

House Bill 4119

Sponsored by Representatives NEARMAN, PARRISH; Senator KNOPP

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**.

Removes sunset on provisions that allow students whose legal residence is not within school district to attend school in district as resident if student receives written consent.

Removes sunset on authority of institution of higher education to sponsor public charter school.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sunsets in education laws; creating new provisions; amending ORS 338.055, 338.075,
3 339.127 and 339.133; repealing section 12, chapter 695, Oregon Laws 2011, sections 21 and 22,
4 chapter 718, Oregon Laws 2011, and section 11, chapter 781, Oregon Laws 2015; and declaring
5 an emergency.

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

7 **SECTION 1. (1) Section 21, chapter 718, Oregon Laws 2011, as amended by section 9,**
8 **chapter 434, Oregon Laws 2013, is repealed.**

9 **(2) Section 22, chapter 718, Oregon Laws 2011, is repealed.**

10 **(3) Section 11, chapter 781, Oregon Laws 2015, is repealed.**

11 **SECTION 2. ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, is**
12 **amended to read:**

13 339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, children between the
14 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
15 parents, their guardians or persons in parental relationship to them reside.

16 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
17 of the school district for such reasons as attending college, military service, hospital confinement
18 or employment away from home shall be considered resident in the district in which their parents,
19 their guardians or persons in parental relationship to them reside.

20 (c) Persons living temporarily in a school district for the primary purpose of attending a district
21 school may not be considered resident in the district in which they are living temporarily, but shall
22 be considered resident in the district in which they, their parents, their guardians or persons in
23 parental relationship to them reside.

24 (2) Individuals considered legally emancipated from their parents shall be considered resident
25 in the district in which they actually reside, irrespective of the residence of their parents, their
26 guardians or persons in parental relationship.

27 (3) Children placed by public or private agencies who are living in licensed, certified or ap-
28 proved substitute care programs shall be considered resident in the school district in which they
29 reside because of placement by a public or private agency.

30 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is

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 in a child's best interest to continue to attend the school that the child attended prior to placement
 2 by a public agency, the child:

3 (A) Shall be considered resident for school purposes in the school district in which the child
 4 resided prior to the placement; and

5 (B) May continue to attend the school the child attended prior to the placement through the
 6 highest grade level of the school.

7 (b) The public agency that has placed the child shall be responsible for providing the child with
 8 transportation to and from school when the need for transportation is due to the placement by the
 9 public agency.

10 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 11 designated for the specific purpose of providing a child with transportation to and from school under
 12 this subsection.

13 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 14 within the district but who attend school in the district are considered residents in the district in
 15 which the persons attend school if those persons receive:

16 (a) Written consent from both of the affected district school boards as provided by policies
 17 adopted by the boards[.]; or

18 (b) **Written consent from the district school board for the district in which the school is**
 19 **located as provided by section 9, chapter 718, Oregon Laws 2011.**

20 (6)(a) **Children who are foreign exchange students and who are residing in Oregon in a**
 21 **dormitory operated by a school district are considered to be residents of the school district**
 22 **in which the dormitory is located.**

23 (b) **For the purpose of this subsection:**

24 (A) **A child may not be considered to be a foreign exchange student for more than one**
 25 **school year.**

26 (B) **A child may be considered to be a resident of a school district as provided by this**
 27 **subsection only if, for the 2010-2011 school year, the school district had foreign exchange**
 28 **students who would have been considered residents under the provisions of this subsection.**

29 (C) **The number of children who may be considered residents under the provisions of this**
 30 **subsection may not increase relative to the number who would have been considered resi-**
 31 **dents under the provisions of this subsection for the 2010-2011 school year.**

32 (c) **As used in this subsection, "foreign exchange student" means a student who attends**
 33 **school in Oregon under a cultural exchange program and whose parent, guardian or person**
 34 **in parental relationship resides in another country.**

35 [(6)] (7) For the purposes of this section:

36 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
 37 sides in the same household as the child, interacts with the child daily, provides the child with food,
 38 clothing, shelter and incidental necessities and provides the child with necessary care, education
 39 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
 40 or other written delegation of parental responsibilities if the person does not have other evidence
 41 of a parental relationship.

