

HB 3413-2
(LC 4374)
4/6/17 (HRL/ps)

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3413**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “creating new provisions; amending ORS 332.158; and declaring
3 an emergency.”.

4 Delete lines 4 through 30 and insert:

5 **“SECTION 1.** ORS 332.158 is amended to read:

6 “332.158. (1) A district school board may lease, purchase, construct, re-
7 construct, improve, repair, equip or furnish a school in another school dis-
8 trict and may expend bond proceeds or other funds available to the board for
9 such purposes if [*the board has the written permission of*] the district school
10 board of the school district in which the school will be located **has taken**
11 **action to grant permission to the board.** The [*written permission*] **action**
12 required by this subsection must [*be obtained*] **occur** prior to the first day
13 on which students will attend classes in the school.

14 “(2)(a) **Except as provided by paragraph (b) of this subsection,** a
15 public charter school may lease, purchase, construct, reconstruct, improve,
16 repair, equip or furnish a school, or any other facility where students receive
17 instruction, in another school district and may expend funds available to the
18 public charter school for such purposes if the public charter school provides
19 written notice to the sponsor of the public charter school and [*to*] **if** the
20 district school board of the school district in which the school or facility
21 will be located **has taken action to grant permission to the board.** The

1 written notice **and the action** required by this [subsection] **paragraph** must
2 be provided **or occur** prior to the first day on which students will attend
3 classes in the school or receive instruction at the facility.

4 **“(b) A virtual public charter school may lease, purchase, construct,**
5 **reconstruct, improve, repair, equip or furnish testing facilities in an-**
6 **other school district and may expend funds available to the virtual**
7 **public charter school for such purposes if the virtual public charter**
8 **school provides written notice to the sponsor of the virtual public**
9 **charter school and to the district school board of the school district**
10 **in which the testing facilities will be located. The written notice re-**
11 **quired by this paragraph must be provided prior to the first day on**
12 **which students will use the testing facility.**

13 **“(3) If a district school board or public charter school opens or operates**
14 **a school or facility in another school district and does not obtain the [writ-**
15 **ten] permission required by subsection (1) or (2)(a) of this section or provide**
16 **the written notice required by subsection (2)(b) of this section, the board of**
17 **the school district in which the school or facility has been opened or oper-**
18 **ated may file a complaint with the Superintendent of Public Instruction.**
19 **Upon receipt of a complaint, the superintendent shall schedule a contested**
20 **case hearing pursuant to ORS 183.413 to 183.470.**

21 **“(4) Upon a determination that the [written] permission required by sub-**
22 **section (1) or (2)(a) of this section was not obtained or the written notice**
23 **required by subsection (2)(b) of this section was not provided, the super-**
24 **intendent shall withhold State School Fund moneys otherwise allocated to**
25 **the school district or due to the public charter school under ORS 338.155.**
26 **The superintendent shall withhold moneys until the [written] permission is**
27 **obtained or the written notice is provided, or until some other date deter-**
28 **mined by the superintendent.**

29 **“SECTION 2. The amendments to ORS 332.158 by section 1 of this**
30 **2017 Act apply to schools, or other facilities where students receive**

1 instruction, that are first leased, purchased, constructed, recon-
2 structed, improved, repaired, equipped or furnished on or after the
3 effective date of this 2017 Act.

4 **“SECTION 3. This 2017 Act being necessary for the immediate**
5 **preservation of the public peace, health and safety, an emergency is**
6 **declared to exist, and this 2017 Act takes effect July 1, 2017.”.**

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