

CHAPTER 72

AN ACT

SB 1520

Relating to education; creating new provisions; amending ORS 329.788, 336.095, 338.005, 338.035, 338.055, 338.065, 338.075, 338.105, 338.135, 338.155, 339.133, 342.120, 342.122, 342.125, 342.127, 342.173, 342.950 and 350.360 and section 8, chapter 327, Oregon Laws 2013, and section 2, chapter 756, Oregon Laws 2015; repealing ORS 350.365 and sections 5 and 7, chapter 690, Oregon Laws 2017; and declaring an emergency.

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

**EXPEDITED PROCESSES
BY TEACHER STANDARDS AND
PRACTICES COMMISSION**

SECTION 1. ORS 342.125 is amended to read:

342.125. (1)[(a)] Teaching licenses shall be issued and renewed by the Teacher Standards and Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the rules of the commission.

[(b)] (2) Notwithstanding any requirements prescribed for issuance of a [teaching] license, a person whose application for a [teaching] license is pending may **teach** **be employed** in the public schools of this state for 90 calendar days after the date of submission of the application if:

[(A)] (a) The person is not ineligible for a [teaching] license following background checks conducted by the **Teacher Standards and Practices Commission**, including a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses;

[(B)] (b) The school district has completed the review of the employment history of the person as required by ORS 339.374; and

[(C)] (c) The person and the school district have complied with any other requirements established by the commission by rule.

[(2)] (3) Subject to ORS 342.130 and to subsection

[(3)] (4) of this section, licenses shall be of the following types:

- (a) Preliminary teaching license.
- (b) Professional teaching license.
- (c) Distinguished teacher leader license.
- (d) Preliminary personnel service license.
- (e) Professional personnel service license.
- (f) Preliminary administrative license.
- (g) Professional administrative license.
- (h) Reciprocal license.
- (i) Legacy license.

[(3)] (4) The Teacher Standards and Practices Commission may establish other types of teaching licenses as the commission considers necessary for operation of the public schools of the state and may prescribe the qualifications for the licenses. How-

ever, no license established under the authority of this subsection is required for a regular classroom teaching position in the public schools.

[(4)(a)] (5)(a) The Teacher Standards and Practices Commission shall establish a public charter school teacher and administrator registry. The commission shall require the applicant and the public charter school to jointly submit an application requesting registration as a public charter school teacher or administrator. The application shall include:

(A) A description of the specific teaching or administrator position the applicant will fill;

(B) A description of the background of the applicant that is relevant to the teaching or administrator position, including any post-secondary education or other experience; and

(C) Documentation as required by the commission for the purposes of conducting a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses.

(b) Subject to the results of the criminal records check and background check and to information received under ORS 342.143 (2), the commission shall approve the application for registration. The commission may deny a request for registration only on the basis of the criminal records check, the background check through an interstate clearinghouse of revoked and suspended licenses or the information received under ORS 342.143 (2). The registration is valid for a term established by the commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint application from the teacher or administrator and the public charter school.

(c) A registration as a public charter school teacher qualifies its holder to accept the teaching position described in the application in the public charter school that submitted the application with the holder of the registration.

(d) A registration as a public charter school administrator qualifies its holder to accept the administrator position described in the application in the public charter school that submitted the application with the holder of the registration.

(6)(a) The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The expedited process may require the following:

- (A) The showing of an urgent situation; and**
- (B) The joint request for the expedited process from the applicant for the license and:**

(i) **The school district superintendent or school district board;**

(ii) **The public charter school governing body; or**

(iii) **The education service district superintendent or board of directors of the education service district.**

(b) Except as provided by paragraph (c) of this subsection, the commission shall issue a li-

cense as provided by this subsection within two working days after receiving a completed application.

(c) The commission may limit the number of applications the commission will accept under this subsection from a school district or an education service district to not more than 100 applications in a period of two working days.

(d) For purposes of this subsection, the commission may not distinguish between a school district or an education service district involved in a labor dispute and any other school district or education service district.

SECTION 2. ORS 342.120 is amended to read: 342.120. As used in this chapter, unless the context requires otherwise:

(1) "Administrator" includes but is not limited to all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services from public funds.

(2) "Administrative license" means a license issued under ORS 342.125 [(2)(f)] (3)(f) or (g).

(3) "Approved educator preparation program" means a licensure program that is offered by an approved educator preparation provider and meets the standards of the Teacher Standards and Practices Commission.

(4) "Approved educator preparation provider" means an entity that meets the standards of the Teacher Standards and Practices Commission for preparation of licensed educators for preprimary programs through grade 12.

(5) "Instruction" includes preparation of curriculum, assessment and direction of learning in class, in small groups, in individual situations, online, in the library and in guidance and counseling, but does not include the provision of related services, as defined in ORS 343.035, to a child identified as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in accordance with ORS 343.221.

(6) "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the Teacher Standards and Practices Commission.

(7) "Teacher" includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or an instructional assistant.

(8) "Teaching license" means a license issued under ORS 342.125 or 342.144.

(9) "Underrepresented person" means:

(a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

SECTION 3. ORS 342.127 is amended to read:

342.127. (1) The Teacher Standards and Practices Commission shall establish and collect:

(a) A fee not to exceed \$350 for evaluation of the initial application for each educator license for which application is made. If the applicant is eligible for the educator license for which application is made, the commission shall issue the license without additional charge.

(b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed \$50 for each official paper license. If the educator is certified by a national professional organization for teaching standards recognized by the commission, the commission shall renew the license without charge.

(c) A fee not to exceed \$800 for a beginning educator assessment conducted in lieu of an approved preparation program required for licensure.

(d) A fee not to exceed \$350 for registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

(e) A fee not to exceed \$350 for renewal of a registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

(2) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the commission shall collect a fee not to exceed \$150 for the evaluation of an applicant requesting licensing based upon completion of an educator preparation program other than an Oregon approved educator preparation program.

(3) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to exceed \$40 per month up to a maximum of \$200 from an applicant who fails to make timely application for renewal of the license or registration. The actual amount of the fee shall be determined in accordance with rules of the commission.

(4) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to exceed \$350 for the reinstatement of an expired license. The requirements for reinstatement and the actual amount of the fee shall be determined in accordance with rules of the commission.

