

# D R A F T

## SUMMARY

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 accelerated learning; creating new provisions; amending ORS  
3 337.150, 338.025, 338.115, 340.300, 340.305, 340.310, 340.320 and 340.330 and  
4 section 10, chapter 519, Oregon Laws 2011; and declaring an emergency.

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

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

1 educational attainment; and

2 Whereas this state can more readily achieve the 40-40-20 goal by better  
3 aligning state funding, standards and assessments, better supporting shared  
4 resources for high schools and post-secondary institutions of education, bet-  
5 ter encouraging efficiencies and cost savings in high schools and post-  
6 secondary institutions of education, better reducing barriers to participation  
7 in post-secondary education and better improving equitable access to  
8 college-level coursework for high school students; and

9 Whereas this state must support further development of a collaborative  
10 culture among all secondary schools and post-secondary institutions in order  
11 to improve course alignment, student success and shared professional devel-  
12 opment; and

13 Whereas this state needs a consistent means by which to measure the  
14 impact that increased access to college-level coursework by high school stu-  
15 dents will have toward achieving the 40-40-20 goal; and

16 Whereas improved access to college-level coursework by high school stu-  
17 dents will expose traditionally underrepresented students to higher education  
18 and increase the likelihood that the students will continue to pursue  
19 college-level coursework in higher education; and

20 Whereas this state intends to enable students to access all forms of ac-  
21 celerated college credit programs and must ensure that Oregon-oriented pro-  
22 grams meet specified standards and provide consistency to students; now,  
23 therefore,

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

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

26 **(1) “Accelerated college credit programs” includes dual credit pro-**  
27 **grams, two-plus-two programs, advanced placement programs, Inter-**  
28 **national Baccalaureate programs and any other programs meeting**  
29 **criteria specified by the State Board of Education by rule as enabling**  
30 **high school students to earn college credit.**

31 **(2) “Post-secondary institution of education” means a community**

1 **college in this state or a public university listed in ORS 352.002.**

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

3 340.300. *[(1) As used in this section, “accelerated college credit programs”*  
4 *includes dual credit programs, two-plus-two programs, advanced placement*  
5 *programs and International Baccalaureate programs.]*

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

7 *[(a) Provide students in grades 9 through 12 with accelerated college credit*  
8 *programs including, but not limited to, accelerated college credit programs re-*  
9 *lated to English, mathematics and science; or]*

10 *[(b) Ensure that students in grades 9 through 12 have online access to ac-*  
11 *celerated college credit programs including, but not limited to, accelerated*  
12 *college credit programs related to English, mathematics and science.]*

13 **(1) Each school district must provide an accelerated college credit**  
14 **program at each high school in the school district. The program must**  
15 **enable all students in grades 9 through 12 to earn college credit while**  
16 **in high school.**

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

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

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

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

21 **(B) Must include courses for which college credit is transferable to**  
22 **a post-secondary institution of education; and**

23 **(C) May include courses in mathematics, writing, speech, the sci-**  
24 **ences, arts, humanities, social sciences and other courses that satisfy**  
25 **the requirement described in subparagraph (B) of this paragraph.**

26 **(b) For the purpose of this subsection, a college credit is**  
27 **transferable if a post-secondary institution of education or an**  
28 **Oregon-based, generally accredited, not-for-profit private institution**  
29 **of higher education accepts the credit for application toward the re-**  
30 **quirements of a post-secondary degree or the prerequisites for career**  
31 **and technical education.**

1       **(3)(a) Courses offered through an accelerated college credit program**  
2 **may be supported by online resources, but a course may not be ex-**  
3 **clusively provided online.**

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

12       **(4) Except as provided by subsection (5) of this section, a student**  
13 **participating in an accelerated college credit program may not be re-**  
14 **quired to pay any expenses, including charges for tuition, fees and**  
15 **instructional materials, imposed by a post-secondary institution of**  
16 **education.**

17       **(5) A student participating in an accelerated college credit program**  
18 **may be required to pay any of the following expenses that are:**

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

21       **(b) Incurred for courses that are in excess of the three college-level**  
22 **courses or nine quarter hours of college-level courses that a school**  
23 **district is required to provide under subsection (2) of this section. A**  
24 **school district may charge a minimal fee per course for college-level**  
25 **courses that are in excess of the requirement under subsection (2) of**  
26 **this section.**

