

A-Engrossed
House Bill 4029

Ordered by the House February 11
Including House Amendments dated February 11

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education for Coalition of Oregon School Administrators, Oregon School Boards Association)

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.

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 providers; creating new
3 provisions; amending ORS 332.005, 332.505, 334.090, 334.225, 338.045 and 338.095; and declaring
4 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 Act:**

7 (a) "Governing body" means:

8 (A) For a school district, the school district board.

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

11 (C) For a public charter school, the governing body of the public charter school.

12 (b) "Persons in leadership positions" means:

13 (A) For a school district, the directors of the school district and the superintendent of
14 the school district.

15 (B) For an education service district, the directors of the education service district and
16 the superintendent of the education service district.

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

19 (c) "Public education provider" means a school district, an education service district or
20 a public charter school.

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

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.

1 (b) A self-assessment may be conducted using a method developed by a statewide repre-
2 sentative of school district boards or a comparable method selected by the governing body,
3 but must:

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

6 (B) Include a review of any relevant data on student progress, access and opportunity,
7 with an emphasis on students from underserved and underrepresented communities; and

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

9 (3)(a) For each public education provider, the persons in leadership positions shall develop
10 or revise a professional learning plan. Professional learning plans must be reviewed and re-
11 vised at least once every two years, based on the self-assessment conducted under subsection
12 (2) of this section. The professional learning plan shall be for the persons in leadership po-
13 sitions and shall be based on:

14 (A) The self-assessment conducted under subsection (2) of this section;

15 (B) Shared professional learning goals identified by the persons in leadership positions;
16 and

17 (C) Progress made on any previously developed professional learning plans.

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

19 (A) Ongoing professional learning and training in education equity and board governance
20 that persons in leadership positions must complete in order to support student success, with
21 an emphasis on students from underserved and underrepresented communities.

22 (B) Professional learning and training requirements for persons interested in serving as
23 the chairperson or the vice chairperson of the governing body. The requirements do not need
24 to be satisfied by a person who has previously served as the chairperson or the vice chair-
25 person of the governing body. The requirements must be satisfied:

26 (i) Before a person becomes the chairperson or the vice chairperson of the governing
27 body; or

28 (ii) Within 90 days after becoming the chairperson or the vice chairperson, if satisfying
29 the requirements prior to assuming the position was not practicable.

30 (C) Professional learning and training requirements for new members of the governing
31 body of the public education provider, which must be completed within 180 days after any
32 elections or appointments.

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

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

36 (4) For the purposes of this section, a superintendent of a school district who also is the
37 superintendent of the education service district that serves the school district has the option
38 to choose whether to participate in developing, revising and implementing the professional
39 learning plan for the school district.

40 (5) No later than July 1 of each year, the governing body of each public education pro-
41 vider must produce a report on the implementation of the professional learning plan for the
42 public education provider. The report must be presented at a public meeting of the governing
43 body and must be made available for public access.

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

45 (2)(a) Persons in leadership positions of public education providers may take any action

1 before the operative date specified in subsection (1) of this section that is necessary to enable
2 the persons to undertake and exercise all of the duties, functions and powers conferred on
3 the persons by section 1 of this 2022 Act.

4 (b) Nothing in this subsection requires a member of the governing body of a public edu-
5 cation provider to satisfy any professional learning and training requirements prescribed by
6 section 1 (3)(b)(B)(ii) or (C) of this 2022 Act prior to July 1, 2023. Calculations of the timeline
7 required to complete professional learning and training shall be calculated based on the first
8 day of the calculation being the later of:

9 (A) July 1, 2023; or

10 (B) The date of becoming the chairperson or the vice chairperson, for purposes of section
11 1 (3)(b)(B)(ii) of this 2022 Act, or the date of election or appointment, for purposes of section
12 1 (3)(b)(C) of this 2022 Act.

13 (3) Notwithstanding section 1 (2) of this 2022 Act, the governing body of each public ed-
14 ucation provider must complete the first self-assessment required under section 1 (2) of this
15 2022 Act no later than November 1, 2023.

16 (4) Notwithstanding section 1 (3)(c) of this 2022 Act, the first professional learning plan
17 must be adopted by the governing body at a public meeting no later than February 1, 2024.

18 (5) Notwithstanding section 1 (5) of this 2022 Act, the first report required under section
19 1 (5) of this 2022 Act must be produced no later than July 1, 2024.

