

D R A F T

SUMMARY

Requires governing body of public education provider to conduct self-assessment every two years. Requires, for each public education provider, that self-assessment be used to develop and refine professional learning plan for persons in leadership positions of public education provider. Prescribes requirements for professional learning plans.

Directs Department of Education to create and manage directory of persons qualified to provide professional learning and training, to create and manage fund for professional learning and training and to report biennially.

Directs Department of Education to establish advisory group on professional learning and training to assist public education providers with professional learning and training.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to training for persons in leadership positions of public education
3 providers; creating new provisions; amending ORS 332.005, 332.505,
4 334.090, 334.225, 338.045 and 338.095; and declaring an emergency.

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

6 **SECTION 1. (1) As used in this section and section 3 of this 2022**
7 **Act:**

8 (a) **“Governing body” means:**

9 (A) **For a school district, the school district board.**

10 (B) **For an education service district, the board of directors of the**
11 **education service district.**

12 (C) **For a public charter school, the governing body of the public**
13 **charter school.**

14 (b) **“Persons in leadership positions” means:**

1 (A) For a school district, the directors of the school district and the
2 superintendent of the school district.

3 (B) For an education service district, the directors of the education
4 service district and the superintendent of the education service dis-
5 trict.

6 (C) For a public charter school, the members of the governing body
7 of the public charter school and the principal or executive director of
8 the public charter school.

9 (c) “Public education provider” means a school district, an educa-
10 tion service district or a public charter school.

11 (2)(a) By September 1 of each odd-numbered year, the governing
12 body of a public education provider shall conduct a self-assessment.
13 The self-assessment shall be used to develop and refine a professional
14 learning plan described in subsection (3) of this section.

15 (b) A self-assessment may be conducted using a method developed
16 by a statewide representative of school district boards or a comparable
17 method selected by the governing body, but must:

18 (A) Focus on education equity and board governance practices that
19 are evidence-based and produce improved equitable outcomes;

20 (B) Include a review of any relevant data on student progress, ac-
21 cess and opportunity, with an emphasis on students from underserved
22 and underrepresented communities; and

23 (C) Include a review of improvement plans and budgets.

24 (3)(a) For each public education provider, the persons in leadership
25 positions shall develop or revise a professional learning plan. Profes-
26 sional learning plans must be reviewed and revised at least once every
27 two years, based on the self-assessment conducted under subsection
28 (2) of this section. The professional learning plan shall be for the
29 persons in leadership positions and shall be based on:

30 (A) The self-assessment conducted under subsection (2) of this sec-
31 tion;

1 **(B) Shared professional learning goals identified by the persons in**
2 **leadership positions; and**

3 **(C) Progress made on any previously developed professional learn-**
4 **ing plans.**

5 **(b) A professional learning plan shall address the following:**

6 **(A) Ongoing professional learning and training in education equity**
7 **and board governance that persons in leadership positions must com-**
8 **plete in order to support student success, with an emphasis on stu-**
9 **dents from underserved and underrepresented communities.**

10 **(B) Professional learning and training requirements for persons in-**
11 **terested in serving as the chairperson or the vice chairperson of the**
12 **governing body. The requirements do not need to be satisfied by a**
13 **person who has previously served as the chairperson or the vice**
14 **chairperson of the governing body. The requirements must be satis-**
15 **fied:**

16 **(i) Before a person becomes the chairperson or the vice chairperson**
17 **of the governing body; or**

18 **(ii) Within 90 days after becoming the chairperson or the vice**
19 **chairperson, if satisfying the requirements prior to assuming the po-**
20 **sition was not practicable.**

21 **(C) Professional learning and training requirements for new mem-**
22 **bers of the governing body of the public education provider, which**
23 **must be completed within 180 days after any elections or appoint-**
24 **ments.**

25 **(D) Any additional goals or elements identified by the persons in**
26 **leadership positions.**

27 **(c) A professional learning plan must be adopted by the governing**
28 **body at a public meeting no later than December 1 of each year.**

29 **(4) No later than July 1 of each year, the governing body of each**
30 **public education provider must produce a report on the implementa-**
31 **tion of the professional learning plan for the public education provider.**

1 The report must be presented at a public meeting of the governing
2 body and must be made available for public access.

3 **SECTION 2.** (1) Section 1 of this 2022 Act becomes operative on July
4 1, 2023.

