

# Senate Bill 767

Sponsored by COMMITTEE ON EDUCATION

## 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**.

Limits scope by which public charter schools may conduct operations in school district that is not sponsor of public charter school.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public charter school operations in nonsponsoring school districts; creating new pro-  
3 visions; amending ORS 332.158; and declaring an emergency.

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

5 **SECTION 1.** ORS 332.158 is amended to read:

6 332.158. (1) A district school board may lease, purchase, construct, reconstruct, improve, repair,  
7 equip or furnish a school in another school district and may expend bond proceeds or other funds  
8 available to the board for such purposes if the board has the written permission of the district  
9 school board of the school district in which the school will be located. The written permission re-  
10 quired by this subsection must be obtained prior to the first day on which students will attend  
11 classes in the school.

12 (2) A **virtual** public charter school, **as defined in ORS 338.005**, may lease, purchase, construct,  
13 reconstruct, improve, repair, equip or furnish a [*school, or any other*] facility where students receive  
14 [*instruction*] **tutoring or testing**, [*in another*] **within a school district that is not the sponsor of**  
15 **the virtual public charter school**, and may expend funds available to the **virtual** public charter  
16 school for such purposes if the **virtual** public charter school provides written notice to the sponsor  
17 of the **virtual** public charter school and to the district school board of the school district in which  
18 the [*school or*] facility will be located. The written notice required by this subsection must be pro-  
19 vided prior to the first day on which students will [*attend classes in the school or receive*  
20 *instruction*] **receive tutoring or testing** at the facility.

21 (3)(a) [*If a district school board or public charter school opens or operates a school or facility in*  
22 *another school district and does not obtain the written permission required by subsection (1) of this*  
23 *section or provide the written notice required by subsection (2) of this section, the board of the school*  
24 *district in which the school or facility has been opened or operated] **The board of a school district**  
25 **may file a complaint with the Superintendent of Public Instruction[.] if:***

26 (A) **Another district school board opens or operates a school in the school district and**  
27 **does not obtain the written permission required by subsection (1) of this section; or**

28 (B) **A virtual public charter school opens or operates a facility within the school district**  
29 **and does not provide the written notice required by subsection (2) of this section.**

30 (b) Upon receipt of a complaint, the superintendent shall schedule a contested case hearing  
31 pursuant to ORS 183.413 to 183.470.

**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 (4) Upon a determination that the written permission required by subsection (1) of this section  
 2 was not obtained or the written notice required by subsection (2) of this section was not provided,  
 3 the superintendent shall withhold State School Fund moneys otherwise allocated to the school dis-  
 4 trict or due to the **virtual** public charter school under ORS 338.155. The superintendent shall with-  
 5 hold moneys until the written permission is obtained or the written notice is provided, or until some  
 6 other date determined by the superintendent.

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

9 **SECTION 2. (1) A public charter school that is not a virtual public charter school, as**  
 10 **defined in ORS 338.005, and that, at any time in the 12 months immediately preceding the**  
 11 **effective date of this 2023 Act, leased, purchased, constructed, reconstructed, improved, re-**  
 12 **paired, equipped or furnished a school or any other facility where students receive instruc-**  
 13 **tion within a school district that is not the sponsor of the public charter school, must submit**  
 14 **a proposal under ORS 338.045 to the district school board of that school district for the op-**  
 15 **eration of the school or facility within 14 days after the effective date of this 2023 Act.**

16 **(2) If a public charter school that is not a virtual public charter school submits a pro-**  
 17 **posal for sponsorship as required under subsection (1) of this section and the school district**  
 18 **board does not approve the proposal after conducting the evaluation described in ORS**  
 19 **338.055:**

20 **(a) The public charter school must cease all operations involving the instruction of stu-**  
 21 **dents occurring within the school district that did not approve the proposal; and**

22 **(b) The Superintendent of Public Instruction shall find the public charter school in vio-**  
 23 **lation of this section and shall withhold State School Fund moneys otherwise due to the**  
 24 **public charter school under ORS 338.155 for students receiving instruction at the school or**  
 25 **facility operating in the school district that is not the sponsor of the school or facility.**

26 **(3) Nothing in this section authorizes a public charter school that is not a virtual public**  
 27 **charter school, to, at any time after the effective date of this 2023 Act, lease, purchase,**  
 28 **construct, reconstruct, improve, repair, equip or furnish a school or other facility where**  
 29 **students receive instruction within a school district that is not the sponsor of the public**  
 30 **charter school.**

31 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**  
 32 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
 33 **on its passage.**