27       **(6) Each school district that provides an accelerated college credit**  
28 **program shall collaborate with a post-secondary institution of educa-**  
29 **tion to ensure that:**

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

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

3       **(c) Students receive instructional support and other nonmonetary**  
4 **support that are targeted to improve the success of the students at a**  
5 **post-secondary institution of education.**

6       **SECTION 3. Notwithstanding ORS 340.300, a school district that did**  
7 **not provide an accelerated college credit program at each high school**  
8 **in the school district during the 2014-2015 school year is not required**  
9 **to first comply with the requirements of ORS 340.300 until the 2016-2017**  
10 **school year.**

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

12       340.305. *[(1) As used in this section:]*

13       *[(a) “Accelerated learning entity” means an entity that:]*

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

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

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

20       **(1) As used in this section, “accelerated college credit program en-**  
21 **tity” means an entity that:**

22       **(a) Assists school districts in providing accelerated college credit**  
23 **programs required under ORS 340.300; or**

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

26       **(2) For the purpose of assisting school districts [and high schools in in-**  
27 **creasing the availability of accelerated learning options] offering accelerated**  
28 **college credit programs, the Superintendent of Public Instruction shall**  
29 **make available the information described in subsections (3) and (4) of this**  
30 **section.**

31       **(3) To the extent that [accelerated learning entities] accelerated college**

1 **credit program entities** provide information to the Superintendent of Pub-  
 2 lic Instruction about resources and the various means for offering or pro-  
 3 viding access to [*accelerated learning options*] **accelerated college credit**  
 4 **programs**, the superintendent shall ensure that the information is published  
 5 on the website of the Department of Education and is updated annually.

6 (4) To the extent that [*accelerated learning entities*] **accelerated college**  
 7 **credit program entities** provide information to the Superintendent of Pub-  
 8 lic Instruction about [*accelerated learning options*] **accelerated college**  
 9 **credit programs** made available by [*high schools*] **school districts**, the su-  
 10 perintendent shall ensure that each [*high school*] **school district** that offers  
 11 or provides access to [*accelerated learning options in three or fewer subjects*]  
 12 **courses through accelerated college credit programs** is contacted annu-  
 13 ally and is provided with information about resources and the various means  
 14 for offering or providing access to [*accelerated learning options*] **accelerated**  
 15 **college credit programs**.

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

18 340.310. [(1) *The Higher Education Coordinating Commission shall develop*  
 19 *statewide standards for dual credit programs to be implemented by public high*  
 20 *schools, community colleges and public universities listed in ORS 352.002. The*  
 21 *standards must establish the manner by which:]*

22 (1) **The Higher Education Coordinating Commission, in consultation**  
 23 **with the State Board of Education, shall provide statewide standards**  
 24 **for accelerated college credit programs that do not have nationally**  
 25 **established standards. The standards must be implemented by school**  
 26 **districts and post-secondary institutions of education and must estab-**  
 27 **lish the manner by which:**

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

1 (b) *[Teachers of courses that are part of a dual credit program will work*  
2 *together to determine]* **Faculty at post-secondary institutions of educa-**  
3 **tion will collaborate with teachers in school districts to ensure** the  
4 quality of the **accelerated college credit** program and *[to ensure]* the  
5 alignment of the content, objectives and outcomes of individual courses.

6 (c) **Teachers of courses that are part of an accelerated college credit**  
7 **program must be approved by a post-secondary institution of educa-**  
8 **tion based on a process established by the Higher Education Coordi-**  
9 **nating Commission, in consultation with the State Board of**  
10 **Education. The process must:**

11 (A) **Result in the same outcome regardless of the approving post-**  
12 **secondary institution of education; and**

13 (B) **Identify teaching criteria specific to entry-level courses that are**  
14 **part of an accelerated college credit program and that are offered as**  
15 **required by ORS 340.300 (2)(a).**

16 (d) **Payment for accelerated college credit programs is distributed**  
17 **by school districts to high schools and to post-secondary institutions**  
18 **of education, including designating acceptable uses of moneys received**  
19 **from the State School Fund for accelerated college credit programs**  
20 **and establishing a minimum rate and a maximum rate for payment**  
21 **to a post-secondary institution of education for an accelerated college**  
22 **credit program.**