42 (b) "Substitute care program" means family foster care, family group home care, parole foster
 43 care, family shelter care, adolescent shelter care and professional group care.

44 **SECTION 3.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sec-
 45 tion 2 of this 2016 Act, is amended to read:

1 339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this section, children between
 2 the ages of 4 and 18 shall be considered resident for school purposes in the school district in which
 3 their parents, their guardians or persons in parental relationship to them reside.

4 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
 5 of the school district for such reasons as attending college, military service, hospital confinement
 6 or employment away from home shall be considered resident in the district in which their parents,
 7 their guardians or persons in parental relationship to them reside.

8 (c) Persons living temporarily in a school district for the primary purpose of attending a district
 9 school may not be considered resident in the district in which they are living temporarily, but shall
 10 be considered resident in the district in which they, their parents, their guardians or persons in
 11 parental relationship to them reside.

12 (2) Individuals considered legally emancipated from their parents shall be considered resident
 13 in the district in which they actually reside, irrespective of the residence of their parents, their
 14 guardians or persons in parental relationship.

15 (3) Children placed by public or private agencies who are living in licensed, certified or ap-
 16 proved substitute care programs shall be considered resident in the school district in which they
 17 reside because of placement by a public or private agency.

18 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
 19 in a child's best interest to continue to attend the school that the child attended prior to placement
 20 by a public agency, the child:

21 (A) Shall be considered resident for school purposes in the school district in which the child
 22 resided prior to the placement; and

23 (B) May continue to attend the school the child attended prior to the placement through the
 24 highest grade level of the school.

25 (b) The public agency that has placed the child shall be responsible for providing the child with
 26 transportation to and from school when the need for transportation is due to the placement by the
 27 public agency.

28 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 29 designated for the specific purpose of providing a child with transportation to and from school under
 30 this subsection.

31 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 32 within the district but who attend school in the district are considered residents in the district in
 33 which the persons attend school if those persons receive:

34 (a) Written consent from both of the affected district school boards as provided by policies
 35 adopted by the boards; or

36 (b) Written consent from the district school board for the district in which the school is located
 37 as provided by section 9, chapter 718, Oregon Laws 2011.

38 [(6)(a) *Children who are foreign exchange students and who are residing in Oregon in a dormitory*
 39 *operated by a school district are considered to be residents of the school district in which the dormitory*
 40 *is located.*]

41 [(b) *For the purpose of this subsection:*]

42 [(A) *A child may not be considered to be a foreign exchange student for more than one school*
 43 *year.*]

44 [(B) *A child may be considered to be a resident of a school district as provided by this subsection*
 45 *only if, for the 2010-2011 school year, the school district had foreign exchange students who would have*

1 *been considered residents under the provisions of this subsection.]*

2 *[(C) The number of children who may be considered residents under the provisions of this sub-*
3 *section may not increase relative to the number who would have been considered residents under the*
4 *provisions of this subsection for the 2010-2011 school year.]*

5 *[(c) As used in this subsection, "foreign exchange student" means a student who attends school in*
6 *Oregon under a cultural exchange program and whose parent, guardian or person in parental re-*
7 *lationship resides in another country.]*

8 [(7)] (6) For the purposes of this section:

9 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
10 sides in the same household as the child, interacts with the child daily, provides the child with food,
11 clothing, shelter and incidental necessities and provides the child with necessary care, education
12 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
13 or other written delegation of parental responsibilities if the person does not have other evidence
14 of a parental relationship.

15 (b) "Substitute care program" means family foster care, family group home care, parole foster
16 care, family shelter care, adolescent shelter care and professional group care.

