

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 1522**

1 On page 1 of the printed bill, line 2, after “ORS” insert “338.135,”.

2 On page 7, after line 30, insert:

3 **“SECTION 6.** ORS 338.135 is amended to read:

4 “338.135. (1) Employee assignment to a public charter school shall be
5 voluntary.

6 “(2)(a) A public charter school or the sponsor of the public charter school
7 is considered the employer of any employees of the public charter school. If
8 a school district board is not the sponsor of the public charter school, the
9 school district board may not be the employer of the employees of the public
10 charter school and the school district board may not collectively bargain
11 with the employees of the public charter school. The public charter school
12 governing body shall control the selection of employees at the public charter
13 school.

14 “(b) If a virtual public charter school or the sponsor of a virtual public
15 charter school contracts with a for-profit entity to provide educational ser-
16 vices through the virtual public charter school, the for-profit entity may not
17 be the employer of any employees of the virtual public charter school unless:

18 “(A) The employee is an administrator who does not have any teaching
19 responsibilities; and

20 “(B) Both the executive officer of the sponsor and the public charter
21 school governing body approve employment by the for-profit entity. The

1 executive officer or governing body may choose to grant approval under this
2 subparagraph:

3 “(i) For all employees of the for-profit entity who meet the description in
4 subparagraph (A) of this paragraph;

5 “(ii) Based on the job categories of the employees who meet the de-
6 scription in subparagraph (A) of this paragraph; or

7 “(iii) On a case-by-case basis for each employee who meets the description
8 in subparagraph (A) of this paragraph.

9 “(3) The school district board of the school district within which the
10 public charter school is located shall grant a leave of absence to any em-
11 ployee who chooses to work in the public charter school. The length and
12 terms of the leave of absence shall be set by negotiated agreement or by
13 board policy. However, the length of the leave of absence may not be less
14 than two years unless:

15 “(a) The charter of the public charter school is terminated or the public
16 charter school is dissolved or closed during the leave of absence; or

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

19 “(4) An employee of a public charter school operating within a school
20 district who is granted a leave of absence from the school district and re-
21 turns to employment with the school district shall retain seniority and ben-
22 efits as an employee pursuant to the terms of the leave of absence.
23 Notwithstanding ORS 243.650 to 243.806, a school district that was the em-
24 ployer of an employee of a public charter school not operating within the
25 school district may make provisions for the return of the employee to em-
26 ployment with the school district.

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

30 “(b) **For purposes of determining the salary of an active member**

1 of the Public Employees Retirement System under ORS 238A.005 (17),
2 remuneration paid to a member in return for services to a public
3 charter school shall be treated as if it were includable in the member's
4 taxable income under Oregon law during a period of continuous em-
5 ployment with any public charter school if:

6 “(A) The member was hired in a qualifying position by a public
7 charter school on or after August 29, 2003, and on or before December
8 31, 2017;

9 “(B) The member was informed in writing by the public charter
10 school during the period of continuous employment that the member
11 was eligible to participate in the Public Employees Retirement System
12 and the public charter school made contributions to the system on the
13 member's behalf; and

14 “(C) The member resided and performed services in the United
15 States during the period of continuous employment.

16 “(c) As used in this subsection, ‘continuous employment’ means
17 employment with a public charter school that is not interrupted by a
18 period of more than 30 consecutive calendar days.

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

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

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

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

30 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-

1 sidered a school district for purposes of ORS 243.650 to 243.806. An employee
2 of a public charter school may be a member of a labor organization or or-
3 ganize with other employees to bargain collectively. Bargaining units at the
4 public charter school may be separate from other bargaining units of the
5 sponsor or of the school district in which the public charter school is lo-
6 cated. Employees of a public charter school may be part of the bargaining
7 units of the sponsor or of the school district in which the public charter
8 school is located.

9 “(9) An entity described in ORS 338.005 (4) may not waive the right to
10 sponsor a public charter school in a collective bargaining agreement.”

11 In line 31, delete “6” and insert “7”.

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