

# House Bill 2196

Sponsored by Representative WILDE (Pre-session filed.)

## 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**.

Requires that providers of educational services to students of public charter school be employed by public charter school or by sponsor of public charter school. Makes exceptions for other public providers of educational services and for special education and related services.

Directs sponsor to make good faith evaluation of whether public charter school provides educational services in manner that sponsor is unable or unwilling to provide. Requires sponsor to make report publicly available if evaluation determines that sponsor is unable or unwilling to provide educational services in same manner.

## A BILL FOR AN ACT

1  
2 Relating to the provision of educational services by public charter schools; creating new provisions;  
3 and amending ORS 338.025, 338.065, 338.080, 338.115, 338.120, 338.125 and 338.135.

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

5 **SECTION 1.** ORS 338.135 is amended to read:

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

7 (2)(a) A public charter school or the sponsor of the public charter school [*is considered*] **must**  
8 **be** the employer of any employees of the public charter school. **Except as provided in ORS 338.080,**  
9 **only persons employed by the public charter school or the sponsor of the public charter**  
10 **school may provide educational services to the public charter school's students.**

11 (b) If a school district board is not the sponsor of the public charter school, the school district  
12 board may not be the employer of the employees of the public charter school and the school district  
13 board may not collectively bargain with the employees of the public charter school. The public  
14 charter school governing body shall control the selection of employees at the public charter school.

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

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*  
20 *employment by the for-profit entity. The executive officer or governing body may choose to grant ap-*  
21 *proval under this subparagraph.:*]

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) of*  
27 *this paragraph.*]

28 (3) The school district board of the school district within which the public charter school is lo-

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

4 (a) The charter of the public charter school is terminated or the public charter school is dis-  
 5 solved or closed during the leave of absence; or

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

8 (4) An employee of a public charter school operating within a school district who is granted a  
 9 leave of absence from the school district and returns to employment with the school district shall  
 10 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
 11 Notwithstanding ORS 243.650 to 243.806, a school district that was the employer of an employee of  
 12 a public charter school not operating within the school district may make provisions for the return  
 13 of the employee to employment with the school district.

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

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

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

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

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

25 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
 26 for purposes of ORS 243.650 to 243.806. An employee of a public charter school may be a member  
 27 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
 28 at the public charter school may be separate from other bargaining units of the sponsor or of the  
 29 school district in which the public charter school is located. Employees of a public charter school  
 30 may be part of the bargaining units of the sponsor or of the school district in which the public  
 31 charter school is located.

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

34 **SECTION 2.** ORS 338.025 is amended to read:

35 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
 36 of this chapter. The rules shall follow the intent of this chapter.

37 (2) Upon application by a public charter school, the State Board of Education may grant a  
 38 waiver of any provision of this chapter if the waiver promotes the development of programs by  
 39 providers, enhances the equitable access by underserved families to the public education of their  
 40 choice, extends the equitable access to public support by all students or permits high quality pro-  
 41 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
 42 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 (4)[, 338.135 (2)(b)] or  
 43 339.122.

44 **SECTION 3.** ORS 338.080 is amended to read:

45 338.080. (1) A sponsor and a public charter school may enter into a cooperative agreement with

1 other school districts for the purpose of forming a partnership to provide educational services.

2 (2) A cooperative agreement entered into as provided by **subsection (1) of this section** must:

3 (a) Be incorporated into the charter of the public charter school; and

4 (b) Describe the terms of the partnership between the sponsor, the public charter school and  
5 other school districts.

