

A-Engrossed
Senate Bill 418

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

Sponsored by Senator KNOPP (Pre-session filed.)

SUMMARY

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

[Directs State Board of Education to adopt specified standards related to student education records.]

[Provides that parents have right to excuse student from statewide standardized summative assessment and that school districts must provide notice of that right to parents.]

[Provides that students must receive certain information related to statewide standardized summative assessments.]

Establishes statewide standards and funding mechanisms for accelerated college credit programs for high school students.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 337.150, 338.025, 338.115, 340.300,
3 340.305, 340.310, 340.320 and 340.330 and section 10, chapter 519, Oregon Laws 2011; and de-
4 claring an emergency.

5 Whereas the benefits from increased access to college-level coursework by high school students
6 include improved high school graduation rates, improved attainment of college-ready skills, reduced
7 need for remedial courses in the first year at a post-secondary institution of education, improved
8 expectations by students of post-secondary institutions of education, improved transitions between
9 high schools and post-secondary institutions of education, improved success rates of students at
10 post-secondary institutions of education, and reduced time spent and debt accrued for completion
11 of studies at post-secondary institutions of education; and

12 Whereas this state is committed to the goal that by 2025 at least 40 percent of adult Oregonians
13 will have earned a bachelor's degree or higher degree, at least 40 percent of adult Oregonians will
14 have earned an associate's degree or post-secondary credential as their highest level of educational
15 attainment, and the remaining 20 percent or less of all adult Oregonians will have earned a high
16 school diploma, an extended or modified high school diploma or the equivalent of a high school di-
17 ploma as their highest level of educational attainment; and

18 Whereas this state can more readily achieve the 40-40-20 goal by better aligning state funding,
19 standards and assessments, better supporting shared resources for high schools and post-secondary
20 institutions of education, better encouraging efficiencies and cost savings in high schools and post-
21 secondary institutions of education, better reducing barriers to participation in post-secondary edu-
22 cation and better improving equitable access to college-level coursework for high school students;
23 and

24 Whereas this state must support further development of a collaborative culture among all sec-

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 ondary schools and post-secondary institutions in order to improve course alignment, student suc-
2 cess and shared professional development; and

3 Whereas this state needs a consistent means by which to measure the impact that increased
4 access to college-level coursework by high school students will have toward achieving the 40-40-20
5 goal; and

6 Whereas improved access to college-level coursework by high school students will expose tra-
7 ditionally underrepresented students to higher education and increase the likelihood that the stu-
8 dents will continue to pursue college-level coursework in higher education; and

9 Whereas this state intends to enable students to access all forms of accelerated college credit
10 programs and must ensure that Oregon-oriented programs meet specified standards and provide
11 consistency to students; now, therefore,

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

13 **SECTION 1. As used in ORS 340.300 to 340.330:**

14 (1) **“Accelerated college credit programs” includes dual credit programs, two-plus-two**
15 **programs, advanced placement programs, International Baccalaureate programs and any**
16 **other programs meeting criteria specified by the State Board of Education by rule as enabl-**
17 **ing high school students to earn college credit.**

18 (2) **“Post-secondary institution of education” means a community college in this state or**
19 **a public university listed in ORS 352.002.**

20 **SECTION 2. ORS 340.300 is amended to read:**

21 340.300. [(1) *As used in this section, “accelerated college credit programs” includes dual credit*
22 *programs, two-plus-two programs, advanced placement programs and International Baccalaureate pro-*
23 *grams.]*

24 [(2) *Each school district shall:*]

25 [(a) *Provide students in grades 9 through 12 with accelerated college credit programs including,*
26 *but not limited to, accelerated college credit programs related to English, mathematics and science;*
27 *or]*

28 [(b) *Ensure that students in grades 9 through 12 have online access to accelerated college credit*
29 *programs including, but not limited to, accelerated college credit programs related to English, math-*
30 *ematics and science.]*

31 (1) **Each school district must provide an accelerated college credit program at each high**
32 **school in the school district. The program must offer all students in grades 9 through 12 the**
33 **opportunity to earn college credit while in high school.**

