

# House Bill 4091

Sponsored by Representatives MCLAIN, BUCKLEY; Representatives DOHERTY, GALLEGOS, GOMBERG, TAYLOR, Senators MONROE, RILEY (Presession filed.)

## 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**.

Directs Department of Education to conduct study related to virtual public charter schools.  
Imposes additional requirements on virtual public charter schools.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to virtual public charter schools; creating new provisions; amending ORS 338.120; and de-  
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS chapter 338.**

6 **SECTION 2. (1) The Department of Education shall conduct a study of virtual public  
7 charter schools that:**

8 (a) **Operate under this chapter; and**

9 (b) **Have a student enrollment that consists of less than 50 percent of students from the  
10 school district within which the virtual public charter school is located.**

11 (2) **The study conducted under this section must include:**

12 (a) **An evaluation of the financial management of each virtual public charter school de-  
13 scribed in subsection (1) of this section, including:**

14 (A) **The services provided by the virtual public charter school to the students of the  
15 school;**

16 (B) **The expenses related to the provision of the services identified in subparagraph (A)  
17 of this paragraph; and**

18 (C) **The amount of all public revenues directly or indirectly received by the virtual public  
19 charter school;**

20 (b) **An evaluation of the proper oversight that should be provided to a virtual public  
21 charter school to ensure that the school implements quality education practices and a de-  
22 termination of whether each virtual public charter school described in subsection (1) of this  
23 section provides the proper oversight;**

24 (c) **An evaluation of the appropriateness of a sponsor of a virtual public charter school,  
25 based on the resources of the school district, and a determination of whether each virtual  
26 public charter school described in subsection (1) of this section has an appropriate sponsor;**

27 (d) **An evaluation of the appropriateness of the financial agreements between a sponsor  
28 and a virtual public charter school, based on the size of the school, whether the educational  
29 services of the virtual public charter school are provided through a contract and whether  
30 students receive any education in a physical location, and a determination of whether each**

**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 **virtual public charter school described in subsection (1) of this section has an appropriate**  
 2 **financial agreement; and**

3 **(e) Any other issues identified by the Superintendent of Public Instruction.**

4 **(3) All public charter schools and agencies of state government, as defined in ORS**  
 5 **174.111, are directed to assist the department in the performance of its duties and, to the**  
 6 **extent permitted by laws related to confidentiality, to furnish such information and advice**  
 7 **as the department considers necessary to perform its duties.**

8 **(4) The department shall submit a report on the results of the study described in sub-**  
 9 **section (1) of this section to the interim legislative committees on education no later than**  
 10 **October 15, 2016.**

11 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**  
 12 **ated to the Department of Education, for the biennium beginning July 1, 2015, out of the**  
 13 **General Fund, the amount of \$100,000, which may be expended for the study described in**  
 14 **section 2 of this 2016 Act.**

15 **SECTION 4.** ORS 338.120 is amended to read:

16 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a  
 17 virtual public charter school must have:

18 (a) A plan for academic achievement that addresses how the school will improve student learn-  
 19 ing and meet academic content standards required by ORS 329.045, **and an annual evaluation of**  
 20 **the school's ability to implement the plan.**

21 (b) Performance criteria the school will use to measure the progress of the school in meeting  
 22 the academic performance goals set by the school for *[its first five years of operation]* **each term**  
 23 **of the charter for the school.**

24 (c) A plan for implementing the proposed education program of the school by directly and sig-  
 25 nificantly involving parents and guardians of students enrolled in the school and involving the pro-  
 26 fessional employees of the school, **and an annual evaluation of the school's ability to implement**  
 27 **the plan.**

28 (d) A budget, business plan and governance plan for the operation of the school.

29 (e) In the charter of the school, a requirement that the school:

30 (A) Monitor and track student progress and attendance; and

31 (B) Provide student assessments in a manner that ensures that an individual student is being  
 32 assessed and that the assessment is valid.

33 (f) Notwithstanding ORS 338.135 (7), a *[plan to]* **requirement that the school** ensure that:

34 (A) All superintendents, assistant superintendents and principals of the school are licensed to  
 35 administer by the Teacher Standards and Practices Commission; and

36 (B) Teachers who are licensed to teach by the Teacher Standards and Practices Commission and  
 37 who are highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L. 107-110,  
 38 115 Stat. 1425) teach at least 95 percent of the school's instructional hours.

39 (g) A *[plan]* **requirement** for maintaining student records and school records, including financial  
 40 records, at a designated central office of operations that is located:

41 (A) If the sponsor is a school district, within the school district that is the sponsor and as  
 42 specified in the charter of the school; or

43 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as  
 44 specified in the charter of the school.

45 (h) A *[plan]* **requirement** to provide equitable access to the education program of the school

1 by ensuring that each student enrolled in the school:

2 (A) Has access to and use of computer and printer equipment as needed;

3 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-  
4 imburse the parent or guardian of the student, at a rate set by the school, for the costs of obtaining  
5 Internet service at the minimum connection speed required to effectively access the education pro-  
6 gram provided by the school; or

7 (C) Has access to and use of computer and printer equipment and is offered Internet service cost  
8 reimbursement.