6 **(3) A public charter school or the sponsor of a public charter school may enter into a  
7 contract or any other agreement for the provision of educational services to the students  
8 of the public charter school if:**

9 **(a) The agreement is with another school district, an education service district or any  
10 other public provider of educational services; or**

11 **(b) The educational services are for special education and related services.**

12 **SECTION 4.** ORS 338.115 is amended to read:

13 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other  
14 public schools do not apply to public charter schools. However, the following laws do apply to public  
15 charter schools:

16 (a) Federal law;

17 (b) ORS 30.260 to 30.300 (tort claims);

18 (c) ORS 192.311 to 192.478 (public records law);

19 (d) ORS 192.610 to 192.690 (public meetings law);

20 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

21 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

22 (g) ORS 326.565, 326.575 and 326.580 (student records);

23 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

24 (i) ORS 329.045 (academic content standards and instruction);

25 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-  
26 tificate);

27 (k) ORS 329.496 (physical education);

28 (L) The statewide assessment system developed by the Department of Education for mathemat-  
29 ics, science and English under ORS 329.485 (2);

30 (m) ORS 336.840 (use of personal electronic devices);

31 (n) ORS 337.150 (textbooks);

32 (o) ORS 339.119 (consideration for educational services);

33 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);

34 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

35 (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);

36 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);

37 (t) ORS 342.856 (core teaching standards);

38 (u) ORS chapter 657 (Employment Department Law);

39 (v) ORS 659.850, 659.855 and 659.860 (discrimination);

40 (w) Any statute or rule that establishes requirements for instructional time provided by a school  
41 during each day or during a year;

42 (x) Statutes and rules that expressly apply to public charter schools;

43 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a  
44 public body, as defined in ORS 174.109;

45 (z) Health and safety statutes and rules;

1 (aa) Any statute or rule that is listed in the charter; and

2 (bb) This chapter.

3 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules  
4 that apply only to school district boards, school districts and other public schools may apply to a  
5 public charter school.

6 (3) If a statute or rule applies to a public charter school, then the terms “school district” and  
7 “public school” include public charter school as those terms are used in that statute or rule.

8 (4) A public charter school may not violate the Establishment Clause of the First Amendment  
9 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion  
10 based.

11 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

12 (b) For a public charter school that provides educational services under a cooperative agree-  
13 ment described in ORS 338.080 (1), the public charter school is in compliance with the requirements  
14 of this subsection if the public charter school provides educational services under the cooperative  
15 agreement to at least 25 students, without regard to the school districts in which the students are  
16 residents.

17 (6) A public charter school may sue or be sued as a separate legal entity.

18 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities  
19 and employees of a sponsor acting in their official capacities are immune from civil liability with  
20 respect to all activities related to a public charter school within the scope of their duties or em-  
21 ployment.

22 (8) A public charter school may enter into contracts and may lease facilities and services from  
23 a school district, education service district, public university listed in ORS 352.002, other govern-  
24 mental unit or any person or legal entity.

25 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-  
26 ability.

27 (10) A public charter school may receive and accept gifts, grants and donations from any source  
28 for expenditure to carry out the lawful functions of the school.

29 (11) The school district in which the public charter school is located shall offer a high school  
30 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter  
31 school student who meets the district’s and state’s standards for a high school diploma, a modified  
32 diploma, an extended diploma or an alternative certificate.

33 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate  
34 issued by a public charter school grants to the holder the same rights and privileges as a high  
35 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a  
36 nonchartered public school.

37 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the  
38 sponsor as specified in the charter.

39 (14) A public charter school may receive services from an education service district in the same  
40 manner as a nonchartered public school in the school district in which the public charter school is  
41 located.

42 **SECTION 5.** ORS 338.120 is amended to read:

43 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a  
44 virtual public charter school must have:

45 (a) A plan for academic achievement that addresses how the school will improve student learn-

1 ing and meet academic content standards required by ORS 329.045.

2 (b) Performance criteria the school will use to measure the progress of the school in meeting  
3 the academic performance goals set by the school for its first five years of operation.

4 (c) A plan for implementing the proposed education program of the school by directly and sig-  
5 nificantly involving parents and guardians of students enrolled in the school and involving the pro-  
6 fessional employees of the school.

7 (d) A budget, business plan and governance plan for the operation of the school.