23 (2) Each *[public high school, community college and public university]*  
24 **school district and post-secondary institution of education** that provides  
25 *[a dual credit program]* **an accelerated college credit program** must im-  
26 plement the statewide standards *[developed]* **adopted** under subsection (1) of  
27 this section **and must annually review the program to ensure compli-**  
28 **ance with the standards.**

29 *[(3) Each school district, community college and public university that*  
30 *provides a dual credit program shall submit an annual report to the Higher*  
31 *Education Coordinating Commission on the academic performance of students*

1 *enrolled in a dual credit program. The Higher Education Coordinating Com-*  
2 *mission shall establish the required contents of the report, which must provide*  
3 *sufficient information to allow the commission to determine the quality of the*  
4 *dual credit program.]*

5 **(3)(a) Each school district and post-secondary institution of educa-**  
6 **tion that provides an accelerated college credit program shall submit**  
7 **to the Higher Education Coordinating Commission a biennial report**  
8 **on the academic performance of students participating in the program**  
9 **and the participation level of underrepresented students in the pro-**  
10 **gram. A school district must provide a separate report for each high**  
11 **school in the school district.**

12 **(b) The Higher Education Coordinating Commission shall establish**  
13 **the required contents of the report required by this subsection. The**  
14 **report must provide sufficient information to allow the commission to**  
15 **determine the quality of the program and to document progress to-**  
16 **ward meeting the mission described in ORS 351.009.**

17 **(c) For purposes of the report required by this subsection, the**  
18 **commission shall identify the characteristics of underrepresented stu-**  
19 **dents.**

20 **(4) Based on the reports submitted under subsection (3) of this**  
21 **section, the Higher Education Coordinating Commission shall submit**  
22 **a biennial report to the Governor, the legislative committees on edu-**  
23 **cation and the State Board of Education.**

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

25 340.320. *[(1) As used in this section, “accelerated college credit programs”*  
26 *includes dual credit programs, two-plus-two programs, advanced placement*  
27 *programs and International Baccalaureate programs.]*

28 *[(2)]* **(1)** The Department of Education shall administer a grant program  
29 that provides grants for the purposes of:

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

1 (b) Assisting students in paying for [*books,*] **instructional** materials and  
2 other costs[, *other than test fees,*] related to accelerated college credit pro-  
3 grams **that are incurred by a student for courses that are in excess of**  
4 **three college-level courses or nine quarter hours of college-level**  
5 **courses;** and

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

7 [(3)] (2) Any school district, [*community college district or state institution*  
8 *of higher education in this state*] **education service district or post-**  
9 **secondary institution of education** may individually or jointly apply for  
10 a grant under this section.

11 [(4)] (3) If a grant is awarded for the purpose of providing education or  
12 training to teachers who will provide or are providing instruction in an ac-  
13 celerated college credit program:

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

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

22 [(5)] (4) For the purposes described in subsection [(2)] (1) of this section,  
23 the department may:

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

28 (b) Enter into agreements with school districts, [*community college dis-*  
29 *tricts and state institutions of higher education*] **education service districts**  
30 **and post-secondary institutions of education** related to the funding to  
31 provide education or training to teachers who will provide or are providing

1 instruction in an accelerated college credit program.

2 [(6)] (5) All funds received by the department under this section shall be  
3 paid into the **Supplemental** Accelerated College Credit Account established  
4 under ORS 340.330 to be used for the purposes described in subsection [(2)]  
5 (1) of this section.

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

7 340.330. The **Supplemental** Accelerated College Credit Account is estab-  
8 lished in the State Treasury, separate and distinct from the General Fund.  
9 Interest earned by the **Supplemental** Accelerated College Credit Account  
10 shall be credited to the account. Moneys in the **Supplemental** Accelerated  
11 College Credit Account are continuously appropriated to the Department of  
12 Education for the purposes described in ORS 340.320 [(2)] (1).

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

15 **SECTION 9.** (1) **The Oregon Education Investment Board shall**  
16 **identify model programs and best practices for a school district to**  
17 **implement to encourage the students of the school district to partic-**  
18 **ipate in an accelerated college credit program and enroll in a post-**  
19 **secondary institution of education. The board may identify programs**  
20 **and practices tailored for students with specific backgrounds or char-**  
21 **acteristics.**

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

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

28 **Sec. 9.** (1) The [*Oregon Education Investment Board*] **State Board of**  
29 **Education** shall identify model programs and best practices for a school  
30 district to implement to encourage the students of the school district to  
31 participate in an accelerated college credit program and enroll in a post-

1 secondary institution of education. The board may identify programs and  
2 practices tailored for students with specific backgrounds or characteristics.

