

House Bill 2034

Sponsored by Representatives WRIGHT, MANNIX, LEVY B, YUNKER; Representatives OSBORNE, RESCHKE, Senator WEBER (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Takes out provisions in statutes about the use of religion in a public charter school. (Flesch Readability Score: 61.8).

Removes statutory provisions related to religion in public charter schools.

A BILL FOR AN ACT

1
2 Relating to public charter schools; amending ORS 336.680, 338.035 and 338.115.

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

4 **SECTION 1.** ORS 338.035 is amended to read:

5 338.035. (1) A public charter school may be established:

6 (a) As a new public school;

7 (b) As a virtual public charter school;

8 (c) From an existing public school or a portion of the school; or

9 (d) From an existing alternative education program, as defined in ORS 336.615.

10 (2)(a) Before a public charter school may operate as a public charter school, it must:

11 (A) Be approved by a sponsor;

12 (B) Be established as a nonprofit organization under the laws of Oregon; and

13 (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal
14 Revenue Code.

15 (b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and
16 (C) of this subsection do not apply to:

17 (A) A school in a school district that is composed of only one school; and

18 (B) A school in a school district that is a remote and necessary school district on the date the
19 school first begins operation as a public charter school.

20 (3)(a) Except for a public charter school that is not required to comply with subsection (2)(a)(B)
21 and (C) of this section as provided by subsection (2)(b) of this section, a member of the school dis-
22 trict board of the school district within which a public charter school is located may not be a voting
23 member of the public charter school governing body.

24 (b) A member of the school district board of the school district within which a public charter
25 school is located may act in an advisory capacity on the public charter school governing body.

26 (4) An applicant seeking to establish a public charter school shall submit a proposal pursuant
27 to ORS 338.045 to the school district board of the school district within which the public charter
28 school will be located by the date identified by the school district board. The school district board
29 shall identify a date that is at least 180 days prior to the date on which the public charter school
30 would begin operating and that provides a reasonable period of time for the school district board

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 to complete the approval process described in ORS 338.055 and for the public charter school to begin
 2 operating by the beginning of a school year. An applicant may consult with the school district board
 3 prior to submitting a proposal, and the school district board may require an applicant to submit a
 4 letter of intent within a reasonable period of time prior to submitting a proposal.

5 (5) An applicant seeking to establish a public charter school shall provide to the State Board
 6 of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a
 7 copy of any subsequent approval by the school district board.

8 (6)(a) One or more, but not all, schools in a school district may become public charter schools.

9 (b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is com-
 10 posed of only one school may become a public charter school. For a public charter school that is
 11 the only school in the school district, the public charter school and the school district may be con-
 12 sidered to be a single legal entity for the purposes of this chapter if:

13 (A) The public charter school is not required to comply with subsection (2)(a)(B) and (C) of this
 14 section;

15 (B) All of the members of the school district board are voting members of the public charter
 16 school governing body as allowed by subsection (3)(a) of this section;

17 (C) The school district and the public charter school share employees; and

18 (D) The school district and the public charter school share assets and liabilities.

19 (7)(a) An entity described in ORS 338.005 (4) may not approve a public charter school proposal
 20 that authorizes the conversion of any private school that is tuition based to a public charter school.

21 (b) Notwithstanding paragraph (a) of this subsection, an entity described in ORS 338.005 (4) may
 22 authorize the conversion of an existing alternative education program, as defined in ORS 336.615,
 23 to a public charter school.

24 *[(8) An entity described in ORS 338.005 (4) may not approve a proposal for a public charter school*
 25 *that is affiliated with a nonpublic sectarian school or a religious institution.]*

26 **SECTION 2.** ORS 338.115 is amended to read:

27 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
 28 public schools do not apply to public charter schools. However, the following laws do apply to public
 29 charter schools:

30 (a) Federal law;

31 (b) ORS 30.260 to 30.300 (tort claims);

32 (c) ORS 192.311 to 192.478 (public records law);

33 (d) ORS 192.610 to 192.705 (public meetings law);

34 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

35 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

36 (g) ORS 326.565, 326.575 and 326.580 (student records);

37 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

38 (i) ORS 329.045 (academic content standards and instruction);

39 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and certificate of at-
 40 tendance);

41 (k) ORS 329.496 (physical education);

42 (L) The statewide assessment system developed by the Department of Education for mathemat-
 43 ics, science and language arts under ORS 329.485 (2);

44 (m) ORS 336.840 (use of personal electronic devices);