34 (2)(a) **An accelerated college credit program:**

35 (A) **Must include, at a minimum, the greater of:**

36 (i) **Three college-level courses; or**

37 (ii) **Nine quarter hours of college-level courses;**

38 (B) **Must include courses for which college credit is transferable to a post-secondary in-**
39 **stitution of education; and**

40 (C) **May include courses in mathematics, writing, speech, the sciences, arts, humanities,**
41 **social sciences and other courses that satisfy the requirement described in subparagraph (B)**
42 **of this paragraph.**

43 (b) **For the purpose of this subsection, a college credit is transferable if a post-secondary**
44 **institution of education or an Oregon-based, generally accredited, not-for-profit private in-**
45 **stitution of higher education accepts the credit for application toward the requirements of**

1 a post-secondary degree or the prerequisites for career and technical education.

2 (3)(a) Courses offered through an accelerated college credit program may be supported
3 by online resources. If a course is exclusively provided online, the course must provide sup-
4 ports that are targeted to improving the success of students taking the course.

5 (b) When a post-secondary institution of education provides a course supported by online
6 resources as described in paragraph (a) of this subsection, the post-secondary institution of
7 education must make reasonable and timely efforts to enter into agreements to enable a
8 school district to offer to students in grades 9 through 12 the opportunity to take the course
9 if space is available in the course. Efforts must be made under this subsection to serve all
10 students regardless of the community college district that serves the students.

11 (4) A school district or a high school may enter into an agreement with a post-secondary
12 institution of education to provide courses through an accelerated college credit program.
13 If the school district or high school is unable to reach an agreement with the public univer-
14 sity located closest to the high school or with the community college that serves the high
15 school within 60 days of beginning negotiations for an agreement, the school district or high
16 school may pursue an agreement with another public university or community college in this
17 state, regardless of any established service areas.

18 (5) Except as provided by subsection (6) of this section, a student participating in an ac-
19 celerated college credit program may not be required to pay any expenses, including charges
20 for tuition, fees and instructional materials, imposed by a post-secondary institution of edu-
21 cation.

22 (6) A student participating in an accelerated college credit program may be required to
23 pay any of the following expenses that are:

24 (a) Imposed by an entity that is neither a school district nor a post-secondary institution
25 of education, including examination costs.

26 (b) Incurred for courses that are in excess of the three college-level courses or nine
27 quarter hours of college-level courses that a school district is required to provide under
28 subsection (2) of this section. A school district may charge a minimal fee per course for
29 college-level courses that are in excess of the requirement under subsection (2) of this sec-
30 tion.

31 (7) Each school district that provides an accelerated college credit program shall collab-
32 orate with a post-secondary institution of education to ensure that:

33 (a) Courses offered through an accelerated college credit program meet the institution's
34 standards for transferable credits;

35 (b) Students receive technical assistance in applying for admission and financial aid at a
36 post-secondary institution of education; and

37 (c) Students receive instructional support and other nonmonetary support that are tar-
38 geted to improve the success of the students at a post-secondary institution of education.

39 **SECTION 3.** Notwithstanding ORS 340.300, a school district that did not provide an ac-
40 celerated college credit program at each high school in the school district during the
41 2014-2015 school year is not required to first comply with the requirements of ORS 340.300
42 until the 2016-2017 school year.

43 **SECTION 4.** ORS 340.305 is amended to read:

44 340.305. [(1) As used in this section:]

45 [(a) "Accelerated learning entity" means an entity that:]

1 *[(A) Assists school districts and high schools in providing accelerated learning options that lead*
2 *to college credit; or]*

3 *[(B) Provides standardized testing related to accelerated learning options that lead to college*
4 *credit.]*

5 *[(b) “Accelerated learning options” has the meaning given that term in rules adopted by the State*
6 *Board of Education.]*

7 **(1) As used in this section, “accelerated college credit program entity” means an entity**
8 **that:**

9 **(a) Assists school districts in providing accelerated college credit programs required un-**
10 **der ORS 340.300; or**

11 **(b) Provides standardized testing, including examinations, related to accelerated college**
12 **credit programs.**

13 (2) For the purpose of assisting school districts *[and high schools in increasing the availability*
14 *of accelerated learning options]* **offering accelerated college credit programs**, the Superintendent
15 of Public Instruction shall make available the information described in subsections (3) and (4) of this
16 section.