17 **SECTION 4. (1) The amendments to ORS 339.133 by section 3 of this 2016 Act become**
18 **operative on July 1, 2017.**

19 **(2) The amendments to ORS 339.133 by section 3 of this 2016 Act first apply to the**
20 **2017-2018 school year.**

21 **SECTION 5.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
22 chapter 5, Oregon Laws 2014, and section 2, chapter 499, Oregon Laws 2015, is amended to read:

23 339.127. (1) A district school board that admits nonresident students by giving consent as de-
24 scribed in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, ethnicity, na-
25 tional origin, disability, health, whether a student has an individualized education program, the
26 terms of an individualized education program, income level, residence, proficiency in the English
27 language, athletic ability or academic records when:

28 (a) Determining whether to give consent; or

29 (b) Establishing any terms of consent.

30 (2) A district school board that is considering whether to admit a nonresident student by giving
31 consent may require only the following information prior to deciding whether to give consent:

32 (a) The name, contact information, date of birth and grade level of the student;

33 (b) Information about whether the school district may be prevented or otherwise limited from
34 providing consent as provided by ORS 339.115 (8);

35 (c) Information about whether the student may be given priority as provided by subsection (4)
36 of this section; and

37 (d) Information about which schools the student prefers to attend.

38 (3)(a) A district school board that is considering whether to admit a nonresident student by
39 giving consent may not:

40 (A) Request or require any person to provide or have provided any of the following information
41 related to a student prior to the district school board deciding whether to give consent to the stu-
42 dent:

43 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national or-
44 igin, disability, health, whether a student has an individualized education program, the terms of an
45 individualized education program, income level, residence, proficiency in the English language or

1 athletic ability; or

2 (ii) Academic records, including eligibility for or participation in a talented and gifted program
3 or special education and related services.

4 (B) Request or require the student to participate in an interview, to tour any of the schools or
5 facilities of the school district or to otherwise meet with any representatives of a school or a school
6 district prior to the district school board deciding whether to give consent to the student.

7 (C) Request any information used to supplement the information described in subsection (2) of
8 this section prior to deciding whether to give consent to the student.

9 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
10 facilities of a school district or from requesting or receiving any information from a school or the
11 school district.

12 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a) may limit the
13 number of students to whom consent is given. The district school board must make the determi-
14 nation whether to limit the number of students to whom consent is given by an annual date estab-
15 lished by the board.

16 (b) If the number of students seeking consent exceeds any limitations imposed by the district
17 school board, the board must give consent to students based on an equitable lottery selection pro-
18 cess. The process may give priority to students who:

19 (A) Have siblings currently enrolled in a school of the same school district for which the student
20 seeks admission;

21 (B) Previously had received consent as provided by subsection (10) of this section because of a
22 change in legal residence; or

23 (C) Attended a public charter school located in the same district for which the student seeks
24 admission for at least three consecutive years, completed the highest grade offered by the public
25 charter school and did not enroll in and attend school in another district following completion of
26 the highest grade offered by the public charter school.

27 (c) A district school board may revise the maximum number of students to whom consent will
28 be given at a time other than the annual date established by the board if there are no pending ap-
29 plications for consent.

30 (5) A district school board that is requested to give consent to allow a resident student to be
31 admitted by another school district as described in ORS 339.133 (5)(a) may not consider race, reli-
32 gion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an
33 individualized education program, the terms of an individualized education program, income level,
34 residence, proficiency in the English language, athletic ability or academic records when determin-
35 ing whether to give consent.

36 (6) If a district school board decides to not give consent to a student, the board must provide
37 a written explanation to the student.

38 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
39 scribed in ORS 339.133 (5)(a), a district school board may:

40 (A) Determine the length of time for which consent is given; and

41 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
42 but may not revoke consent for failure to meet standards for academics.

43 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
44 section, must be applied consistently among all students to whom consent is given. The length of
45 time for which consent is given shall not be affected by any changes in the legal residence of the

1 student if the student wishes to continue to attend the schools of the school district.

2 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
 3 quest consent from the same school district that revoked the consent for the school year following
 4 the school year in which the consent was revoked.

