

B-Engrossed House Bill 3174

Ordered by the Senate June 29
Including House Amendments dated May 6 and Senate Amendments dated
June 29

Sponsored by COMMITTEE ON EDUCATION (at the request of Charter Schools Development Center)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes process [*and criteria*] for renewal of charter of public charter school.
Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to renewal of charter of public charter school; creating new provisions; amending ORS
3 338.065; and declaring an emergency.

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

5 **SECTION 1.** ORS 338.065 is amended to read:

6 338.065. (1) Upon approval of a proposal by a school district board under ORS 338.055, the
7 school district board shall become the sponsor of the public charter school. The sponsor and appli-
8 cant shall develop a written charter that contains the provisions of the proposal that have been duly
9 approved by the sponsor and public charter school governing body. The sponsor and the applicant
10 may agree to change elements of the proposal prior to incorporating them into the charter or ex-
11 clude elements of the proposal from the charter. The charter, when duly executed by the sponsor
12 and the public charter school governing body, shall act as the legal authorization for the establish-
13 ment of the public charter school. The charter shall be legally binding on both the sponsor and the
14 public charter school governing body. [*The charter shall be in effect for a period of not more than five*
15 *years and may be renewed upon the authorization of the sponsor.*]

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

18 **(3)(a) The initial charter shall be in effect for a period of not more than five years and**
19 **shall be renewed upon the authorization of the sponsor using the process established under**
20 **this section.**

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (d) Within 10 days after the public hearing, the sponsor shall notify the public charter
2 school governing body of the sponsor's intent about the renewal of the charter.

3 (e) Within 20 days after the public hearing, the sponsor shall approve the renewal of the
4 charter or state in writing the reasons for denying the renewal of the charter.

5 (f) If the sponsor approves the renewal of the charter, the sponsor and the public charter
6 school governing body shall negotiate a new charter within 90 days after the date on which
7 the sponsor approved the renewal of the charter unless the sponsor and the public charter
8 school governing body agree to an extension of the time period.

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

12 (h) Notwithstanding paragraphs (b) to (g) of this subsection, a sponsor and a public
13 charter school governing body may agree in the charter of the school to a timeline for re-
14 newing the charter that is different from the timeline required by paragraphs (b) to (g) of
15 this subsection.

16 (5)(a) If the sponsor does not renew the charter based on the revised request for renewal
17 submitted under subsection (4)(g) of this section, the public charter school governing body
18 may appeal the decision of the sponsor to the State Board of Education for a review of
19 whether the sponsor used the process required by this section in denying the renewal of the
20 charter.

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

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

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

31 (e) If the board is the sponsor of a public charter school and the board does not renew
32 the charter based on the revised request for renewal submitted under subsection (4)(g) of
33 this section, the public charter school governing body may seek judicial review of an order
34 of the board pursuant to ORS 183.484 for a review of whether the board used the process
35 required by this section in denying the request for renewal.

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

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

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

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

43 (D) Is fiscally stable; and

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

