

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO  
SENATE BILL 111**

1 On page 1 of the printed bill, line 3, delete “and 238A.375” and insert “,  
2 238A.375 and 338.135”.

3 On page 10, delete lines 33 through 40 and insert:

4 **“SECTION 12.** ORS 338.135 is amended to read:

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

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

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

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

21 “(B) Both the executive officer of the sponsor and the public charter

1 school governing body approve employment by the for-profit entity. The  
2 executive officer or governing body may choose to grant approval under this  
3 subparagraph:

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

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

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

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

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

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

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

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

1       **“(b) For purposes of determining the salary paid between August**  
2 **29, 2003, and January 1, 2020, to a member of the Public Employees**  
3 **Retirement System under ORS 238A.005 (17), remuneration paid to a**  
4 **member in return for services to a public charter school is deemed**  
5 **includable in the member’s taxable income under Oregon law during**  
6 **a period of continuous employment with any public charter school if:**

7       **“(A) The member was hired in a qualifying position by any public**  
8 **charter school on or after August 29, 2003;**

9       **“(B) The remuneration was, or would have been if the member were**  
10 **an Oregon resident, includable in the member’s taxable income under**  
11 **Oregon law during the period of continuous employment; and**

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

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

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

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

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

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

28       **“(8) Notwithstanding ORS 243.650, a public charter school shall be con-**  
29 **sidered a school district for purposes of ORS 243.650 to 243.806. An employee**  
30 **of a public charter school may be a member of a labor organization or or-**

1 ganize with other employees to bargain collectively. Bargaining units at the  
2 public charter school may be separate from other bargaining units of the  
3 sponsor or of the school district in which the public charter school is lo-  
4 cated. Employees of a public charter school may be part of the bargaining  
5 units of the sponsor or of the school district in which the public charter  
6 school is located.

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

9 **“SECTION 13. The amendments to ORS 238.082 and sections 35 and**  
10 **37, chapter 355, Oregon Laws 2019, by sections 1 to 3 of this 2021 Act**  
11 **apply to determinations made under ORS 238.082 and sections 35 and**  
12 **37, chapter 355, Oregon Laws 2019, on or after the effective date of this**  
13 **2021 Act for all service performed by a retired member employed by a**  
14 **participating public employer, whether performed before, on or after**  
15 **the effective date of this 2021 Act.**

16 **“SECTION 14. The amendments to ORS 238A.005 by section 11 of**  
17 **this 2021 Act apply to remuneration paid to an active member of the**  
18 **Public Employees Retirement System on or after January 1, 2020.”.**

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