Senate Bill 334

Sponsored by Senator WAGNER, Representative SOLLMAN (Presession filed.)

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.

Requires directors of school districts and education service districts, superintendents of schools districts and education service districts, members of public charter school governing bodies and principals of public charter schools to receive specified training. Prescribes requirements of training. Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

Relating to training for persons in leadership positions of public education providers; creating new provisions; amending ORS 332.005, 332.505, 334.090, 334.225, 338.025, 338.045, 338.095 and 338.135; and declaring an emergency.

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

SECTION 1. (1) The State Board of Education shall adopt training standards for persons in leadership positions of school districts, education service districts and public charter schools as provided by this section.

(2) The standards for training must address:

(a) The contents of the training, which must include:

(A) Oregon government ethics laws, including filing requirements under ORS 244.050;

(B) Restrictions on political activity that apply to public officials and public employees;

(C) Oregon public records laws;

(D) Oregon public meetings laws;

(E) Applicable budgeting laws and requirements, including the Local Budget Law of ORS 294.305 to 294.565;

(F) Prohibitions against discrimination, including requirements for compliance with ORS 659.850;

(G) Methods for promoting inclusion and for eliminating racism and bias in the classroom and the workplace;

(H) Methods for achieving equitable academic outcomes for all students; and

(I) Roles and responsibilities related to being a mandatory reporter of child abuse under ORS 419B.005 to 419B.050.

(b) The required recipients of the training, which must include:

(A) Directors of school districts;

(B) Superintendents of schools districts;

(C) Directors of education service districts;

(D) Superintendents of education service districts;

(E) Members of public charter school governing bodies; and

(F) Principals of public charter schools.

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.

LC 1465
(c) The providers of the training, who must be registered and certified as provided by subsection (3) of this section.
(d) The frequency of the training, including timelines and requirements for:
   (A) Newly elected or appointed directors, newly hired superintendents or principals or newly selected governing board members; and
   (B) Persons not described in subparagraph (A) of this paragraph, who must receive the training at least once each biennium.
(e) The requirements for delivery of the training, with preferences for:
   (A) In-person training, but an allowance for online training; and
   (B) Training for all representatives from the same school district, education service district or public charter school at the same time.
(f) Reporting requirements for indicating compliance with the provisions of this section.
(3) The Department of Education shall establish procedures for registering and certifying persons qualified to provide the training required by this section. Training may be provided by public or private professional organizations or consultants, school districts, state agencies or post-secondary institutions of education.
(4) Failure to comply with the requirements of this section shall be:
   (a) Cause for considering a school district to be nonstandard under ORS 327.103;
   (b) Cause for considering an education service district to be nonstandard under ORS 334.217; or
   (c) Cause for termination of a charter under ORS 338.105 (1)(a).
(5) The State Board of Education may adopt any rules necessary for the administration of this section.

SECTION 2. Notwithstanding the frequency for training prescribed by the State Board of Education under section 1 (2)(d), all directors of district school boards, superintendents of schools districts, directors of education service districts, superintendents of education service districts, members of public charter school governing bodies and principals of public charter school must first receive training described in section 1 of this 2021 Act no later than January 30, 2023.

SECTION 3. ORS 332.005 is amended to read:
332.005. (1) The directors of a school district in their official capacity shall be known as the district school board.
(2) Directors must qualify by taking an oath of office before assuming the duties of office.
(3) Directors must comply with the training requirements provided by section 1 of this 2021 Act.

SECTION 4. ORS 332.505 is amended to read:
332.505. (1) As used in this section:
   (a) “Instructional assistant” has the meaning given that term in ORS 342.120.
   (b) “Intern teacher” means a regularly enrolled candidate of an approved educator preparation provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider and of the employing district in order to acquire practical experience in teaching and for which the candidate receives both academic credit from the provider and financial compensation from the school district or education service district.
   (2) A district school board may:
      (a) Employ a superintendent of schools and necessary assistant superintendents for the district
and fix the terms and conditions of employment and the compensation. The district school board [shall] may not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. However, the district school board may elect to issue a subsequent contract for an additional three years at any time.

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

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

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

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

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

(5) The superintendent must comply with the training requirements provided by section 1 of this 2021 Act.

SECTION 5. ORS 334.090 is amended to read:

334.090. Except as provided in ORS 255.400 to 255.424:

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

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

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

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

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

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

(7) A director of an education service district must comply with the training requirements provided by section 1 of this 2021 Act.

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

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

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

(8) (9) Notwithstanding subsection [(7)] (8) of this section, in any district having a population of 550,000 or more according to the latest federal census that becomes zoned according to ORS 334.032, the board shall determine prior to the nomination of school directors which positions shall be from zones and which positions shall be at large.
Any vacancy on the board from any zone shall be filled by the remaining directors from among the qualified persons in that zone. Any such vacancy from the district at large shall be filled by the remaining directors from among the qualified persons in the district. However, if vacancies occur in a majority of the positions on the board, the State Board of Education shall fill the vacancies from among the qualified persons of the zones, if any, or from among other persons who are qualified to serve. The period of service of an appointee under this subsection expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

SECTION 6. ORS 334.225 is amended to read:

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

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

(3) The superintendent must comply with the training requirements provided by section 1 of this 2021 Act.

