

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 767**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete page
2 2 and insert:

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

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

6 **“(a) ‘Nonsponsoring school district board’ means the school district**
7 **board that:**

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

11 **“(B) Is not the sponsor of the public charter school.**

12 **“(b) ‘Nonvirtual public charter school’ means a public charter**
13 **school that:**

14 **“(A) Is not a virtual public charter school; and**

15 **“(B) Is not sponsored by the State Board of Education.**

16 **“(c) ‘Sponsoring school district’ is the school district of the sponsor**
17 **of a public charter school.**

18 **“(2) If a public charter school is a nonvirtual public charter school,**
19 **the governing body of the nonvirtual public charter school:**

20 **“(a) Except as provided by paragraph (c) of this subsection, may**
21 **operate a school that is not located in the sponsoring school district**

1 only if the governing body has received written permission from the
2 nonsponsoring school district board. The governing body must receive
3 written permission under this paragraph prior to the first day on
4 which students will attend classes at the school.

5 “(b) Except as provided by paragraph (d) of this subsection, may
6 operate a tutoring or testing facility that is not located in the spon-
7 soring school district only if the governing body has received written
8 permission from the nonsponsoring school district board. The govern-
9 ing body must receive written permission under this paragraph prior
10 to the first day the students will receive tutoring or testing at the fa-
11 cility.

12 “(c) May operate a school that is not located in the sponsoring
13 school district and without complying with the requirements of para-
14 graph (a) of this subsection only if:

15 “(A) For a school that began operating prior to the effective date
16 of this 2023 Act:

17 “(i) The location of the school has not changed since the effective
18 date of this 2023 Act; and

19 “(ii) Written notification is provided to the nonsponsoring school
20 district board each time the charter for the public charter school is
21 renewed.

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

24 “(i) The governing body operating the school had entered into a
25 charter for a public charter school in the sponsoring school district
26 prior to January 1, 2023;

27 “(ii) The school district in which the school will be located is adja-
28 cent to the sponsoring school district; and

29 “(iii) Written notification is provided to the nonsponsoring school
30 district board:

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

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

4 **“(d) May operate a tutoring or testing facility that is not located**
5 **in the sponsoring school district and without complying with the re-**
6 **quirements of paragraph (b) of this subsection only if:**

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

9 **“(B) Written notification is provided to the nonsponsoring school**
10 **district board each time the charter for the public charter school is**
11 **renewed.**

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

14 **“(a) May not operate a school in a school district that is not the**
15 **sponsoring school district.**

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

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

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

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

24 **“(A) Prior to the first day the students will receive tutoring or**
25 **testing at the facility for a facility that began operating after the ef-**
26 **fective date of this 2023 Act; and**

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

28 **“(4) If a public charter school is sponsored by the State Board of**
29 **Education, the governing body of the public charter school may not**
30 **operate a school or a testing or tutoring facility that is not located in**

1 **the school district specified by the school’s charter.**

2 **“(5) If the governing body of a public charter school does not com-**
3 **ply with the provisions of this section, the nonsponsoring school dis-**
4 **trict board may file a complaint with the Superintendent of Public**
5 **Instruction. Upon receipt of a complaint, the superintendent shall**
6 **schedule a contested case hearing pursuant to ORS 183.413 to 183.470.**
7 **Upon a determination that the governing body did not comply with the**
8 **requirements of this section, the superintendent may withhold State**
9 **School Fund moneys otherwise due to the public charter school under**
10 **ORS 338.155. The superintendent shall withhold moneys until the gov-**
11 **erning body is in compliance or until some other date determined by**
12 **the superintendent.**

13 **“SECTION 3.** ORS 332.158 is amended to read:

14 “332.158. (1) A district school board may lease, purchase, construct, re-
15 construct, improve, repair, equip or furnish a school in another school dis-
16 trict and may expend bond proceeds or other funds available to the board for
17 such purposes if the board has the written permission of the district school
18 board of the school district in which the school will be located. The written
19 permission required by this subsection must be obtained prior to the first day
20 on which students will attend classes in the school.

21 “[2) *A public charter school may lease, purchase, construct, reconstruct,*
22 *improve, repair, equip or furnish a school, or any other facility where students*
23 *receive instruction, in another school district and may expend funds available*
24 *to the public charter school for such purposes if the public charter school*
25 *provides written notice to the sponsor of the public charter school and to the*
26 *district school board of the school district in which the school or facility will*
27 *be located. The written notice required by this subsection must be provided*
28 *prior to the first day on which students will attend classes in the school or*
29 *receive instruction at the facility.]*

30 “[3] (2) If a district school board [*or public charter school*] opens or op-

1 erates a school [*or facility*] in another school district and does not obtain the
2 written permission required by subsection (1) of this section [*or provide the*
3 *written notice required by subsection (2) of this section*], the board of the
4 school district in which the school [*or facility*] has been opened or operated
5 may file a complaint with the Superintendent of Public Instruction. Upon
6 receipt of a complaint, the superintendent shall schedule a contested case
7 hearing pursuant to ORS 183.413 to 183.470.

8 “[~~(4)~~] **(3)** Upon a determination that the written permission required by
9 subsection (1) of this section was not obtained [*or the written notice required*
10 *by subsection (2) of this section was not provided*], the superintendent shall
11 withhold State School Fund moneys otherwise allocated to the school district
12 [*or due to the public charter school under ORS 338.155*]. The superintendent
13 shall withhold moneys until the written permission is obtained [*or the writ-*
14 *ten notice is provided,*] or until some other date determined by the super-
15 intendent.

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

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

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