

SB 1520-5
(LC 7)
2/8/18 (HRL/ps)

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 1520**

1 On page 1 of the printed bill, line 2, delete “327.531,”.

2 In line 4, after the first “section” delete the rest of the line.

3 On page 13, after line 12, insert:

4 **“SECTION 10a. ORS 338.135, as operative until July 1, 2018, is amended**
5 to read:

6 “338.135. (1) Employee assignment to a public charter school shall be
7 voluntary.

8 “(2)(a) A public charter school or the sponsor of the public charter school
9 is considered the employer of any employees of the public charter school. If
10 a school district board is not the sponsor of the public charter school, the
11 school district board may not be the employer of the employees of the public
12 charter school and the school district board may not collectively bargain
13 with the employees of the public charter school. The public charter school
14 governing body shall control the selection of employees at the public charter
15 school.

16 “(b) If a virtual public charter school or the sponsor of a virtual public
17 charter school contracts with a for-profit entity to provide educational ser-
18 vices through the virtual public charter school, the for-profit entity may not
19 be the employer of any employees of the virtual public charter school unless:

20 “(A) The employee is an administrator who does not have any teaching
21 responsibilities; and

1 “(B) Both the executive officer of the sponsor and the public charter
2 school governing body approve employment by the for-profit entity. The
3 executive officer or governing body may choose to grant approval under this
4 subparagraph:

5 “(i) For all employees of the for-profit entity who meet the description in
6 subparagraph (A) of this paragraph;

7 “(ii) Based on the job categories of the employees who meet the de-
8 scription in subparagraph (A) of this paragraph; or

9 “(iii) On a case-by-case basis for each employee who meets the description
10 in subparagraph (A) of this paragraph.

11 “(3) The school district board of the school district within which the
12 public charter school is located shall grant a leave of absence to any em-
13 ployee who chooses to work in the public charter school. The length and
14 terms of the leave of absence shall be set by negotiated agreement or by
15 board policy. However, the length of the leave of absence may not be less
16 than two years unless:

17 “(a) The charter of the public charter school is terminated or the public
18 charter school is dissolved or closed during the leave of absence; or

19 “(b) The employee and the school district board have mutually agreed to
20 a different length of time.

21 “(4) An employee of a public charter school operating within a school
22 district who is granted a leave of absence from the school district and re-
23 turns to employment with the school district shall retain seniority and ben-
24 efits as an employee pursuant to the terms of the leave of absence.
25 Notwithstanding ORS 243.650 to 243.782, a school district that was the em-
26 ployer of an employee of a public charter school not operating within the
27 school district may make provisions for the return of the employee to em-
28 ployment with the school district.

29 “(5) For purposes of ORS chapters 238 and 238A, a public charter school
30 shall be considered a public employer and as such shall participate in the

1 Public Employees Retirement System.

2 “(6) For teacher licensing, employment experience in public charter
3 schools shall be considered equivalent to experience in public schools.

4 “(7)(a) Any person employed as an administrator in a public charter
5 school shall be licensed or registered to administer by the Teacher Standards
6 and Practices Commission.

7 “(b) Any person employed as a teacher in a public charter school shall
8 be licensed or registered to teach by the commission.

9 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least
10 one-half of the total full-time equivalent (FTE) teaching and administrative
11 staff at the public charter school shall be licensed by the commission pur-
12 suant to ORS 342.125.

13 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-
14 sidered a school district for purposes of ORS 243.650 to 243.782. An employee
15 of a public charter school may be a member of a labor organization or or-
16 ganize with other employees to bargain collectively. Bargaining units at the
17 public charter school may be separate from other bargaining units of the
18 sponsor or of the school district in which the public charter school is lo-
19 cated. Employees of a public charter school may be part of the bargaining
20 units of the sponsor or of the school district in which the public charter
21 school is located.

22 “(9) An entity described in ORS 338.005 [(5)] (4) may not waive the right
23 to sponsor a public charter school in a collective bargaining agreement.

24 “**SECTION 10b.** ORS 338.135 is amended to read:

25 “338.135. (1) Employee assignment to a public charter school shall be
26 voluntary.

27 “(2)(a) A public charter school or the sponsor of the public charter school
28 is considered the employer of any employees of the public charter school. If
29 a school district board is not the sponsor of the public charter school, the
30 school district board may not be the employer of the employees of the public

1 charter school and the school district board may not collectively bargain
2 with the employees of the public charter school. The public charter school
3 governing body shall control the selection of employees at the public charter
4 school.

5 “(b) If a virtual public charter school or the sponsor of a virtual public
6 charter school contracts with a for-profit entity to provide educational ser-
7 vices through the virtual public charter school, the for-profit entity may not
8 be the employer of any employees of the virtual public charter school.

9 “(3) The school district board of the school district within which the
10 public charter school is located shall grant a leave of absence to any em-
11 ployee who chooses to work in the public charter school. The length and
12 terms of the leave of absence shall be set by negotiated agreement or by
13 board policy. However, the length of the leave of absence may not be less
14 than two years unless:

15 “(a) The charter of the public charter school is terminated or the public
16 charter school is dissolved or closed during the leave of absence; or

17 “(b) The employee and the school district board have mutually agreed to
18 a different length of time.

19 “(4) An employee of a public charter school operating within a school
20 district who is granted a leave of absence from the school district and re-
21 turns to employment with the school district shall retain seniority and ben-
22 efits as an employee pursuant to the terms of the leave of absence.
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28 shall be considered a public employer and as such shall participate in the
29 Public Employees Retirement System.

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2 “(7)(a) Any person employed as an administrator in a public charter
3 school shall be licensed or registered to administer by the Teacher Standards
4 and Practices Commission.

5 “(b) Any person employed as a teacher in a public charter school shall
6 be licensed or registered to teach by the commission.

7 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least
8 one-half of the total full-time equivalent (FTE) teaching and administrative
9 staff at the public charter school shall be licensed by the commission pur-
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13 of a public charter school may be a member of a labor organization or or-
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15 public charter school may be separate from other bargaining units of the
16 sponsor or of the school district in which the public charter school is lo-
17 cated. Employees of a public charter school may be part of the bargaining
18 units of the sponsor or of the school district in which the public charter
19 school is located.

20 “(9) An entity described in ORS 338.005 [(5)] (4) may not waive the right
21 to sponsor a public charter school in a collective bargaining agreement.”.

22 On page 28, delete lines 6 through 45.

23 On page 29, delete lines 1 through 39 and insert:

24 “**NOTE:** Sections 28 through 31 were deleted by amendment. Subsequent
25 sections were not renumbered.”.

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