5 (2)(a) Persons in leadership positions of public education providers
6 may take any action before the operative date specified in subsection
7 (1) of this section that is necessary to enable the persons to undertake
8 and exercise all of the duties, functions and powers conferred on the
9 persons by section 1 of this 2022 Act.

10 (b) Nothing in this subsection requires a member of the governing
11 body of a public education provider to satisfy any professional learning
12 and training requirements prescribed by section 1 (3)(b)(B)(ii) or (C)
13 of this 2022 Act prior to July 1, 2023. Calculations of the timeline re-
14 quired to complete professional learning and training shall be calcu-
15 lated based on the first day of the calculation being the later of:

16 (A) July 1, 2023; or

17 (B) The date of becoming the chairperson or the vice chairperson,
18 for purposes of section 1 (3)(b)(B)(ii) of this 2022 Act, or the date of
19 election or appointment, for purposes of section 1 (3)(b)(C) of this 2022
20 Act.

21 (3) Notwithstanding section 1 (2) of this 2022 Act, the governing
22 body of each public education provider must complete the first self-
23 assessment required under section 1 (2) of this 2022 Act no later than
24 November 1, 2023.

25 (4) Notwithstanding section 1 (3)(c) of this 2022 Act, the first pro-
26 fessional learning plan must be adopted by the governing body at a
27 public meeting no later than February 1, 2024.

28 (5) Notwithstanding section 1 (4) of this 2022 Act, the first report
29 required under section 1 (4) of this 2022 Act must be produced no later
30 than July 1, 2024.

31 **SECTION 3.** (1) The Department of Education shall manage a di-

1 **rectory of persons who are qualified to provide professional learning**
2 **and training that align with the requirements described in section 1**
3 **of this 2022 Act.**

4 **(2) The department shall create and manage a professional learning**
5 **and training fund that can accept public and private moneys to sup-**
6 **port public education providers with professional learning and train-**
7 **ing. The department must consider equity when distributing moneys**
8 **from the fund.**

9 **(3) Each biennium, the department shall submit a report to the in-**
10 **terim committees of the Legislative Assembly related to education.**
11 **The report shall summarize the results of the implementation of this**
12 **section.**

13 **(4) The State Board of Education may adopt any rules necessary for**
14 **the administration of this section.**

15 **SECTION 4. (1) The Department of Education shall establish an**
16 **advisory group on professional learning and training to assist public**
17 **education providers in complying with the requirements of section 1**
18 **of this 2022 Act.**

19 **(2) The advisory group established under this section shall consist**
20 **of:**

21 **(a) Representatives of organizations representing school board**
22 **members;**

23 **(b) Representatives of organizations representing school district**
24 **administrators;**

25 **(c) Representatives of organizations representing education service**
26 **districts;**

27 **(d) Representatives of public charter schools;**

28 **(e) Experts in professional learning and training for school board**
29 **members; and**

30 **(f) Students and stakeholders representing historically underserved**
31 **and underrepresented communities.**

1 **(3) Taking equity, civil rights and current research on school board**
2 **governance best practices into consideration, the advisory group shall**
3 **advise and support the department with:**

4 **(a) The development and adoption of resources, tools and templates**
5 **to provide professional learning and training related to education eq-**
6 **uity and board governance, including guidance with the self-**
7 **assessment required under section 1 of this 2022 Act.**

8 **(b) The development of a framework that can be used to support**
9 **the professional learning and training of persons in leadership posi-**
10 **tions, as defined in section 1 of this 2022 Act. The framework shall:**

11 **(A) Include recommendations made by the department for profes-**
12 **sional learning and training related to education equity and board**
13 **governance;**

14 **(B) Recommend minimum professional learning and training re-**
15 **quirements for newly elected and appointed members of the governing**
16 **body of a public education provider and for members interested in**
17 **servng as the chairperson or the vice chairperson;**

18 **(C) Recommend timelines, tools and templates to assist governing**
19 **bodies of public education providers in complying with the require-**
20 **ments of section 1 of this 2022 Act; and**

21 **(D) Assist persons in leadership positions with the development of**
22 **the following skills:**

23 **(i) Focusing on improving student progress, access, opportunity and**
24 **outcomes, with an emphasis on students from underserved and**
25 **underrepresented communities;**

26 **(ii) Embedding a consideration of equity into the development of**
27 **policies and practices to ensure policies and practices are equitable;**

28 **(iii) Prioritizing education equity and board governance;**

29 **(iv) Being aware of, and using, research and promising practices**
30 **when developing policies and practices;**

