

DRAFT

SUMMARY

Directs Department of Education to conduct study related to virtual public charter schools.

Imposes additional requirements on virtual public charter schools.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to virtual public charter schools; creating new provisions; amending ORS 338.120; and declaring an emergency.

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

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS chapter 338.

SECTION 2. (1) The Department of Education shall conduct a study of virtual public charter schools that:

(a) Operate under this chapter; and

(b) Have a student enrollment that consists of less than 50 percent of students from the school district within which the virtual public charter school is located.

(2) The study conducted under this section must include:

(a) An evaluation of the financial management of each virtual public charter school described in subsection (1) of this section, including:

(A) The services provided by the virtual public charter school to the students of the school;

(B) The expenses related to the provision of the services identified in subparagraph (A) of this paragraph; and

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.

(C) The amount of all public revenues directly or indirectly received by the virtual public charter school;

(b) An evaluation of the proper oversight that should be provided to a virtual public charter school to ensure that the school implements quality education practices and a determination of whether each virtual public charter school described in subsection (1) of this section provides the proper oversight;

(c) An evaluation of the appropriateness of a sponsor of a virtual public charter school, based on the resources of the school district, and a determination of whether each virtual public charter school described in subsection (1) of this section has an appropriate sponsor;

(d) An evaluation of the appropriateness of the financial agreements between a sponsor and a virtual public charter school, based on the size of the school, whether the educational services of the virtual public charter school are provided through a contract and whether students receive any education in a physical location, and a determination of whether each virtual public charter school described in subsection (1) of this section has an appropriate financial agreement; and

(e) Any other issues identified by the Superintendent of Public Instruction.

(3) All public charter schools and agencies of state government, as defined in ORS 174.111, are directed to assist the department in the performance of its duties and, to the extent permitted by laws related to confidentiality, to furnish such information and advice as the department considers necessary to perform its duties.

(4) The department shall submit a report on the results of the study described in subsection (1) of this section to the interim legislative committees on education no later than October 15, 2016.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the

1 **biennium beginning July 1, 2015, out of the General Fund, the amount**
2 **of \$100,000, which may be expended for the study described in section**
3 **2 of this 2016 Act.**

4 **SECTION 4.** ORS 338.120 is amended to read:

5 338.120. (1) In addition to any other requirements of this chapter for a
6 public charter school, a virtual public charter school must have:

7 (a) A plan for academic achievement that addresses how the school will
8 improve student learning and meet academic content standards required by
9 ORS 329.045, **and an annual evaluation of the school's ability to imple-**
10 **ment the plan.**

11 (b) Performance criteria the school will use to measure the progress of
12 the school in meeting the academic performance goals set by the school for
13 *[its first five years of operation]* **each term of the charter for the school.**

14 (c) A plan for implementing the proposed education program of the school
15 by directly and significantly involving parents and guardians of students
16 enrolled in the school and involving the professional employees of the
17 school, **and an annual evaluation of the school's ability to implement**
18 **the plan.**

19 (d) A budget, business plan and governance plan for the operation of the
20 school.

21 (e) In the charter of the school, a requirement that the school:

22 (A) Monitor and track student progress and attendance; and

23 (B) Provide student assessments in a manner that ensures that an indi-
24 vidual student is being assessed and that the assessment is valid.

25 (f) Notwithstanding ORS 338.135 (7), a *[plan to]* **requirement that the**
26 **school** ensure that:

27 (A) All superintendents, assistant superintendents and principals of the
28 school are licensed to administer by the Teacher Standards and Practices
29 Commission; and

30 (B) Teachers who are licensed to teach by the Teacher Standards and
31 Practices Commission and who are highly qualified as described in the fed-

eral No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach at least 95 percent of the school's instructional hours.

(g) A *[plan]* **requirement** for maintaining student records and school records, including financial records, at a designated central office of operations that is located:

(A) If the sponsor is a school district, within the school district that is the sponsor and as specified in the charter of the school; or

(B) If the sponsor is the State Board of Education, at a central office located in Oregon and as specified in the charter of the school.

(h) A *[plan]* **requirement** to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:

(A) Has access to and use of computer and printer equipment as needed;

(B) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or

(C) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.

(i) A *[plan]* **requirement** to provide access to computer and printer equipment and the Internet service cost reimbursement as described in paragraph (h) of this subsection by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(j) A *[plan]* **requirement** to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students enrolled in the school who want to participate.

(k) A *[plan]* **requirement** to conduct meetings at least twice a week between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology.

(L) A *[plan]* **requirement** to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year.

