10) A public charter school may receive and accept gifts, grants and

1 donations from any source for expenditure to carry out the lawful functions  
2 of the school.

3 “(11) The school district in which the public charter school is located  
4 shall offer a high school diploma, a modified diploma, an extended diploma  
5 or an alternative certificate to any public charter school student who meets  
6 the district’s and state’s standards for a high school diploma, a modified di-  
7 ploma, an extended diploma or an alternative certificate.

8 “(12) A high school diploma, a modified diploma, an extended diploma or  
9 an alternative certificate issued by a public charter school grants to the  
10 holder the same rights and privileges as a high school diploma, a modified  
11 diploma, an extended diploma or an alternative certificate issued by a non-  
12 chartered public school.

13 “(13) Prior to beginning operation, the public charter school shall show  
14 proof of insurance to the sponsor as specified in the charter.

15 “(14) A public charter school may receive services from an education  
16 service district in the same manner as a nonchartered public school in the  
17 school district in which the public charter school is located.

18 **“SECTION 14.** ORS 338.025 is amended to read:

19 “338.025. (1) The State Board of Education may adopt any rules necessary  
20 for the implementation of this chapter. The rules shall follow the intent of  
21 this chapter.

22 “(2) Upon application by a public charter school, the State Board of Ed-  
23 ucation may grant a waiver of any provision of this chapter if the waiver  
24 promotes the development of programs by providers, enhances the equitable  
25 access by underserved families to the public education of their choice, ex-  
26 tends the equitable access to public support by all students or permits high  
27 quality programs of unusual cost. The State Board of Education may not  
28 waive any appeal provision in this chapter or any provision under ORS  
29 338.115 (1)(a) to [(y)] (z), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

30 **“SECTION 15.** ORS 338.025, as amended by section 8, chapter 839, Oregon

1 Laws 2007, section 14, chapter 50, Oregon Laws 2008, section 5, chapter 53,  
2 Oregon Laws 2010, section 4, chapter 72, Oregon Laws 2010, section 5, chap-  
3 ter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws 2011, section  
4 27, chapter 718, Oregon Laws 2011, section 9, chapter 98, Oregon Laws 2013,  
5 and section 16, chapter 265, Oregon Laws 2013, is amended to read:

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

9 “(2) Upon application by a public charter school, the State Board of Ed-  
10 ucation may grant a waiver of any provision of this chapter if the waiver  
11 promotes the development of programs by providers, enhances the equitable  
12 access by underserved families to the public education of their choice, ex-  
13 tends the equitable access to public support by all students or permits high  
14 quality programs of unusual cost. The State Board of Education may not  
15 waive any appeal provision in this chapter or any provision under ORS  
16 338.115 (1)(a) to [(z)] (**aa**), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

17 “**SECTION 16.** ORS 337.150 is amended to read:

18 “337.150. (1) Subject to ORS 339.155, each district school board shall pro-  
19 vide [*textbooks*] **instructional materials**, prescribed or authorized by law,  
20 for free use by all resident public school [*pupils*] **students** enrolled in  
21 kindergarten through grade 12.

22 “(2) Subject to ORS 339.155, each public charter school, as defined in ORS  
23 338.005, shall provide [*textbooks*] **instructional materials**, prescribed or au-  
24 thorized by law, for free use by all [*pupils*] **students** enrolled in the public  
25 charter school.

26 “(3) **Instructional materials required for an accelerated college**  
27 **credit program, as defined in section 1 of this 2015 Act, must be pro-**  
28 **vided to students in the same manner that instructional materials are**  
29 **provided to students under subsections (1) and (2) of this section, ex-**  
30 **cept that the instructional materials do not need to be on a list**

1 adopted under ORS 337.050, 337.120 or 337.141 and do not need to meet  
2 any of the guidelines and criteria for the review and selection of in-  
3 structional materials that are established under ORS 337.035.

4 **“SECTION 17.** Sections 18 and 19 of this 2015 Act are added to and  
5 made a part of ORS 340.300 to 340.330.

6 **“SECTION 18.** (1) In addition to any state moneys distributed to  
7 school districts and post-secondary institutions of education, the De-  
8 partment of Education shall distribute moneys to school districts and  
9 post-secondary institutions of education for costs incurred for accel-  
10 erated college credit programs.

