

D R A F T

SUMMARY

Limits scope by which public charter schools may conduct operations in school district that is not sponsor of public charter school.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to public charter school operations in nonsponsoring school districts; creating new provisions; amending ORS 332.158; and declaring an emergency.

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

SECTION 1. ORS 332.158 is amended to read:

332.158. (1) A district school board may lease, purchase, construct, reconstruct, improve, repair, equip or furnish a school in another school district and may expend bond proceeds or other funds available to the board for such purposes if the board has the written permission of the district school board of the school district in which the school will be located. The written permission required by this subsection must be obtained prior to the first day on which students will attend classes in the school.

(2) A **virtual** public charter school, **as defined in ORS 338.005**, may lease, purchase, construct, reconstruct, improve, repair, equip or furnish a *[school, or any other]* facility where students receive *[instruction]* **tutoring or testing**, *[in another]* **within a school district that is not the sponsor of the virtual public charter school**, and may expend funds available to the **virtual** public charter school for such purposes if the **virtual** public charter school provides written notice to the sponsor of the **virtual** public

1 charter school and to the district school board of the school district in which
2 the [school or] facility will be located. The written notice required by this
3 subsection must be provided prior to the first day on which students will
4 [attend classes in the school or receive instruction] **receive tutoring or**
5 **testing** at the facility.

6 (3)(a) *[If a district school board or public charter school opens or operates*
7 *a school or facility in another school district and does not obtain the written*
8 *permission required by subsection (1) of this section or provide the written*
9 *notice required by subsection (2) of this section, the board of the school district*
10 *in which the school or facility has been opened or operated]* **The board of a**
11 **school district** may file a complaint with the Superintendent of Public
12 Instruction[,] **if:**

13 (A) **Another district school board opens or operates a school in the**
14 **school district and does not obtain the written permission required by**
15 **subsection (1) of this section; or**

16 (B) **A virtual public charter school opens or operates a facility**
17 **within the school district and does not provide the written notice re-**
18 **quired by subsection (2) of this section.**

19 (b) Upon receipt of a complaint, the superintendent shall schedule a
20 contested case hearing pursuant to ORS 183.413 to 183.470.

21 (4) Upon a determination that the written permission required by sub-
22 section (1) of this section was not obtained or the written notice required
23 by subsection (2) of this section was not provided, the superintendent shall
24 withhold State School Fund moneys otherwise allocated to the school district
25 or due to the **virtual** public charter school under ORS 338.155. The super-
26 intendent shall withhold moneys until the written permission is obtained or
27 the written notice is provided, or until some other date determined by the
28 superintendent.

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

31 **SECTION 2. (1) A public charter school that is not a virtual public**

1 charter school, as defined in ORS 338.005, and that, at any time in the
2 12 months immediately preceding the effective date of this 2023 Act,
3 leased, purchased, constructed, reconstructed, improved, repaired,
4 equipped or furnished a school or any other facility where students
5 receive instruction within a school district that is not the sponsor of
6 the public charter school, must submit a proposal under ORS 338.045
7 to the district school board of that school district for the operation
8 of the school or facility within 14 days after the effective date of this
9 2023 Act.

10 (2) If a public charter school that is not a virtual public charter
11 school submits a proposal for sponsorship as required under subsection
12 (1) of this section and the school district board does not approve the
13 proposal after conducting the evaluation described in ORS 338.055:

14 (a) The public charter school must cease all operations involving
15 the instruction of students occurring within the school district that
16 did not approve the proposal; and

17 (b) The Superintendent of Public Instruction shall find the public
18 charter school in violation of this section and shall withhold State
19 School Fund moneys otherwise due to the public charter school under
20 ORS 338.155 for students receiving instruction at the school or facility
21 operating in the school district that is not the sponsor of the school
22 or facility.

23 (3) Nothing in this section authorizes a public charter school that
24 is not a virtual public charter school, to, at any time after the effec-
25 tive date of this 2023 Act, lease, purchase, construct, reconstruct, im-
26 prove, repair, equip or furnish a school or other facility where
27 students receive instruction within a school district that is not the
28 sponsor of the public charter school.

29 SECTION 3. This 2023 Act being necessary for the immediate pres-
30 ervation of the public peace, health and safety, an emergency is de-
31 clared to exist, and this 2023 Act takes effect on its passage.