20 **SECTION 3.** (1) The Department of Education shall manage a directory of persons who
21 are qualified to provide professional learning and training that align with the requirements
22 described in section 1 of this 2022 Act.

23 (2) The department shall create and manage a professional learning and training fund
24 that can accept public and private moneys to support public education providers with pro-
25 fessional learning and training. The department must consider equity when distributing
26 moneys from the fund.

27 (3) Each biennium, the department shall submit a report to the interim committees of
28 the Legislative Assembly related to education. The report shall summarize the results of the
29 implementation of this section.

30 (4) The State Board of Education may adopt any rules necessary for the administration
31 of this section.

32 **SECTION 4.** (1) The Department of Education shall establish an advisory group on pro-
33 fessional learning and training to assist public education providers in complying with the
34 requirements of section 1 of this 2022 Act.

35 (2) The advisory group established under this section shall consist of:

36 (a) Representatives of organizations representing school board members;

37 (b) Representatives of organizations representing school district administrators;

38 (c) Representatives of organizations representing education service districts;

39 (d) Representatives of public charter schools;

40 (e) Experts in professional learning and training for school board members; and

41 (f) Students and stakeholders representing historically underserved and underrepre-
42 sented communities.

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

1 (a) The development and adoption of resources, tools and templates to provide profes-
2 sional learning and training related to education equity and board governance, including
3 guidance with the self-assessment required under section 1 of this 2022 Act.

4 (b) The development of a framework that can be used to support the professional learning
5 and training of persons in leadership positions, as defined in section 1 of this 2022 Act. The
6 framework shall:

7 (A) Include recommendations made by the department for professional learning and
8 training related to education equity and board governance;

9 (B) Recommend minimum professional learning and training requirements for newly
10 elected and appointed members of the governing body of a public education provider and for
11 members interested in serving as the chairperson or the vice chairperson;

12 (C) Recommend timelines, tools and templates to assist governing bodies of public edu-
13 cation providers in complying with the requirements of section 1 of this 2022 Act; and

14 (D) Assist persons in leadership positions with the development of the following skills:

15 (i) Focusing on improving student progress, access, opportunity and outcomes, with an
16 emphasis on students from underserved and underrepresented communities;

17 (ii) Embedding a consideration of equity into the development of policies and practices
18 to ensure policies and practices are equitable;

19 (iii) Prioritizing education equity and board governance;

20 (iv) Being aware of, and using, research and promising practices when developing policies
21 and practices;

22 (v) Using a continuous improvement approach and ongoing professional learning and
23 training;

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

26 (vii) Supporting the development of professional learning goals, plans and progress
27 measures.

28 (c) The creation of a directory of persons who are qualified to provide professional
29 learning and training that align with the goals of the framework described in paragraph (b)
30 of this subsection. For the directory, the advisory group must prescribe:

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

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

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

34 (4) The advisory group shall collaborate with the Department of Education for the pur-
35 poses of this section and shall make all resources and recommendations available to public
36 education providers no later than January 30, 2023.

37 (5) The State Board of Education may adopt any rules necessary for the administration
38 of this section.

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

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

41 332.005. (1) The directors of a school district in their official capacity shall be known as the
42 district school board.

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

44 (3) Directors must comply with the training requirements provided in section 1 of this
45 2022 Act.

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

2 332.505. (1) As used in this section:

3 (a) “Instructional assistant” has the meaning given that term in ORS 342.120.

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

9 (2) A district school board may:

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

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

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

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

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

24 (4) The superintendent of the school district shall cause each employee to be specifically in-
25 formed of the existence and availability of the personnel policies.

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

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

29 334.090. Except as provided in ORS 255.400 to 255.424:

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

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

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

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

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

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

43 **(7) A director of an education service district must comply with the training require-**
44 **ments provided in section 1 of this 2022 Act.**

45 [(7)] **(8)** A regular district election shall be held in a district to fill any vacancy and to elect a

1 successor for any director whose term expires June 30 next following the election. A successor shall
2 be elected as follows:

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

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

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

11 [(9)] (10) Any vacancy on the board from any zone shall be filled by the remaining directors from
12 among the qualified persons in that zone. Any such vacancy from the district at large shall be filled
13 by the remaining directors from among the qualified persons in the district. However, if vacancies
14 occur in a majority of the positions on the board, the State Board of Education shall fill the va-
15 cancies from among the qualified persons of the zones, if any, or from among other persons who are
16 qualified to serve. The period of service of an appointee under this subsection expires June 30 next
17 following the next regular district election at which a successor is elected. The successor shall be
18 elected to serve the remainder, if any, of the term for which the appointment was made. If the term
19 for which the appointment was made expires June 30 after the election of the successor, the suc-
20 cessor shall be elected to a full term. In either case, the successor shall take office July 1 next
21 following the election.

