

Senate Bill 634

Sponsored by Senator GIROD

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**.

Provides for remuneration paid to certain employee of public charter school who resides and performs service in United States to be treated as if remuneration were includable in employee's taxable income during continuous period of employment with public charter school.

A BILL FOR AN ACT

1
2 Relating to salary of employees of public charter schools under the Oregon Public Service Retirement Plan; amending ORS 338.135.

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

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

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

8 (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
9 of the public charter school, the school district board may not be the employer of the employees of
10 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
11 selection of employees at the public charter school.
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14 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
15 with a for-profit entity to provide educational services through the virtual public charter school, the
16 for-profit entity may not be the employer of any employees of the virtual public charter school unless:
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18 (A) The employee is an administrator who does not have any teaching responsibilities; and

19 (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
20 grant approval under this subparagraph:
21

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

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

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

28 (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
29 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
30 board policy. However, the length of the leave of absence may not be less than two years unless:
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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 (a) The charter of the public charter school is terminated or the public charter school is dis-
 2 solved or closed during the leave of absence; or

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

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

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

13 **(b) For purposes of determining the salary of an active member of the Public Employees**
 14 **Retirement System under ORS 238A.005 (17), remuneration paid to a member in return for**
 15 **services to a public charter school shall be treated as if it were includable in the member's**
 16 **taxable income under Oregon law during a period of continuous employment with any public**
 17 **charter school if:**

18 **(A) The member was hired in a qualifying position by a public charter school on or after**
 19 **August 29, 2003, and on or before December 31, 2017;**

20 **(B) The member was informed in writing by the public charter school during the period**
 21 **of continuous employment that the member was eligible to participate in the Public Em-**
 22 **ployees Retirement System and the public charter school made contributions to the system**
 23 **on the member's behalf; and**

24 **(C) The member resided and performed services in the United States during the period**
 25 **of continuous employment.**

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

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

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

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

35 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
 36 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
 37 of a labor organization or organize with other employees to bargain collectively. Bargaining units
 38 at the public charter school may be separate from other bargaining units of the sponsor or of the
 39 school district in which the public charter school is located. Employees of a public charter school
 40 may be part of the bargaining units of the sponsor or of the school district in which the public
 41 charter school is located.

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