9 (i) A *[plan]* **requirement** to provide access to computer and printer equipment and the Internet  
10 service cost reimbursement as described in paragraph (h) of this subsection by students enrolled in  
11 the school who are from families that qualify as low-income under Title I of the federal Elementary  
12 and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

13 (j) A *[plan]* **requirement** to conduct school-sponsored optional educational events at least six  
14 times each school year at locations selected to provide convenient access to all students enrolled  
15 in the school who want to participate.

16 (k) A *[plan]* **requirement** to conduct meetings at least twice a week between teachers and stu-  
17 dents enrolled in the school, either in person or through the use of conference calls or other tech-  
18 nology.

19 (L) A *[plan]* **requirement** to provide opportunities for face-to-face meetings between teachers  
20 and students enrolled in the school at least six times each school year.

21 (m) A *[plan]* **requirement** to provide, at the time of a student's enrollment, written notice to the  
22 sponsor and, if different, to the school district where the student is a resident. Notification must  
23 be provided within 10 days after enrollment and must include:

24 (A) The name, age and address of the student; and

25 (B) The name of the school in which the student was formerly enrolled.

26 (n) A *[plan]* **requirement** to provide, at the time of a student's withdrawal for a reason other  
27 than graduation from high school, written notice to the sponsor and, if different, to the school dis-  
28 trict where the student is a resident. Notification must be provided within 10 days after withdrawal  
29 and must include:

30 (A) The name, age and address of the student;

31 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in  
32 which the student will enroll, if known to the virtual public charter school; and

33 (C) The last day on which the student was enrolled at the virtual public charter school.

34 (o) *[An agreement]* **A requirement** to provide a student's education records to the student's  
35 resident school district or to the sponsor, upon request of the resident school district or sponsor.

36 (2) For a virtual public charter school:

37 (a) A person who is a member of the school district board for the sponsor of the virtual public  
38 charter school may not be:

39 (A) An employee of the virtual public charter school;

40 (B) A member of the governing body of the virtual public charter school; or

41 (C) An employee or other representative of any third-party entity with which the virtual public  
42 charter school has entered into a contract to provide educational services.

43 (b) A person who is a member of the governing body of the virtual public charter school may  
44 not be an employee of a third-party entity with which the virtual public charter school has entered,  
45 or intends to enter, into a contract to provide educational services.

1 (3) If a virtual public charter school enters into a contract with a third-party entity to provide  
2 educational services for the virtual public charter school:

3 (a) No employee or member of the governing board of the third-party entity may attend an  
4 executive session of the school district board of the school district that is the sponsor of the virtual  
5 public charter school;

6 (b) An employee of the virtual public charter school may not promote the sale or benefits of  
7 private supplemental services or classes offered by the third-party entity;

8 (c) The educational services provided by the third-party entity must be consistent with state  
9 standards and requirements, and must be changed on the same timelines that changes are imposed  
10 on the nonvirtual public charter schools of this state; and

11 (d) The virtual public charter school must have on file the third-party entity's budget for the  
12 provision of educational services and that budget must itemize:

13 (A) The salaries of supervisory and management personnel and consultants who are providing  
14 educational or related services for a public charter school in this state; and

15 (B) The annual operating expenses and profit margin of the third-party entity for providing ed-  
16 ucational services to a public charter school in this state.

17 (4)(a) The sponsor or a member of the public may request access to any of the documents de-  
18 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS  
19 192.410 to 192.505.

20 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must  
21 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section  
22 that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided  
23 electronically.

24 **SECTION 5. (1) The amendments to ORS 338.120 by section 4 of this 2016 Act become**  
25 **operative on July 1, 2016.**

26 **(2) The amendments to ORS 338.120 by section 4 of this 2016 Act first apply to the**  
27 **2016-2017 school year.**

28 **SECTION 6.** ORS 338.120, as amended by section 4 of this 2016 Act, is amended to read:

29 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a  
30 virtual public charter school must have:

31 (a) A plan for academic achievement that addresses how the school will improve student learn-  
32 ing and meet academic content standards required by ORS 329.045, and an annual evaluation of the  
33 school's ability to implement the plan.

34 (b) Performance criteria the school will use to measure the progress of the school in meeting  
35 the academic performance goals set by the school for each term of the charter for the school.

36 (c) A plan for implementing the proposed education program of the school by directly and sig-  
37 nificantly involving parents and guardians of students enrolled in the school and involving the pro-  
38 fessional employees of the school, and an annual evaluation of the school's ability to implement the  
39 plan.

40 (d) A budget, business plan and governance plan for the operation of the school.

41 (e) In the charter of the school, a requirement that the school:

42 (A) Monitor and track student progress and attendance; and

43 (B) Provide student assessments in a manner that ensures that an individual student is being  
44 assessed and that the assessment is valid.