17 (3) To the extent that *[accelerated learning entities]* **accelerated college credit program enti-**
18 **ties** provide information to the Superintendent of Public Instruction about resources and the various
19 means for offering or providing access to *[accelerated learning options]* **accelerated college credit**
20 **programs**, the superintendent shall ensure that the information is published on the website of the
21 Department of Education and is updated annually.

22 (4) To the extent that *[accelerated learning entities]* **accelerated college credit program enti-**
23 **ties** provide information to the Superintendent of Public Instruction about *[accelerated learning*
24 *options]* **accelerated college credit programs** made available by *[high schools]* **school districts**, the
25 superintendent shall ensure that each *[high school]* **school district** that offers or provides access to
26 *[accelerated learning options in three or fewer subjects]* **courses through accelerated college credit**
27 **programs** is contacted annually and is provided with information about resources and the various
28 means for offering or providing access to *[accelerated learning options]* **accelerated college credit**
29 **programs.**

30 **SECTION 5.** ORS 340.310, as amended by section 1, chapter 23, Oregon Laws 2014, is amended
31 to read:

32 340.310. *[(1) The Higher Education Coordinating Commission shall develop statewide standards for*
33 *dual credit programs to be implemented by public high schools, community colleges and public uni-*
34 *versities listed in ORS 352.002. The standards must establish the manner by which:]*

35 **(1) The Higher Education Coordinating Commission, in consultation with the State Board**
36 **of Education, shall provide statewide standards for accelerated college credit programs that**
37 **do not have nationally-established standards or state-established accelerated credit stan-**
38 **dards. The statewide standards must be implemented by school districts and post-secondary**
39 **institutions of education and must establish the manner by which:**

40 (a) A student in any grade from 9 through 12 may, upon completion of a course, earn course
41 credit both for high school and for *[a community college or public university; and]* **general education**
42 **or career and technical education at a post-secondary institution of education.**

43 (b) *[Teachers of courses that are part of a dual credit program will work together to determine]*
44 **Faculty at post-secondary institutions of education will collaborate with teachers in school**
45 **districts to ensure** the quality of the **accelerated college credit** program and *[to ensure]* the

1 alignment of the content, objectives and outcomes of individual courses.

2 (c) **High school teachers of courses that are part of an accelerated college credit program**
3 **must be approved as an instructor by a post-secondary institution of education based on**
4 **nationally-established standards, state-established standards or a process established by the**
5 **commission. A process established by the commission must be established in consultation**
6 **with the State Board of Education and post-secondary institutions of education and must**
7 **identify instructor requirements specific to entry-level courses that are part of an acceler-**
8 **ated college credit program and that are offered as required by ORS 340.300 (2)(a).**

9 (d) **Payment for the first three courses, or the first nine quarter hours, that students**
10 **take through accelerated college credit programs is distributed by school districts to post-**
11 **secondary institutions of education, including designating acceptable uses of moneys for ac-**
12 **celerated college credit programs and establishing a minimum rate and a maximum rate for**
13 **payment to a post-secondary institution of education for an accelerated college credit pro-**
14 **gram.**

15 (2) Each *[public high school, community college and public university]* **school district and post-**
16 **secondary institution of education** that provides *[a dual credit program]* **an accelerated college**
17 **credit program** must implement the statewide standards *[developed]* **adopted** under subsection (1)
18 of this section **and must annually review the program to ensure compliance with the stan-**
19 **dards.**

20 *[(3) Each school district, community college and public university that provides a dual credit pro-*
21 *gram shall submit an annual report to the Higher Education Coordinating Commission on the academic*
22 *performance of students enrolled in a dual credit program. The Higher Education Coordinating Com-*
23 *mission shall establish the required contents of the report, which must provide sufficient information*
24 *to allow the commission to determine the quality of the dual credit program.]*

25 (3)(a) **Each school district and post-secondary institution of education that provides an**
26 **accelerated college credit program shall submit to the Higher Education Coordinating Com-**
27 **mission a biennial report on the academic performance of students participating in the pro-**
28 **gram and the participation level of underrepresented students in the program. A school**
29 **district must provide a separate report for each high school in the school district.**

