

# Senate Bill 334

Sponsored by Senator WAGNER, Representative SOLLMAN (Presession 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 directors of school districts and education service districts, superintendents of schools districts and education service districts, members of public charter school governing bodies and principals of public charter schools to receive specified training. Prescribes requirements of training. Declares emergency, effective July 1, 2021.

## A BILL FOR AN ACT

1  
2 Relating to training for persons in leadership positions of public education providers; creating new  
3 provisions; amending ORS 332.005, 332.505, 334.090, 334.225, 338.025, 338.045, 338.095 and 338.135;  
4 and declaring an emergency.

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

6 **SECTION 1. (1) The State Board of Education shall adopt training standards for persons**  
7 **in leadership positions of school districts, education service districts and public charter**  
8 **schools as provided by this section.**

9 **(2) The standards for training must address:**

10 **(a) The contents of the training, which must include:**

11 **(A) Oregon government ethics laws, including filing requirements under ORS 244.050;**

12 **(B) Restrictions on political activity that apply to public officials and public employees;**

13 **(C) Oregon public records laws;**

14 **(D) Oregon public meetings laws;**

15 **(E) Applicable budgeting laws and requirements, including the Local Budget Law of ORS**  
16 **294.305 to 294.565;**

17 **(F) Prohibitions against discrimination, including requirements for compliance with ORS**  
18 **659.850;**

19 **(G) Methods for promoting inclusion and for eliminating racism and bias in the classroom**  
20 **and the workplace;**

21 **(H) Methods for achieving equitable academic outcomes for all students; and**

22 **(I) Roles and responsibilities related to being a mandatory reporter of child abuse under**  
23 **ORS 419B.005 to 419B.050.**

24 **(b) The required recipients of the training, which must include:**

25 **(A) Directors of school districts;**

26 **(B) Superintendents of schools districts;**

27 **(C) Directors of education service districts;**

28 **(D) Superintendents of education service districts;**

29 **(E) Members of public charter school governing bodies; and**

30 **(F) Principals of public charter schools.**

**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 (c) The providers of the training, who must be registered and certified as provided by  
 2 subsection (3) of this section.

3 (d) The frequency of the training, including timelines and requirements for:

4 (A) Newly elected or appointed directors, newly hired superintendents or principals or  
 5 newly selected governing board members; and

6 (B) Persons not described in subparagraph (A) of this paragraph, who must receive the  
 7 training at least once each biennium.

8 (e) The requirements for delivery of the training, with preferences for:

9 (A) In-person training, but an allowance for online training; and

10 (B) Training for all representatives from the same school district, education service dis-  
 11 trict or public charter school at the same time.

12 (f) Reporting requirements for indicating compliance with the provisions of this section.

13 (3) The Department of Education shall establish procedures for registering and certifying  
 14 persons qualified to provide the training required by this section. Training may be provided  
 15 by public or private professional organizations or consultants, school districts, state agencies  
 16 or post-secondary institutions of education.

17 (4) Failure to comply with the requirements of this section shall be:

18 (a) Cause for considering a school district to be nonstandard under ORS 327.103;

19 (b) Cause for considering an education service district to be nonstandard under ORS  
 20 334.217; or

21 (c) Cause for termination of a charter under ORS 338.105 (1)(a).

22 (5) The State Board of Education may adopt any rules necessary for the administration  
 23 of this section.

24 **SECTION 2.** Notwithstanding the frequency for training prescribed by the State Board  
 25 of Education under section 1 (2)(d), all directors of district school boards, superintendents  
 26 of schools districts, directors of education service districts, superintendents of education  
 27 service districts, members of public charter school governing bodies and principals of public  
 28 charter school must first receive training described in section 1 of this 2021 Act no later  
 29 January 30, 2023.

30 **SECTION 3.** ORS 332.005 is amended to read:

31 332.005. (1) The directors of a school district in their official capacity shall be known as the  
 32 district school board.

33 (2) Directors must qualify by taking an oath of office before assuming the duties of office.

34 (3) **Directors must comply with the training requirements provided by section 1 of this**  
 35 **2021 Act.**

36 **SECTION 4.** ORS 332.505 is amended to read:

37 332.505. (1) As used in this section:

38 (a) “Instructional assistant” has the meaning given that term in ORS 342.120.

39 (b) “Intern teacher” means a regularly enrolled candidate of an approved educator preparation  
 40 provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider  
 41 and of the employing district in order to acquire practical experience in teaching and for which the  
 42 candidate receives both academic credit from the provider and financial compensation from the  
 43 school district or education service district.