(5) Notwithstanding the expiration date posted on the license, the license shall continue to be valid for an additional 120 days, provided the educator has made a timely application, as determined by the

commission, for renewal prior to the expiration date on the license.

(6) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the commission shall collect a fee not to exceed \$300 for the reinstatement of a license that has been suspended or revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

(7) In addition to the fee required by subsection (1) of this section for the issuance of an educator license [to a substitute teacher], the commission shall collect a fee not to exceed \$200 for the issuance of [any emergency license to a substitute teacher] **any license through an expedited process under ORS 342.125 (6)** at the request of any school district, public charter school or education service district that seeks to employ the applicant. The fee shall be paid by the school district, public charter school or education service district.

(8) Fees established under this section shall cover, but not exceed, the full cost of administrative expenses incurred by the commission during any biennium.

SECTION 4. ORS 342.173 is amended to read:

342.173. Any school district or education service district that employs any person not properly licensed or registered by the Teacher Standards and Practices Commission, or licensed by the commission but not assigned in accordance with rules of the commission, shall be subject to sanctions imposed by the commission. A sanction must be imposed according to rules adopted by the commission and is effective unless:

(1) The assignment is made with justification satisfactory to the commission.

(2) The person is employed as a teacher by a post-secondary institution that is accredited by the Northwest Commission on Colleges and Universities, or its successor, and that has a contract with a school district under which the person is teaching at the high school level. The contract shall be approved by the Teacher Standards and Practices Commission, including criteria for a person's qualifications under paragraph (b) of this subsection. The contract shall:

(a) Be for a specific instructional assignment for which the district does not have appropriately licensed personnel either on staff or available to be placed on staff after a reasonably diligent search;

(b) Provide evidence that the person's qualifications are appropriate for the assignment;

(c) Allow the person to teach no more than two high school units of credit or the equivalent per year; and

(d) Not be valid during a school closure, strike or summer session.

(3) The person is teaching an online course originating outside this state.

(4) The person is [teaching] **employed** as provided by ORS 342.125 [(1)(b)] **(2)**.

**SPONSORSHIP OF
PUBLIC CHARTER SCHOOLS
BY INSTITUTIONS OF HIGHER EDUCATION**

SECTION 5. ORS 338.005 is amended to read: 338.005. As used in this chapter, unless the context requires otherwise:

(1) "Applicant" means any person or group that develops and submits a written proposal for a public charter school to a sponsor.

[(2)] "*Institution of higher education*" means a community college operated under ORS chapter 341, a public university listed in ORS 352.002 or the Oregon Health and Science University.]

[(3)] **(2)** "Public charter school" means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to this chapter.

[(4)] **(3)** "Remote and necessary school district" means a school district that offers kindergarten through grade 12 and has:

(a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of less than 110; and

(b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.

[(5)] **(4)** "Sponsor" means:

(a) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter with an applicant to create a public charter school.

(b) The State Board of Education pursuant to ORS 338.075.

[(c)] *An institution of higher education pursuant to ORS 338.075.*]

[(6)(a)] **(5)(a)** "Virtual public charter school" means a public charter school that provides online courses.

(b) "Virtual public charter school" does not include a public charter school that primarily serves students in a physical location.

SECTION 6. ORS 338.035 is amended to read: 338.035. (1) A public charter school may be established:

(a) As a new public school;

(b) As a virtual public charter school;

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

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

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

(A) Be approved by a sponsor;

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

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

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

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

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

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

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

(4) An applicant seeking to establish a public charter school shall submit a proposal pursuant to ORS 338.045 to the school district board of the school district within which the public charter school will be located by the date identified by the school district board. The school district board shall identify a date that is at least 180 days prior to the date on which the public charter school would begin operating and that provides a reasonable period of time for the school district board to complete the approval process described in ORS 338.055 and for the public charter school to begin operating by the beginning of a school year. An applicant may consult with the school district board prior to submitting a proposal, and the school district board may require an applicant to submit a letter of intent within a reasonable period of time prior to submitting a proposal.

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

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

(b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is composed of only one school may become a public charter school. For a public charter school that is the only school in the school district, the public charter school and the school district may be considered to be a single legal entity for the purposes of this chapter if:

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

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

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

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

(7)(a) An entity described in ORS 338.005 [(5)] (4) may not approve a public charter school proposal that authorizes the conversion of any private school that is tuition based to a public charter school.

(b) Notwithstanding paragraph (a) of this subsection, an entity described in ORS 338.005 [(5)] (4) may authorize the conversion of an existing alternative education program, as defined in ORS 336.615, to a public charter school.

(8) An entity described in ORS 338.005 [(5)] (4) may not approve a proposal for a public charter school that is affiliated with a nonpublic sectarian school or a religious institution.

SECTION 7. ORS 338.055 is amended to read:

338.055. (1)(a) Upon receipt of a proposal submitted under ORS 338.045, the school district board shall determine whether the proposal is complete. A proposal is complete if the proposal addresses, at least minimally, each element required by ORS 338.045 (2) and (3).

(b) The school district board shall notify an applicant within 30 days after receipt of a proposal if the proposal is not complete and identify the specific elements of the proposal that are not complete. The school district board shall provide the applicant with a reasonable opportunity to complete the proposal.

(c) A proposal may be disapproved if the applicant has received a reasonable opportunity to complete the proposal and the applicant does not provide a proposal that is complete.

(d) If the school district board disapproves a proposal as provided by paragraph (c) of this subsection, the applicant may appeal the decision to the State Board of Education. The State Board of Education may review the proposal only for completeness and may determine that the proposal is:

(A) Not complete and uphold the decision of the school district board; or

(B) Complete and remand the proposal to the school district board for consideration.

(2) Within 60 days after receipt of a completed proposal, the school district board shall hold a public hearing on the provisions of the proposal.

(3) The school district board shall evaluate a proposal in good faith using the following criteria:

(a) The demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (2) of this section;

(b) The demonstrated financial stability of the public charter school, including the demonstrated ability of the school to have a sound financial management system that is in place at the time the school begins operating and that meets the requirements of ORS 338.095 (1);

(c) The capability of the applicant, in terms of support and planning, to provide comprehensive in-

structional programs to students pursuant to an approved proposal;

(d) The capability of the applicant, in terms of support and planning, to specifically provide, pursuant to an approved proposal, comprehensive instructional programs to students identified by the applicant as academically low achieving;

(e) The adequacy of the information provided as required by ORS 338.045 (2) and (3);

(f) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the school district in which the public charter school will be located;

(g) Whether there are arrangements for any necessary special education and related services for children with disabilities pursuant to ORS 338.165;

(h) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and

(i) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.

