

House Bill 2763

Sponsored by Representative DOHERTY

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**.

Eliminates exception that allows for-profit entity to be employer of administrator of virtual public charter school.

A BILL FOR AN ACT

Relating to administrators of public charter schools; amending ORS 338.135.

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

SECTION 1. ORS 338.135, as amended by section 29, chapter 72, Oregon Laws 2018, is amended to read:

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

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

(b) If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school. *[unless:]*

[(A) The employee is an administrator who does not have any teaching responsibilities; and]

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

[(i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this paragraph.];

[(ii) Based on the job categories of the employees who meet the description in subparagraph (A) of this paragraph; or]

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

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

(a) The charter of the public charter school is terminated or the public charter school is dis-

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 solved or closed during the leave of absence; or

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

4 (4) An employee of a public charter school operating within a school district who is granted a
5 leave of absence from the school district and returns to employment with the school district shall
6 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
7 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of
8 a public charter school not operating within the school district may make provisions for the return
9 of the employee to employment with the school district.

10 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a
11 public employer and as such shall participate in the Public Employees Retirement System.

12 (6) For teacher licensing, employment experience in public charter schools shall be considered
13 equivalent to experience in public schools.

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

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

18 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
19 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
20 the commission pursuant to ORS 342.125.

21 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
22 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
23 of a labor organization or organize with other employees to bargain collectively. Bargaining units
24 at the public charter school may be separate from other bargaining units of the sponsor or of the
25 school district in which the public charter school is located. Employees of a public charter school
26 may be part of the bargaining units of the sponsor or of the school district in which the public
27 charter school is located.

28 (9) An entity described in ORS 338.005 (4) may not waive the right to sponsor a public charter
29 school in a collective bargaining agreement.

30