30 (b) **The Higher Education Coordinating Commission shall establish the required contents**
31 **of the report required by this subsection. The report must provide sufficient information to**
32 **allow the commission to determine the quality of the program and to document progress**
33 **toward meeting the mission described in ORS 351.009.**

34 (c) **For purposes of the report required by this subsection, the commission shall identify**
35 **the characteristics of underrepresented students.**

36 (4) **Based on the reports submitted under subsection (3) of this section, the Higher Edu-**
37 **cation Coordinating Commission shall submit a biennial report to the Governor, the legisla-**
38 **tive committees on education and the State Board of Education.**

39 **SECTION 5a.** (1) **Except as provided in subsection (2) of this section, the requirements**
40 **of ORS 340.310, as amended by section 5 of this 2015 Act, first apply to the 2015-2016 school**
41 **year.**

42 (2) **The requirements of ORS 340.310 (1)(c), as amended by section 5 of this 2015 Act, first**
43 **apply to the 2016-2017 school year.**

44 **SECTION 6.** ORS 340.320 is amended to read:

45 340.320. *[(1) As used in this section, "accelerated college credit programs" includes dual credit*

1 *programs, two-plus-two programs, advanced placement programs and International Baccalaureate pro-*
2 *grams.]*

3 [(2)] (1) The Department of Education shall administer a grant program that provides grants for
4 the purposes of:

5 (a) Providing education or training to teachers who will provide or are providing instruction in
6 accelerated college credit programs;

7 (b) Assisting students in paying for [*books,*] **instructional** materials and other costs[, *other than*
8 *test fees,*] related to accelerated college credit programs **that are incurred by a student for**
9 **courses that are in excess of three college-level courses or nine quarter hours of college-level**
10 **courses;** and

11 (c) Providing classroom supplies for accelerated college credit programs.

12 [(3)] (2) Any school district, [*community college district or state institution of higher education in*
13 *this state*] **education service district or post-secondary institution of education** may individually
14 or jointly apply for a grant under this section.

15 [(4)] (3) If a grant is awarded for the purpose of providing education or training to teachers who
16 will provide or are providing instruction in an accelerated college credit program:

17 (a) The amount of the grant may not exceed one-third of the total cost of the education or
18 training; and

19 (b) The department may award the grant on the condition that the teacher, school district,
20 [*community college district and state institution of higher education*] **education service district and**
21 **post-secondary institution of education** pay the balance of the cost of the education or training
22 in a proportion agreed to by the teacher, [*districts*] **the district** and **the** institution.

23 [(5)] (4) For the purposes described in subsection [(2)] (1) of this section, the department may:

24 (a) Accept contributions of funds and assistance from the United States Government and its
25 agencies or from any other source, public or private, and agree to conditions placed on the funds
26 not inconsistent with the purposes of subsection [(2)] (1) of this section; and

27 (b) Enter into agreements with school districts, [*community college districts and state institutions*
28 *of higher education*] **education service districts and post-secondary institutions of education**
29 related to the funding to provide education or training to teachers who will provide or are providing
30 instruction in an accelerated college credit program.

31 [(6)] (5) All funds received by the department under this section shall be paid into the **Supple-**
32 **mental** Accelerated College Credit Account established under ORS 340.330 to be used for the pur-
33 poses described in subsection [(2)] (1) of this section.

34 **SECTION 7.** ORS 340.330 is amended to read:

35 340.330. The **Supplemental** Accelerated College Credit Account is established in the State
36 Treasury, separate and distinct from the General Fund. Interest earned by the **Supplemental** Ac-
37 celerated College Credit Account shall be credited to the account. Moneys in the **Supplemental**
38 Accelerated College Credit Account are continuously appropriated to the Department of Education
39 for the purposes described in ORS 340.320 [(2)] (1).

40 **SECTION 8.** Section 9 of this 2015 Act is added to and made a part of ORS 340.300 to
41 **340.330.**

42 **SECTION 9.** (1) The Oregon Education Investment Board shall identify model programs
43 and best practices for a school district to implement to encourage the students of the school
44 district to participate in an accelerated college credit program and enroll in a post-secondary
45 institution of education. The board may identify programs and practices tailored for students

1 **with specific backgrounds or characteristics.**

2 **(2) Each school district shall annually inform the parents of its students in grades 9**
3 **through 12 of the availability and transferability of accelerated college credit program cred-**
4 **its, including the student eligibility requirements and the financial and academic benefits of**
5 **earning college credit while in high school.**

6 **SECTION 10.** Section 9 of this 2015 Act is amended to read:

7 **Sec. 9.** (1) The [*Oregon Education Investment Board*] **State Board of Education** shall identify
8 model programs and best practices for a school district to implement to encourage the students of
9 the school district to participate in an accelerated college credit program and enroll in a post-
10 secondary institution of education. The board may identify programs and practices tailored for stu-
11 dents with specific backgrounds or characteristics.

