

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 334**

1 On page 1 of the printed bill, line 3, after “334.225,” delete the rest of the
2 line and insert “338.045 and 338.095;”.

3 Delete lines 6 through 30 and delete pages 2 through 8 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Governing body’ means:**

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

7 **“(B) For an education service district, the board of directors of the**
8 **education service district.**

9 **“(C) For a public charter school, the governing body of the public**
10 **charter school.**

11 **“(b) ‘Persons in leadership positions’ means:**

12 **“(A) For a school district, the directors of the school district and**
13 **the superintendent of the school district.**

14 **“(B) For an education service district, the directors of the education**
15 **service district and the superintendent of the education service dis-**
16 **trict.**

17 **“(C) For a public charter school, the members of the governing**
18 **body of the public charter school and the principal or executive di-**
19 **rector of the public charter school.**

20 **“(c) ‘Public education provider’ means a school district, an educa-**
21 **tion service district or a public charter school.**

1 **“(2)(a) Every two years, the governing body of a public education**
2 **provider shall conduct a self-assessment. The self-assessment shall be**
3 **used to develop and refine a professional learning plan described in**
4 **subsection (3) of this section.**

5 **“(b) A self-assessment may be conducted using a method developed**
6 **by a statewide representative of school district boards or a comparable**
7 **method selected by the governing body, but must:**

8 **“(A) Focus on education equity and board governance practices that**
9 **are evidence-based and produce improved equitable outcomes; and**

10 **“(B) Include a review of any relevant data on student progress, ac-**
11 **cess and opportunity and a review of improvement plans and budgets.**

12 **“(3)(a) The governing body of each public education provider shall**
13 **develop or revise a professional learning plan for persons in leadership**
14 **positions. The professional learning plan shall be based on:**

15 **“(A) The self-assessment conducted under subsection (2) of this**
16 **section;**

17 **“(B) Shared professional learning goals identified by the governing**
18 **body; and**

19 **“(C) Progress made by the governing body on any previously devel-**
20 **oped professional learning plans.**

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

22 **“(A) Ongoing professional learning and training in educational eq-**
23 **uity and board governance that persons in leadership positions must**
24 **complete together in order to support student success, with an em-**
25 **phasis on students from historically underserved and underrepresented**
26 **communities;**

27 **“(B) Professional learning and training requirements for board**
28 **members interested in serving as the chairperson or the vice chair-**
29 **person of the governing body, which must be satisfied before a person**
30 **may become a chairperson or vice chairperson;**

1 **“(C) Professional learning and training requirements for new**
2 **members of the governing body of the public education provider, which**
3 **must be completed within 180 days of any elections or appointments;**
4 **and**

5 **“(D) Any additional goals or elements identified by the governing**
6 **body.**

7 **“(c) A professional learning plan must be adopted by the governing**
8 **body at a public meeting.**

9 **“(4) No later than July 1 of each year, the governing body of each**
10 **public education provider must produce a report on the implementa-**
11 **tion of the professional learning plan for the public education provider.**
12 **The report must be presented at a public meeting of the governing**
13 **body and must be made available for public access.**

14 **“SECTION 2. The governing body of each public education provider**
15 **must complete the first self-assessment, as described in section 1 of**
16 **this 2021 Act, no later than September 1, 2022.**

17 **“SECTION 3. (1) The Department of Education shall establish an**
18 **advisory group on professional learning and training to assist public**
19 **education providers in complying with the requirements of section 1**
20 **of this 2021 Act.**

21 **“(2) The advisory group established under this section shall consist**
22 **of:**

23 **“(a) Representatives of organizations representing school board**
24 **members;**

25 **“(b) Representatives of organizations representing school district**
26 **administrators;**

27 **“(c) Representatives of organizations representing education service**
28 **districts;**

29 **“(d) Representatives of public charter schools;**

30 **“(e) Experts in professional learning and training for school board**

1 **members;**

2 **“(f) Students and stakeholders representing historically under-**
3 **served and underrepresented communities; and**

4 **“(g) A representative of the Teacher Standards and Practices Com-**
5 **mission.**

6 **“(3) Taking equity and current research on school board governance**
7 **best practices into consideration, the advisory group shall advise and**
8 **support the department with:**

9 **“(a) The development and adoption of resources, tools and tem-**
10 **plates to provide professional learning and training related to educa-**
11 **tion equity and board governance, including guidance with the**
12 **self-assessment required under section 1 of this 2021 Act.**

13 **“(b) The development of a framework that can be used to support**
14 **the professional learning and training of persons in leadership posi-**
15 **tions, as defined in section 1 of this 2021 Act. The framework must**
16 **be reviewed and revised at least once every five years. The framework**
17 **shall:**

18 **“(A) Include guidance issued by the department related to profes-**
19 **sional learning and training;**

20 **“(B) Prescribe minimum professional learning and training re-**
21 **quirements for prospective persons in leadership positions;**

22 **“(C) Provide tools and templates to assist governing bodies of public**
23 **education providers in complying with the requirements of section 1**
24 **of this 2021 Act; and**