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

23 334.225. (1) The education service district board shall employ a superintendent who must hold
24 an administrative license as a superintendent. The superintendent shall serve as the board's execu-
25 tive officer, give an official bond or an irrevocable letter of credit issued by an insured institution,
26 as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state.
27 The board shall fix the term and compensation of the superintendent, provide office room for the
28 superintendent and allow all of the superintendent's necessary traveling expenses.

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

32 **(3) The superintendent must comply with the training requirements provided in section**
33 **1 of this 2022 Act.**

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

35 338.045. (1) An applicant seeking to establish a public charter school shall submit a written
36 proposal to a school district board.

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

38 (a) The identification of the applicant;

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

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

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

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

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

- 1 (g) The projected enrollment to be maintained and the ages or grades to be served;
- 2 (h) The target population of students the public charter school will be designed to serve;
- 3 (i) A description of any distinctive learning or teaching techniques to be used in the public
4 charter school;
- 5 (j) The legal address, facilities and physical location of the public charter school, if known;
- 6 (k) A description of admission policies and application procedures;
- 7 (L) The statutes and rules that shall apply to the public charter school;
- 8 (m) The proposed budget and financial plan for the public charter school and evidence that the
9 proposed budget and financial plan for the public charter school are financially sound;
- 10 (n) A description of the financial management system for the public charter school, an explana-
11 tion of how the financial management system will meet the requirements of ORS 338.095 (1) and a
12 plan for having the financial management system in place at the time the school begins operating;
- 13 (o) The standards for behavior and the procedures for the discipline, suspension or expulsion of
14 students;
- 15 (p) The proposed school calendar for the public charter school, including the length of the
16 school day and school year;
- 17 (q) A description of the proposed staff members and required qualifications of teachers at the
18 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 services provided pursuant
21 to ORS 338.165 for children with disabilities who may attend the public charter school;
- 22 (t) Information on the manner in which community groups may be involved in the planning and
23 development process of the public charter school;
- 24 (u) The term of the charter;
- 25 (v) The plan for performance bonding or insuring the public charter school, including buildings
26 and liabilities;
- 27 (w) A proposed plan for the placement of public charter school teachers, other school employees
28 and students of the public charter school upon termination or nonrenewal of a charter;
- 29 (x) The manner in which the program review and fiscal audit will be conducted; and
- 30 (y) In the case of an existing public school being converted to charter status:
- 31 (A) The alternative arrangements for students who choose not to attend the public charter
32 school and for teachers and other school employees who choose not to participate in the public
33 charter school; and
- 34 (B) The relationship that will exist between the public charter school and its employees, in-
35 cluding evidence that the terms and conditions of employment have been addressed with affected
36 employees and their recognized representative, if any.
- 37 (3) In addition to the requirements of subsection (2) of this section:
- 38 (a) The school district board may require any additional information the board considers rele-
39 vant to the formation or operation of a public charter school.
- 40 (b) Each member of a proposed public charter school governing body must:
- 41 **(A) Comply with the training requirements provided in section 1 of this 2022 Act; and**
- 42 **(B) Provide an acknowledgment of understanding related to the standards of conduct and the**
43 **liabilities of a director of a nonprofit organization, as those standards and liabilities are described**
44 **in ORS chapter 65, if the public charter school is organized as required by ORS 338.035 (2)(a)(B) and**
45 **(C).**

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

3 (5) School districts, education service districts and other public bodies, as defined in ORS
4 174.109, shall make available to the public lists of vacant and unused public buildings and portions
5 of buildings that may be suitable for the operation of a public charter school. The lists shall be
6 provided to developing or operating public charter schools within 30 days of a written request.
7 Nothing in this subsection requires the owner of a building on the list to sell or lease the building
8 or any portion of the building to a public charter school or a public charter school governing body.

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

10 338.095. (1) The financial management system of a public charter school must include a budget
11 and accounting system that:

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

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

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

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

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

28 (a) A copy of the annual audit;

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

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

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

37 **(a) The member has complied with the training requirements provided in section 1 of this**
38 **2022 Act; or**

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

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

45 **SECTION 12. This 2022 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
2 **on its passage.**

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