(4) The school district board must approve a proposal or state in writing the reasons for disapproving a proposal within 30 days after the public hearing held under subsection (2) of this section.

(5)(a) Written notice of the school district board's action shall be sent to the applicant. If the proposal is not approved:

(A) The reasons for the denial and suggested remedial measures, if any, shall be clearly stated in the notice sent by the school district board to the applicant; and

(B) The applicant may amend the proposal to address objections and any suggested remedial measures and resubmit the proposal to the school district board.

(b) The school district board shall approve or disapprove the resubmitted proposal within 30 days after receiving it. If the proposal is not approved, the applicant may appeal the decision of the school district board to the State Board of Education.

(c) When the State Board of Education receives an appeal under this subsection, the board may review the resubmitted proposal only to determine whether:

(A) The school district board used the process required by this section in denying the proposal;

(B) The proposal meets the criteria described in subsection (3) of this section; and

(C) The reasons stated by the school district board for the denial are valid.

(d) Following a review described in paragraph (c) of this subsection, the State Board of Education may:

(A) Uphold the decision of the school district board to disapprove the proposal; or

(B) Remand the proposal to the school district board for reconsideration.

(6)(a) Individual elements in a public charter school proposal may be changed through the proposal and chartering process by mutual agreement of the school district board and the applicant.

(b) If the school district board and the applicant are unable to agree on a change during the proposal or chartering process, the school district board or the applicant may request mediation by the State Board of Education.

(c) If the school district board and the applicant are unable to reach an agreement following mediation as described in paragraph (b) of this subsection, the proposal submitted under ORS 338.045, without the change that was the subject of mediation, shall be the proposal that governs the public charter school and:

(A) The parties may execute the charter for the public charter school based on the proposal;

(B) The applicant may withdraw the proposal; or

(C) The school district board may disapprove the proposal.

(7) Before an existing public school is converted to a public charter school, the proposal for the conversion must be approved by the school district board of the public school.

(8) Entities described in ORS 338.005 [(5)] (4) may not charge any fee to applicants for the proposal process.

(9) Upon request by a school district, the State Board of Education may grant an extension of any timeline required by this section if the district has good cause for requesting the extension.

SECTION 8. ORS 338.065 is amended to read:

338.065. (1)(a) Upon approval of a proposal by a school district board under ORS 338.055, the school district board shall become the sponsor of the public charter school.

(b) Pursuant to ORS 338.075 (2) or (3), the State Board of Education shall become the sponsor of the public charter school.

[(c) Pursuant to ORS 338.075 (4), the institution of higher education shall become the sponsor of the public charter school.]

(2) The sponsor and the applicant shall develop a written charter that contains the provisions of the proposal that have been duly approved by the sponsor and public charter school governing body. As provided by ORS 338.055 (6), the sponsor and the applicant may agree to change elements of the proposal prior to incorporating them into the charter. The charter, when duly executed by the sponsor and the public charter school governing body, shall act as the legal authorization for the establishment of the public charter school. The charter shall be legally binding on both the sponsor and the public charter school governing body.

(3) The sponsor and the public charter school governing body may amend a charter by joint agreement.

(4)(a) The initial charter shall be in effect for a period of not more than five years and shall be re-

newed upon the authorization of the sponsor using the process established under this section.

(b) The first renewal of a charter shall be for the same time period as the initial charter.

(c) Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.

(5)(a) The renewal of a charter shall use the process required by this section.

(b) The public charter school governing body shall submit a written renewal request to the sponsor for consideration at least 180 days prior to the expiration of the charter.

(c) Within 45 days after receiving a written renewal request from a public charter school governing body, the sponsor shall hold a public hearing regarding the request for renewal.

(d) Within 30 days after the public hearing, the sponsor shall approve the renewal of the charter or state in writing the reasons for denying the renewal of the charter.

(e) If the sponsor approves the renewal of the charter, the sponsor and the public charter school governing body shall negotiate a new charter within 90 days after the date on which the sponsor approved the renewal of the charter unless the sponsor and the public charter school governing body agree to an extension of the time period. Notwithstanding the time period specified in the charter, an expiring charter shall remain in effect until a new charter is negotiated.

(f) If the sponsor does not renew the charter, the public charter school governing body may address the reasons stated under paragraph (d) of this subsection and any remedial measures suggested by the sponsor and submit a revised request for renewal to the sponsor.

(g) Notwithstanding paragraphs (b) to (f) of this subsection, a sponsor and a public charter school governing body may agree in the charter of the school to a timeline for renewing the charter that is different from the timeline required by paragraphs (b) to (f) of this subsection.

(6)(a) If the sponsor does not renew the charter based on the revised request for renewal submitted under subsection (5)(f) of this section, the public charter school governing body may appeal the decision of the sponsor to the State Board of Education for a review of whether the sponsor used the process required by this section in denying the renewal of the charter.

(b) If the state board finds that the sponsor used the process required by this section in denying the request for renewal, the state board shall affirm the decision of the sponsor. A public charter school governing body may seek judicial review of an order of the state board pursuant to ORS 183.484.

(c) If the state board finds that the sponsor did not use the process required by this section in denying the request for renewal, the state board shall order the sponsor to reconsider the request for renewal.

(d) If after reconsideration pursuant to paragraph (c) of this subsection the sponsor does not renew the charter, the public charter school governing body may seek judicial review of an order of the sponsor pursuant to ORS 183.484.

(7) If the State Board of Education is the sponsor of a public charter school and the state board does not renew the charter based on the revised request for renewal submitted under subsection (5)(f) of this section, the public charter school governing body may seek judicial review of an order of the state board pursuant to ORS 183.484 for a review of whether the state board used the process required by this section in denying the request for renewal.

