

**A-Engrossed**  
**Senate Bill 767**

Ordered by the Senate March 3  
Including Senate Amendments dated March 3

Sponsored by COMMITTEE ON EDUCATION

**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.

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**

1  
2 Relating to public charter school operations in nonsponsoring school districts; creating new pro-  
3 visions; amending ORS 332.158; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 338.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Nonsponsoring school district board" means the school district board that:

8 (A) Is the school district board of the school district in which a public charter school is  
9 operating, or proposes to operate, a school or a tutoring or testing facility; and

10 (B) Is not the sponsor of the public charter school.

11 (b) "Nonvirtual public charter school" means a public charter school that:

12 (A) Is not a virtual public charter school; and

13 (B) Is not sponsored by the State Board of Education.

14 (c) "Sponsoring school district" is the school district of the sponsor of a public charter  
15 school.

16 (2) If a public charter school is a nonvirtual public charter school, the governing body  
17 of the nonvirtual public charter school:

18 (a) Except as provided by paragraph (c) of this subsection, may operate a school that is  
19 not located in the sponsoring school district only if the governing body has received written  
20 permission from the nonsponsoring school district board. The governing body must receive  
21 written permission under this paragraph prior to the first day on which students will attend  
22 classes at the school.

23 (b) Except as provided by paragraph (d) of this subsection, may operate a tutoring or  
24 testing facility that is not located in the sponsoring school district only if the governing body  
25 has received written permission from the nonsponsoring school district board. The governing  
26 body must receive written permission under this paragraph prior to the first day the stu-  
27 dents will receive tutoring or testing at the facility.

28 (c) May operate a school that is not located in the sponsoring school district and without

**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 **complying with the requirements of paragraph (a) of this subsection only if:**

2 **(A) For a school that began operating prior to the effective date of this 2023 Act:**

3 **(i) The location of the school has not changed since the effective date of this 2023 Act;**  
4 **and**

5 **(ii) Written notification is provided to the nonsponsoring school district board each time**  
6 **the charter for the public charter school is renewed.**

7 **(B) For a school that began operating after the effective date of this 2023 Act and prior**  
8 **to January 1, 2024:**

9 **(i) The governing body operating the school had entered into a charter for a public**  
10 **charter school in the sponsoring school district prior to January 1, 2023;**

11 **(ii) The school district in which the school will be located is adjacent to the sponsoring**  
12 **school district; and**

13 **(iii) Written notification is provided to the nonsponsoring school district board:**

14 **(I) Prior to the first day the students will attend classes at the school; and**

15 **(II) Each time the charter for the public charter school is renewed.**

16 **(d) May operate a tutoring or testing facility that is not located in the sponsoring school**  
17 **district and without complying with the requirements of paragraph (b) of this subsection only**  
18 **if:**

19 **(A) The public charter school began operating as a public charter school prior to January**  
20 **1, 2023; and**

21 **(B) Written notification is provided to the nonsponsoring school district board each time**  
22 **the charter for the public charter school is renewed.**

23 **(3) If a public charter school is a virtual public charter school, the governing body:**

24 **(a) May not operate a school in a school district that is not the sponsoring school dis-**  
25 **trict.**

26 **(b) May operate administrative offices in a nonsponsoring school district only after the**  
27 **governing body provides written notification to the nonsponsoring school district board:**

28 **(A) Prior to the first day the administrative offices are open; and**

29 **(B) Each time the charter for the public charter school is renewed.**

30 **(c) May operate a tutoring or testing facility that is not located in the sponsoring school**  
31 **district only if the governing body provides written notification to the nonsponsoring school**  
32 **district board:**

33 **(A) Prior to the first day the students will receive tutoring or testing at the facility for**  
34 **a facility that began operating after the effective date of this 2023 Act; and**

35 **(B) Each time the charter for the public charter school is renewed.**

36 **(4) If a public charter school is sponsored by the State Board of Education, the governing**  
37 **body of the public charter school may not operate a school or a testing or tutoring facility**  
38 **that is not located in the school district specified by the school's charter.**

39 **(5) If the governing body of a public charter school does not comply with the provisions**  
40 **of this section, the nonsponsoring school district board may file a complaint with the Su-**  
41 **perintendent of Public Instruction. Upon receipt of a complaint, the superintendent shall**  
42 **schedule a contested case hearing pursuant to ORS 183.413 to 183.470. Upon a determination**  
43 **that the governing body did not comply with the requirements of this section, the super-**  
44 **intendent may withhold State School Fund moneys otherwise due to the public charter school**  
45 **under ORS 338.155. The superintendent shall withhold moneys until the governing body is in**

1 **compliance or until some other date determined by the superintendent.**

2 **SECTION 3.** ORS 332.158 is amended to read:

3 332.158. (1) A district school board may lease, purchase, construct, reconstruct, improve, repair,  
4 equip or furnish a school in another school district and may expend bond proceeds or other funds  
5 available to the board for such purposes if the board has the written permission of the district  
6 school board of the school district in which the school will be located. The written permission re-  
7 quired by this subsection must be obtained prior to the first day on which students will attend  
8 classes in the school.

9 *[(2) A public charter school may lease, purchase, construct, reconstruct, improve, repair, equip or*  
10 *furnish a school, or any other facility where students receive instruction, in another school district and*  
11 *may expend funds available to the public charter school for such purposes if the public charter school*  
12 *provides written notice to the sponsor of the public charter school and to the district school board of*  
13 *the school district in which the school or facility will be located. The written notice required by this*  
14 *subsection must be provided prior to the first day on which students will attend classes in the school*  
15 *or receive instruction at the facility.]*

16 *[(3)] (2)* If a district school board *[or public charter school]* opens or operates a school *[or*  
17 *facility]* in another school district and does not obtain the written permission required by subsection  
18 (1) of this section *[or provide the written notice required by subsection (2) of this section]*, the board  
19 of the school district in which the school *[or facility]* has been opened or operated may file a com-  
20 plaint with the Superintendent of Public Instruction. Upon receipt of a complaint, the superintendent  
21 shall schedule a contested case hearing pursuant to ORS 183.413 to 183.470.

22 *[(4)] (3)* Upon a determination that the written permission required by subsection (1) of this  
23 section was not obtained *[or the written notice required by subsection (2) of this section was not pro-*  
24 *vided]*, the superintendent shall withhold State School Fund moneys otherwise allocated to the  
25 school district *[or due to the public charter school under ORS 338.155]*. The superintendent shall  
26 withhold moneys until the written permission is obtained *[or the written notice is provided,]* or until  
27 some other date determined by the superintendent.

28 **(4) The provisions of this section do not apply to a public charter school.**

29 **SECTION 4. This 2023 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
31 **on its passage.**

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