

6.70.010-P Charter Schools

The Board of Education of Portland Public Schools believes that providing students and families a variety of education choices representing a range of high quality instructional methodologies is an important element in the district's goals and assists the district in meeting the objectives of its Strategic Plan to provide flexibility for programs that facilitate students achieving their very best academic and personal potential. The Board is expressly interested in applications that further the accomplishment of the mission, core values and strategic objectives established by the Board in the district Strategic Plan.

I. Definitions

- (1) "Active enrollment" means the total number of eligible students enrolled in and regularly attending the public charter school. The number of students in active enrollment shall number at least 25. Regular attendance means maintaining student participation in the public charter school program with less than 10 consecutive days of absence.
- (2) "Applicant" means any person or group that develops and submits a written proposal to operate a public charter school to a sponsor.
- (3) "Complete application" means that the application addresses all of the required components established in ORS 338.045 and of Board policy and administrative regulation.
- (4) "Not for profit" means the financial operations of an organizational entity granted a charter to operate a school by either the Board of Education of Portland Public Schools or by the Oregon State Board of Education to operate a public charter school within the boundaries of Portland School District No. 1J meet Oregon statutory and regulatory requirements to be considered a non-profit organization.
- (5) "Operator" means an organizational entity that has received a charter from a sponsor to operate a public

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charter school within the boundaries of Portland School District No. 1J.

- (6) "Public charter school" means an elementary or secondary school, which offers a comprehensive instructional program, operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to Oregon Revised Statutes, Chapter 338.
- (7) "Sponsor" means either the Portland Public Schools Board of Education or the State Board of Education pursuant to Oregon Revised Statutes 338.005.

II. Goals

- (1) The Portland Public Schools Board of Education recognizes that it is the intent of public charter school legislation to create new, innovative and more flexible ways of educating students within the public school system. In accordance with Oregon Revised Statutes Chapter 338, public charter schools shall demonstrate a commitment to the mission and diversity of public education and promote achievement of the following goals:
 - (a) Increase student learning and achievement;
 - (b) Increase choices of learning opportunities for students;
 - (c) Better meet individual students' academic needs and interests;
 - (d) Build stronger working relationships among educators, parents and other community members;
 - (e) Encourage the use of different and innovative learning methods;
 - (f) Provide opportunities in small learning environment for flexibility and innovation which may be applied, if proven effective, to other public schools;

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- (g) Create new professional opportunities for teachers;
- (h) Establish additional forms of accountability for schools; and
- (i) Create innovative measurement tools.

III. Source of Public Charter Schools

- (1) A public charter school may be established:
 - (a) As a new public school;
 - (b) From an existing public school, or a portion of the school; or
 - (c) From an existing alternative education program.

IV. Non-Conversion of Private or Sectarian Schools

- (1) To the extent prohibited by state law, a public charter school may not:
 - (a) Convert an existing tuition-based private school into a charter school, or contract with a tuition-based school or institution, for the provision of a comprehensive instructional program;
 - (b) Affiliate itself with a non-public sectarian school or religious institution; or
 - (c) Encompass all the schools in the district.

V. Approval Criteria

- (1) The Portland Public Schools Board of Education shall determine whether to approve a complete application for a public charter school following review and recommendation by the superintendent. Applications must be submitted on July 15 for the subsequent calendar year. The following criteria shall be used to evaluate such proposals:
 - (a) The demonstrated, sustainable support for the public charter school by teachers, parents,

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students and other community members, including comments received at the public hearing required by Oregon Revised Statutes 338.055. The application should demonstrate how the proposed public charter school would further the mission, core values and strategic objectives of the district.

- (b) The demonstrated financial stability of the public charter school or the detailed plan for financial operations of a new school.
- (c) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students pursuant to an approved proposal, including the professional qualifications of staff.
- (d) The capability of the applicant, in terms of support and planning, to specifically provide, pursuant to an approved proposal, comprehensive instructional programs to students identified as academically low achieving and the arrangements, if any, through which the needs and requirements of special education students and English Language Learners will be met. The district retains responsibility for providing appropriate programs for students in need of special education services.
- (e) The extent to which the proposal addresses the statutory requirements for a complete application contained in Oregon Revised Statutes 338.045.
- (f) With respect to a public charter school established from an existing public school or a portion of the school, whether there are alternative arrangements for students and teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and

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- (g) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students in the school district in which the public charter school will be located.
 - (i) A "directly identifiable, significant and adverse impact" is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing district educational programs. This may include, but is not be limited to, the following current data as compared to similar data from preceding years:
 - (A) Student enrollment;
 - (B) Student teacher ratio;
 - (C) Staffing with appropriately licensed or endorsed personnel;
 - (D) Student learning and performance;
 - (E) Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a second language;
 - (F) Revenue; and
 - (G) Expenditure for maintenance and upkeep of district facilities.
 - (h) The Board will accept, review, evaluate, approve or disapprove proposals in coordination with the district's budgeting, student enrollment, forecasting and staffing and operational timelines as established by administrative directives.
 - (i) The capability of the instructional staff of the public charter school to provide a comprehensive instructional program to low achieving and other students to be served by the school, including the level of professional preparation and teaching experience. A minimum of 50% of the teachers

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and administrative staff of the public charter school will hold valid Oregon Teaching licenses.