(8)(a) The sponsor shall base the charter renewal decision on a good faith evaluation of whether the public charter school:

(A) Is in compliance with this chapter and all other applicable state and federal laws;

(B) Is in compliance with the charter of the public charter school;

(C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;

(D) Is fiscally stable and has used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under this section; and

(E) Is in compliance with any renewal criteria specified in the charter of the public charter school.

(b) The sponsor shall base the renewal evaluation described in paragraph (a) of this subsection primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school governing body and the sponsor.

SECTION 9. ORS 338.075 is amended to read:

338.075. (1) If a school district board disapproves a proposal to establish a public charter school following reconsideration of a proposal pursuant to ORS 338.055 (5), the applicant may request that the State Board of Education review the decision of the school district board.

(2)(a) If the State Board of Education reviews a decision of the school district board, as provided by subsection (1) of this section, the State Board of Education may review the decision only to determine whether:

(A) The school district board used the process required by ORS 338.055 in denying the proposal;

(B) The proposal meets the criteria described in ORS 338.055 (3); and

(C) The reasons stated by the school district board for the denial are valid.

(b) Following a review described in paragraph (a) of this subsection, the State Board of Education may:

(A) Uphold the decision of the school district board to disapprove the proposal;

(B) Remand the proposal to the school district board for reconsideration if the school district board and applicant agree to the remand; or

(C) Consider becoming the sponsor of the public charter school if the applicant agrees to the sponsorship.

(3) An applicant may seek judicial review of an order of the State Board of Education pursuant to ORS 183.484. If the court finds that the decision of the State Board of Education is not supported by substantial evidence in the record, the court shall enter a judgment directing the State Board of Education to sponsor the public charter school.

[(4)(a) An institution of higher education may sponsor a public charter school only if:]

[(A) The main campus of the institution of higher education is located within 25 miles of the proposed public charter school, based on the nearest traveled road; and]

[(B) The institution of higher education first became a sponsor of the public charter school prior to July 1, 2017.]

[(b) An institution of higher education may sponsor only one public charter school in this state, regardless of the number of campuses or locations of the institution of higher education.]

[(c) If a public charter school has a sponsor that is an institution of higher education and the public charter school enters into a contract with a third-party entity to provide educational services for the public charter school:]

[(A) A member of the governing body of the public charter school or the governing body of the sponsor may not be an employee of the third-party entity, be a member of the governing board of the third-party entity or be any other representative of the third-party entity;]

[(B) An employee or a member of the governing board of the third-party entity may not attend an executive session of the sponsor;]

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

[(D) The educational services provided by the third-party entity must comply with state standards and requirements, and any provision of the contract with the third-party entity that does not allow for the provision of educational services that comply with state standards and requirements is void.]

SECTION 10. ORS 338.105 is amended to read:

338.105. (1) During the term of a charter, the sponsor may terminate the charter on any of the following grounds:

(a) Failure to meet the terms of an approved charter or this chapter.

(b) Failure to meet the requirements for student performance stated in the charter.

(c) Failure to correct a violation of a federal or state law that is described in ORS 338.115.

(d) Failure to maintain insurance as described in the charter.

(e) Failure to maintain financial stability.

(f) Failure to maintain, for one or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065.

(2)(a) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the public charter school governing body at least 60 days prior to the proposed effective date of the termination. The notice shall state the grounds for the termination.

(b) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. Under a plan to correct deficiencies:

(A) The public charter school may attempt to correct any deficiencies related to financial stability or to a sound financial management system by a date identified by the sponsor, which may not be less than 60 days from the date of the notice;

(B) The proposed effective date of the termination may be extended to the date identified under subparagraph (A) of this paragraph;

(C) The sponsor may withhold up to 50 percent of the moneys owed to the public charter school while the public charter school is on the plan to correct deficiencies unless the withholding would create an undue hardship, as determined pursuant to rules of the State Board of Education; and

(D) The sponsor must hold in trust any moneys withheld under subparagraph (C) of this paragraph until:

(i) The public charter school complies with the plan to correct deficiencies, at which time the public charter school is entitled to the moneys held in trust; or

(ii) The public charter school fails to comply with the plan to correct deficiencies, at which time the charter is terminated and the public charter school forfeits any claim to the moneys held in trust.

(c) A deadline to correct deficiencies under paragraph (b)(A) of this subsection may be extended by mutual agreement of the sponsor and the public charter school.

(d) The public charter school governing body may request a hearing by the sponsor in relation to a termination of the charter or a plan to correct deficiencies.

(3) A public charter school governing body may appeal a decision of a sponsor under this section. The appeal shall be to:

(a) The State Board of Education if the sponsor is an entity described in ORS 338.005 [(5)(a) or (c)]

(4)(a). The State Board of Education shall:

(A) Review only;

(i) The grounds for termination under this section as stated by the school district board; or

(ii) A plan to correct deficiencies; and

(B) Adopt by rule procedures to ensure a timely appeals process to prevent disruption of students' education.

(b) The circuit court pursuant to ORS 183.484 if the sponsor is the State Board of Education.

(4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter immediately and close a public charter school if the public charter school is endangering the health or safety of the students enrolled in the public charter school.

(b) The public charter school governing body may request a hearing from the sponsor on the termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days after receiving the request.

(c) The public charter school governing body may appeal a decision of a sponsor under this subsection to the State Board of Education. The State Board of Education shall hold a hearing within 10 days after receiving the appeal request.

(d) Throughout the appeals process, the public charter school shall remain closed at the discretion of the sponsor unless the State Board of Education orders the sponsor to open the public charter school and not terminate the charter.

(5) Termination of a charter shall not abridge the public charter school's legal authority to operate as a private or nonchartered public school.

(6) If a charter is terminated or a public charter school is dissolved:

(a) The assets of the public charter school that were purchased with public funds shall be given to the State Board of Education. The State Board of Education may disburse the assets of the public charter school to school districts or other public charter schools.

(b) All student education records of the public charter school shall be transferred to the administrative office of the school district in which the public charter school was located.

(7) A public charter school governing body may only terminate a charter, dissolve or close a public charter school at the end of a semester. If a charter is terminated by the public charter school governing body or a public charter school is closed or dissolved, the public charter school governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the termination, closure or dissolution.

SECTION 11. ORS 338.155 is amended to read:

338.155. (1)(a) Students of a public charter school shall be considered to be residents of the school district in which the public charter school is located for purposes of distribution of the State School Fund.