12 (2) Each school district shall annually inform the parents of its students in grades 9 through 12
13 of the availability and transferability of accelerated college credit program credits, including the
14 student eligibility requirements and the financial and academic benefits of earning college credit
15 while in high school.

16 **SECTION 11.** Section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37,
17 Oregon Laws 2012, section 5, chapter 286, Oregon Laws 2013, section 89, chapter 624, Oregon Laws
18 2013, section 9, chapter 660, Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section
19 5, chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013, and section 6,
20 chapter 778, Oregon Laws 2013, is amended to read:

21 **Sec. 10.** (1) Sections 1, 2, 3, 5 and 7, chapter 519, Oregon Laws 2011, are repealed on March 15,
22 2016.

23 (2) The amendments to [*section 2 of this 2013 Act*] **ORS 342.208** by section 4, **chapter 286,**
24 **Oregon Laws 2013,** [*of this 2013 Act*] become operative on March 15, 2016.

25 (3) The amendments to ORS 326.021 by section 88, **chapter 624, Oregon Laws 2013,** [*of this 2013*
26 *Act*] become operative on March 15, 2016.

27 (4) The amendments to [*sections 1, 2, 3 and 4 of this 2013 Act*] **ORS 327.800, 327.810, 327.815**
28 **and 327.820** by sections 5, 6, 7 and 8, **chapter 660, Oregon Laws 2013,** [*of this 2013 Act*] become
29 operative on March 15, 2016.

30 (5) The amendments to [*section 1 of this 2013 Act*] **ORS 342.950** by section 2, **chapter 661,**
31 **Oregon Laws 2013,** [*of this 2013 Act*] become operative on March 15, 2016.

32 (6) The amendments to [*section 1 of this 2013 Act*] **ORS 326.500** by section 4, **chapter 739,**
33 **Oregon Laws 2013,** [*of this 2013 Act*] become operative on March 15, 2016.

34 (7) The amendments to [*section 7 of this 2013 Act*] **ORS 327.380** by section 8, **chapter 739,**
35 **Oregon Laws 2013,** [*of this 2013 Act*] become operative on March 15, 2016.

36 (8) The amendments to ORS 342.443 by section 5, **chapter 778, Oregon Laws 2013,** [*of this 2013*
37 *Act*] become operative on March 15, 2016.

38 **(9) The amendments to section 9 of this 2015 Act by section 10 of this 2015 Act become**
39 **operative on March 15, 2016.**

40 [(9)] **(10) The amendments to [*section 1 of this 2013 Act*] ORS 326.500** by section 6, **chapter 739,**
41 **Oregon Laws 2013,** [*of this 2013 Act*] become operative on July 1, 2025.

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

43 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
44 public schools do not apply to public charter schools. However, the following laws do apply to public
45 charter schools:

