

A-Engrossed
Senate Bill 755

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Sponsored by Senator WALKER

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.

Directs school districts[, *public charter schools and education service districts*] **and private schools** to disclose disciplinary records of employees convicted of certain crimes. **Defines "school district."** Directs districts and schools to remove information from record that would disclose identity of child or victim.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education employees; creating new provisions; amending ORS 338.025 and 338.115; and
3 declaring an emergency.

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

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

6 (a) **"Disciplinary records" means the public records related to a personnel discipline**
7 **action or materials or documents supporting that action.**

8 (b) **"School district" means:**

9 (A) **A school district as defined in ORS 332.002.**

10 (B) **The Oregon State School for the Blind.**

11 (C) **The Oregon State School for the Deaf.**

12 (D) **An educational program under the Youth Corrections Education Program.**

13 (E) **A public charter school as defined in ORS 338.005.**

14 (F) **An education service district as defined in ORS 334.003.**

15 (G) **Any state-operated program that provides educational services to kindergarten**
16 **through grade 12 students.**

17 (2) **The disciplinary records of a school district employee convicted of a crime listed in**
18 **ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. When a school**
19 **district employee is convicted of a crime listed in ORS 342.143, the district that is the em-**
20 **ployer of the employee shall disclose the disciplinary records of the employee to any person**
21 **upon request.**

22 (3) **Prior to disclosure of a disciplinary record under subsection (2) of this section, a**
23 **school district shall remove any personally identifiable information from the record that**
24 **would disclose the identity of a child, a crime victim or a school district employee who is not**
25 **the subject of the disciplinary record.**

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

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 (a) “Disciplinary records” means the records related to a personnel discipline action or
2 materials or documents supporting that action.

3 (b) “Private school” means a school that provides educational services as defined in ORS
4 345.505 to kindergarten through grade 12 students.

5 (2) When a private school employee is convicted of a crime listed in ORS 342.143, the
6 private school that is the employer of the employee shall disclose the disciplinary records
7 of the employee to any person upon request.

8 (3) Prior to disclosure of a disciplinary record under subsection (2) of this section, a
9 private school shall remove any personally identifiable information from the record that
10 would disclose the identity of a child, a crime victim or a private school employee who is not
11 the subject of the disciplinary record.

12 **SECTION 3.** ORS 338.115 is amended to read:

13 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
14 public schools [*shall*] **do** not apply to public charter schools. However, the following laws [*shall*]
15 apply to public charter schools:

16 (a) Federal law;

17 (b) ORS 192.410 to 192.505 (public records law);

18 (c) ORS 192.610 to 192.690 (public meetings law);

19 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

20 (e) ORS 181.539, 326.603, 326.607 and 342.232 (criminal records checks);

21 (f) ORS 337.150 (textbooks);

22 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);

23 (h) ORS 659.850 and 659.855 (discrimination);

24 (i) ORS 30.260 to 30.300 (tort claims);

25 (j) Health and safety statutes and rules;

26 (k) Any statute or rule that is listed in the charter;

27 (L) The statewide assessment system developed by the Department of Education for mathemat-
28 ics, science and English under ORS 329.485 (1);

29 (m) ORS 329.045 (academic content standards and instruction);

30 (n) Any statute or rule that establishes requirements for instructional time provided by a school
31 during each day or during a year;

32 (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

33 **(p) Section 1 of this 2005 Act (disclosure of employee disciplinary records); and**

34 [*p*] **(q) This chapter.**

35 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
36 that apply to school district boards, school districts and other public schools may apply to a public
37 charter school.

38 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
39 “public school” shall include public charter school as those terms are used in that statute or rule.

40 (4) A public charter school [*shall*] **may** not violate the Establishment Clause of the First
41 Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or
42 be religion based.

43 (5) A public charter school shall maintain an active enrollment of at least 25 students.

44 (6) A public charter school may sue or be sued as a separate legal entity.

45 (7) The sponsor, members of the governing board of the sponsor acting in their official capacity

1 and employees of a sponsor acting in their official capacity are immune from civil liability with re-
2 spect to all activities related to a public charter school within the scope of their duties or employ-
3 ment.

4 (8) A public charter school may enter into contracts and may lease facilities and services from
5 a school district, education service district, state institution of higher education, other governmental
6 unit or any person or legal entity.

7 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
8 ability.

9 (10) A public charter school may receive and accept gifts, grants and donations from any source
10 for expenditure to carry out the lawful functions of the school.

11 (11) The school district in which the public charter school is located shall offer a high school
12 diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public
13 charter school student who meets the district's and state's standards for a high school diploma,
14 certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district
15 offers a Certificate of Initial Mastery subject area endorsement to students who attend school in the
16 district, then the school district shall offer the endorsement to any public charter school student
17 who meets the district's and state's standards for the endorsement.

18 (12) A high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mas-
19 tery subject area endorsement or Certificate of Advanced Mastery issued by a public charter school
20 shall grant to the holder the same rights and privileges as a high school diploma, certificate, Cer-
21 tificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of
22 Advanced Mastery issued by a nonchartered public school.

23 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the
24 sponsor as specified in the charter.

25 (14) A public charter school may receive services from an education service district in the same
26 manner as a nonchartered public school in the school district in which the public charter school is
27 located.

28 **SECTION 4.** ORS 338.025 is amended to read:

29 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
30 of this chapter. The rules shall follow the intent of this chapter.

31 (2) Upon application by a public charter school, the State Board of Education may grant a
32 waiver of any provision of this chapter if the waiver promotes the development of programs by
33 providers, enhances the equitable access by underserved families to the public education of their
34 choice, extends the equitable access to public support by all students or permits high quality pro-
35 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
36 chapter or any provision under ORS 338.115 (1)(a) to [(o)] (p).

37 **SECTION 5. This 2005 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
39 **on its passage.**