44 (2) A district school board may:

45 (a) Employ a superintendent of schools and necessary assistant superintendents for the district

1 and fix the terms and conditions of employment and the compensation. The district school board  
 2 *[shall]* **may** not contract with a superintendent for more than a period of three years at a time. The  
 3 contract shall automatically expire at the end of its term. However, the district school board may  
 4 elect to issue a subsequent contract for an additional three years at any time.

5 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties  
 6 and powers of the board and fix the duties, terms and conditions of employment and the compen-  
 7 sation.

8 (c) Compensate district employees in any form which may include, but *[shall]* **may** not be limited  
 9 to, insurance, tuition reimbursement and salaries.

10 (d) Employ instructional assistants and intern teachers subject to the rules of the State Board  
 11 of Education.

12 (3) The district school board shall maintain written personnel policies and make the policies  
 13 available for inspection by any school employee or member of the public.

14 (4) The superintendent of the school district shall cause each employee to be specifically in-  
 15 formed of the existence and availability of the personnel policies.

16 **(5) The superintendent must comply with the training requirements provided by section**  
 17 **1 of this 2021 Act.**

18 **SECTION 5.** ORS 334.090 is amended to read:

19 334.090. Except as provided in ORS 255.400 to 255.424:

20 (1) The term of office of director of an education service district shall be four years.

21 (2) The term of office of each director of an education service district shall begin on July 1 next  
 22 following the date of election. A director shall serve until June 30 next following the election of a  
 23 successor.

24 (3) A director of an education service district must qualify by taking an oath of office before  
 25 assuming the duties of office.

26 (4) A newly appointed director of an education service district shall take office at the meeting  
 27 of the education service district board next following the appointment.

28 (5) A person is not eligible to serve as a director of an education service district unless the  
 29 person is an elector of the district and has resided therein for a period of one year immediately  
 30 preceding the election or appointment.

31 (6) No employee of an education service district is eligible to serve as a director of the educa-  
 32 tion service district by which the employee is employed.

33 **(7) A director of an education service district must comply with the training require-**  
 34 **ments provided by section 1 of this 2021 Act.**

35 [(7)] **(8)** A regular district election shall be held in a district to fill any vacancy and to elect a  
 36 successor for any director whose term expires June 30 next following the election. A successor shall  
 37 be elected as follows:

38 (a) If the director was elected from a zone established under ORS 334.032, a successor from the  
 39 same zone shall be elected by the electors of the zone.

40 (b) If the director was elected at large a successor shall be elected at large by the electors of  
 41 the district.

42 [(8)] **(9)** Notwithstanding subsection [(7)] **(8)** of this section, in any district having a population  
 43 of 550,000 or more according to the latest federal census that becomes zoned according to ORS  
 44 334.032, the board shall determine prior to the nomination of school directors which positions shall  
 45 be from zones and which positions shall be at large.

1        [(9)] (10) Any vacancy on the board from any zone shall be filled by the remaining directors from  
 2 among the qualified persons in that zone. Any such vacancy from the district at large shall be filled  
 3 by the remaining directors from among the qualified persons in the district. However, if vacancies  
 4 occur in a majority of the positions on the board, the State Board of Education shall fill the va-  
 5 cancies from among the qualified persons of the zones, if any, or from among other persons who are  
 6 qualified to serve. The period of service of an appointee under this subsection expires June 30 next  
 7 following the next regular district election at which a successor is elected. The successor shall be  
 8 elected to serve the remainder, if any, of the term for which the appointment was made. If the term  
 9 for which the appointment was made expires June 30 after the election of the successor, the suc-  
 10 cessor shall be elected to a full term. In either case, the successor shall take office July 1 next  
 11 following the election.

12        **SECTION 6.** ORS 334.225 is amended to read:

13        334.225. (1) The education service district board shall employ a superintendent who must hold  
 14 an administrative license as a superintendent. The superintendent shall serve as the board's execu-  
 15 tive officer, give an official bond or an irrevocable letter of credit issued by an insured institution,  
 16 as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state.  
 17 The board shall fix the term and compensation of the superintendent, provide office room for the  
 18 superintendent and allow all of the superintendent's necessary traveling expenses.

19        (2) The education service district board shall designate the superintendent as the district clerk.  
 20 The board may appoint qualified persons as deputies to the superintendent to perform the duties  
 21 required of the district clerk by law or by the board.