8 (e) In the charter of the school, a requirement that the school:

9 (A) Monitor and track student progress and attendance; and

10 (B) Provide student assessments in a manner that ensures that an individual student is being  
11 assessed and that the assessment is valid.

12 (f) Notwithstanding ORS 338.135 (7), a plan to ensure that:

13 (A) All superintendents, assistant superintendents and principals of the school are licensed to  
14 administer by the Teacher Standards and Practices Commission; and

15 (B) Teachers who are licensed to teach by the Teacher Standards and Practices Commission  
16 teach at least 95 percent of the school's instructional hours.

17 (g) A plan for maintaining student records and school records, including financial records, at a  
18 designated central office of operations that is located:

19 (A) If the sponsor is a school district, within the school district that is the sponsor and as  
20 specified in the charter of the school; or

21 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as  
22 specified in the charter of the school.

23 (h) A plan to provide equitable access to the education program of the school by ensuring that  
24 each student enrolled in the school:

25 (A) Has access to and use of computer and printer equipment as needed;

26 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-  
27 imburse the parent or guardian of the student, at a rate set by the school, for the costs of obtaining  
28 Internet service at the minimum connection speed required to effectively access the education pro-  
29 gram provided by the school; or

30 (C) Has access to and use of computer and printer equipment and is offered Internet service cost  
31 reimbursement.

32 (i) A plan to provide access to computer and printer equipment and the Internet service cost  
33 reimbursement as described in paragraph (h) of this subsection by students enrolled in the school  
34 who are from families that qualify as low-income under Title I of the federal Elementary and Sec-  
35 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

36 (j) A plan to conduct school-sponsored optional educational events at least six times each school  
37 year at locations selected to provide convenient access to all students enrolled in the school who  
38 want to participate.

39 (k) A plan to conduct meetings at least twice a week between teachers and students enrolled  
40 in the school, either in person or through the use of conference calls or other technology.

41 (L) A plan to provide opportunities for face-to-face meetings between teachers and students en-  
42 rolled in the school at least six times each school year.

43 (m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and,  
44 if different, to the school district where the student is a resident. Notification must be provided  
45 within 10 days after enrollment and must include:

1 (A) The name, age and address of the student; and  
 2 (B) The name of the school in which the student was formerly enrolled.  
 3 (n) A plan to provide, at the time of a student’s withdrawal for a reason other than graduation  
 4 from high school, written notice to the sponsor and, if different, to the school district where the  
 5 student is a resident. Notification must be provided within 10 days after withdrawal and must in-  
 6 clude:  
 7 (A) The name, age and address of the student;  
 8 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in  
 9 which the student will enroll, if known to the virtual public charter school; and  
 10 (C) The last day on which the student was enrolled at the virtual public charter school.  
 11 (o) An agreement to provide a student’s education records to the student’s resident school dis-  
 12 trict or to the sponsor, upon request of the resident school district or sponsor.  
 13 *[(2) For a virtual public charter school:]*  
 14 *[(a) A person who is a member of the school district board for the sponsor of the virtual public*  
 15 *charter school may not be:]*  
 16 *[(A) An employee of the virtual public charter school;]*  
 17 *[(B) A member of the governing body of the virtual public charter school; or]*  
 18 *[(C) An employee or other representative of any third-party entity with which the virtual public*  
 19 *charter school has entered into a contract to provide educational services.]*  
 20 *[(b) A person who is a member of the governing body of the virtual public charter school may not*  
 21 *be an employee of a third-party entity with which the virtual public charter school has entered, or in-*  
 22 *tends to enter, into a contract to provide educational services.]*  
 23 *[(3) If a virtual public charter school enters into a contract with a third-party entity to provide*  
 24 *educational services for the virtual public charter school:]*  
 25 *[(a) No employee or member of the governing board of the third-party entity may attend an execu-*  
 26 *tive session of the school district board of the school district that is the sponsor of the virtual public*  
 27 *charter school;]*  
 28 *[(b) An employee of the virtual public charter school may not promote the sale or benefits of private*  
 29 *supplemental services or classes offered by the third-party entity;]*  
 30 *[(c) The educational services provided by the third-party entity must be consistent with state stan-*  
 31 *dards and requirements, and must be changed on the same timelines that changes are imposed on the*  
 32 *nonvirtual public charter schools of this state; and]*  
 33 *[(d) The virtual public charter school must have on file the third-party entity’s budget for the pro-*  
 34 *vision of educational services and that budget must itemize:]*  
 35 *[(A) The salaries of supervisory and management personnel and consultants who are providing*  
 36 *educational or related services for a public charter school in this state; and]*  
 37 *[(B) The annual operating expenses and profit margin of the third-party entity for providing edu-*  
 38 *cational services to a public charter school in this state.]*  
 39 **[(4)(a)] (2)(a)** The sponsor or a member of the public may request access to any of the documents  
 40 described in *[subsections (1) and (3)(d)]* **subsection (1)** of this section that are public records, as  
 41 provided by ORS 192.311 to 192.478.  
 42 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must  
 43 provide reasonable access to the documents described in *[subsections (1) and (3)(d)]* **subsection (1)**  
 44 of this section that are public records, as provided by ORS 192.311 to 192.478. The documents may  
 45 be provided electronically.

