

SB 767-1
(LC 2268)
2/7/23 (HRL/ps)

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 767**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line.

3 In line 3, delete “visions;”.

4 Delete lines 5 through 31 and delete page 2 and insert:

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

6 **“332.158. (1) As used in this section:**

7 **“(a) ‘Nonvirtual public charter school’ means a public charter**
8 **school that:**

9 **“(A) Is established under ORS chapter 338;**

10 **“(B) Is not a virtual public charter school; and**

11 **“(C) Is not sponsored by the State Board of Education.**

12 **“(b) ‘Virtual public charter school’ has the meaning given that term**
13 **in ORS 338.005.**

14 **“[(1)] (2)(a) A district school board or the governing body of a non-**
15 **virtual public charter school** may lease, purchase, construct, reconstruct,
16 improve, repair, equip or furnish a school in another school district, and may
17 expend bond proceeds or other funds available to the board **or governing**
18 **body** for such purposes, if the board [*has the written permission of*] **or**
19 **governing body has written permission to operate the school from** the
20 district school board of the school district in which the school will be lo-
21 cated. The written permission required by this [*subsection*] **paragraph** must

1 be obtained prior to the first day on which students will attend classes in
2 the school.

3 “(b) In addition to the requirement of paragraph (a) of this sub-
4 section, the governing body of a nonvirtual public charter school must
5 provide written notice of intent to operate a school as described in
6 paragraph (a) of this subsection to the sponsor of the nonvirtual public
7 charter school.

8 “[2] (3) [A] The governing body of a virtual public charter school may
9 lease, purchase, construct, reconstruct, improve, repair, equip or furnish a
10 [school, or any other] facility where students receive [instruction, in another
11 school district] tutoring or testing within a school district that is not
12 the sponsor of the virtual public charter school, and may expend funds
13 available to the [public charter school] governing body for such purposes,
14 if the [public charter school] governing body provides written notice of in-
15 tent to operate the facility to the sponsor of the virtual public charter
16 school and to the district school board of the school district in which the
17 [school or] facility will be located. The written notice required by this sub-
18 section must be provided prior to the first day on which students will [attend
19 classes in the school or receive instruction] receive tutoring or testing at
20 the facility.

21 “[3] (4)(a) [If a district school board or public charter school opens or
22 operates a school or facility in another school district and does not obtain the
23 written permission required by subsection (1) of this section or provide the
24 written notice required by subsection (2) of this section, the board of the school
25 district in which the school or facility has been opened or operated] The board
26 of a school district may file a complaint with the Superintendent of Public
27 Instruction[,] if:

28 “(A) Another district school board or the governing body of a non-
29 virtual public charter school opens or operates a school in the school
30 district and does not obtain the written permission required by sub-

1 **section (2) of this section; or**

2 **“(B) The governing body of a virtual public charter school opens**
3 **or operates a facility within the school district and does not provide**
4 **the written notice required by subsection (3) of this section.**

5 **“(b) Upon receipt of a complaint, the superintendent shall schedule a**
6 **contested case hearing pursuant to ORS 183.413 to 183.470.**

7 **“[(4)] (5)(a) Except as provided by paragraph (b) of this subsection,**
8 **upon a determination that the written permission required by subsection**
9 **[(1)] (2) of this section was not obtained or the written notice required by**
10 **subsection [(2)] (3) of this section was not provided, the superintendent shall**
11 **withhold State School Fund moneys otherwise allocated to the school district**
12 **or due to the public charter school under ORS 338.155.**

13 **“(b) The superintendent may not withhold State School Fund mon-**
14 **eys due to a nonvirtual public charter school if the superintendent**
15 **finds that the governing body of the nonvirtual public charter school:**

16 **“(A) Has been continuously operating any public charter school in**
17 **this state beginning at any time prior to January 1, 2023;**

18 **“(B) Began operating the school that is the subject of the complaint**
19 **prior to:**

20 **“(i) January 1, 2023, if the school is located in another school dis-**
21 **trict in this state; or**

22 **“(ii) January 1, 2024, if the school district in which the school is**
23 **located is adjacent to the school district that is the sponsor of the**
24 **nonvirtual public charter school that is operated by the governing**
25 **body;**

26 **“(C) Complied with the requirements of this section, as in effect**
27 **prior to January 1, 2023; and**

28 **“(D) Has continuously operated the school that is the subject of the**
29 **complaint at the same location since January 1, 2023, or, if applicable,**
30 **since January 1, 2024.**

1 “(c) The superintendent shall withhold moneys **under paragraph (a) of**
2 **this subsection** until the written permission is obtained or the written no-
3 tice is provided, or until some other date determined by the superintendent.

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

6 “SECTION 2. **This 2023 Act being necessary for the immediate**
7 **preservation of the public peace, health and safety, an emergency is**
8 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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