22        **(3) The superintendent must comply with the training requirements provided by section**  
 23 **1 of this 2021 Act.**

24        **SECTION 7.** ORS 338.045 is amended to read:

25        338.045. (1) An applicant seeking to establish a public charter school shall submit a written  
 26 proposal to a school district board.

27        (2) The proposal shall include, but need not be limited to:

28        (a) The identification of the applicant;

29        (b) The name of the proposed public charter school;

30        (c) A description of the philosophy and mission of the public charter school;

31        (d) A description of the curriculum of the public charter school;

32        (e) A description of the expected results of the curriculum and the verified methods of measuring  
 33 and reporting objective results that will show the growth of knowledge of students attending the  
 34 public charter school and allow comparisons with public schools;

35        (f) The governance structure of the public charter school;

36        (g) The projected enrollment to be maintained and the ages or grades to be served;

37        (h) The target population of students the public charter school will be designed to serve;

38        (i) A description of any distinctive learning or teaching techniques to be used in the public  
 39 charter school;

40        (j) The legal address, facilities and physical location of the public charter school, if known;

41        (k) A description of admission policies and application procedures;

42        (L) The statutes and rules that shall apply to the public charter school;

43        (m) The proposed budget and financial plan for the public charter school and evidence that the  
 44 proposed budget and financial plan for the public charter school are financially sound;

45        (n) A description of the financial management system for the public charter school, an explana-

1 tion of how the financial management system will meet the requirements of ORS 338.095 (1) and a  
2 plan for having the financial management system in place at the time the school begins operating;

3 (o) The standards for behavior and the procedures for the discipline, suspension or expulsion of  
4 students;

5 (p) The proposed school calendar for the public charter school, including the length of the  
6 school day and school year;

7 (q) A description of the proposed staff members and required qualifications of teachers at the  
8 public charter school;

9 (r) The date upon which the public charter school would begin operating;

10 (s) The arrangements for any necessary special education and related services provided pursuant  
11 to ORS 338.165 for children with disabilities who may attend the public charter school;

12 (t) Information on the manner in which community groups may be involved in the planning and  
13 development process of the public charter school;

14 (u) The term of the charter;

15 (v) The plan for performance bonding or insuring the public charter school, including buildings  
16 and liabilities;

17 (w) A proposed plan for the placement of public charter school teachers, other school employees  
18 and students of the public charter school upon termination or nonrenewal of a charter;

19 (x) The manner in which the program review and fiscal audit will be conducted; and

20 (y) In the case of an existing public school being converted to charter status:

21 (A) The alternative arrangements for students who choose not to attend the public charter  
22 school and for teachers and other school employees who choose not to participate in the public  
23 charter school; and

24 (B) The relationship that will exist between the public charter school and its employees, in-  
25 cluding evidence that the terms and conditions of employment have been addressed with affected  
26 employees and their recognized representative, if any.

27 (3) In addition to the requirements of subsection (2) of this section:

28 (a) The school district board may require any additional information the board considers rele-  
29 vant to the formation or operation of a public charter school.

30 (b) Each member of a proposed public charter school governing body must:

31 **(A) Comply with the training requirements provided in section 1 of this 2021 Act and re-**  
32 **quire the principal of the public charter school to comply with the training requirements**  
33 **provided by section 1 of this 2021 Act; and**

34 **(B) Provide an acknowledgment of understanding related to the standards of conduct and the**  
35 **liabilities of a director of a nonprofit organization, as those standards and liabilities are described**  
36 **in ORS chapter 65, if the public charter school is organized as required by ORS 338.035 (2)(a)(B) and**  
37 **(C).**

38 (4) At the request of the applicant, the school district board may provide technical assistance  
39 in developing the proposal for operation of the public charter school.

40 (5) School districts, education service districts and other public bodies, as defined in ORS  
41 174.109, shall make available to the public lists of vacant and unused public buildings and portions  
42 of buildings that may be suitable for the operation of a public charter school. The lists shall be  
43 provided to developing or operating public charter schools within 30 days of a written request.  
44 Nothing in this subsection requires the owner of a building on the list to sell or lease the building  
45 or any portion of the building to a public charter school or a public charter school governing body.

1       **SECTION 8.** ORS 338.095 is amended to read:

2       338.095. (1) The financial management system of a public charter school must include a budget  
3 and accounting system that:

4       (a) Is compatible with the budget and accounting system of the sponsor of the school; and

5       (b) Complies with the requirements of the uniform budget and accounting system adopted by rule  
6 of the State Board of Education under ORS 327.511.