(b) All amounts to be distributed from the State School Fund for public charter schools shall first be distributed to the school district in which the public charter school is located.

(c) For the purpose of determining the amounts to be distributed to a school district from the State

School Fund for a public charter school, the district extended ADMw described in ORS 327.013 shall be calculated:

(A) Except as provided by subparagraph (B) of this paragraph, as though the students enrolled at a public charter school are students enrolled at the public schools of the school district in which the public charter school is located.

(B) By not including any portion of the ADM of the public charter school for the previous school year if the public charter school ceased to operate because of dissolution or closure or because of termination or nonrenewal of a charter.

(2) A school district shall contractually establish, with any public charter school that is sponsored by the board of the school district, payment for provision of educational services to the public charter school's students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:

(a) Eighty percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(3) A school district shall contractually establish, with any public charter school that is sponsored by the State Board of Education [*or an institution of higher education*] and that is within the boundaries of the school district, payment for provision of educational services to the public charter school's students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:

(a) Ninety percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(4) The estimated amount of each school district's General Purpose Grant per ADMw shall be determined each year by the Department of Education and made available to all school districts.

(5) The school district in which the public charter school is located shall transfer an amount per weighted average daily membership (ADMw) of the public charter school that is equal to 50 percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 that is not paid to the public charter school through a contract created pursuant to subsection (3) of this section to **the Department of Education.**[.]

[*(a) For a public charter school sponsored by the State Board of Education, the Department of Education; or*]

[(b) For a public charter school sponsored by an institution of higher education, the institution of higher education.]

(6) The department may use any moneys received under this section for activities related to public charter schools.

(7) A school district and a public charter school may negotiate to establish a payment for the provision of educational services to the public charter school's students that is more than the minimum amounts specified in subsection (2) or (3) of this section.

(8) A school district shall send payment to a public charter school based on a contract negotiated under this section within 10 days after receiving payments from the State School Fund pursuant to ORS 327.095.

(9)(a) A public charter school may apply for any grant that is available to school districts or non-chartered public schools from the Department of Education. The department shall consider the application of the public charter school in the same manner as an application from a school district or nonchartered public school.

(b) The department shall award any grant that is available to school districts based solely on the weighted average daily membership (ADMw) of the school district directly to the public charter school. This paragraph does not apply to any grant from the State School Fund.

**REPORTING REQUIREMENTS
FOR HIGHER EDUCATION
COORDINATING COMMISSION**

SECTION 12. ORS 350.360 is amended to read:

350.360. (1) As used in this section, "employee group" means each category of employee employed by a public institution of higher education, including at least categories for:

- (a) Administrative or management employees;
- (b) Faculty employees; and
- (c) Classified or professional nonfaculty employees.

[(2) The Higher Education Coordinating Commission shall establish baselines and conduct an annual review of each public university listed in ORS 352.002 with respect to the employment of all employee groups. Each public university shall provide the necessary data for the commission's report prior to September 1 of each year. The commission shall use data available from a national post-secondary data collection system within the United States Department of Education. The commission shall report the results of the reviews to the Legislative Assembly and the Governor's office prior to December 1 of each year.]

[(3) The Office of Community Colleges and Workforce Development shall determine definitions and data that will be used for annual reviews and conduct an annual review of each community college district with respect to the employment of all employee groups. The office shall use data available from a national

post-secondary data collection system within the United States Department of Education. The office shall report the results of the reviews to the Legislative Assembly and the Governor before December 1 of each year.]

[(4) An annual review under this section must include:]

[(a) Examination of data related to the ratio of instruction provided by the following faculty categories:]

- [(A) Full-time faculty;]*
- [(B) Part-time faculty; and]*
- [(C) Graduate assistants.]*

[(b) The pay differential for the faculty categories.]

[(c) The average contracted wages for each employee group.]

[(d) The number of employees in each employee group within a public university or community college district, and a ratio of the number of employees in each employee group to the number of students enrolled in the university or district, both full-time and part-time.]

[(e) The health care and other benefits provided for each faculty category.]

[(f) A recommendation on whether a different method of data tracking would improve the ability of the Legislative Assembly to obtain the most precise and relevant data on staffing ratios without placing undue financial burdens on public universities and community colleges.]

(2)(a) The Higher Education Coordinating Commission shall conduct an annual review of each public institution of higher education with respect to the employment of all employee groups at the institution. For the purpose of conducting the annual reviews, the commission shall determine definitions and data that will be used.

(b) Each public institution of higher education shall provide the data required for the purposes of paragraph (a) of this subsection to the commission prior to June 30 of each year. The institution must use the data the institution provided to a national post-secondary data collection system within the United States Department of Education by November 1 of the previous year.

(c) The commission shall report the results of the annual reviews to the Legislative Assembly and the Governor before December 1 of each year.

(3) The annual reviews conducted under this section must include the following information for each employee group and for both full-time and part-time employees:

(a) The total number of employees in the employee group;

(b) The total number of full-time equivalent positions worked by employees in the employee group;

(c) The average number of employees supervised by a member of the employee group;

(d) **The average salary of a member of the employee group;**

(e) **The ratio of students to employees in the employee group;**

(f) **The ratio of instruction among faculty groups; and**

(g) **The number of employees in the employee group eligible for health care and other benefits.**

SECTION 13. ORS 350.365 is repealed.

**AVAILABILITY OF
KINDERGARTEN PROGRAMS**

SECTION 14. ORS 336.095 is amended to read:

336.095. (1)(a) A school district that is not a union high school district must offer half-day kindergarten and may choose to offer full-day kindergarten.

(b) A public charter school may choose to offer half-day kindergarten or full-day kindergarten.

(c) The State Board of Education shall adopt by rule:

(A) Standards for half-day kindergarten and full-day kindergarten; and

(B) The minimum number of instructional hours required for half-day kindergarten and full-day kindergarten.

(d) Nothing in this subsection requires a school district to offer half-day kindergarten in a school where the school district offers full-day kindergarten.

(2) Every school district that is not a union high school district must provide kindergarten facilities free of charge for the kindergarten children residing in the district by operating the facilities either singly or jointly with other districts or by contracting with public or private providers that conform to standards adopted by rule by the State Board of Education.