- 1 (a) Federal law;
- 2 (b) ORS 30.260 to 30.300 (tort claims);
- 3 (c) ORS 192.410 to 192.505 (public records law);
- 4 (d) ORS 192.610 to 192.690 (public meetings law);
- 5 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- 6 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 7 (g) ORS 326.565, 326.575 and 326.580 (student records);
- 8 (h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 9 (i) ORS 329.045 (academic content standards and instruction);
- 10 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
- 11 tificate);
- 12 (k) The statewide assessment system developed by the Department of Education for mathematics,
- 13 science and English under ORS 329.485 (2);
- 14 (L) ORS 337.150 (textbooks);
- 15 (m) ORS 339.119 (consideration for educational services);
- 16 (n) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 17 (o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 18 (p) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 19 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training
- 20 on prevention and identification of abuse and sexual conduct);
- 21 (r) ORS chapter 657 (Employment Department Law);
- 22 (s) ORS 659.850, 659.855 and 659.860 (discrimination);
- 23 (t) Any statute or rule that establishes requirements for instructional time provided by a school
- 24 during each day or during a year;
- 25 (u) Statutes and rules that expressly apply to public charter schools;
- 26 (v) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a
- 27 public body, as defined in ORS 174.109;
- 28 (w) Health and safety statutes and rules;
- 29 (x) Any statute or rule that is listed in the charter;
- 30 (y) ORS 336.840 (use of personal electronic devices); [and]
- 31 **(z) ORS 340.300 to 340.330 (accelerated college credit programs); and**
- 32 [(z)] **(aa)** This chapter.
- 33 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 34 that apply only to school district boards, school districts and other public schools may apply to a
- 35 public charter school.
- 36 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 37 “public school” include public charter school as those terms are used in that statute or rule.
- 38 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 39 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
- 40 based.
- 41 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 42 (b) For a public charter school that provides educational services under a cooperative agree-
- 43 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 44 this subsection if the public charter school provides educational services under the cooperative
- 45 agreement to at least 25 students, without regard to the school districts in which the students are

1 residents.

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

3 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
4 and employees of a sponsor acting in their official capacities are immune from civil liability with
5 respect to all activities related to a public charter school within the scope of their duties or em-
6 ployment.

7 (8) A public charter school may enter into contracts and may lease facilities and services from
8 a school district, education service district, public university listed in ORS 352.002, other govern-
9 mental unit or any person or legal entity.

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

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

14 (11) The school district in which the public charter school is located shall offer a high school
15 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
16 school student who meets the district's and state's standards for a high school diploma, a modified
17 diploma, an extended diploma or an alternative certificate.

18 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
19 issued by a public charter school grants to the holder the same rights and privileges as a high
20 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
21 nonchartered public school.

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

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

27 **SECTION 13.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, section
28 12, chapter 50, Oregon Laws 2008, section 4, chapter 618, Oregon Laws 2009, section 3, chapter 53,
29 Oregon Laws 2010, section 3, chapter 94, Oregon Laws 2011, section 118, chapter 637, Oregon Laws
30 2011, section 5, chapter 682, Oregon Laws 2011, section 10, chapter 92, Oregon Laws 2012, section
31 7, chapter 98, Oregon Laws 2013, section 14, chapter 265, Oregon Laws 2013, and section 9, chapter
32 267, Oregon Laws 2013, is amended to read:

33 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
34 public schools do not apply to public charter schools. However, the following laws do apply to public
35 charter schools:

36 (a) Federal law;

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

38 (c) ORS 192.410 to 192.505 (public records law);

39 (d) ORS 192.610 to 192.690 (public meetings law);

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

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

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

43 (h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

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

45 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-

- 1 tificate);
- 2 (k) ORS 329.496 (physical education);
- 3 (L) The statewide assessment system developed by the Department of Education for mathemat-
- 4 ics, science and English under ORS 329.485 (2);
- 5 (m) ORS 337.150 (textbooks);
- 6 (n) ORS 339.119 (consideration for educational services);
- 7 (o) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 8 (p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 9 (q) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 10 (r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training
- 11 on prevention and identification of abuse and sexual conduct);
- 12 (s) ORS chapter 657 (Employment Department Law);
- 13 (t) ORS 659.850, 659.855 and 659.860 (discrimination);
- 14 (u) Any statute or rule that establishes requirements for instructional time provided by a school
- 15 during each day or during a year;
- 16 (v) Statutes and rules that expressly apply to public charter schools;
- 17 (w) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or
- 18 a public body, as defined in ORS 174.109;
- 19 (x) Health and safety statutes and rules;
- 20 (y) Any statute or rule that is listed in the charter;
- 21 (z) ORS 336.840 (use of personal electronic devices); *[and]*
- 22 **(aa) ORS 340.300 to 340.330 (accelerated college credit programs); and**
- 23 *[(aa)]* **(bb)** This chapter.
- 24 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 25 that apply only to school district boards, school districts and other public schools may apply to a
- 26 public charter school.
- 27 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 28 “public school” include public charter school as those terms are used in that statute or rule.
- 29 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 30 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
- 31 based.
- 32 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 33 (b) For a public charter school that provides educational services under a cooperative agree-
- 34 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 35 this subsection if the public charter school provides educational services under the cooperative
- 36 agreement to at least 25 students, without regard to the school districts in which the students are
- 37 residents.
- 38 (6) A public charter school may sue or be sued as a separate legal entity.
- 39 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
- 40 and employees of a sponsor acting in their official capacities are immune from civil liability with
- 41 respect to all activities related to a public charter school within the scope of their duties or em-
- 42 ployment.
- 43 (8) A public charter school may enter into contracts and may lease facilities and services from
- 44 a school district, education service district, public university listed in ORS 352.002, other govern-
- 45 mental unit or any person or legal entity.