SECTION 7. ORS 338.045 is amended to read:

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

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

(a) The identification of the applicant;

(b) The name of the proposed public charter school;

(c) A description of the philosophy and mission of the public charter school;

(d) A description of the curriculum of the public charter school;

(e) A description of the expected results of the curriculum and the verified methods of measuring and reporting objective results that will show the growth of knowledge of students attending the public charter school and allow comparisons with public schools;

(f) The governance structure of the public charter school;

(g) The projected enrollment to be maintained and the ages or grades to be served;

(h) The target population of students the public charter school will be designed to serve;

(i) A description of any distinctive learning or teaching techniques to be used in the public charter school;

(j) The legal address, facilities and physical location of the public charter school, if known;

(k) A description of admission policies and application procedures;

(L) The statutes and rules that shall apply to the public charter school;

(m) The proposed budget and financial plan for the public charter school and evidence that the proposed budget and financial plan for the public charter school are financially sound;

(n) A description of the financial management system for the public charter school, an explana-
uation of how the financial management system will meet the requirements of ORS 338.095 (1) and a
plan for having the financial management system in place at the time the school begins operating;
(o) The standards for behavior and the procedures for the discipline, suspension or expulsion of
students;
(p) The proposed school calendar for the public charter school, including the length of the
school day and school year;
(q) A description of the proposed staff members and required qualifications of teachers at the
public charter school;
(r) The date upon which the public charter school would begin operating;
(s) The arrangements for any necessary special education and related services provided pursuant
to ORS 338.165 for children with disabilities who may attend the public charter school;
(t) Information on the manner in which community groups may be involved in the planning and
development process of the public charter school;
(u) The term of the charter;
(v) The plan for performance bonding or insuring the public charter school, including buildings
and liabilities;
(w) A proposed plan for the placement of public charter school teachers, other school employees
and students of the public charter school upon termination or nonrenewal of a charter;
(x) The manner in which the program review and fiscal audit will be conducted; and
(y) In the case of an existing public school being converted to charter status:
(A) The alternative arrangements for students who choose not to attend the public charter
school and for teachers and other school employees who choose not to participate in the public
charter school; and
(B) The relationship that will exist between the public charter school and its employees, in-
cluding evidence that the terms and conditions of employment have been addressed with affected
employees and their recognized representative, if any.

(3) In addition to the requirements of subsection (2) of this section:
(a) The school district board may require any additional information the board considers rele-
vant to the formation or operation of a public charter school.
(b) Each member of a proposed public charter school governing body must:
(A) Comply with the training requirements provided in section 1 of this 2021 Act and re-
quire the principal of the public charter school to comply with the training requirements
provided by section 1 of this 2021 Act; and
(B) Provide an acknowledgment of understanding related to the standards of conduct and the
liabilities of a director of a nonprofit organization, as those standards and liabilities are described
in ORS chapter 65, if the public charter school is organized as required by ORS 338.035 (2)(a)(B) and
(C).

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

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

[5]
SECTION 8. ORS 338.095 is amended to read:

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

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

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

(2) A public charter school shall report to the sponsor and the Department of Education at least annually on the performance of the school and its students. A public charter school shall disclose in its report information necessary to make a determination of compliance with the requirements of this chapter. The sponsor or the sponsor’s designee at least annually shall visit the public charter school site and review the public charter school’s compliance with the terms and provisions of the charter.

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

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

(a) A copy of the annual audit;

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

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

(5) The sponsor of a public charter school that is organized as required by ORS 338.035 (2)(a)(B) and (C) may request at any time an acknowledgment from each member of the public charter school governing body that:

(A) The member has complied with the training requirements provided by section 1 of this 2021 Act; or

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

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

SECTION 9. ORS 338.135 is amended to read:

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

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

(b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
with a for-profit entity to provide educational services through the virtual public charter school, the
for-profit entity may not be the employer of any employees of the virtual public charter school un-
less:

(A) The employee is an administrator who does not have any teaching responsibilities; and
(B) Both the executive officer of the sponsor and the public charter school governing body ap-
prove employment by the for-profit entity. The executive officer or governing body may choose to
grant approval under this subparagraph:

(i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this
paragraph;
(ii) Based on the job categories of the employees who meet the description in subparagraph (A)
of this paragraph; or
(iii) On a case-by-case basis for each employee who meets the description in subparagraph (A)
of this paragraph.

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

(a) The charter of the public charter school is terminated or the public charter school is dis-
solved or closed during the leave of absence; or
(b) The employee and the school district board have mutually agreed to a different length of
time.

(4) An employee of a public charter school operating within a school district who is granted a
leave of absence from the school district and returns to employment with the school district shall
retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
Notwithstanding ORS 243.650 to 243.806, a school district that was the employer of an employee of
a public charter school not operating within the school district may make provisions for the return
of the employee to employment with the school district.

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

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

(7)(a) Any person employed as an administrator in a public charter school shall be licensed or
registered to administer by the Teacher Standards and Practices Commission.
(b) Any person employed as a teacher in a public charter school shall be licensed or registered
to teach by the commission.
(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
the commission pursuant to ORS 342.125.

(8) Any person serving as the principal of a public charter school must comply with the
training requirements provided by section 1 of this 2021 Act.

[8](9) Notwithstanding ORS 243.650, a public charter school shall be considered a school dis-
trict for purposes of ORS 243.650 to 243.806. An employee of a public charter school may be a
member of a labor organization or organize with other employees to bargain collectively. Bargaining
units at the public charter school may be separate from other bargaining units of the sponsor or of
the school district in which the public charter school is located. Employees of a public charter
school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

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

SECTION 10. ORS 338.025 is amended to read:

ORS 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation of this chapter. The rules shall follow the intent of this chapter.

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 (4), 338.135 (2)(b) or (8) or 339.122.

SECTION 11. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.