(3) Nothing in this section prevents a district school board from admitting free of charge a child who is a resident of the district and whose needs for cognitive, social and physical development would best be met in the school program, as defined by policies of the district school board, even though the child has not attained the minimum age requirement.

(4) Kindergarten that is offered as provided by subsection (1) of this section shall be funded in the same manner as other grades of the district are funded, except that the aggregate days membership of children in kindergarten shall be calculated as provided by ORS 327.006.

(5) Kindergarten is an integral part of the public school system of this state.

EDUCATOR ADVANCEMENT COUNCIL

SECTION 15. ORS 342.950, as amended by section 57, chapter 774, Oregon Laws 2015, section 8c,

chapter 790, Oregon Laws 2015, and section 2, chapter 8, Oregon Laws 2016, is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the [Department of Education] **Chief Education Office** and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and educator preparation providers.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the [Superintendent of Public Instruction] **Chief Education Officer**, shall distribute funding as follows:

(a) To schools, school districts, education service districts, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.

(b) To school districts, education service districts and nonprofit organizations for the purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies with the core teaching standards adopted as provided by ORS 342.856 and with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of career pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts, education service districts and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

(e) To school districts, education service districts, nonprofit organizations, post-secondary institutions and the tribes of this state for the purpose of closing achievement gaps by providing and improving the effectiveness of instruction and profes-

sional development, implementing data-driven decision making, supporting practice communities and implementing culturally [*competent*] **responsive** practices.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

(A) Strengthening educator programs for educators at all levels to:

(i) Improve educator preparation, recruitment and leadership.

(ii) Advance the purposes of the Educators Equity Act, to improve the cultural competence of educators and to ensure educators are trained in culturally relevant educational practices.

(B) Supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

(g) To school districts to ensure that a sufficient number of kindergarten through grade five teachers have received training to understand and recognize dyslexia and to implement appropriate instruction.

(h) To school districts for the design and implementation of programs to provide professional development to educators on strategies that decrease rates of school absenteeism among students by using trauma-informed approaches in schools.

(4) The [*Department of Education*] **Chief Education Office** shall provide strategic direction to the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Convening [*an advisory group*] **the Educator Advancement Council created by ORS 342.940** to guide network activities and expand the implementation of effective practices.

(c) Working with educator programs to ensure ongoing collaboration with education providers.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(5) The Department of Education shall support the network by:

[(f)] (a) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

[(g)] (b) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve student progress indicators for students who are enrolled in an English language learner program under ORS 336.079 and for students with disabilities.

[(h)] (c) Administering the distribution of funding as described in subsection (3) of this section.

[(5)] (6) The [*State Board of Education*] **Chief Education Office** shall develop processes to estab-

lish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student progress indicators.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving student progress indicators identified by the [*State Board of Education*] **Chief Education Office** or set forth in ORS 350.014.

(d) Includes and connects education providers and leaders from pre-kindergarten through postsecondary education.

[(6)] (7) No more than two percent of all moneys received for the purposes of this section may be expended by the **Chief Education Office** or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, the following are not considered administrative costs:

(a) Technical assistance and direct program services provided to school districts and nonprofit organizations; and

(b) Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.

[(7)] (8) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section **or assigned to the department by the Chief Education Office**. Any rules adopted by the State Board of Education must be consistent with this section **and with actions taken by the Chief Education Office to implement this section.**

SECTION 16. ORS 342.950, as amended by section 57, chapter 774, Oregon Laws 2015, section 8c, chapter 790, Oregon Laws 2015, and section 2, chapter 8, Oregon Laws 2016, and section 15 of this 2018 Act, is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Chief Education Office and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and educator preparation providers.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the Chief Education Officer, shall distribute funding as follows:

(a) To schools, school districts, education service districts, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.

(b) To school districts, education service districts and nonprofit organizations for the purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies with the core teaching standards adopted as provided by ORS 342.856 and with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of career pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts, education service districts and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

(e) To school districts, education service districts, nonprofit organizations, post-secondary institutions and the tribes of this state for the purpose of closing achievement gaps by providing and improving the effectiveness of instruction and professional development, implementing data-driven decision making, supporting practice communities and implementing culturally responsive practices.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

(A) Strengthening educator programs for educators at all levels to:

(i) Improve educator preparation, recruitment and leadership.

(ii) Advance the purposes of the Educators Equity Act, to improve the cultural competence of educators and to ensure educators are trained in culturally relevant educational practices.

(B) Supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

(g) To school districts to ensure that a sufficient number of kindergarten through grade five teachers have received training to understand and recognize dyslexia and to implement appropriate instruction.

(h) To school districts for the design and implementation of programs to provide professional development to educators on strategies that decrease rates of school absenteeism among students by using trauma-informed approaches in schools.

(i) To educator networks established under ORS 342.943 for the purpose of supporting educator networks.

(4) The Chief Education Office shall provide strategic direction to the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Convening the Educator Advancement Council created by ORS 342.940 to guide network activities and expand the implementation of effective practices.

(c) Working with educator programs to ensure ongoing collaboration with education providers.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(5) The Department of Education shall support the network by:

(a) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(b) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve student progress indicators for students who are enrolled in an English language learner program under ORS 336.079 and for students with disabilities.

(c) Administering the distribution of funding as described in subsection (3) of this section.

(6) The Chief Education Office shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student progress indicators.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving student progress indicators identified by the Chief Education Office or set forth in ORS 350.014.

(d) Includes and connects education providers and leaders from prekindergarten through post-secondary education.

(7) No more than two percent of all moneys received for the purposes of this section may be expended by the Chief Education Office or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, the following are not considered administrative costs:

(a) Technical assistance and direct program services provided to school districts and nonprofit organizations; and

(b) Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.

(8) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section or assigned to the department by the Chief Education Office. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Chief Education Office to implement this section.

SECTION 17. The amendments to ORS 342.950 by section 16 of this 2018 Act become operative on June 30, 2018.

**RESIDENT STATUS
FOR STUDENTS IN DORMITORIES**

SECTION 18. Sections 5 and 7, chapter 690, Oregon Laws 2017, are repealed.

SECTION 19. ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, is amended to read:

339.133. (1) As used in this section:

(a) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(b)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(c) "School district of origin" means the school district where an individual was a resident before:

(A) The individual was placed into foster care;

or
(B) The foster care placement of the individual changed.