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

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

5 (11) The school district in which the public charter school is located shall offer a high school
6 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
7 school student who meets the district's and state's standards for a high school diploma, a modified
8 diploma, an extended diploma or an alternative certificate.

9 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
10 issued by a public charter school grants to the holder the same rights and privileges as a high
11 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
12 nonchartered public school.

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

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

18 **SECTION 14.** ORS 338.025 is amended to read:

19 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
20 of this chapter. The rules shall follow the intent of this chapter.

21 (2) Upon application by a public charter school, the State Board of Education may grant a
22 waiver of any provision of this chapter if the waiver promotes the development of programs by
23 providers, enhances the equitable access by underserved families to the public education of their
24 choice, extends the equitable access to public support by all students or permits high quality pro-
25 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
26 chapter or any provision under ORS 338.115 (1)(a) to [(y)] (z), 338.120, 338.125 (4), 338.135 (2)(b) or
27 339.122.

28 **SECTION 15.** ORS 338.025, as amended by section 8, chapter 839, Oregon Laws 2007, section
29 14, chapter 50, Oregon Laws 2008, section 5, chapter 53, Oregon Laws 2010, section 4, chapter 72,
30 Oregon Laws 2010, section 5, chapter 94, Oregon Laws 2011, section 4, chapter 649, Oregon Laws
31 2011, section 27, chapter 718, Oregon Laws 2011, section 9, chapter 98, Oregon Laws 2013, and sec-
32 tion 16, chapter 265, Oregon Laws 2013, is amended to read:

33 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
34 of this chapter. The rules shall follow the intent of this chapter.

35 (2) Upon application by a public charter school, the State Board of Education may grant a
36 waiver of any provision of this chapter if the waiver promotes the development of programs by
37 providers, enhances the equitable access by underserved families to the public education of their
38 choice, extends the equitable access to public support by all students or permits high quality pro-
39 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
40 chapter or any provision under ORS 338.115 (1)(a) to [(z)] (aa), 338.120, 338.125 (4), 338.135 (2)(b) or
41 339.122.

42 **SECTION 16.** ORS 337.150 is amended to read:

43 337.150. (1) Subject to ORS 339.155, each district school board shall provide [textbooks] in-
44 **structional materials**, prescribed or authorized by law, for free use by all resident public school
45 [pupils] **students** enrolled in kindergarten through grade 12.

1 (2) Subject to ORS 339.155, each public charter school, as defined in ORS 338.005, shall provide
 2 [*textbooks*] **instructional materials**, prescribed or authorized by law, for free use by all [*pupils*]
 3 **students** enrolled in the public charter school.

4 (3) **Instructional materials required for an accelerated college credit program**, as defined
 5 **in section 1 of this 2015 Act**, must be provided to students in the same manner that in-
 6 **structional materials are provided to students under subsections (1) and (2) of this section**,
 7 **except that the instructional materials do not need to be on a list adopted under ORS 337.050,**
 8 **337.120 or 337.141 and do not need to meet any of the guidelines and criteria for the review**
 9 **and selection of instructional materials that are established under ORS 337.035.**

10 **SECTION 17. Sections 18 and 19 of this 2015 Act are added to and made a part of ORS**
 11 **340.300 to 340.330.**

12 **SECTION 18. (1) In addition to any state moneys distributed to school districts and**
 13 **post-secondary institutions of education, the Department of Education shall distribute mon-**
 14 **eys to school districts and post-secondary institutions of education for costs incurred for**
 15 **accelerated college credit programs.**