**SECTION 6.** ORS 338.125 is amended to read:

338.125. (1) Student enrollment in a public charter school is voluntary.

(2)(a) All students who reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available.

(b) Students who do not reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available and subject to subsection (4) of this section.

(c) A public charter school may not limit student enrollment based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability.

(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applications from students who reside in the school district exceeds the capacity of a program, class, grade level or building, the public charter school shall select students through an equitable lottery selection process.

(b)(A) A public charter school may give priority for admission to students who reside within the attendance boundaries that were in effect at the time a school district closed a nonchartered public school if:

(i) The public charter school began to operate not more than two years after the nonchartered public school was closed;

(ii) The school district that closed the nonchartered public school is the sponsor of the public charter school;

(iii) The public charter school is physically located within the attendance boundaries of the closed nonchartered public school; and

(iv) The school district board, through board action, approved the public charter school giving priority as described in this paragraph.

(B) Nothing in this paragraph requires an amendment to a charter. A school district board may take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of a charter.

(c) After a public charter school has been in operation for one or more years, the public charter school may give priority for admission to students who:

(A) Were enrolled in the school in the prior year;

(B) Have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year; or

(C) If the public charter school is a party to a cooperative agreement described in ORS 338.080 (1), reside in the school district that is the sponsor of the public charter school or in a school district that is a party to the cooperative agreement.

(4)(a) A student who wishes to enroll in a virtual public charter school does not need the approval of the school district where the student is a resident before the student enrolls in the virtual public charter school. If a student wishes to enroll in a virtual public charter school, the parent, legal guardian or person in parental relationship with the student must provide the following notices to the school district where the student is a resident:

(A) Intent to enroll the student in a virtual public charter school; and

(B) Enrollment of the student in a virtual public charter school.

(b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three percent of the students who reside in a school district are enrolled in virtual public charter schools

1 that are not sponsored by the school district, a student who is a resident of the school district must  
2 receive approval from the school district before enrolling in a virtual public charter school. A school  
3 district is not required to give approval if more than three percent of the students who reside in the  
4 school district are enrolled in virtual public charter schools that are not sponsored by the school  
5 district.

6 (B) For the purpose of determining whether more than three percent of the students who reside  
7 in the school district are enrolled in virtual public charter schools that are not sponsored by the  
8 school district, the school district board shall include any students who:

9 (i) Reside in the school district, regardless of whether the students are considered residents of  
10 different school districts as provided by ORS 339.133 (5); and

11 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

12 (C) Students who reside in the school district, regardless of whether the students are considered  
13 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the  
14 school district before enrolling in a virtual public charter school if the limit described in subpara-  
15 graph (A) of this paragraph has been met.