(d) "School of origin" means the school that an individual attended before:

(A) The individual was placed into foster care;

or
(B) The foster care placement of the individual changed.

(2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages of 4 and

18 shall be considered resident for school purposes in the school district in which their parents, their guardians or persons in parental relationship to them reside.

(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, their guardians or persons in parental relationship to them reside.

(c) Individuals living temporarily in a school district for the primary purpose of attending a district school may not be considered resident in the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, their guardians or persons in parental relationship to them reside.

(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, their guardians or persons in parental relationship.

(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

(A) The school district of origin; or

(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the school of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in

which the individual attends school if the individual receives:

(A) Written consent from both of the affected district school boards as provided by policies adopted by the boards[.]; or

(B) **Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.**

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district are considered to be residents of the school district in which the dormitory is located.

(b) For the purpose of this subsection:

(A) **An individual may not be considered to be a foreign exchange student for more than one school year.**

(B) **An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.**

(C) **The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.**

(c) **As used in this subsection, "foreign exchange student" means an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.**

SECTION 20. (1) The amendments to ORS 339.133 by section 19 of this 2018 Act become operative on July 1, 2018.

(2) The amendments to ORS 339.133 by section 19 of this 2018 Act apply to State School Fund distributions commencing with the 2018-2019 distributions.

SECTION 21. ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and section 19 of this 2018 Act, is amended to read:

339.133. (1) As used in this section:

(a) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(b)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(c) "School district of origin" means the school district where an individual was a resident before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(d) "School of origin" means the school that an individual attended before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, their guardians or persons in parental relationship to them reside.

(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, their guardians or persons in parental relationship to them reside.

(c) Individuals living temporarily in a school district for the primary purpose of attending a district school may not be considered resident in the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, their guardians or persons in parental relationship to them reside.

(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, their guardians or persons in parental relationship.

(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

(A) The school district of origin; or

(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the school of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives[.:]

[A] written consent from both of the affected district school boards as provided by policies adopted by the boards.[; or]

[B] *Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.*

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district are considered to be residents of the school district in which the dormitory is located.

(b) For the purpose of this subsection:

(A) An individual may not be considered to be a foreign exchange student for more than one school year.

(B) An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.

(C) The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.

(c) As used in this subsection, "foreign exchange student" means an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.

SECTION 22. (1) The amendments to ORS 339.133 by section 21 of this 2018 Act become operative on July 1, 2019.

(2) The amendments to ORS 339.133 by section 21 of this 2018 Act apply to State School Fund distributions commencing with the 2019-2020 distributions.

SECTION 23. ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and sections 19 and 21 of this 2018 Act, is amended to read:

339.133. (1) As used in this section:

(a) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(b)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(c) "School district of origin" means the school district where an individual was a resident before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(d) "School of origin" means the school that an individual attended before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, their guardians or persons in parental relationship to them reside.

(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, their guardians or persons in parental relationship to them reside.

(c) Individuals living temporarily in a school district for the primary purpose of attending a district school may not be considered resident in the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, their guardians or persons in parental relationship to them reside.

(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, their guardians or persons in parental relationship.

(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

(A) The school district of origin; or

(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the school of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives written consent from both of the affected district school boards as provided by policies adopted by the boards.

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

[(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district are considered to be residents of the school district in which the dormitory is located.]

[(b) For the purpose of this subsection:]

[(A) An individual may not be considered to be a foreign exchange student for more than one school year.]

[(B) An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.]

[(C) The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.]

[(c) As used in this subsection, "foreign exchange student" means an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.]

SECTION 24. (1) The amendments to ORS 339.133 by section 23 of this 2018 Act become operative on July 1, 2020.

(2) The amendments to ORS 339.133 by section 23 of this 2018 Act apply to State School Fund distributions commencing with the 2020-2021 distributions.

NATIONAL ACCREDITATION OF EDUCATOR PREPARATION PROGRAMS

SECTION 25. Section 2, chapter 756, Oregon Laws 2015, as amended by section 9, chapter 756, Oregon Laws 2015, is amended to read:

Sec. 2. The amendments to ORS 342.147 by section 8 [of this 2015 Act], **chapter 756, Oregon Laws 2015**, become operative on July 1, [2022] **2025**.

NATIONAL BOARD CERTIFICATION FUND

SECTION 26. ORS 342.122, as operative until July 1, 2018, is amended to read:

342.122. (1) There is created the National Board Certification Fund, separate and distinct from the General Fund. Interest earned on moneys in the National Board Certification Fund shall be credited to the fund.

(2) The Teacher Standards and Practices Commission may accept from any source any grant, donation or gift of money or other valuable thing made to the commission for purposes of the National Board Certification Fund.

(3) Moneys credited to the National Board Certification Fund are continuously appropriated to the commission for the purposes set forth in subsections (4) and (5) of this section. The commission may draw checks or orders upon the State Treasurer in making disbursements from the fund for the purposes stated in this subsection.

(4) Moneys in the National Board Certification Fund shall be used to encourage public school teachers and administrators in this state to apply for and attain certification through the National Board for Professional Teaching Standards or any other national professional organization for teaching standards designated by the Teacher Standards and Practices Commission.

(5) The Teacher Standards and Practices Commission may disburse moneys from the National Board Certification Fund to applicants for assistance with the direct costs of seeking and obtaining national board certification. The commission shall manage the fund in a manner that provides support, but does not pay for all the costs of any one application. Additionally, the commission shall manage the fund to provide continuous support to as many applicants as possible.

(6) The Teacher Standards and Practices Commission shall adopt rules that govern the disbursement of moneys from the National Board Certification Fund consistent with this section, **including requirements that recipients of disbursements must be licensed by the commission and employed with a public educational program in this state.**

SECTION 27. ORS 342.122 is amended to read:

342.122. (1) There is created the National Board Certification Fund, separate and distinct from the

General Fund. Interest earned on moneys in the National Board Certification Fund shall be credited to the fund.

(2) The National Board Certification Fund shall include any state or federal moneys made available to the fund, including moneys appropriated by the Legislative Assembly and federal moneys made available to improve teacher quality through professional development. The Teacher Standards and Practices Commission may accept from any source any grant, donation or gift of money or other valuable thing made to the commission for purposes of the fund.