11 **“(2)** Distributions under this section shall be as follows:

12 **“(a)** For college-level courses provided as required under ORS  
13 340.300:

14 **“(A)** \$10 to a school district for each quarter hour of high school  
15 credit earned by a student for a college-level course, for a maximum  
16 of nine quarter hours per student; and

17 **“(B)** \$10 to a post-secondary institution of education for each quar-  
18 ter hour of high school credit earned by a student for a college-level  
19 course provided by the institution or a faculty member of the institu-  
20 tion, for a maximum of nine quarter hours per student.

21 **“(b)** For college-level courses provided as required under ORS  
22 340.300 that are career and technical education, as determined by the  
23 Department of Education based on rules adopted by the State Board  
24 of Education, \$10 to a school district for each quarter hour of high  
25 school credit earned by a student for a career and technical education  
26 college-level course, for a maximum of nine quarter hours per student.  
27 Amounts distributed as provided by this paragraph are in addition to  
28 amounts distributed as provided by paragraph (a)(A) of this sub-  
29 section.

30 **“(c)** For college-level courses provided as required under ORS

1 340.300 to underserved students, as determined by the Department of  
2 Education based on rules adopted by the State Board of Education in  
3 consultation with the Higher Education Coordinating Commission, \$10  
4 to a school district for each quarter hour of high school credit earned  
5 by an underserved student for a college-level course, for a maximum  
6 of nine quarter hours per student. Amounts distributed as provided  
7 by this paragraph are in addition to amounts distributed as provided  
8 by paragraphs (a)(A) and (b) of this subsection.

9 “(d) For advanced placement programs and International  
10 Baccalaureate programs, \$20 to a school district for each student en-  
11 rolled in the program to be used for textbooks of the program.

12 “(e) For advanced placement programs and International  
13 Baccalaureate programs provided to underserved students, as deter-  
14 mined by the Department of Education based on rules adopted by the  
15 State Board of Education in consultation with the Higher Education  
16 Coordinating Commission, \$10 to a school district for each quarter  
17 hour of high school credit earned by an underserved student, for a  
18 maximum of nine quarter hours per student. Amounts distributed as  
19 provided by this paragraph are in addition to amounts distributed as  
20 provided by paragraph (d) of this subsection.

21 “(3) The State Board of Education shall establish by rule:

22 “(a) The form and timelines by which a school district or institution  
23 of higher education shall submit requests for distributions under this  
24 section; and

25 “(b) The methods and timelines for making distributions under this  
26 section.

27 “(4) If the total amount to be distributed as provided by this section  
28 exceeds the amount available for distribution, the Department of Ed-  
29 ucation shall pay in full the amounts to be distributed as provided by  
30 subsection (2)(c) and (e) of this section and prorate the amounts

1 available for distribution under subsection (2)(a), (b) and (d) of this  
2 section.

3 **“SECTION 19.** The Accelerated College Credit Account is estab-  
4 lished in the State Treasury, separate and distinct from the General  
5 Fund. Interest earned by the Accelerated College Credit Account shall  
6 be credited to the account. Moneys in the account are continuously  
7 appropriated to the Department of Education for the purposes de-  
8 scribed in section 18 of this 2015 Act.

9 **“SECTION 20.** In addition to and not in lieu of any other appropri-  
10 ation, there is appropriated to the Department of Education, for the  
11 biennium beginning July 1, 2015, out of the General Fund, the amount  
12 of \$15 million, which shall be deposited in the Accelerated College  
13 Credit Account established by section 19 of this 2015 Act.

14 **“SECTION 21.** In addition to and not in lieu of any other appropri-  
15 ation, there is appropriated to the Department of Education, for the  
16 biennium beginning July 1, 2015, out of the General Fund, the amount  
17 of \$\_\_\_\_\_, which may be expended for the grant program described  
18 in ORS 340.320.

19 **“SECTION 22.** This 2015 Act being necessary for the immediate  
20 preservation of the public peace, health and safety, an emergency is  
21 declared to exist, and this 2015 Act takes effect July 1, 2015.”.

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