45 (f) Notwithstanding ORS 338.135 (7), a requirement that the school ensure that:

1 (A) All superintendents, assistant superintendents and principals of the school are licensed to  
 2 administer by the Teacher Standards and Practices Commission; and

3 (B) Teachers who are licensed to teach by the Teacher Standards and Practices Commission and  
 4 who are highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L. 107-110,  
 5 115 Stat. 1425) teach at least 95 percent of the school’s instructional hours.

6 (g) A requirement for maintaining student records and school records, including financial re-  
 7 cords, at a designated central office of operations that is located:

8 (A) If the sponsor is a school district, within the school district that is the sponsor and as  
 9 specified in the charter of the school; or

10 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as  
 11 specified in the charter of the school.

12 (h) A requirement to provide equitable access to the education program of the school by ensur-  
 13 ing that each student enrolled in the school:

14 (A) Has access to and use of computer and printer equipment as needed;

15 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-  
 16 imbursees the parent or guardian of the student, at a rate set by the school, for the costs of obtaining  
 17 Internet service at the minimum connection speed required to effectively access the education pro-  
 18 gram provided by the school; or

19 (C) Has access to and use of computer and printer equipment and is offered Internet service cost  
 20 reimbursement.

21 (i) A requirement to provide access to computer and printer equipment and the Internet service  
 22 cost reimbursement as described in paragraph (h) of this subsection by students enrolled in the  
 23 school who are from families that qualify as low-income under Title I of the federal Elementary and  
 24 Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

25 (j) A requirement to conduct school-sponsored optional educational events at least six times  
 26 each school year at locations selected to provide convenient access to all students enrolled in the  
 27 school who want to participate.

28 (k) A requirement to conduct meetings at least twice a week between teachers and students  
 29 enrolled in the school, either in person or through the use of conference calls or other technology.

30 (L) A requirement to provide opportunities for face-to-face meetings between teachers and stu-  
 31 dents enrolled in the school at least six times each school year.

32 (m) A requirement to provide, at the time of a student’s enrollment, written notice to the spon-  
 33 sor and, if different, to the school district where the student is a resident. Notification must be  
 34 provided within 10 days after enrollment and must include:

35 (A) The name, age and address of the student; and

36 (B) The name of the school in which the student was formerly enrolled.

37 (n) A requirement to provide, at the time of a student’s withdrawal for a reason other than  
 38 graduation from high school, written notice to the sponsor and, if different, to the school district  
 39 where the student is a resident. Notification must be provided within 10 days after withdrawal and  
 40 must include:

41 (A) The name, age and address of the student;

42 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in  
 43 which the student will enroll, if known to the virtual public charter school; and

44 (C) The last day on which the student was enrolled at the virtual public charter school.

45 (o) A requirement to provide a student’s education records to the student’s resident school dis-

1 trict or to the sponsor, upon request of the resident school district or sponsor.

2 (2) For a virtual public charter school:

3 (a) A person who is a member of the school district board for the sponsor of the virtual public  
4 charter school may not be:

5 (A) An employee of the virtual public charter school;

6 (B) A member of the governing body of the virtual public charter school; or

7 (C) An employee or other representative of any third-party entity with which the virtual public  
8 charter school has entered into a contract to provide educational services.

9 (b) A person who is a member of the governing body of the virtual public charter school may  
10 not be an employee of a third-party entity with which the virtual public charter school has entered,  
11 or intends to enter, into a contract to provide educational services.

12 **(c) In addition to any other requirements for the governing body of a virtual public**  
13 **charter school, the governing body of a virtual public charter school that has a student en-**  
14 **rollment that consists of less than 50 percent of students from the school district within**  
15 **which the virtual public charter school is located must:**

16 **(A) Be elected by the parents of the students enrolled at the virtual public charter school**  
17 **for terms specified in the charter of the school; and**

18 **(B) Include at least five members.**

19 (3) If a virtual public charter school enters into a contract with a third-party entity to provide  
20 educational services for the virtual public charter school:

21 (a) No employee or member of the governing board of the third-party entity may attend an  
22 executive session of the school district board of the school district that is the sponsor of the virtual  
23 public charter school;

24 (b) An employee of the virtual public charter school may not promote the sale or benefits of  
25 private supplemental services or classes offered by the third-party entity;

26 (c) The educational services provided by the third-party entity must be consistent with state  
27 standards and requirements, and must be changed on the same timelines that changes are imposed  
28 on the nonvirtual public charter schools of this state; and

29 (d) The virtual public charter school must have on file the third-party entity's budget for the  
30 provision of educational services and that budget must itemize:

31 (A) The salaries of supervisory and management personnel and consultants who are providing  
32 educational or related services for a public charter school in this state; and

33 (B) The annual operating expenses and profit margin of the third-party entity for providing ed-  
34 ucational services to a public charter school in this state.

35 (4)(a) The sponsor or a member of the public may request access to any of the documents de-  
36 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS  
37 192.410 to 192.505.

38 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must  
39 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section  
40 that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided  
41 electronically.

42 **SECTION 7. The amendments to ORS 338.120 by section 6 of this 2016 Act become oper-**  
43 **ative on July 1, 2018.**

44 **SECTION 8. This 2016 Act being necessary for the immediate preservation of the public**  
45 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**

1 **on its passage.**

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