(m) A *[plan]* **requirement** to provide, at the time of a student's enrollment, written notice to the sponsor and, if different, to the school district where the student is a resident. Notification must be provided within 10 days after enrollment and must include:

(A) The name, age and address of the student; and

(B) The name of the school in which the student was formerly enrolled.

(n) A *[plan]* **requirement** to provide, at the time of a student's withdrawal for a reason other than graduation from high school, written notice to the sponsor and, if different, to the school district where the student is a resident. Notification must be provided within 10 days after withdrawal and must include:

(A) The name, age and address of the student;

(B) The reason the student no longer is enrolled and, if applicable, the name of the school in which the student will enroll, if known to the virtual public charter school; and

(C) The last day on which the student was enrolled at the virtual public charter school.

(o) *[An agreement]* **A requirement** to provide a student's education records to the student's resident school district or to the sponsor, upon request of the resident school district or sponsor.

(2) For a virtual public charter school:

(a) A person who is a member of the school district board for the sponsor of the virtual public charter school may not be:

(A) An employee of the virtual public charter school;

(B) A member of the governing body of the virtual public charter school;

or

(C) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to pro-

vide educational services.

(b) A person who is a member of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school has entered, or intends to enter, into a contract to provide educational services.

(3) If a virtual public charter school enters into a contract with a third-party entity to provide educational services for the virtual public charter school:

(a) No employee or member of the governing board of the third-party entity may attend an executive session of the school district board of the school district that is the sponsor of the virtual public charter school;

(b) An employee of the virtual public charter school may not promote the sale or benefits of private supplemental services or classes offered by the third-party entity;

(c) The educational services provided by the third-party entity must be consistent with state standards and requirements, and must be changed on the same timelines that changes are imposed on the nonvirtual public charter schools of this state; and

(d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services and that budget must itemize:

(A) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a public charter school in this state; and

(B) The annual operating expenses and profit margin of the third-party entity for providing educational services to a public charter school in this state.

(4)(a) The sponsor or a member of the public may request access to any of the documents described in subsections (1) and (3)(d) of this section that are public records, as provided by ORS 192.410 to 192.505.

(b) Upon request by a sponsor or a member of the public, a virtual public

1 charter school must provide reasonable access to the documents described in
2 subsections (1) and (3)(d) of this section that are public records, as provided
3 by ORS 192.410 to 192.505. The documents may be provided electronically.

4 **SECTION 5. (1) The amendments to ORS 338.120 by section 4 of this**
5 **2016 Act become operative on July 1, 2016.**

6 **(2) The amendments to ORS 338.120 by section 4 of this 2016 Act first**
7 **apply to the 2016-2017 school year.**

8 **SECTION 6.** ORS 338.120, as amended by section 4 of this 2016 Act, is
9 amended to read:

10 338.120. (1) In addition to any other requirements of this chapter for a
11 public charter school, a virtual public charter school must have:

12 (a) A plan for academic achievement that addresses how the school will
13 improve student learning and meet academic content standards required by
14 ORS 329.045, and an annual evaluation of the school's ability to implement
15 the plan.

16 (b) Performance criteria the school will use to measure the progress of
17 the school in meeting the academic performance goals set by the school for
18 each term of the charter for the school.

19 (c) A plan for implementing the proposed education program of the school
20 by directly and significantly involving parents and guardians of students
21 enrolled in the school and involving the professional employees of the school,
22 and an annual evaluation of the school's ability to implement the plan.

23 (d) A budget, business plan and governance plan for the operation of the
24 school.

25 (e) In the charter of the school, a requirement that the school:

26 (A) Monitor and track student progress and attendance; and

27 (B) Provide student assessments in a manner that ensures that an indi-
28 vidual student is being assessed and that the assessment is valid.

29 (f) Notwithstanding ORS 338.135 (7), a requirement that the school ensure
30 that:

31 (A) All superintendents, assistant superintendents and principals of the

1 school are licensed to administer by the Teacher Standards and Practices
2 Commission; and

3 (B) Teachers who are licensed to teach by the Teacher Standards and
4 Practices Commission and who are highly qualified as described in the fed-
5 eral No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach
6 at least 95 percent of the school's instructional hours.

7 (g) A requirement for maintaining student records and school records,
8 including financial records, at a designated central office of operations that
9 is located:

10 (A) If the sponsor is a school district, within the school district that is
11 the sponsor and as specified in the charter of the school; or

12 (B) If the sponsor is the State Board of Education, at a central office lo-
13 cated in Oregon and as specified in the charter of the school.