(3) Moneys credited to the National Board Certification Fund are continuously appropriated to the commission for the purposes set forth in subsections (4) and (5) of this section. The commission may draw checks or orders upon the State Treasurer in making disbursements from the fund for the purposes stated in this subsection.

(4) Moneys in the National Board Certification Fund shall be used to encourage at least 150 public school teachers in this state to apply for and attain certification each biennium through the National Board for Professional Teaching Standards or any other national professional organization for teaching standards designated by the Teacher Standards and Practices Commission.

(5) The Teacher Standards and Practices Commission may disburse moneys from the National Board Certification Fund to applicants for assistance with the direct costs of seeking and obtaining national board certification, including reimbursement for the costs of each of the components necessary for certification and reimbursement for costs related to participating in a cohort for certification. The commission may retain no more than 10 percent of all moneys received under this section during a biennium from state and federal sources for the purpose of paying administrative expenses incurred by the commission under this subsection.

(6) The Teacher Standards and Practices Commission shall adopt rules that govern the disbursement of moneys from the National Board Certification Fund consistent with this section, **including requirements that recipients of disbursements must be licensed by the commission and employed with a public educational program in this state.**

VIRTUAL PUBLIC CHARTER SCHOOL ADMINISTRATORS

SECTION 28. Section 8, chapter 327, Oregon Laws 2013, is amended to read:

Sec. 8. The amendments to ORS 338.135 by section 7 [of this 2013 Act], **chapter 327, Oregon Laws 2013**, become operative on [July 1, 2018] **the effective date of this 2018 Act.**

SECTION 29. ORS 338.135 is amended to read:

338.135. (1) Employee assignment to a public charter school shall be voluntary.

(2)(a) A public charter school or the sponsor of the public charter school is considered the employer of any employees of the public charter school. If a school district board is not the sponsor of the public charter school, the school district board may not be the employer of the employees of the public charter school and the school district board may not collectively bargain with the employees of the public charter school. The public charter school governing body shall control the selection of employees at the public charter school.

(b) If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school. **unless:**

(A) The employee is an administrator who does not have any teaching responsibilities; and

(B) Both the executive officer of the sponsor and the public charter school governing body approve employment by the for-profit entity. The executive officer or governing body may choose to grant approval under this subparagraph:

(i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this paragraph;

(ii) Based on the job categories of the employees who meet the description in subparagraph (A) of this paragraph; or

(iii) On a case-by-case basis for each employee who meets the description in subparagraph (A) of this paragraph.

(3) The school district board of the school district within which the public charter school is located shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by negotiated agreement or by board policy. However, the length of the leave of absence may not be less than two years unless:

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

(b) The employee and the school district board have mutually agreed to a different length of time.

(4) An employee of a public charter school operating within a school district who is granted a leave of absence from the school district and returns to employment with the school district shall retain seniority and benefits as an employee pursuant to the terms of the leave of absence. Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of a public charter school not operating within the school district may make provisions for the return of the employee to employment with the school district.

(5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a public

employer and as such shall participate in the Public Employees Retirement System.

(6) For teacher licensing, employment experience in public charter schools shall be considered equivalent to experience in public schools.

(7)(a) Any person employed as an administrator in a public charter school shall be licensed or registered to administer by the Teacher Standards and Practices Commission.

(b) Any person employed as a teacher in a public charter school shall be licensed or registered to teach by the commission.

(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS 342.125.

(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from other bargaining units of the sponsor or of the school district in which the public charter school is located. Employees of a public charter school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

(9) An entity described in ORS 338.005 [(5)] (4) may not waive the right to sponsor a public charter school in a collective bargaining agreement.

NOTE: Sections 30 and 31 were deleted by amendment. Subsequent sections were not renumbered.

BEGINNING TEACHER AND ADMINISTRATOR MENTORSHIP PROGRAMS

SECTION 32. ORS 329.788, as operative until June 30, 2018, is amended to read:

329.788. As used in ORS 329.788 to 329.820:

(1) "Beginning administrator" means a principal or superintendent who:

(a) Possesses [a *preliminary*] **an** administrative license issued by the Teacher Standards and Practices Commission;

(b) Is employed as a principal or superintendent by a school district; and

(c) Has been assigned for fewer than two school years in the administrator's present position.

(2) "Beginning teacher" means a teacher who:

(a) Possesses a [*preliminary*] teaching license [*or reciprocal license*] issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school in any state.

(3) "Mentor" means an individual who:

(a) Is an acting or retired teacher, principal or superintendent;

(b) Has met established best practice and research-based criteria as defined by the State Board of Education by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

(d) Has successfully served for five or more years as a licensed teacher, principal or superintendent in any public school; and

(e) Has been selected and trained as described in ORS 329.815.

(4) "Mentorship program" means a program provided by a mentor to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning.

SECTION 33. ORS 329.788 is amended to read: 329.788. As used in ORS 329.788 to 329.820:

(1) "Beginning administrator" means a principal or superintendent who:

(a) Possesses [a *preliminary*] **an** administrative license issued by the Teacher Standards and Practices Commission;

(b) Is employed as a principal or superintendent by a school district; and

(c) Has been assigned for fewer than two school years in the administrator's present position.

(2) "Beginning teacher" means a teacher who:

(a) Possesses a [*preliminary*] teaching license [*or reciprocal license*] issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school in any state.

(3) "Educator network" means an educator network established under ORS 342.943.

(4) "Mentor" means an individual who:

(a) Is an acting or retired teacher, principal or superintendent;

(b) Has met established best practice and research-based criteria as defined by the State Board of Education by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

(d) Has successfully served for five or more years as a licensed teacher, principal or superintendent in any public school; and

(e) Has been selected and trained as described in ORS 329.815.

(5) "Mentorship program" means a program provided by a mentor to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning.

SECTION 34. The amendments to ORS 329.788 by sections 32 and 33 by this 2018 Act first apply to teachers and administrators participating in beginning teacher and administrator mentorship programs during the 2017-2018 school year.

CAPTIONS

SECTION 35. The unit captions used in this 2018 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2018 Act.

EMERGENCY CLAUSE

SECTION 36. This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.

Approved by the Governor April 3, 2018
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