- (j) The existence of appropriate and applicable conditional use permits, variances and approvals necessary to operate the charter school in the space proposed.
 - (k) The extent to which the proposal could be accomplished within the district as a special focus program.
- (2) The Portland Public Schools Board of Education may conditionally approve an application pending negotiation of items or conditions specified by the Board that must be met before final agreement with the Board.

VI. Negotiation of Charter Contract

- (1) Following approval or conditional approval of a proposal by the Portland Public Schools Board of Education, the sponsor and the applicant shall develop a written charter contract that contains the provisions of the proposal that have been duly approved by the sponsor and the charter school governing body as well as additional contract provisions required by Portland Public Schools. The applicant may also request contract terms which must be approved by Portland Public Schools General Counsel.
- (2) The sponsor and the applicant may agree to change elements of the proposal prior to incorporating them into the charter or exclude elements of the proposal from the charter. The proposal may also be incorporated by reference into the charter contract.
- (3) The charter contract must conform to the Portland Public Schools Board of Education resolution approving negotiation of the charter contract, and must be approved by the General Counsel of Portland Public Schools and signed by the Deputy Clerk, as well as the governing body of the charter school, before the applicant may

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participate in events sponsored by the Portland Public Schools.

- (4) The charter contract must be fully executed by both Portland Public Schools and the governing body of the charter school within 120 days from the date the application was approved but no later than April 30 of the year in which the charter school is scheduled for a September opening, whichever is sooner. (For example, for a charter school designated to open September 2007, the charter contract must be fully executed by April 30, 2007.) Unless specifically approved by the Portland Public Schools Board of Education in the resolution approving a charter proposal, the charter school must begin operations in the school year immediately following the year of approval. (For example, a charter school proposal approved by the Portland Public Schools Board of Education in Fall 2006 must begin operations in Fall 2007).

VII. Space

- (1) The district has no obligation to provide space or facilities to a public charter school. The district will determine if there are any unused or underutilized buildings among district school facilities. Buildings may be made available for public charter school use, with the approval of and at the sole discretion of the Portland Public Schools Board of Education. Public charter school applicants should not assume the availability of Portland Public Schools building space for their proposal. Approved use may be limited to instructional purposes only. Rental will be charged for use of district facilities, and the Board will determine appropriate use fees. Public charter school use of district facilities outside the district's instructional day will be subject to existing Board policies governing Civic Use of Buildings. Outside grounds may be subject to additional restrictions.

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VIII. Transportation

- (1) The district is not responsible for transportation of students attending a public charter school. However, if there is space available on an existing district bus route, a charter school student may be transported in accordance with hitcher provisions in district transportation procedures.

IX. Status of Employees

- (1) The public charter school shall be the employer of any employees at the public charter school and shall control the selection of employees at the school. The district shall not be the employer of the public charter school and will not collectively bargain with the public charter school employees. In the case of an existing Portland public school converting to a public charter school, existing staff members who chose not to be employed at the public charter school will be provided an opportunity to transfer to another Portland Public School in accordance with the negotiated agreements and transfer policies of the Portland Public Schools Board of Education. Existing Portland Public Schools staff members who wish to work in an approved public charter school shall be granted a minimum of a two year leave of absence in a manner agreed upon in the negotiated agreement.
- (2) At least 50% of the public charter school full time equivalent (FTE) of teachers and administrative staff must possess a valid Oregon teaching or administrative license.
- (3) Employees of an existing alternative education program that converts to a public charter school shall continue to be employed by the charter school.
- (4) Employees of a new school shall be considered employees of the public charter school.
- (5) Employees of an existing public school that converts to a public charter school shall be considered employees of the public charter school.