31 **(v) Using a continuous improvement approach and ongoing profes-**

1 **sional learning and training;**

2 **(vi) Aiming to foster stronger collaborations between all persons in**
3 **leadership positions of the public education provider; and**

4 **(vii) Supporting the development of professional learning goals,**
5 **plans and progress measures.**

6 **(c) The creation of a directory of persons who are qualified to pro-**
7 **vide professional learning and training that align with the goals of the**
8 **framework described in paragraph (b) of this subsection. For the di-**
9 **rectory, the advisory group must prescribe:**

10 **(A) The minimum requirements for being included in the directory;**

11 **(B) The process for being included in the directory; and**

12 **(C) The availability of the directory, which must be available online.**

13 **(4) The advisory group shall collaborate with the Department of**
14 **Education for the purposes of this section and shall make all resources**
15 **and recommendations available to public education providers no later**
16 **than January 30, 2023.**

17 **(5) The State Board of Education may adopt any rules necessary for**
18 **the administration of this section.**

19 **SECTION 5. Section 4 of this 2022 Act is repealed on September 30,**
20 **2023.**

21 **SECTION 6. ORS 332.005 is amended to read:**

22 332.005. (1) The directors of a school district in their official capacity
23 shall be known as the district school board.

24 (2) Directors must qualify by taking an oath of office before assuming the
25 duties of office.

26 **(3) Directors must comply with the training requirements provided**
27 **in section 1 of this 2022 Act.**

28 **SECTION 7. ORS 332.505 is amended to read:**

29 332.505. (1) As used in this section:

30 (a) "Instructional assistant" has the meaning given that term in ORS
31 342.120.

1 (b) "Intern teacher" means a regularly enrolled candidate of an approved
2 educator preparation provider, as defined in ORS 342.120, who teaches under
3 the supervision of the staff of the provider and of the employing district in
4 order to acquire practical experience in teaching and for which the candidate
5 receives both academic credit from the provider and financial compensation
6 from the school district or education service district.

7 (2) A district school board may:

8 (a) Employ a superintendent of schools and necessary assistant super-
9 intendants for the district and fix the terms and conditions of employment
10 and the compensation. The district school board shall not contract with a
11 superintendent for more than a period of three years at a time. The contract
12 shall automatically expire at the end of its term. However, the district school
13 board may elect to issue a subsequent contract for an additional three years
14 at any time.

15 (b) Employ personnel, including teachers and administrators, necessary
16 to carry out the duties and powers of the board and fix the duties, terms and
17 conditions of employment and the compensation.

18 (c) Compensate district employees in any form which may include, but
19 *[shall]* **may** not be limited to, insurance, tuition reimbursement and salaries.

20 (d) Employ instructional assistants and intern teachers subject to the
21 rules of the State Board of Education.

22 (3) The district school board shall maintain written personnel policies and
23 make the policies available for inspection by any school employee or member
24 of the public.

25 (4) The superintendent of the school district shall cause each employee
26 to be specifically informed of the existence and availability of the personnel
27 policies.

28 **(5) The superintendent must comply with the training requirements**
29 **provided in section 1 of this 2022 Act.**

30 **SECTION 8.** ORS 334.090 is amended to read:

31 334.090. Except as provided in ORS 255.400 to 255.424:

1 (1) The term of office of director of an education service district shall be
2 four years.

3 (2) The term of office of each director of an education service district
4 shall begin on July 1 next following the date of election. A director shall
5 serve until June 30 next following the election of a successor.

6 (3) A director of an education service district must qualify by taking an
7 oath of office before assuming the duties of office.

8 (4) A newly appointed director of an education service district shall take
9 office at the meeting of the education service district board next following
10 the appointment.

11 (5) A person is not eligible to serve as a director of an education service
12 district unless the person is an elector of the district and has resided therein
13 for a period of one year immediately preceding the election or appointment.

14 (6) No employee of an education service district is eligible to serve as a
15 director of the education service district by which the employee is employed.

16 **(7) A director of an education service district must comply with the**
17 **training requirements provided in section 1 of this 2022 Act.**

18 [(7)] **(8)** A regular district election shall be held in a district to fill any
19 vacancy and to elect a successor for any director whose term expires June
20 30 next following the election. A successor shall be elected as follows:

21 (a) If the director was elected from a zone established under ORS 334.032,
22 a successor from the same zone shall be elected by the electors of the zone.