5 (8) For a resident student who receives consent to be admitted to another school district as
 6 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length
 7 of time for which consent is given to the student. The board may not require the student to receive
 8 consent more than one time to be admitted to the same school district, regardless of any time limi-
 9 tations imposed by the district school board under paragraph (a) of this subsection.

10 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 11 the school district may not expend moneys received from the State School Fund or as Local Re-
 12 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 13 tisements are:

14 (A) Located outside the boundaries of the school district, including advertisements that are
 15 made by signage or billboards; or

16 (B) Directed to nonresident students, including:

17 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 18 keting;

19 (ii) Television or radio advertisements; or

20 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
 21 the residents of the school district.

22 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
 23 boundaries of the school district, the school district may advertise openings for nonresident students
 24 on the property of the school.

25 (c) Nothing in this subsection:

26 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
 27 dents if the parents of the students request the information or advertisements.

28 (B) Prohibits a public charter school from advertising openings.

29 (10) Notwithstanding any other provision of this section, a district school board that is re-
 30 quested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose
 31 legal residence changes to a different school district:

32 (a) During the school year, to enable the student to complete the school year in the school dis-
 33 trict; or

34 (b) During the summer prior to the school year, to enable the student to complete the school
 35 year following the summer in the school district.

36 (11) Nothing in this section:

37 (a) Requires a district school board to admit students for whom priority may be given under
 38 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
 39 by consent.

40 (b) Prevents a district school board from denying admission to a nonresident student as provided
 41 by ORS 339.115 (8).

42 (c) Prevents a district school board from requesting information or giving consent to a student
 43 in the event of:

44 (A) An emergency to protect the health, safety or welfare of the student; or

45 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-

1 ucation.

2 (d) Prevents a district school board from establishing minimum standards for behavior and at-
 3 tendance that a student must maintain to remain enrolled in the schools of the school district.

4 **SECTION 6. Section 12, chapter 695, Oregon Laws 2011, as amended by section 30, chapter**
 5 **718, Oregon Laws 2011, is repealed.**

6 **SECTION 7.** ORS 338.055, as amended by section 10, chapter 695, Oregon Laws 2011, section
 7 4, chapter 265, Oregon Laws 2013, and section 5, chapter 327, Oregon Laws 2013, is amended to
 8 read:

9 338.055. (1)(a) Upon receipt of a proposal submitted under ORS 338.045, the school district board
 10 shall determine whether the proposal is complete. A proposal is complete if the proposal addresses,
 11 at least minimally, each element required by ORS 338.045 (2) and (3).

12 (b) The school district board shall notify an applicant within 30 days after receipt of a proposal
 13 if the proposal is not complete and identify the specific elements of the proposal that are not com-
 14 plete. The school district board shall provide the applicant with a reasonable opportunity to com-
 15 plete the proposal.

16 (c) A proposal may be disapproved if the applicant has received a reasonable opportunity to
 17 complete the proposal and the applicant does not provide a proposal that is complete.

18 (d) If the school district board disapproves a proposal as provided by paragraph (c) of this sub-
 19 section, the applicant may appeal the decision to the State Board of Education. The State Board of
 20 Education may review the proposal only for completeness and may determine that the proposal is:

21 (A) Not complete and uphold the decision of the school district board; or

22 (B) Complete and remand the proposal to the school district board for consideration.

23 (2) Within 60 days after receipt of a completed proposal, the school district board shall hold a
 24 public hearing on the provisions of the proposal.