45 (n) ORS 337.150 (textbooks);

- 1 (o) ORS 339.119 (consideration for educational services);
 2 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
 3 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
 4 (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
 5 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
 6 (t) ORS 342.856 (core teaching standards);
 7 (u) ORS chapter 657 (Employment Department Law);
 8 (v) ORS 332.505 (2), 659.850, 659.855 and 659.860 (discrimination);
 9 (w) Any statute or rule that establishes requirements for instructional time provided by a school
 10 during each day or during a year;
 11 (x) Statutes and rules that expressly apply to public charter schools;
 12 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a
 13 public body, as defined in ORS 174.109;
 14 (z) Health and safety statutes and rules;
 15 (aa) Any statute or rule that is listed in the charter; and
 16 (bb) This chapter.
- 17 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
 18 that apply only to school district boards, school districts and other public schools may apply to a
 19 public charter school.
- 20 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
 21 “public school” include public charter school as those terms are used in that statute or rule.
- 22 [(4) *A public charter school may not violate the Establishment Clause of the First Amendment to*
 23 *the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion*
 24 *based.*]
- 25 [(5)(a)] **(4)(a)** A public charter school shall maintain an active enrollment of at least 25 students.
- 26 (b) For a public charter school that provides educational services under a cooperative agree-
 27 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
 28 this subsection if the public charter school provides educational services under the cooperative
 29 agreement to at least 25 students, without regard to the school districts in which the students are
 30 residents.
- 31 [(6)] **(5)** A public charter school may sue or be sued as a separate legal entity.
- 32 [(7)] **(6)** The sponsor, members of the governing board of the sponsor acting in their official ca-
 33 pacities and employees of a sponsor acting in their official capacities are immune from civil liability
 34 with respect to all activities related to a public charter school within the scope of their duties or
 35 employment.
- 36 [(8)] **(7)** A public charter school may enter into contracts and may lease facilities and services
 37 from a school district, education service district, public university listed in ORS 352.002, other gov-
 38 ernmental unit or any person or legal entity.
- 39 [(9)] **(8)** A public charter school may not levy taxes or issue bonds under which the public incurs
 40 liability.
- 41 [(10)] **(9)** A public charter school may receive and accept gifts, grants and donations from any
 42 source for expenditure to carry out the lawful functions of the school.
- 43 [(11)] **(10)** The school district in which the public charter school is located shall offer high
 44 school diplomas, modified diplomas, extended diplomas and certificates of attendance to any public
 45 charter school students who meet the district’s and state’s standards for a high school diploma, a

1 modified diploma, an extended diploma or a certificate of attendance.

2 [(12)] (11) A high school diploma, a modified diploma or an extended diploma issued by a public
 3 charter school grants to the holder the same rights and privileges as a high school diploma, a
 4 modified diploma or an extended diploma issued by a nonchartered public school. A certificate of
 5 attendance issued by a public charter school shall have the same restrictions as a certificate of at-
 6 tendance issued by a nonchartered public school.

7 [(13)] (12) Prior to beginning operation, the public charter school shall show proof of insurance
 8 to the sponsor as specified in the charter.

9 [(14)] (13) A public charter school may receive services from an education service district in the
 10 same manner as a nonchartered public school in the school district in which the public charter
 11 school is located.

12 **SECTION 3.** ORS 336.680, as amended by section 45, chapter 95, Oregon Laws 2024, is amended
 13 to read:

14 336.680. (1) As used in this section, “approved recovery school” means a school that is under
 15 an agreement with the Department of Education to provide students enrolled in the school with a
 16 holistic approach to:

- 17 (a) Educational services for grades 9 through 12; and
- 18 (b) Health care services related to recovery from substance use disorders.

19 (2) The department shall provide or cause to be provided appropriate education for students
 20 enrolled in an approved recovery school. For the purpose of paying the costs of providing education
 21 to students enrolled in an approved recovery school, the Superintendent of Public Instruction shall
 22 make the following:

23 (a) Payments from amounts available from the State School Fund under ORS 327.029.

24 (b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by
 25 the State Board of Education in collaboration with the advisory committee convened under ORS
 26 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maxi-
 27 mum amount or both for approved recovery schools.

28 (3) The Superintendent of Public Instruction may contract with a school district, an education
 29 service district or a public charter school to provide or cause to be provided appropriate education
 30 to students enrolled in an approved recovery school. Unless otherwise specified, any educational
 31 services provided under a contract entered into under this subsection shall be paid as described in
 32 this section and not by any other state moneys distributed based on average daily membership that
 33 are available to the school district, education service district or public charter school for the pur-
 34 pose of providing educational services.