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

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

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

16 (2) The amendments to [*section 2 of this 2013 Act*] **ORS 342.208** by section  
17 4, **chapter 286, Oregon Laws 2013**, [*of this 2013 Act*] become operative on  
18 March 15, 2016.

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

21 (4) The amendments to [*sections 1, 2, 3 and 4 of this 2013 Act*] **ORS**  
22 **327.800, 327.810, 327.815 and 327.820** by sections 5, 6, 7 and 8, **chapter 660,**  
23 **Oregon Laws 2013**, [*of this 2013 Act*] become operative on March 15, 2016.

24 (5) The amendments to [*section 1 of this 2013 Act*] **ORS 342.950** by section  
25 2, **chapter 661, Oregon Laws 2013**, [*of this 2013 Act*] become operative on  
26 March 15, 2016.

27 (6) The amendments to [*section 1 of this 2013 Act*] **ORS 326.500** by section  
28 4, **chapter 739, Oregon Laws 2013**, [*of this 2013 Act*] become operative on  
29 March 15, 2016.

30 (7) The amendments to [*section 7 of this 2013 Act*] **ORS 327.380** by section  
31 8, **chapter 739, Oregon Laws 2013**, [*of this 2013 Act*] become operative on

1 March 15, 2016.

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

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

6 [(9)] (10) The amendments to [section 1 of this 2013 Act] **ORS 326.500** by  
7 section 6, **chapter 739, Oregon Laws 2013**, [of this 2013 Act] become oper-  
8 ative on July 1, 2025.

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

10 338.115. (1) Statutes and rules that apply only to school district boards,  
11 school districts or other public schools do not apply to public charter  
12 schools. However, the following laws do apply to public charter schools:

13 (a) Federal law;

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

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

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

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

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

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

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

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

23 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
24 and alternative certificate);

25 (k) The statewide assessment system developed by the Department of Ed-  
26 ucation for mathematics, science and English under ORS 329.485 (2);

27 (L) ORS 337.150 (textbooks);

28 (m) ORS 339.119 (consideration for educational services);

29 (n) ORS 339.141, 339.147 and 339.155 (tuition and fees);

30 (o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

31 (p) ORS 339.326 (notice concerning students subject to juvenile court pe-

1 titions);

2 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sex-  
3 ual conduct and training on prevention and identification of abuse and sex-  
4 ual conduct);

5 (r) ORS chapter 657 (Employment Department Law);

6 (s) ORS 659.850, 659.855 and 659.860 (discrimination);

7 (t) Any statute or rule that establishes requirements for instructional  
8 time provided by a school during each day or during a year;

9 (u) Statutes and rules that expressly apply to public charter schools;

10 (v) Statutes and rules that apply to a special government body, as defined  
11 in ORS 174.117, or a public body, as defined in ORS 174.109;

12 (w) Health and safety statutes and rules;

13 (x) Any statute or rule that is listed in the charter;

14 (y) ORS 336.840 (use of personal electronic devices); [*and*]

15 **(z) ORS 340.300 to 340.330 (accelerated college credit programs); and**

16 [(z)] **(aa)** This chapter.

17 (2) Notwithstanding subsection (1) of this section, a charter may specify  
18 that statutes and rules that apply only to school district boards, school dis-  
19 tricts and other public schools may apply to a public charter school.

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

23 (4) A public charter school may not violate the Establishment Clause of  
24 the First Amendment to the United States Constitution or section 5, Article  
25 I of the Oregon Constitution, or be religion based.

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

28 (b) For a public charter school that provides educational services under  
29 a cooperative agreement described in ORS 338.080, the public charter school  
30 is in compliance with the requirements of this subsection if the public  
31 charter school provides educational services under the cooperative agreement

1 to at least 25 students, without regard to the school districts in which the  
2 students are residents.

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

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

9 (8) A public charter school may enter into contracts and may lease facil-  
10 ities and services from a school district, education service district, public  
11 university listed in ORS 352.002, other governmental unit or any person or  
12 legal entity.

13 (9) A public charter school may not levy taxes or issue bonds under which  
14 the public incurs liability.

15 (10) A public charter school may receive and accept gifts, grants and do-  
16 nations from any source for expenditure to carry out the lawful functions  
17 of the school.