25 (3) The school district board shall evaluate a proposal in good faith using the following criteria:

26 (a) The demonstrated, sustainable support for the public charter school by teachers, parents,
 27 students and other community members, including comments received at the public hearing held
 28 under subsection (2) of this section;

29 (b) The demonstrated financial stability of the public charter school, including the demonstrated
 30 ability of the school to have a sound financial management system that is in place at the time the
 31 school begins operating and that meets the requirements of ORS 338.095 (1);

32 (c) The capability of the applicant, in terms of support and planning, to provide comprehensive
 33 instructional programs to students pursuant to an approved proposal;

34 (d) The capability of the applicant, in terms of support and planning, to specifically provide,
 35 pursuant to an approved proposal, comprehensive instructional programs to students identified by
 36 the applicant as academically low achieving;

37 (e) The adequacy of the information provided as required by ORS 338.045 (2) and (3);

38 (f) Whether the value of the public charter school is outweighed by any directly identifiable,
 39 significant and adverse impact on the quality of the public education of students residing in the
 40 school district in which the public charter school will be located;

41 (g) Whether there are arrangements for any necessary special education and related services for
 42 children with disabilities pursuant to ORS 338.165;

43 (h) Whether there are alternative arrangements for students and for teachers and other school
 44 employees who choose not to attend or who choose not to be employed by the public charter school;
 45 and

1 (i) The prior history, if any, of the applicant in operating a public charter school or in providing
2 educational services.

3 (4) The school district board must approve a proposal or state in writing the reasons for disap-
4 proving a proposal within 30 days after the public hearing held under subsection (2) of this section.

5 (5)(a) Written notice of the school district board’s action shall be sent to the applicant. If the
6 proposal is not approved:

7 (A) The reasons for the denial and suggested remedial measures, if any, shall be clearly stated
8 in the notice sent by the school district board to the applicant; and

9 (B) The applicant may amend the proposal to address objections and any suggested remedial
10 measures and resubmit the proposal to the school district board.

11 (b) The school district board shall approve or disapprove the resubmitted proposal within 30
12 days after receiving it. If the proposal is not approved, the applicant may:

13 (A) Appeal the decision of the school district board to the State Board of Education[,] **as pro-**
14 **vided by ORS 338.075; or**

15 (B) **Submit a proposal to an institution of higher education as provided by ORS 338.075.**

16 (c) When the State Board of Education receives an appeal under this subsection, the board may
17 review the resubmitted proposal only to determine whether:

18 (A) The school district board used the process required by this section in denying the proposal;

19 (B) The proposal meets the criteria described in subsection (3) of this section; and

20 (C) The reasons stated by the school district board for the denial are valid.

21 (d) Following a review described in paragraph (c) of this subsection, the State Board of Educa-
22 tion may:

23 (A) Uphold the decision of the school district board to disapprove the proposal; or

24 (B) Remand the proposal to the school district board for reconsideration.

25 (6)(a) Individual elements in a public charter school proposal may be changed through the pro-
26 posal and chartering process by mutual agreement of the school district board and the applicant.

27 (b) If the school district board and the applicant are unable to agree on a change during the
28 proposal or chartering process, the school district board or the applicant may request mediation by
29 the State Board of Education.

30 (c) If the school district board and the applicant are unable to reach an agreement following
31 mediation as described in paragraph (b) of this subsection, the proposal submitted under ORS
32 338.045, without the change that was the subject of mediation, shall be the proposal that governs
33 the public charter school and:

34 (A) The parties may execute the charter for the public charter school based on the proposal;

35 (B) The applicant may withdraw the proposal; or

36 (C) The school district board may disapprove the proposal.

37 (7) Before an existing public school is converted to a public charter school, the proposal for the
38 conversion must be approved by the school district board of the public school.

39 (8) Entities described in ORS 338.005 (5) may not charge any fee to applicants for the proposal
40 process.

41 (9) Upon request by a school district, the State Board of Education may grant an extension of
42 any timeline required by this section if the district has good cause for requesting the extension.

43 **SECTION 8.** ORS 338.075, as amended by section 29, chapter 718, Oregon Laws 2011, section
44 5, chapter 91, Oregon Laws 2012, and section 6, chapter 265, Oregon Laws 2013, is amended to read:

45 338.075. (1) If a school district board disapproves a proposal to establish a public charter school

1 following reconsideration of a proposal pursuant to ORS 338.055 (5), the applicant may:

2 (a) Request that the State Board of Education review the decision of the school district
3 board[.]; **or**

4 **(b) Submit a proposal to an institution of higher education.**

5 (2)(a) If the State Board of Education reviews a decision of the school district board, as provided
6 by subsection (1) of this section, the State Board of Education may review the decision only to de-
7 termine whether:

8 (A) The school district board used the process required by ORS 338.055 in denying the proposal;

9 (B) The proposal meets the criteria described in ORS 338.055 (3); and

10 (C) The reasons stated by the school district board for the denial are valid.