25 **“(D) Assist persons in leadership positions with the development of**
26 **the following skills:**

27 **“(i) Focusing on improving student progress, access, opportunity**
28 **and outcomes, with an emphasis on students from underserved and**
29 **underrepresented communities;**

30 **“(ii) Embedding a consideration of equity into the development of**

1 policies and practices to ensure policies and practices are equitable;
2 “(iii) Prioritizing education equity and governance;
3 “(iv) Being aware of, and using, research and promising practices
4 when developing policies and practices;
5 “(v) Using a continuous improvement approach and ongoing pro-
6 fessional learning and training;
7 “(vi) Aiming to foster stronger collaborations between all persons
8 in leadership positions of the public education provider; and
9 “(vii) Supporting the development of professional learning goals,
10 plans and progress measures.
11 “(c) The creation of a directory of persons who are qualified to
12 provide professional learning and training that align with the goals
13 of the framework described in paragraph (b) of this subsection. For the
14 directory, the advisory group must prescribe:
15 “(A) The minimum requirements for being included in the direc-
16 tory;
17 “(B) The process for being included in the directory; and
18 “(C) The availability of the directory, which must be available on-
19 line.
20 “(d) The development and provision of timelines, communications
21 and technical support provided to public education providers.
22 “(4) The department shall create and manage a professional learn-
23 ing and training fund that can accept public and private moneys to
24 support public education providers with their professional learning and
25 training. The department must consider equity when distributing
26 moneys from the fund.
27 “(5) The State Board of Education may adopt any rules necessary
28 for the administration of this section.
29 “SECTION 4. Section 3 of this 2021 Act is repealed on September 30,
30 2022.

1 **“SECTION 5.** ORS 332.005 is amended to read:

2 “332.005. (1) The directors of a school district in their official capacity
3 shall be known as the district school board.

4 “(2) Directors must qualify by taking an oath of office before assuming
5 the duties of office.

6 **“(3) Directors must comply with the training requirements provided
7 by section 1 of this 2021 Act.**

8 **“SECTION 6.** ORS 332.505 is amended to read:

9 “332.505. (1) As used in this section:

10 “(a) ‘Instructional assistant’ has the meaning given that term in ORS
11 342.120.

12 “(b) ‘Intern teacher’ means a regularly enrolled candidate of an approved
13 educator preparation provider, as defined in ORS 342.120, who teaches under
14 the supervision of the staff of the provider and of the employing district in
15 order to acquire practical experience in teaching and for which the candidate
16 receives both academic credit from the provider and financial compensation
17 from the school district or education service district.

18 “(2) A district school board may:

19 “(a) Employ a superintendent of schools and necessary assistant super-
20 intendants for the district and fix the terms and conditions of employment
21 and the compensation. The district school board [*shall*] **may** not contract
22 with a superintendent for more than a period of three years at a time. The
23 contract shall automatically expire at the end of its term. However, the dis-
24 trict school board may elect to issue a subsequent contract for an additional
25 three years at any time.

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

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

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

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

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

9 “(5) **The superintendent must comply with the training require-**
10 **ments provided by section 1 of this 2021 Act.**

11 “**SECTION 7.** ORS 334.090 is amended to read:

12 “334.090. Except as provided in ORS 255.400 to 255.424:

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

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

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

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

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

26 “(6) No employee of an education service district is eligible to serve as
27 a director of the education service district by which the employee is em-
28 ployed.

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

1 “~~[(7)]~~ **(8)** A regular district election shall be held in a district to fill any
2 vacancy and to elect a successor for any director whose term expires June
3 30 next following the election. A successor shall be elected as follows:

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

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

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

13 “~~[(9)]~~ **(10)** Any vacancy on the board from any zone shall be filled by the
14 remaining directors from among the qualified persons in that zone. Any such
15 vacancy from the district at large shall be filled by the remaining directors
16 from among the qualified persons in the district. However, if vacancies occur
17 in a majority of the positions on the board, the State Board of Education
18 shall fill the vacancies from among the qualified persons of the zones, if any,
19 or from among other persons who are qualified to serve. The period of ser-
20 vice of an appointee under this subsection expires June 30 next following the
21 next regular district election at which a successor is elected. The successor
22 shall be elected to serve the remainder, if any, of the term for which the
23 appointment was made. If the term for which the appointment was made ex-
24 pires June 30 after the election of the successor, the successor shall be
25 elected to a full term. In either case, the successor shall take office July 1
26 next following the election.

27 “**SECTION 8.** ORS 334.225 is amended to read:

28 “334.225. (1) The education service district board shall employ a super-
29 intendent who must hold an administrative license as a superintendent. The
30 superintendent shall serve as the board’s executive officer, give an official

1 bond or an irrevocable letter of credit issued by an insured institution, as
2 defined in ORS 706.008, and have the duties prescribed by the board and the
3 laws of this state. The board shall fix the term and compensation of the su-
4 perintendent, provide office room for the superintendent and allow all of the
5 superintendent's necessary traveling expenses.