16 (c) If the school district does not give approval under paragraph (b) of this subsection, the  
17 school district must provide information to the parent, legal guardian or person in parental re-  
18 lationship with the student about the right to appeal the decision to the State Board of Education  
19 and other online options available to the student. If an appeal is made to the State Board of Edu-  
20 cation, the board must issue a decision within 30 days of the submission of the appeal.

21 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school  
22 shall provide written notice of the student's enrollment to the school district in which the public  
23 charter school is located if the student does not reside in the school district where the public  
24 charter school is located.

25 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school  
26 district in which the public charter school is located shall provide to the student's parent, legal  
27 guardian or person in parental relationship written information about:

28 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the  
29 public charter school to determine which students may be in need of special education and related  
30 services as provided by ORS 338.165; and

31 (b) The methods by which the school district may be contacted to answer questions or provide  
32 information related to special education and related services.

33 (7) When a student described in subsection (5) of this section withdraws from a public charter  
34 school for a reason other than graduation from high school, the school district in which the public  
35 charter school is located shall:

36 (a) Provide to the school district in which the student resides written notice that the student  
37 has withdrawn.

38 (b) Provide to the student's parent, legal guardian or person in parental relationship written  
39 information about:

40 (A) The responsibility of the school district in which the student resides to identify, locate and  
41 evaluate students who reside in the school district to determine which students may be in need of  
42 special education and related services as provided by ORS 338.165; and

43 (B) The methods by which the school district in which the student resides may be contacted to  
44 answer questions or provide information related to special education and related services.

45 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school



1 and has an individualized education program, the school district in which the public charter school  
 2 is located must implement the individualized education program and follow the terms of the indi-  
 3 vidualized education program until a new individualized education program is developed.

4 (b) If a student described in subsection (5) of this section withdraws from a public charter school  
 5 and has an individualized education program, the school district in which the student resides must  
 6 implement the individualized education program and follow the terms of the individualized education  
 7 program until a new individualized education program is developed.

8 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in  
 9 a virtual public charter school, the virtual public charter school shall provide the written notices  
 10 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

11 (10) A public charter school may conduct fund-raising activities but may not require a student  
 12 to participate in fund-raising activities as a condition of admission to the public charter school.

13 **SECTION 7.** ORS 338.065 is amended to read:

14 338.065. (1)(a) Upon approval of a proposal by a school district board under ORS 338.055, the  
 15 school district board shall become the sponsor of the public charter school.

16 (b) Pursuant to ORS 338.075 (2) or (3), the State Board of Education shall become the sponsor  
 17 of the public charter school.

18 (2) The sponsor and the applicant shall develop a written charter that contains the provisions  
 19 of the proposal that have been duly approved by the sponsor and public charter school governing  
 20 body. As provided by ORS 338.055 (6), the sponsor and the applicant may agree to change elements  
 21 of the proposal prior to incorporating them into the charter. The charter, when duly executed by  
 22 the sponsor and the public charter school governing body, shall act as the legal authorization for  
 23 the establishment of the public charter school. The charter shall be legally binding on both the  
 24 sponsor and the public charter school governing body.

25 (3) The sponsor and the public charter school governing body may amend a charter by joint  
 26 agreement.

27 (4)(a) The initial charter shall be in effect for a period of not more than five years and shall be  
 28 renewed upon the authorization of the sponsor using the process established under this section.

29 (b) The first renewal of a charter shall be for the same time period as the initial charter.

30 (c) Subsequent renewals of a charter shall be for a minimum of five years but may not exceed  
 31 10 years.

32 (5)(a) The renewal of a charter shall use the process required by this section.

33 (b) The public charter school governing body shall submit a written renewal request to the  
 34 sponsor for consideration at least 180 days prior to the expiration of the charter.

35 (c) Within 45 days after receiving a written renewal request from a public charter school gov-  
 36 erning body, the sponsor shall hold a public hearing regarding the request for renewal.