14 (h) A requirement to provide equitable access to the education program
15 of the school by ensuring that each student enrolled in the school:

16 (A) Has access to and use of computer and printer equipment as needed;

17 (B) Is offered an Internet service cost reimbursement arrangement under
18 which the school reimburses the parent or guardian of the student, at a rate
19 set by the school, for the costs of obtaining Internet service at the minimum
20 connection speed required to effectively access the education program pro-
21 vided by the school; or

22 (C) Has access to and use of computer and printer equipment and is of-
23 fered Internet service cost reimbursement.

24 (i) A requirement to provide access to computer and printer equipment
25 and the Internet service cost reimbursement as described in paragraph (h)
26 of this subsection by students enrolled in the school who are from families
27 that qualify as low-income under Title I of the federal Elementary and Sec-
28 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

29 (j) A requirement to conduct school-sponsored optional educational events
30 at least six times each school year at locations selected to provide conven-
31 ient access to all students enrolled in the school who want to participate.

1 (k) A requirement to conduct meetings at least twice a week between
2 teachers and students enrolled in the school, either in person or through the
3 use of conference calls or other technology.

4 (L) A requirement to provide opportunities for face-to-face meetings be-
5 tween teachers and students enrolled in the school at least six times each
6 school year.

7 (m) A requirement to provide, at the time of a student's enrollment,
8 written notice to the sponsor and, if different, to the school district where
9 the student is a resident. Notification must be provided within 10 days after
10 enrollment and must include:

11 (A) The name, age and address of the student; and

12 (B) The name of the school in which the student was formerly enrolled.

13 (n) A requirement to provide, at the time of a student's withdrawal for a
14 reason other than graduation from high school, written notice to the sponsor
15 and, if different, to the school district where the student is a resident. No-
16 tification must be provided within 10 days after withdrawal and must in-
17 clude:

18 (A) The name, age and address of the student;

19 (B) The reason the student no longer is enrolled and, if applicable, the
20 name of the school in which the student will enroll, if known to the virtual
21 public charter school; and

22 (C) The last day on which the student was enrolled at the virtual public
23 charter school.

24 (o) A requirement to provide a student's education records to the
25 student's resident school district or to the sponsor, upon request of the res-
26 ident school district or sponsor.

27 (2) For a virtual public charter school:

28 (a) A person who is a member of the school district board for the sponsor
29 of the virtual public charter school may not be:

30 (A) An employee of the virtual public charter school;

31 (B) A member of the governing body of the virtual public charter school;

or

(C) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.

(b) A person who is a member of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school has entered, or intends to enter, into a contract to provide educational services.

(c) In addition to any other requirements for the governing body of a virtual public charter school, the governing body of a virtual public charter school that has a student enrollment that consists of less than 50 percent of students from the school district within which the virtual public charter school is located must:

(A) Be elected by the parents of the students enrolled at the virtual public charter school for terms specified in the charter of the school; and

(B) Include at least five members.

(3) If a virtual public charter school enters into a contract with a third-party entity to provide educational services for the virtual public charter school:

(a) No employee or member of the governing board of the third-party entity may attend an executive session of the school district board of the school district that is the sponsor of the virtual public charter school;

(b) An employee of the virtual public charter school may not promote the sale or benefits of private supplemental services or classes offered by the third-party entity;

(c) The educational services provided by the third-party entity must be consistent with state standards and requirements, and must be changed on the same timelines that changes are imposed on the nonvirtual public charter schools of this state; and

(d) The virtual public charter school must have on file the third-party

1 entity's budget for the provision of educational services and that budget must
2 itemize:

3 (A) The salaries of supervisory and management personnel and consult-
4 ants who are providing educational or related services for a public charter
5 school in this state; and

6 (B) The annual operating expenses and profit margin of the third-party
7 entity for providing educational services to a public charter school in this
8 state.

9 (4)(a) The sponsor or a member of the public may request access to any
10 of the documents described in subsections (1) and (3)(d) of this section that
11 are public records, as provided by ORS 192.410 to 192.505.

12 (b) Upon request by a sponsor or a member of the public, a virtual public
13 charter school must provide reasonable access to the documents described in
14 subsections (1) and (3)(d) of this section that are public records, as provided
15 by ORS 192.410 to 192.505. The documents may be provided electronically.

16 **SECTION 7. The amendments to ORS 338.120 by section 6 of this**
17 **2016 Act become operative on July 1, 2018.**

18 **SECTION 8. This 2016 Act being necessary for the immediate pres-**
19 **ervation of the public peace, health and safety, an emergency is de-**
20 **clared to exist, and this 2016 Act takes effect on its passage.**