16 (2) **Distributions under this section shall be as follows:**

17 (a) **For college-level courses provided as required under ORS 340.300:**

18 (A) **\$10 to a school district for each quarter hour of college credit earned by a student,**
 19 **for a maximum of nine quarter hours per student; and**

20 (B) **\$10 to a post-secondary institution of education for each quarter hour of college**
 21 **credit earned by a student that is provided by the institution or a faculty member of the**
 22 **institution, for a maximum of nine quarter hours per student.**

23 (b) **For college-level courses provided as required under ORS 340.300 that are career and**
 24 **technical education, as determined by the Department of Education based on rules adopted**
 25 **by the State Board of Education, \$10 to a school district for each quarter hour of college**
 26 **credit earned by a student for a career and technical education course, for a maximum of**
 27 **nine quarter hours per student. Amounts distributed as provided by this paragraph are in**
 28 **addition to amounts distributed as provided by paragraph (a)(A) of this subsection.**

29 (c) **For college-level courses provided as required under ORS 340.300 to underserved stu-**
 30 **dents, as determined by the Department of Education based on rules adopted by the State**
 31 **Board of Education in consultation with the Higher Education Coordinating Commission, \$10**
 32 **to a school district for each quarter hour of college credit earned by an underserved student,**
 33 **for a maximum of nine quarter hours per student. Amounts distributed as provided by this**
 34 **paragraph are in addition to amounts distributed as provided by paragraphs (a)(A) and (b)**
 35 **of this subsection.**

36 (d) **For advanced placement programs, International Baccalaureate programs and accel-**
 37 **erated college credit programs, \$20 to a school district for each student enrolled in the pro-**
 38 **gram to be used for textbooks, instructional materials and supplies of the program.**

39 (e) **For advanced placement programs, International Baccalaureate programs and accel-**
 40 **erated college credit programs provided to underserved students, as determined by the De-**
 41 **partment of Education based on rules adopted by the State Board of Education in**
 42 **consultation with the Higher Education Coordinating Commission, \$10 to a school district for**
 43 **each high school credit earned by an underserved student, for a maximum of three high**
 44 **school credits per student. Amounts distributed as provided by this paragraph are in addition**
 45 **to amounts distributed as provided by paragraph (d) of this subsection.**

1 **(3) Distributions made as provided in subsection (2) of this section shall be made:**

2 **(a) For the first nine credits for dual credit courses or for the first three high school**
3 **credits for advanced placement program or International Baccalaureate program courses,**
4 **whichever occurs first; and**

5 **(b) From a school district to a public charter school based on the percentage that pay-**
6 **ments are made under agreements entered into as provided in ORS 338.155.**

7 **(4) The State Board of Education shall establish by rule:**

8 **(a) The form and timelines by which a school district or institution of higher education**
9 **shall submit requests for distributions under this section; and**

10 **(b) The methods and timelines for making distributions under this section.**

11 **(5) If the total amount to be distributed as provided by this section exceeds the amount**
12 **available for distribution, the Department of Education shall pay in full the amounts to be**
13 **distributed as provided by subsection (2)(c) and (e) of this section and prorate the amounts**
14 **available for distribution under subsection (2)(a), (b) and (d) of this section.**

15 **SECTION 19.** **The Accelerated College Credit Account is established in the State Treas-**
16 **ury, separate and distinct from the General Fund. Interest earned by the Accelerated College**
17 **Credit Account shall be credited to the account. Moneys in the account are continuously**
18 **appropriated to the Department of Education for the purposes described in section 18 of this**
19 **2015 Act.**

20 **SECTION 20.** **In addition to and not in lieu of any other appropriation, there is appro-**
21 **priated to the Department of Education, for the biennium beginning July 1, 2015, out of the**
22 **General Fund, the amount of \$15 million, which shall be deposited in the Accelerated College**
23 **Credit Account established by section 19 of this 2015 Act.**

24 **SECTION 21.** **In addition to and not in lieu of any other appropriation, there is appro-**
25 **priated to the Department of Education, for the biennium beginning July 1, 2015, out of the**
26 **General Fund, the amount of \$_____, which may be expended for the grant program de-**
27 **scribed in ORS 340.320.**

28 **SECTION 22.** **This 2015 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
30 **July 1, 2015.**