

SENATE AMENDMENTS TO SENATE BILL 334

By COMMITTEE ON EDUCATION

April 16

1 On page 1 of the printed bill, line 3, after “334.225,” delete the rest of the line and insert
2 “338.045 and 338.095;”.

3 Delete lines 6 through 30 and delete pages 2 through 8 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Governing body’ means:**

6 **“(A) For a school district, the school district board.**

7 **“(B) For an education service district, the board of directors of the education service
8 district.**

9 **“(C) For a public charter school, the governing body of the public charter school.**

10 **“(b) ‘Persons in leadership positions’ means:**

11 **“(A) For a school district, the directors of the school district and the superintendent of
12 the school district.**

13 **“(B) For an education service district, the directors of the education service district and
14 the superintendent of the education service district.**

15 **“(C) For a public charter school, the members of the governing body of the public charter
16 school and the principal or executive director of the public charter school.**

17 **“(c) ‘Public education provider’ means a school district, an education service district or
18 a public charter school.**

19 **“(2)(a) Every two years, the governing body of a public education provider shall conduct
20 a self-assessment. The self-assessment shall be used to develop and refine a professional
21 learning plan described in subsection (3) of this section.**

22 **“(b) A self-assessment may be conducted using a method developed by a statewide rep-
23 resentative of school district boards or a comparable method selected by the governing body,
24 but must:**

25 **“(A) Focus on education equity and board governance practices that are evidence-based
26 and produce improved equitable outcomes; and**

27 **“(B) Include a review of any relevant data on student progress, access and opportunity
28 and a review of improvement plans and budgets.**

29 **“(3)(a) The governing body of each public education provider shall develop or revise a
30 professional learning plan for persons in leadership positions. The professional learning plan
31 shall be based on:**

32 **“(A) The self-assessment conducted under subsection (2) of this section;**

33 **“(B) Shared professional learning goals identified by the governing body; and**

34 **“(C) Progress made by the governing body on any previously developed professional
35 learning plans.**

1 “(b) A professional learning plan shall address the following:

2 “(A) Ongoing professional learning and training in educational equity and board
3 governance that persons in leadership positions must complete together in order to support
4 student success, with an emphasis on students from historically underserved and underrep-
5 resented communities;

6 “(B) Professional learning and training requirements for board members interested in
7 serving as the chairperson or the vice chairperson of the governing body, which must be
8 satisfied before a person may become a chairperson or vice chairperson;

9 “(C) Professional learning and training requirements for new members of the governing
10 body of the public education provider, which must be completed within 180 days of any
11 elections or appointments; and

12 “(D) Any additional goals or elements identified by the governing body.

13 “(c) A professional learning plan must be adopted by the governing body at a public
14 meeting.

15 “(4) No later than July 1 of each year, the governing body of each public education pro-
16 vider must produce a report on the implementation of the professional learning plan for the
17 public education provider. The report must be presented at a public meeting of the governing
18 body and must be made available for public access.

19 “SECTION 2. The governing body of each public education provider must complete the
20 first self-assessment, as described in section 1 of this 2021 Act, no later than September 1,
21 2022.

22 “SECTION 3. (1) The Department of Education shall establish an advisory group on pro-
23 fessional learning and training to assist public education providers in complying with the
24 requirements of section 1 of this 2021 Act.

25 “(2) The advisory group established under this section shall consist of:

26 “(a) Representatives of organizations representing school board members;

27 “(b) Representatives of organizations representing school district administrators;

28 “(c) Representatives of organizations representing education service districts;

29 “(d) Representatives of public charter schools;

30 “(e) Experts in professional learning and training for school board members;

31 “(f) Students and stakeholders representing historically underserved and underrepre-
32 sented communities; and

33 “(g) A representative of the Teacher Standards and Practices Commission.

34 “(3) Taking equity and current research on school board governance best practices into
35 consideration, the advisory group shall advise and support the department with:

36 “(a) The development and adoption of resources, tools and templates to provide profes-
37 sional learning and training related to education equity and board governance, including
38 guidance with the self-assessment required under section 1 of this 2021 Act.

39 “(b) The development of a framework that can be used to support the professional
40 learning and training of persons in leadership positions, as defined in section 1 of this 2021
41 Act. The framework must be reviewed and revised at least once every five years. The
42 framework shall:

43 “(A) Include guidance issued by the department related to professional learning and
44 training;

45 “(B) Prescribe minimum professional learning and training requirements for prospective

1 persons in leadership positions;

2 “(C) Provide tools and templates to assist governing bodies of public education providers
3 in complying with the requirements of section 1 of this 2021 Act; and

4 “(D) Assist persons in leadership positions with the development of the following skills:

5 “(i) Focusing on improving student progress, access, opportunity and outcomes, with an
6 emphasis on students from underserved and underrepresented communities;

7 “(ii) Embedding a consideration of equity into the development of policies and practices
8 to ensure policies and practices are equitable;

9 “(iii) Prioritizing education equity and governance;

10 “(iv) Being aware of, and using, research and promising practices when developing poli-
11 cies and practices;

12 “(v) Using a continuous improvement approach and ongoing professional learning and
13 training;

14 “(vi) Aiming to foster stronger collaborations between all persons in leadership positions
15 of the public education provider; and

16 “(vii) Supporting the development of professional learning goals, plans and progress
17 measures.