37 (d) Within 30 days after the public hearing, the sponsor shall approve the renewal of the charter  
 38 or state in writing the reasons for denying the renewal of the charter.

39 (e) If the sponsor approves the renewal of the charter, the sponsor and the public charter school  
 40 governing body shall negotiate a new charter within 90 days after the date on which the sponsor  
 41 approved the renewal of the charter unless the sponsor and the public charter school governing  
 42 body agree to an extension of the time period. Notwithstanding the time period specified in the  
 43 charter, an expiring charter shall remain in effect until a new charter is negotiated.

44 (f) If the sponsor does not renew the charter, the public charter school governing body may  
 45 address the reasons stated under paragraph (d) of this subsection and any remedial measures sug-

1 gested by the sponsor and submit a revised request for renewal to the sponsor.

2 (g) Notwithstanding paragraphs (b) to (f) of this subsection, a sponsor and a public charter  
 3 school governing body may agree in the charter of the school to a timeline for renewing the charter  
 4 that is different from the timeline required by paragraphs (b) to (f) of this subsection.

5 (6)(a) If the sponsor does not renew the charter based on the revised request for renewal sub-  
 6 mitted under subsection (5)(f) of this section, the public charter school governing body may appeal  
 7 the decision of the sponsor to the State Board of Education for a review of whether the sponsor used  
 8 the process required by this section in denying the renewal of the charter.

9 (b) If the state board finds that the sponsor used the process required by this section in denying  
 10 the request for renewal, the state board shall affirm the decision of the sponsor. A public charter  
 11 school governing body may seek judicial review of an order of the state board pursuant to ORS  
 12 183.484.

13 (c) If the state board finds that the sponsor did not use the process required by this section in  
 14 denying the request for renewal, the state board shall order the sponsor to reconsider the request  
 15 for renewal.

16 (d) If after reconsideration pursuant to paragraph (c) of this subsection the sponsor does not  
 17 renew the charter, the public charter school governing body may seek judicial review of an order  
 18 of the sponsor pursuant to ORS 183.484.

19 (7) If the State Board of Education is the sponsor of a public charter school and the state board  
 20 does not renew the charter based on the revised request for renewal submitted under subsection  
 21 (5)(f) of this section, the public charter school governing body may seek judicial review of an order  
 22 of the state board pursuant to ORS 183.484 for a review of whether the state board used the process  
 23 required by this section in denying the request for renewal.

24 (8)(a) The sponsor shall base the charter renewal decision on a good faith evaluation of whether  
 25 the public charter school:

26 (A) Is in compliance with this chapter and all other applicable state and federal laws;

27 (B) Is in compliance with the charter of the public charter school;

28 (C) Is meeting or working toward meeting the student performance goals and agreements spec-  
 29 ified in the charter or any other written agreements between the sponsor and the public charter  
 30 school governing body;

31 (D) Is fiscally stable and has used the sound financial management system described in the  
 32 proposal submitted under ORS 338.045 and incorporated into the written charter under this section;  
 33 [and]

34 (E) Is in compliance with any renewal criteria specified in the charter of the public charter  
 35 school[.]; and

36 **(F) Provides educational services in a manner that the sponsor is unable or unwilling to**  
 37 **provide.**

38 (b) The sponsor shall base the renewal evaluation described in paragraph (a) of this subsection  
 39 primarily on a review of the public charter school’s annual performance reports, annual audit of  
 40 accounts and annual site visit and review as required by ORS 338.095 and any other information  
 41 mutually agreed upon by the public charter school governing body and the sponsor.

42 **(c) If the sponsor is a school district and the sponsor makes a good faith evaluation that**  
 43 **the public charter school provides educational services in a manner that the sponsor is un-**  
 44 **able or unwilling to provide, the sponsor must make the basis of that evaluation available in**  
 45 **a public report.**

1        **SECTION 8.** The amendments to ORS 338.065 by section 7 of this 2021 Act apply to re-  
2 newals made on or after the effective date of this 2021 Act.  
3 \_\_\_\_\_