

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4091**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages  
2 2 through 7 and insert:

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

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

7 **“(a) Operate under this chapter; and**

8 **“(b) Have a student enrollment that consists of less than 50 percent**  
9 **of students from the school district within which the virtual public**  
10 **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**  
13 **public charter school described in subsection (1) of this section, in-**  
14 **cluding:**

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

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

19 **“(C) The amount of all public revenues directly or indirectly re-**  
20 **ceived by the virtual public charter school;**

21 **“(b) An evaluation of the proper oversight that should be provided**

1 to a virtual public charter school to ensure that the school implements  
2 quality education practices and a determination of whether each vir-  
3 tual public charter school described in subsection (1) of this section  
4 provides the proper oversight;

5 “(c) An evaluation of the sponsor of each virtual public charter  
6 school described in subsection (1) of this section to determine whether  
7 the sponsor has sufficient resources to ensure that the virtual public  
8 charter school complies with the provisions of the charter and this  
9 chapter;

10 “(d) An evaluation of the financial agreements between each virtual  
11 public charter school described in subsection (1) of this section and the  
12 school’s sponsor to determine whether, based on the size of the school,  
13 the agreements are fair, whether the educational services of the vir-  
14 tual public charter school are provided through a contract and  
15 whether students receive any education in a physical location; and

16 “(e) Any other issues identified by the Superintendent of Public  
17 Instruction.

18 “(3) All public charter schools and agencies of state government,  
19 as defined in ORS 174.111, are directed to assist the department in the  
20 performance of its duties and, to the extent permitted by laws related  
21 to confidentiality, to furnish such information and advice as the de-  
22 partment considers necessary to perform its duties.

23 “(4) The department shall submit a report on the results of the  
24 study described in subsection (1) of this section to the interim legis-  
25 lative committees on education no later than October 15, 2016.

26 “SECTION 3. In addition to and not in lieu of any other appropri-  
27 ation, there is appropriated to the Department of Education, for the  
28 biennium beginning July 1, 2015, out of the General Fund, the amount  
29 of \$100,000, which may be expended for the study described in section  
30 2 of this 2016 Act.

1       **“SECTION 4.** ORS 338.120 is amended to read:

2       “338.120. (1) In addition to any other requirements of this chapter for a  
3 public charter school, a virtual public charter school must have:

4       “(a) A plan for academic achievement that addresses how the school will  
5 improve student learning and meet academic content standards required by  
6 ORS 329.045, **and an annual evaluation of the school’s ability to imple-**  
7 **ment the plan.**

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

11       “(c) A plan for implementing the proposed education program of the  
12 school by directly and significantly involving parents and guardians of stu-  
13 dents enrolled in the school and involving the professional employees of the  
14 school, **and an annual evaluation of the school’s ability to implement**  
15 **the plan.**

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

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

19       “(A) Monitor and track student progress and attendance; and

20       “(B) Provide student assessments in a manner that ensures that an indi-  
21 vidual student is being assessed and that the assessment is valid.

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

24       “(A) All superintendents, assistant superintendents and principals of the  
25 school are licensed to administer by the Teacher Standards and Practices  
26 Commission; and

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

1 “(g) A *[plan]* **requirement** for maintaining student records and school  
2 records, including financial records, at a designated central office of oper-  
3 ations that is located:

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

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

8 “(h) A *[plan]* **requirement** to provide equitable access to the education  
9 program of the school by ensuring that each student enrolled in the school:

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

11 “(B) Is offered an Internet service cost reimbursement arrangement under  
12 which the school reimburses the parent or guardian of the student, at a rate  
13 set by the school, for the costs of obtaining Internet service at the minimum  
14 connection speed required to effectively access the education program pro-  
15 vided by the school; or

16 “(C) Has access to and use of computer and printer equipment and is of-  
17 fered Internet service cost reimbursement.

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

23 “(j) A *[plan]* **requirement** to conduct school-sponsored optional educa-  
24 tional events at least six times each school year at locations selected to  
25 provide convenient access to all students enrolled in the school who want  
26 to participate.

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

30 “(L) A *[plan]* **requirement** to provide opportunities for face-to-face

1 meetings between teachers and students enrolled in the school at least six  
2 times each school year.

3 “(m) A *[plan]* **requirement** to provide, at the time of a student’s enroll-  
4 ment, written notice to the sponsor and, if different, to the school district  
5 where the student is a resident. Notification must be provided within 10  
6 days after enrollment and must include:

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

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

9 “(n) A *[plan]* **requirement** to provide, at the time of a student’s with-  
10 drawal for a reason other than graduation from high school, written notice  
11 to the sponsor and, if different, to the school district where the student is  
12 a resident. Notification must be provided within 10 days after withdrawal  
13 and must include:

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

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

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

20 “(o) *[An agreement]* **A requirement** to provide a student’s education re-  
21 cords to the student’s resident school district or to the sponsor, upon request  
22 of the resident school district or sponsor.

23 “(2) For a virtual public charter school:

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

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

27 “(B) A member of the governing body of the virtual public charter school;

28 or

29 “(C) An employee or other representative of any third-party entity with  
30 which the virtual public charter school has entered into a contract to pro-

1 vide educational services.

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

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

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

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

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

19 “(d) The virtual public charter school must have on file the third-party  
20 entity’s budget for the provision of educational services and that budget must  
21 itemize:

22 “(A) The salaries of supervisory and management personnel and consult-  
23 ants who are providing educational or related services for a public charter  
24 school in this state; and

25 “(B) The annual operating expenses and profit margin of the third-party  
26 entity for providing educational services to a public charter school in this  
27 state.

28 “(4)(a) The sponsor or a member of the public may request access to any  
29 of the documents described in subsections (1) and (3)(d) of this section that  
30 are public records, as provided by ORS 192.410 to 192.505.

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

5       **“SECTION 5. (1) The amendments to ORS 338.120 by section 4 of this  
6 2016 Act become operative on July 1, 2016.**

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

9       **“SECTION 6. This 2016 Act being necessary for the immediate  
10 preservation of the public peace, health and safety, an emergency is  
11 declared to exist, and this 2016 Act takes effect on its passage.”.**

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