11 (b) Following a review described in paragraph (a) of this subsection, the State Board of Educa-
12 tion may:

13 (A) Uphold the decision of the school district board to disapprove the proposal;

14 (B) Remand the proposal to the school district board for reconsideration if the school district
15 board and applicant agree to the remand; or

16 (C) Consider becoming the sponsor of the public charter school if the applicant agrees to the
17 sponsorship.

18 (3) An applicant may seek judicial review of an order of the State Board of Education pursuant
19 to ORS 183.484. If the court finds that the decision of the State Board of Education is not supported
20 by substantial evidence in the record, the court shall enter a judgment directing the State Board
21 of Education to sponsor the public charter school.

22 **(4)(a) An applicant seeking sponsorship by an institution of higher education may submit**
23 **to the institution of higher education the same proposal that was submitted to the school**
24 **district board under ORS 338.045 or a proposal that is modified to take into consideration the**
25 **characteristics of the institution of higher education evaluating the proposal under this**
26 **subsection.**

27 **(b) Upon receipt of a proposal, an institution of higher education may evaluate the pro-**
28 **posal. The institution of higher education shall:**

29 **(A) Approve or disapprove the proposal using the criteria described in ORS 338.055 (3)(b)**
30 **to (i) and approve the proposal only if the institution of higher education may become a**
31 **sponsor as provided by paragraphs (e) and (f) of this subsection; or**

32 **(B) Disapprove the proposal based on the institution's determination that the proposal**
33 **does not align with the mission of the institution of higher education.**

34 **(c)(A) The following decisions by an institution of higher education are final and not**
35 **subject to appeal:**

36 **(i) Whether to evaluate a proposal for a public charter school; and**

37 **(ii) The approval or disapproval of a proposal for a public charter school.**

38 **(B) The process by which an institution of higher education makes a decision described**
39 **in subparagraph (A) of this paragraph is not subject to appeal.**

40 **(d) Within 60 days after receiving a proposal, the institution of higher education must**
41 **approve the proposal or, if disapproving the proposal, state in writing the reasons for disap-**
42 **proving the proposal.**

43 [(4)(a)] **(e) An institution of higher education may [sponsor a public charter school] approve a**
44 **proposal evaluated under this subsection only if[.]**

45 [(A)] the main campus of the institution of higher education is located within 25 miles of the

1 proposed public charter school, based on the nearest traveled road. [; and]

2 [(B) *The institution of higher education first became a sponsor of the public charter school prior*
3 *to July 1, 2017.*]

4 [(b)] (f) An institution of higher education may sponsor only one public charter school in this
5 state, regardless of the number of campuses or locations of the institution of higher education.

6 [(c)] (g) If a public charter school has a sponsor that is an institution of higher education and
7 the public charter school enters into a contract with a third-party entity to provide educational
8 services for the public charter school:

9 (A) A member of the governing body of the public charter school or the governing body of the
10 sponsor may not be an employee of the third-party entity, be a member of the governing board of
11 the third-party entity or be any other representative of the third-party entity;

12 (B) An employee or a member of the governing board of the third-party entity may not attend
13 an executive session of the sponsor;

14 (C) An employee of the public charter school may not promote the sale or benefits of private
15 supplemental services or classes offered by the third-party entity; and

16 (D) The educational services provided by the third-party entity must comply with state standards
17 and requirements, and any provision of the contract with the third-party entity that does not allow
18 for the provision of educational services that comply with state standards and requirements is void.

19 **SECTION 9. This 2016 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
21 **on its passage.**

22