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

23 (12) A high school diploma, a modified diploma, an extended diploma or  
24 an alternative certificate issued by a public charter school grants to the  
25 holder the same rights and privileges as a high school diploma, a modified  
26 diploma, an extended diploma or an alternative certificate issued by a non-  
27 chartered public school.

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

30 (14) A public charter school may receive services from an education ser-  
31 vice district in the same manner as a nonchartered public school in the

1 school district in which the public charter school is located.

2 **SECTION 13.** ORS 338.115, as amended by section 7, chapter 839, Oregon  
3 Laws 2007, and section 12, chapter 50, Oregon Laws 2008, is amended to read:

4 338.115. (1) Statutes and rules that apply only to school district boards,  
5 school districts or other public schools do not apply to public charter  
6 schools. However, the following laws do apply to public charter schools:

7 (a) Federal law;

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

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

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

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

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

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

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

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

17 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
18 and alternative certificate);

19 (k) ORS 329.496 (physical education);

20 (L) The statewide assessment system developed by the Department of Ed-  
21 ucation for mathematics, science and English under ORS 329.485 (2);

22 (m) ORS 337.150 (textbooks);

23 (n) ORS 339.119 (consideration for educational services);

24 (o) ORS 339.141, 339.147 and 339.155 (tuition and fees);

25 (p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

26 (q) ORS 339.326 (notice concerning students subject to juvenile court pe-  
27 titions);

28 (r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual  
29 conduct and training on prevention and identification of abuse and sexual  
30 conduct);

31 (s) ORS chapter 657 (Employment Department Law);

- 1 (t) ORS 659.850, 659.855 and 659.860 (discrimination);  
2 (u) Any statute or rule that establishes requirements for instructional  
3 time provided by a school during each day or during a year;  
4 (v) Statutes and rules that expressly apply to public charter schools;  
5 (w) Statutes and rules that apply to a special government body, as defined  
6 in ORS 174.117, or a public body, as defined in ORS 174.109;  
7 (x) Health and safety statutes and rules;  
8 (y) Any statute or rule that is listed in the charter;  
9 (z) ORS 336.840 (use of personal electronic devices); *[and]*  
10 **(aa) ORS 340.300 to 340.330 (accelerated college credit programs); and**  
11 *[(aa)]* **(bb)** This chapter.

12 (2) Notwithstanding subsection (1) of this section, a charter may specify  
13 that statutes and rules that apply only to school district boards, school dis-  
14 tricts and other public schools may apply to a public charter school.

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

18 (4) A public charter school may not violate the Establishment Clause of  
19 the First Amendment to the United States Constitution or section 5, Article  
20 I of the Oregon Constitution, or be religion based.

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

23 (b) For a public charter school that provides educational services under  
24 a cooperative agreement described in ORS 338.080, the public charter school  
25 is in compliance with the requirements of this subsection if the public  
26 charter school provides educational services under the cooperative agreement  
27 to at least 25 students, without regard to the school districts in which the  
28 students are residents.

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

30 (7) The sponsor, members of the governing board of the sponsor acting in  
31 their official capacities and employees of a sponsor acting in their official

1 capacities are immune from civil liability with respect to all activities re-  
2 lated 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 facil-  
5 ities and services from a school district, education service district, public  
6 university listed in ORS 352.002, other governmental unit or any person or  
7 legal entity.

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

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

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

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

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

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

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

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

1 (2) Upon application by a public charter school, the State Board of Edu-  
 2 cation may grant a waiver of any provision of this chapter if the waiver  
 3 promotes the development of programs by providers, enhances the equitable  
 4 access by underserved families to the public education of their choice, ex-  
 5 tends the equitable access to public support by all students or permits high  
 6 quality programs of unusual cost. The State Board of Education may not  
 7 waive any appeal provision in this chapter or any provision under ORS  
 8 338.115 (1)(a) to [(y)] (z), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

9 **SECTION 15.** ORS 338.025, as amended by section 8, chapter 839, Oregon  
 10 Laws 2007, and section 14, chapter 50, Oregon Laws 2008, is amended to read:

11 338.025. (1) The State Board of Education may adopt any rules necessary  
 12 for the implementation of this chapter. The rules shall follow the intent of  
 13 this chapter.