35 (4) The State Board of Education shall adopt by rule the standards for a recovery school to
 36 become and operate as an approved recovery school. The standards must provide that:

37 (a) The recovery school must align, to the extent identified by the board, with standards for
 38 accreditation established by a nonprofit accrediting organization composed of representatives of re-
 39 covery schools and individuals who support the growth of recovery schools. The standards must in-
 40 clude requirements that:

41 (A) The recovery school, in compliance with timelines established by the department, be ac-
 42 credited by a nonprofit accrediting organization that establishes standards for recovery schools.
 43 Nothing in this subparagraph requires the recovery school to be accredited at the time the super-
 44 intendent first enters into a contract with the recovery school.

45 (B) Student enrollment in the recovery school is voluntary. No school district or state or local

1 agency may compel or otherwise require a student to enroll in a recovery school. Students enrolled
2 in an approved recovery school may not be counted in determining the number of pupils in average
3 daily membership for purposes of ORS 334.175 (5).

4 (C) All students who reside in this state and who meet the eligibility criteria established under
5 subsection (8) of this section may enroll in an approved recovery school if space is available. If
6 space is not available, the approved recovery school may prioritize for enrollment student groups
7 identified in ORS 327.180 (2)(b).

8 (D) The school district, education service district or public charter school with which the de-
9 partment has entered into a contract for a recovery school must agree to award high school diplo-
10 mas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451
11 and 339.877. An entity that awards high school diplomas as provided by this subparagraph:

12 (i) May not impose requirements for a high school diploma that are in addition to the require-
13 ments prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

14 (ii) Must accept any credits previously earned by students in another school or educational
15 program in this state and apply those credits toward the requirements prescribed by ORS 329.451
16 (2)(a) or by rule of the State Board of Education.

17 (E) Except as provided by subparagraphs (F) and (G) of this paragraph, the recovery school must
18 satisfy the same laws that apply to public charter schools under ORS 338.115.

19 (F) All administrators and teachers at the recovery school must be licensed by the Teacher
20 Standards and Practices Commission.

21 (G) An approved recovery school is not required to comply with the enrollment requirements
22 prescribed by ORS 338.115 (1)(bb) or [(5)] (4).

23 (H) An approved recovery school must comply with the requirements of the uniform budget and
24 accounting system adopted by rule of the State Board of Education under ORS 327.511.

25 (b) Recovery schools will be approved, to the greatest extent practicable, in a manner that:

26 (A) Represents a geographic distribution across this state; and

27 (B) Takes into consideration the needs for services by the community in which the recovery
28 school would be located.

29 (5) Any school that provides the services of a recovery school may enter into a contract with
30 the superintendent to become an approved recovery school, including schools already providing the
31 services of a recovery school and schools that are proposing to provide the services of a recovery
32 school.

33 (6) An approved recovery school may enter into agreements with other entities, including
34 community-based organizations and federally recognized tribes of this state, for the purposes of
35 providing educational and health care services to students enrolled in the approved recovery school.

36 (7)(a) The department shall be responsible for:

37 (A) Identifying, locating and evaluating students enrolled in an approved recovery school who
38 may be in need of special education and related services; and

39 (B) Ensuring that eligible students receive special education and related services.

40 (b) For the purpose of this subsection, the department may enter into a contract with a school
41 district or an education service district.

42 (8) The department shall establish eligibility criteria for students to enroll in an approved re-
43covery school, based on input from the advisory committee convened under ORS 336.685 and based
44on research from a nonprofit organization composed of representatives of recovery schools and in-
45dividuals who support the growth of recovery schools and other relevant organizations.

- 1 (9) For the purposes of administering this section:
2 (a) The State Board of Education shall adopt any necessary rules.
3 (b) The department shall collaborate with the Oregon Health Authority, the Youth Development
4 Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority, the Department
5 of Human Services and local public health and mental health authorities or providers and shall co-
6 ordinate, to the greatest extent practicable, funding of services provided in relation to approved
7 recovery schools.
- 8 (10) Each biennium, the Department of Education shall prepare a report on the progress, suc-
9 cesses and challenges of approved recovery schools and submit that report to:
- 10 (a) The interim committees of the Legislative Assembly related to education; and
11 (b) The advisory committee convened under ORS 336.685.

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