23 (b) If the director was elected at large a successor shall be elected at
24 large by the electors of the district.

25 [(8)] **(9)** Notwithstanding subsection [(7)] **(8)** of this section, in any dis-
26 trict having a population of 550,000 or more according to the latest federal
27 census that becomes zoned according to ORS 334.032, the board shall deter-
28 mine prior to the nomination of school directors which positions shall be
29 from zones and which positions shall be at large.

30 [(9)] **(10)** Any vacancy on the board from any zone shall be filled by the
31 remaining directors from among the qualified persons in that zone. Any such

1 vacancy from the district at large shall be filled by the remaining directors
 2 from among the qualified persons in the district. However, if vacancies occur
 3 in a majority of the positions on the board, the State Board of Education
 4 shall fill the vacancies from among the qualified persons of the zones, if any,
 5 or from among other persons who are qualified to serve. The period of ser-
 6 vice of an appointee under this subsection expires June 30 next following the
 7 next regular district election at which a successor is elected. The successor
 8 shall be elected to serve the remainder, if any, of the term for which the
 9 appointment was made. If the term for which the appointment was made ex-
 10 pires June 30 after the election of the successor, the successor shall be
 11 elected to a full term. In either case, the successor shall take office July 1
 12 next following the election.

13 **SECTION 9.** ORS 334.225 is amended to read:

14 334.225. (1) The education service district board shall employ a super-
 15 intendent who must hold an administrative license as a superintendent. The
 16 superintendent shall serve as the board's executive officer, give an official
 17 bond or an irrevocable letter of credit issued by an insured institution, as
 18 defined in ORS 706.008, and have the duties prescribed by the board and the
 19 laws of this state. The board shall fix the term and compensation of the su-
 20 perintendent, provide office room for the superintendent and allow all of the
 21 superintendent's necessary traveling expenses.

22 (2) The education service district board shall designate the superintendent
 23 as the district clerk. The board may appoint qualified persons as deputies to
 24 the superintendent to perform the duties required of the district clerk by law
 25 or by the board.

26 **(3) The superintendent must comply with the training requirements**
 27 **provided in section 1 of this 2022 Act.**

28 **SECTION 10.** ORS 338.045 is amended to read:

29 338.045. (1) An applicant seeking to establish a public charter school shall
 30 submit a written proposal to a school district board.

31 (2) The proposal shall include, but need not be limited to:

- 1 (a) The identification of the applicant;
- 2 (b) The name of the proposed public charter school;
- 3 (c) A description of the philosophy and mission of the public charter
4 school;
- 5 (d) A description of the curriculum of the public charter school;
- 6 (e) A description of the expected results of the curriculum and the verified
7 methods of measuring and reporting objective results that will show the
8 growth of knowledge of students attending the public charter school and al-
9 low comparisons with public schools;
- 10 (f) The governance structure of the public charter school;
- 11 (g) The projected enrollment to be maintained and the ages or grades to
12 be served;
- 13 (h) The target population of students the public charter school will be
14 designed to serve;
- 15 (i) A description of any distinctive learning or teaching techniques to be
16 used in the public charter school;
- 17 (j) The legal address, facilities and physical location of the public charter
18 school, if known;
- 19 (k) A description of admission policies and application procedures;
- 20 (L) The statutes and rules that shall apply to the public charter school;
- 21 (m) The proposed budget and financial plan for the public charter school
22 and evidence that the proposed budget and financial plan for the public
23 charter school are financially sound;
- 24 (n) A description of the financial management system for the public
25 charter school, an explanation of how the financial management system will
26 meet the requirements of ORS 338.095 (1) and a plan for having the financial
27 management system in place at the time the school begins operating;
- 28 (o) The standards for behavior and the procedures for the discipline, sus-
29 pension or expulsion of students;
- 30 (p) The proposed school calendar for the public charter school, including
31 the length of the school day and school year;

1 (q) A description of the proposed staff members and required qualifica-
2 tions of teachers at the public charter school;

3 (r) The date upon which the public charter school would begin operating;

4 (s) The arrangements for any necessary special education and related
5 services provided pursuant to ORS 338.165 for children with disabilities who
6 may attend the public charter school;

7 (t) Information on the manner in which community groups may be in-
8 volved in the planning and development process of the public charter school;

9 (u) The term of the charter;

10 (v) The plan for performance bonding or insuring the public charter
11 school, including buildings and liabilities;