7       (2) A public charter school shall report to the sponsor and the Department of Education at least  
8 annually on the performance of the school and its students. A public charter school shall disclose  
9 in its report information necessary to make a determination of compliance with the requirements  
10 of this chapter. The sponsor or the sponsor's designee at least annually shall visit the public  
11 charter school site and review the public charter school's compliance with the terms and provisions  
12 of the charter.

13       (3) Except for a public charter school that is not required to comply with ORS 338.035 (2)(a)(B)  
14 and (C) as provided by ORS 338.035 (2)(b), the public charter school shall have an annual audit of  
15 the accounts of the public charter school prepared in accordance with the Municipal Audit Law,  
16 ORS 297.405 to 297.555 and 297.990. The school shall forward a copy of the annual audit to the De-  
17 partment of Education.

18       (4) After an audit conducted as provided by subsection (3) of this section, the following shall be  
19 forwarded to the sponsor:

20       (a) A copy of the annual audit;

21       (b) Any statements from the public charter school that show the results of all operations and  
22 transactions affecting the financial status of the public charter school during the preceding annual  
23 audit period for the school; and

24       (c) A balance sheet containing a summary of the assets and liabilities of the public charter  
25 school as of the closing date of the preceding annual audit period for the school.

26       (5) The sponsor of a public charter school [*that is organized as required by ORS 338.035 (2)(a)(B)*  
27 *and (C)*] may request at any time an acknowledgment from each member of the public charter school  
28 governing body that:

29       **(A) The member has complied with the training requirements provided by section 1 of**  
30 **this 2021 Act; or**

31       **(B) For a public charter school that is organized as provided by ORS 338.035 (2)(a)(B) and**  
32 **(C), the member understands the standards of conduct and liabilities of a director of a nonprofit**  
33 **organization, as those standards and liabilities are described in ORS chapter 65.**

34       (6) The State Board of Education may require public charter schools to file reports with the  
35 Department of Education as necessary to enable the department to gather information on public  
36 charter schools for inclusion in the Oregon Report Card issued pursuant to ORS 329.115.

37       **SECTION 9.** ORS 338.135 is amended to read:

38       338.135. (1) Employee assignment to a public charter school shall be voluntary.

39       (2)(a) A public charter school or the sponsor of the public charter school is considered the em-  
40 ployer of any employees of the public charter school. If a school district board is not the sponsor  
41 of the public charter school, the school district board may not be the employer of the employees of  
42 the public charter school and the school district board may not collectively bargain with the em-  
43 ployees of the public charter school. The public charter school governing body shall control the  
44 selection of employees at the public charter school.

45       (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts

1 with a for-profit entity to provide educational services through the virtual public charter school, the  
2 for-profit entity may not be the employer of any employees of the virtual public charter school un-  
3 less:

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

5 (B) Both the executive officer of the sponsor and the public charter school governing body ap-  
6 prove employment by the for-profit entity. The executive officer or governing body may choose to  
7 grant approval under this subparagraph:

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

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

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

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

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

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

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

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

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

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

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

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

39 **(8) Any person serving as the principal of a public charter school must comply with the**  
40 **training requirements provided by section 1 of this 2021 Act.**

41 [(8)] **(9)** Notwithstanding ORS 243.650, a public charter school shall be considered a school dis-  
42 trict for purposes of ORS 243.650 to 243.806. An employee of a public charter school may be a  
43 member of a labor organization or organize with other employees to bargain collectively. Bargaining  
44 units at the public charter school may be separate from other bargaining units of the sponsor or of  
45 the school district in which the public charter school is located. Employees of a public charter

1 school may be part of the bargaining units of the sponsor or of the school district in which the  
2 public charter school is located.

3 [9] (10) An entity described in ORS 338.005 (4) may not waive the right to sponsor a public  
4 charter school in a collective bargaining agreement.

5 **SECTION 10.** ORS 338.025 is amended to read:

6 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
7 of this chapter. The rules shall follow the intent of this chapter.

8 (2) Upon application by a public charter school, the State Board of Education may grant a  
9 waiver of any provision of this chapter if the waiver promotes the development of programs by  
10 providers, enhances the equitable access by underserved families to the public education of their  
11 choice, extends the equitable access to public support by all students or permits high quality pro-  
12 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
13 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, 338.125 (4), 338.135 (2)(b) **or (8)**  
14 or 339.122.

15 **SECTION 11. This 2021 Act being necessary for the immediate preservation of the public**  
16 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
17 **July 1, 2021.**

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