18 “(c) The creation of a directory of persons who are qualified to provide professional
19 learning and training that align with the goals of the framework described in paragraph (b)
20 of this subsection. For the directory, the advisory group must prescribe:

21 “(A) The minimum requirements for being included in the directory;

22 “(B) The process for being included in the directory; and

23 “(C) The availability of the directory, which must be available online.

24 “(d) The development and provision of timelines, communications and technical support
25 provided to public education providers.

26 “(4) The department shall create and manage a professional learning and training fund
27 that can accept public and private moneys to support public education providers with their
28 professional learning and training. The department must consider equity when distributing
29 moneys from the fund.

30 “(5) The State Board of Education may adopt any rules necessary for the administration
31 of this section.

32 “**SECTION 4.** Section 3 of this 2021 Act is repealed on September 30, 2022.

33 “**SECTION 5.** ORS 332.005 is amended to read:

34 “332.005. (1) The directors of a school district in their official capacity shall be known as the
35 district school board.

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

37 “(3) **Directors must comply with the training requirements provided by section 1 of this**
38 **2021 Act.**

39 “**SECTION 6.** ORS 332.505 is amended to read:

40 “332.505. (1) As used in this section:

41 “(a) ‘Instructional assistant’ has the meaning given that term in ORS 342.120.

42 “(b) ‘Intern teacher’ means a regularly enrolled candidate of an approved educator preparation
43 provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider
44 and of the employing district in order to acquire practical experience in teaching and for which the
45 candidate receives both academic credit from the provider and financial compensation from the

1 school district or education service district.

2 “(2) A district school board may:

3 “(a) Employ a superintendent of schools and necessary assistant superintendents for the district
4 and fix the terms and conditions of employment and the compensation. The district school board
5 [shall] **may** not contract with a superintendent for more than a period of three years at a time. The
6 contract shall automatically expire at the end of its term. However, the district school board may
7 elect to issue a subsequent contract for an additional three years at any time.

8 “(b) Employ personnel, including teachers and administrators, necessary to carry out the duties
9 and powers of the board and fix the duties, terms and conditions of employment and the compen-
10 sation.

11 “(c) Compensate district employees in any form which may include, but [shall] **may** not be lim-
12 ited to, insurance, tuition reimbursement and salaries.

13 “(d) Employ instructional assistants and intern teachers subject to the rules of the State Board
14 of Education.

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

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

19 “(5) **The superintendent must comply with the training requirements provided by section**
20 **1 of this 2021 Act.**

21 “**SECTION 7.** ORS 334.090 is amended to read:

22 “334.090. Except as provided in ORS 255.400 to 255.424:

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

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

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

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

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

34 “(6) No employee of an education service district is eligible to serve as a director of the edu-
35 cation service district by which the employee is employed.

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

38 “[(7)] (8) A regular district election shall be held in a district to fill any vacancy and to elect
39 a successor for any director whose term expires June 30 next following the election. A successor
40 shall be elected as follows:

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

43 “(b) If the director was elected at large a successor shall be elected at large by the electors of
44 the district.

45 “[(8)] (9) Notwithstanding subsection [(7)] (8) of this section, in any district having a population

1 of 550,000 or more according to the latest federal census that becomes zoned according to ORS
2 334.032, the board shall determine prior to the nomination of school directors which positions shall
3 be from zones and which positions shall be at large.

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

15 “**SECTION 8.** ORS 334.225 is amended to read:

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

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

25 “**(3) The superintendent must comply with the training requirements provided by section**
26 **1 of this 2021 Act.**

27 “**SECTION 9.** ORS 338.045 is amended to read:

28 “338.045. (1) An applicant seeking to establish a public charter school shall submit a written
29 proposal to a school district board.

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

31 “(a) The identification of the applicant;

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

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

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

35 “(e) A description of the expected results of the curriculum and the verified methods of meas-
36 uring and reporting objective results that will show the growth of knowledge of students attending
37 the public charter school and allow comparisons with public schools;

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

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

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

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

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

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

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

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

3 “(n) A description of the financial management system for the public charter school, an expla-
4 nation of how the financial management system will meet the requirements of ORS 338.095 (1) and
5 a plan for having the financial management system in place at the time the school begins operating;

6 “(o) The standards for behavior and the procedures for the discipline, suspension or expulsion
7 of students;

8 “(p) The proposed school calendar for the public charter school, including the length of the
9 school day and school year;

10 “(q) A description of the proposed staff members and required qualifications of teachers at the
11 public charter school;

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

13 “(s) The arrangements for any necessary special education and related services provided pursu-
14 ant to ORS 338.165 for children with disabilities who may attend the public charter school;

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

17 “(u) The term of the charter;

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

20 “(w) A proposed plan for the placement of public charter school teachers, other school employ-
21 ees and students of the public charter school upon termination or nonrenewal of a charter;

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

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

24 “(A) The alternative arrangements for students who choose not to attend the public charter
25 school and for teachers and other school employees who choose not to participate in the public
26 charter school; and

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

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

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

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

34 “(A) **Comply with the training requirements provided in section 1 of this 2021 Act; and**

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

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

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

1 or any portion of the building to a public charter school or a public charter school governing body.

2 **“SECTION 10.** ORS 338.095 is amended to read:

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

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

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

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

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

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

21 “(a) A copy of the annual audit;

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

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

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

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

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

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

38 **“SECTION 11. This 2021 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
40 **July 1, 2021.”.**

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