12 (w) A proposed plan for the placement of public charter school teachers,
13 other school employees and students of the public charter school upon ter-
14 mination or nonrenewal of a charter;

15 (x) The manner in which the program review and fiscal audit will be
16 conducted; and

17 (y) In the case of an existing public school being converted to charter
18 status:

19 (A) The alternative arrangements for students who choose not to attend
20 the public charter school and for teachers and other school employees who
21 choose not to participate in the public charter school; and

22 (B) The relationship that will exist between the public charter school and
23 its employees, including evidence that the terms and conditions of employ-
24 ment have been addressed with affected employees and their recognized rep-
25 resentative, if any.

26 (3) In addition to the requirements of subsection (2) of this section:

27 (a) The school district board may require any additional information the
28 board considers relevant to the formation or operation of a public charter
29 school.

30 (b) Each member of a proposed public charter school governing body
31 must:

1 **(A) Comply with the training requirements provided in section 1 of**
2 **this 2022 Act; and**

3 **(B)** Provide an acknowledgment of understanding related to the standards
4 of conduct and the liabilities of a director of a nonprofit organization, as
5 those standards and liabilities are described in ORS chapter 65, if the public
6 charter school is organized as required by ORS 338.035 (2)(a)(B) and (C).

7 (4) At the request of the applicant, the school district board may provide
8 technical assistance in developing the proposal for operation of the public
9 charter school.

10 (5) School districts, education service districts and other public bodies,
11 as defined in ORS 174.109, shall make available to the public lists of vacant
12 and unused public buildings and portions of buildings that may be suitable
13 for the operation of a public charter school. The lists shall be provided to
14 developing or operating public charter schools within 30 days of a written
15 request. Nothing in this subsection requires the owner of a building on the
16 list to sell or lease the building or any portion of the building to a public
17 charter school or a public charter school governing body.

18 **SECTION 11.** ORS 338.095 is amended to read:

19 338.095. (1) The financial management system of a public charter school
20 must include a budget and accounting system that:

21 (a) Is compatible with the budget and accounting system of the sponsor
22 of the school; and

23 (b) Complies with the requirements of the uniform budget and accounting
24 system adopted by rule of the State Board of Education under ORS 327.511.

25 (2) A public charter school shall report to the sponsor and the Depart-
26 ment of Education at least annually on the performance of the school and
27 its students. A public charter school shall disclose in its report information
28 necessary to make a determination of compliance with the requirements of
29 this chapter. The sponsor or the sponsor's designee at least annually shall
30 visit the public charter school site and review the public charter school's
31 compliance with the terms and provisions of the charter.

1 (3) Except for a public charter school that is not required to comply with
2 ORS 338.035 (2)(a)(B) and (C) as provided by ORS 338.035 (2)(b), the public
3 charter school shall have an annual audit of the accounts of the public
4 charter school prepared in accordance with the Municipal Audit Law, ORS
5 297.405 to 297.555 and 297.990. The school shall forward a copy of the annual
6 audit to the Department of Education.

7 (4) After an audit conducted as provided by subsection (3) of this section,
8 the following shall be forwarded to the sponsor:

9 (a) A copy of the annual audit;

10 (b) Any statements from the public charter school that show the results
11 of all operations and transactions affecting the financial status of the public
12 charter school during the preceding annual audit period for the school; and

13 (c) A balance sheet containing a summary of the assets and liabilities of
14 the public charter school as of the closing date of the preceding annual audit
15 period for the school.

16 (5) The sponsor of a public charter school [*that is organized as required*
17 *by ORS 338.035 (2)(a)(B) and (C)*] may request at any time an acknowledg-
18 ment from each member of the public charter school governing body that:

19 (a) **The member has complied with the training requirements pro-**
20 **vided in section 1 of this 2022 Act; or**

21 (b) **For a public charter school that is organized as required by ORS**
22 **338.035 (2)(a)(B) and (C),** the member understands the standards of conduct
23 and liabilities of a director of a nonprofit organization, as those standards
24 and liabilities are described in ORS chapter 65.

25 (6) The State Board of Education may require public charter schools to
26 file reports with the Department of Education as necessary to enable the
27 department to gather information on public charter schools for inclusion in
28 the Oregon Report Card issued pursuant to ORS 329.115.

29 **SECTION 12. This 2022 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**
31 **declared to exist, and this 2022 Act takes effect on its passage.**

