

Senate Bill 588

Sponsored by Senator ROBLAN

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**.

Allows school district and public charter school to be considered single legal entity for purpose of public charter school law if public charter school is only school in school district and other conditions are met.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to the legal status of public charter schools; amending ORS 338.035; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 338.035 is amended to read:

6 338.035. (1) A public charter school may be established:

7 (a) As a new public school;

8 (b) As a virtual public charter school;

9 (c) From an existing public school or a portion of the school; or

10 (d) From an existing alternative education program, as defined in ORS 336.615.

11 (2)(a) Before a public charter school may operate as a public charter school, it must:

12 (A) Be approved by a sponsor;

13 (B) Be established as a nonprofit organization under the laws of Oregon; and

14 (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal
15 Revenue Code.

16 (b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and
17 (C) of this subsection do not apply to:

18 (A) A school in a school district that is composed of only one school; and

19 (B) A school in a school district that is a remote and necessary school district on the date the
20 school first begins operation as a public charter school.

21 (3)(a) Except for a public charter school that is not required to comply with subsection (2)(a)(B)
22 and (C) of this section as provided by subsection (2)(b) of this section, a member of the school dis-
23 trict board of the school district within which a public charter school is located may not be a voting
24 member of the public charter school governing body.

25 (b) A member of the school district board of the school district within which a public charter
26 school is located may act in an advisory capacity on the public charter school governing body.

27 (4) An applicant seeking to establish a public charter school shall submit a proposal pursuant
28 to ORS 338.045 to the school district board of the school district within which the public charter
29 school will be located by the date identified by the school district board. The school district board
30 shall identify a date that is at least 180 days prior to the date on which the public charter school

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 would begin operating and that provides a reasonable period of time for the school district board
2 to complete the approval process described in ORS 338.055 and for the public charter school to begin
3 operating by the beginning of a school year. An applicant may consult with the school district board
4 prior to submitting a proposal, and the school district board may require an applicant to submit a
5 letter of intent within a reasonable period of time prior to submitting a proposal.

6 (5) An applicant seeking to establish a public charter school shall provide to the State Board
7 of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a
8 copy of any subsequent approval by the school district board.

9 (6)(a) One or more, but not all, schools in a school district may become public charter schools.

10 (b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is com-
11 posed of only one school may become a public charter school. **For a public charter school that**
12 **is the only school in the school district, the public charter school and the school district may**
13 **be considered to be a single legal entity for the purposes of this chapter if:**

14 (A) **The public charter school is not required to comply with subsection (2)(a)(B) and (C)**
15 **of this section;**

16 (B) **All of the members of the school district board are voting members of the public**
17 **charter school governing body as allowed by subsection (3)(a) of this section;**

18 (C) **The school district and the public charter school share employees; and**

19 (D) **The school district and the public charter school share assets and liabilities.**

20 (7)(a) An entity described in ORS 338.005 (5) may not approve a public charter school proposal
21 that authorizes the conversion of any private school that is tuition based to a public charter school.

22 (b) Notwithstanding paragraph (a) of this subsection, an entity described in ORS 338.005 (5) may
23 authorize the conversion of an existing alternative education program, as defined in ORS 336.615,
24 to a public charter school.

25 (8) An entity described in ORS 338.005 (5) may not approve a proposal for a public charter
26 school that is affiliated with a nonpublic sectarian school or a religious institution.

27 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
29 **July 1, 2015.**