6 “(2) The education service district board shall designate the superinten-
7 dent as the district clerk. The board may appoint qualified persons as depu-
8 ties to the superintendent to perform the duties required of the district clerk
9 by law or by the board.

10 **“(3) The superintendent must comply with the training require-**
11 **ments provided by section 1 of this 2021 Act.**

12 **“SECTION 9.** ORS 338.045 is amended to read:

13 “338.045. (1) An applicant seeking to establish a public charter school
14 shall submit a written proposal to a school district board.

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

16 “(a) The identification of the applicant;

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

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

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

21 “(e) A description of the expected results of the curriculum and the veri-
22 fied methods of measuring and reporting objective results that will show the
23 growth of knowledge of students attending the public charter school and al-
24 low comparisons with public schools;

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

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

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

30 “(i) A description of any distinctive learning or teaching techniques to

1 be used in the public charter school;

2 “(j) The legal address, facilities and physical location of the public char-

3 ter school, if known;

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

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

6 “(m) The proposed budget and financial plan for the public charter school

7 and evidence that the proposed budget and financial plan for the public

8 charter school are financially sound;

9 “(n) A description of the financial management system for the public

10 charter school, an explanation of how the financial management system will

11 meet the requirements of ORS 338.095 (1) and a plan for having the financial

12 management system in place at the time the school begins operating;

13 “(o) The standards for behavior and the procedures for the discipline,

14 suspension or expulsion of students;

15 “(p) The proposed school calendar for the public charter school, including

16 the length of the school day and school year;

17 “(q) A description of the proposed staff members and required qualifica-

18 tions of teachers at the public charter school;

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

20 “(s) The arrangements for any necessary special education and related

21 services provided pursuant to ORS 338.165 for children with disabilities who

22 may attend the public charter school;

23 “(t) Information on the manner in which community groups may be in-

24 volved in the planning and development process of the public charter school;

25 “(u) The term of the charter;

26 “(v) The plan for performance bonding or insuring the public charter

27 school, including buildings and liabilities;

28 “(w) A proposed plan for the placement of public charter school teachers,

29 other school employees and students of the public charter school upon ter-

30 mination or nonrenewal of a charter;

1 “(x) The manner in which the program review and fiscal audit will be
2 conducted; and

3 “(y) In the case of an existing public school being converted to charter
4 status:

5 “(A) The alternative arrangements for students who choose not to attend
6 the public charter school and for teachers and other school employees who
7 choose not to participate in the public charter school; and

8 “(B) The relationship that will exist between the public charter school
9 and its employees, including evidence that the terms and conditions of em-
10 ployment have been addressed with affected employees and their recognized
11 representative, if any.

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

13 “(a) The school district board may require any additional information the
14 board considers relevant to the formation or operation of a public charter
15 school.

16 “(b) Each member of a proposed public charter school governing body
17 must:

18 “(A) **Comply with the training requirements provided in section 1**
19 **of this 2021 Act; and**

20 “(B) Provide an acknowledgment of understanding related to the stan-
21 dards of conduct and the liabilities of a director of a nonprofit organization,
22 as those standards and liabilities are described in ORS chapter 65, if the
23 public charter school is organized as required by ORS 338.035 (2)(a)(B) and
24 (C).

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

28 “(5) School districts, education service districts and other public bodies,
29 as defined in ORS 174.109, shall make available to the public lists of vacant
30 and unused public buildings and portions of buildings that may be suitable

1 for the operation of a public charter school. The lists shall be provided to
2 developing or operating public charter schools within 30 days of a written
3 request. Nothing in this subsection requires the owner of a building on the
4 list to sell or lease the building or any portion of the building to a public
5 charter school or a public charter school governing body.

6 **“SECTION 10.** ORS 338.095 is amended to read:

7 “338.095. (1) The financial management system of a public charter school
8 must include a budget and accounting system that:

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

11 “(b) Complies with the requirements of the uniform budget and account-
12 ing system adopted by rule of the State Board of Education under ORS
13 327.511.

14 “(2) A public charter school shall report to the sponsor and the Depart-
15 ment of Education at least annually on the performance of the school and
16 its students. A public charter school shall disclose in its report information
17 necessary to make a determination of compliance with the requirements of
18 this chapter. The sponsor or the sponsor’s designee at least annually shall
19 visit the public charter school site and review the public charter school’s
20 compliance with the terms and provisions of the charter.

21 “(3) Except for a public charter school that is not required to comply with
22 ORS 338.035 (2)(a)(B) and (C) as provided by ORS 338.035 (2)(b), the public
23 charter school shall have an annual audit of the accounts of the public
24 charter school prepared in accordance with the Municipal Audit Law, ORS
25 297.405 to 297.555 and 297.990. The school shall forward a copy of the annual
26 audit to the Department of Education.

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

29 “(a) A copy of the annual audit;

30 “(b) Any statements from the public charter school that show the results

1 of all operations and transactions affecting the financial status of the public
2 charter school during the preceding annual audit period for the school; and

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

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

9 “(a) **The member has complied with the training requirements pro-**
10 **vided by section 1 of this 2021 Act; or**

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

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

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

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