14 (2) Upon application by a public charter school, the State Board of Edu-  
 15 cation may grant a waiver of any provision of this chapter if the waiver  
 16 promotes the development of programs by providers, enhances the equitable  
 17 access by underserved families to the public education of their choice, ex-  
 18 tends the equitable access to public support by all students or permits high  
 19 quality programs of unusual cost. The State Board of Education may not  
 20 waive any appeal provision in this chapter or any provision under ORS  
 21 338.115 (1)(a) to [(z)] (aa), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

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

23 337.150. (1) Subject to ORS 339.155, each district school board shall pro-  
 24 vide [*textbooks*] **instructional materials**, prescribed or authorized by law,  
 25 for free use by all resident public school [*pupils*] **students** enrolled in  
 26 kindergarten through grade 12.

27 (2) Subject to ORS 339.155, each public charter school, as defined in ORS  
 28 338.005, shall provide [*textbooks*] **instructional materials**, prescribed or au-  
 29 thorized by law, for free use by all [*pupils*] **students** enrolled in the public  
 30 charter school.

31 **(3) Instructional materials required for an accelerated college credit**

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

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

10 SECTION 18. (1) In addition to any state moneys distributed to  
11 school districts and post-secondary institutions of education, the De-  
12 partment of Education shall distribute moneys to school districts and  
13 post-secondary institutions of education for costs incurred for accel-  
14 erated college credit programs.

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

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

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

20 (B) \$10 to a post-secondary institution of education for each quarter  
21 hour of high school credit earned by a student for a college-level  
22 course provided by the institution or a faculty member of the institu-  
23 tion, for a maximum of nine quarter hours per student.

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

1 **section.**

2 **(c) For college-level courses provided as required under ORS 340.300**  
3 **to underserved students, as determined by the Department of Educa-**  
4 **tion based on rules adopted by the State Board of Education in con-**  
5 **sultation with the Higher Education Coordinating Commission, \$10 to**  
6 **a school district for each quarter hour of high school credit earned by**  
7 **an underserved student for a college-level course, for a maximum of**  
8 **nine quarter hours per student. Amounts distributed as provided by**  
9 **this paragraph are in addition to amounts distributed as provided by**  
10 **paragraphs (a)(A) and (b) of this subsection.**

11 **(d) For advanced placement programs and International**  
12 **Baccalaureate programs, \$20 to a school district for each student en-**  
13 **rolled in the program to be used for textbooks of the program.**

14 **(e) For advanced placement programs and International**  
15 **Baccalaureate programs provided to underserved students, as deter-**  
16 **mined by the Department of Education based on rules adopted by the**  
17 **State Board of Education in consultation with the Higher Education**  
18 **Coordinating Commission, \$10 to a school district for each quarter**  
19 **hour of high school credit earned by an underserved student, for a**  
20 **maximum of nine quarter hours per student. Amounts distributed as**  
21 **provided by this paragraph are in addition to amounts distributed as**  
22 **provided by paragraph (d) of this subsection.**

23 **(3) The State Board of Education shall establish by rule:**

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

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

29 **(4) If the total amount to be distributed as provided by this section**  
30 **exceeds the amount available for distribution, the Department of Ed-**  
31 **ucation shall pay in full the amounts to be distributed as provided by**

1 subsection (2)(c) and (e) of this section and prorate the amounts  
2 available for distribution under subsection (2)(a), (b) and (d) of this  
3 section.

4 **SECTION 19.** The Accelerated College Credit Account is established  
5 in the State Treasury, separate and distinct from the General Fund.  
6 Interest earned by the Accelerated College Credit Account shall be  
7 credited to the account. Moneys in the account are continuously ap-  
8 propriated to the Department of Education for the purposes described  
9 in section 18 of this 2015 Act.

10 **SECTION 20.** In addition to and not in lieu of any other appropri-  
11 ation, there is appropriated to the Department of Education, for the  
12 biennium beginning July 1, 2015, out of the General Fund, the amount  
13 of \$15 million, which shall be deposited in the Accelerated College  
14 Credit Account established by section 19 of this 2015 Act.

15 **SECTION 21.** In addition to and not in lieu of any other appropri-  
16 ation, there is appropriated to the Department of Education, for the  
17 biennium beginning July 1, 2015, out of the General Fund, the amount  
18 of \$\_\_\_\_\_, which may be expended for the grant program described  
19 in ORS 340.320.

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

23