

Senate Bill 209

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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 provision that virtual public charter schools may contract with for-profit entity to provide educational services if employee is administrator and meets other requirements.

A BILL FOR AN ACT

1
2 Relating to employers of administrators of virtual public charter schools; amending ORS 338.135 and
3 section 8, chapter 327, Oregon Laws 2013.

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

5 **SECTION 1.** Section 8, chapter 327, Oregon Laws 2013, is amended to read:

6 **Sec. 8.** The amendments to ORS 338.135 by section 7 [*of this 2013 Act*], **chapter 327, Oregon**
7 **Laws 2013**, become operative on [*July 1, 2018*] **the effective date of this 2017 Act.**

8 **SECTION 2.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, and section
9 5, chapter 647, Oregon Laws 2015, is amended to read:

10 338.135. (1) Employee assignment to a public charter school shall be voluntary.

11 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
12 ployer of any employees of the public charter school. If a school district board is not the sponsor
13 of the public charter school, the school district board may not be the employer of the employees of
14 the public charter school and the school district board may not collectively bargain with the em-
15 ployees of the public charter school. The public charter school governing body shall control the
16 selection of employees at the public charter school.

17 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
18 with a for-profit entity to provide educational services through the virtual public charter school, the
19 for-profit entity may not be the employer of any employees of the virtual public charter school[.]
20 **unless:**

21 **(A) The employee is an administrator who does not have any teaching responsibilities;**
22 **and**

23 **(B) Both the executive officer of the sponsor and the public charter school governing**
24 **body approve employment by the for-profit entity. The executive officer or governing body**
25 **may choose to grant approval under this subparagraph:**

26 **(i) For all employees of the for-profit entity who meet the description in subparagraph**
27 **(A) of this paragraph;**

28 **(ii) Based on the job categories of the employees who meet the description in subpara-**
29 **graph (A) of this paragraph; or**

30 **(iii) On a case-by-case basis for each employee who meets the description in subpara-**

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 **graph (A) of this paragraph.**

2 (3) The school district board of the school district within which the public charter school is lo-
 3 cated shall grant a leave of absence to any employee who chooses to work in the public charter
 4 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
 5 board policy. However, the length of the leave of absence may not be less than two years unless:

6 (a) The charter of the public charter school is terminated or the public charter school is dis-
 7 solved or closed during the leave of absence; or

8 (b) The employee and the school district board have mutually agreed to a different length of
 9 time.

10 (4) An employee of a public charter school operating within a school district who is granted a
 11 leave of absence from the school district and returns to employment with the school district shall
 12 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
 13 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of
 14 a public charter school not operating within the school district may make provisions for the return
 15 of the employee to employment with the school district.

16 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a
 17 public employer and as such shall participate in the Public Employees Retirement System.

18 (6) For teacher licensing, employment experience in public charter schools shall be considered
 19 equivalent to experience in public schools.

20 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
 21 registered to administer by the Teacher Standards and Practices Commission.

22 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
 23 to teach by the commission.

24 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
 25 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
 26 the commission pursuant to ORS 342.125.

27 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
 28 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
 29 of a labor organization or organize with other employees to bargain collectively. Bargaining units
 30 at the public charter school may be separate from other bargaining units of the sponsor or of the
 31 school district in which the public charter school is located. Employees of a public charter school
 32 may be part of the bargaining units of the sponsor or of the school district in which the public
 33 charter school is located.

34 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter
 35 school in a collective bargaining agreement.

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