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X. Reporting, Evaluation and Audit Requirements

- (1) The public charter school shall report in writing on an annual basis to the Portland Public Schools Board of Education and to the parents and community of the public charter school on the academic performance of students in the school and demonstrate compliance with the provisions of the charter agreement with the Board.
- (2) Public charter schools are required to administer all Portland Public Schools and State of Oregon assessments for determining student progress toward the Certificates of Initial and Advanced Mastery and attainment of state and local student performance standards. Results of these assessments shall be reported to parents of students in the school and to the Portland Public Schools Board of Education. The Portland Public Schools Board of Education may designate an external entity to evaluate the success of the academic program of the public charter school.
- (3) Public charter schools shall be required to prepare an annual School Improvement Plan and submit this plan to the Portland Public Schools Board of Education and to the charter school parents and community. These plans shall include an analysis of student performance data and growth in achievement, accomplishment of the previous year's established goals for the school, the revised improvement goals for the school, the action plan to achieve those goals and the evaluation plan to measure accomplishment of the goals. The parents and community of the public charter school shall be provided an opportunity to provide input to the revisions to the School Improvement Plan.
- (4) The public charter school shall provide to the Portland Public Schools Board of Education an annual audit of accounts in accordance with the Oregon Municipal Audit Law. In addition, the public charter school shall provide quarterly financial reports to the Portland Public Schools Board of Education that track expenditures for the complete fiscal year.

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- (5) Members of the Portland Public Schools Board of Education, Superintendent or Superintendent's designee may visit an approved public charter school at any time during normal business hours for purposes of monitoring progress of implementation of the agreement between the Board and the public charter school. There shall be at least one annual on-site visit by the Board or the Board's designee to review compliance with the provisions of the agreement between the Board and the public charter school and to review growth in student achievement.

XI. Termination of the Charter

- (1) The agreement between the Board and the public charter school may be terminated in accordance with provisions in Oregon Revised Statutes 338.105 on any of the following grounds:
- (a) Failure to meet terms of the charter agreement with the Board;
 - (b) Failure to comply with provisions of Oregon Revised Statutes Chapter 338;
 - (c) Failure to meet requirements for student achievement growth, violation of other federal, state or local laws or ordinances;
 - (d) Failure to maintain appropriate insurance; and
 - (e) Failure to maintain financial stability.
- (2) If a charter is terminated under provisions of ORS 338.105(1), the district shall notify the public charter school governing body at least 60 days prior to the proposed effective date of the termination. The notice shall state the grounds for the termination. The public charter school governing body may request a hearing by the district.
- (3) The public charter school governing body may appeal the decision of the district according to procedures established in Oregon Administrative Rules.

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- (4) The district may terminate a charter immediately and close a charter school if the public charter school is:
 - (a) Endangering the health, safety or well-being of students; or
 - (b) Failing to maintain a healthy, safe and appropriate facility.
- (5) If a public charter school is terminated or a public charter school is dissolved, the assets of the public charter school that were purchased with public funds shall be given to the State Board of Education. The State Board of Education may disburse the assets of the public charter school to school districts or other public charter schools.

XII. Laws Applying to Charter Schools:

- (1) Public charter schools approved by the Board must comply with the following applicable laws and regulations:
 - (a) Federal law;
 - (b) ORS 192.410 to 192.505 (public records law);
 - (c) ORS 192.610 to 192.690 (public meetings law);
 - (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
 - (e) ORS 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
 - (f) ORS 337.150 (textbooks);
 - (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
 - (h) ORS 659.150 and 659.155 (discrimination);
 - (i) ORS 30.260 to 30.300 (tort claims);
 - (j) Health and safety statutes and rules;
 - (k) Any statute or rule that is listed in the charter;

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- (l) The statewide assessment system developed by the Department of Education under ORS 329.485 (1);
 - (m) ORS 329.045 (1) (academic content areas);
 - (n) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year; and
 - (o) Sections 1 to 23 of Oregon Chapter Law 200.
 - (p) Oregon and federal statutory protections of teacher academic freedom.
- (2) In addition, public charter schools approved by the Board must comply with all non-discrimination and religious freedom provisions of Board policy and federal and state law.

XIII. Creation of Administrative Regulations

- (1) The superintendent will develop administrative regulations for public charter schools to include the proposal process, timelines, review and appeal procedures, and charter agreement provisions. In addition to the application requirements contained in Oregon Revised Statutes Chapter 338.045, public charter school applicants shall submit a description of the expected results of the curriculum and instruction program, and the verified methods of measuring and reporting objective results that show growth of knowledge and skills of students attending the public charter school.
- (2) Public charter school contracts will contain standard provisions and provisions that are unique to the applicant
- (3) A public charter school and all individual directors of public charter schools shall comply with conflict of interest reporting requirements of the Oregon Commission on Government Standards and Practices.

Legal References: ORS 181.539; ORS 326.603, 326.607; ORS 327.077, 327.109; ORS 329.045; ORS 332.107; ORS 337.150; ORS 338 et seq.;

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ORS 339.141, 339.155; ORS 342.125, 342.127, 342.143, 342.165, 342.175, 342.180, 342.232, 342.815; ORS 659.155; OAR 581-020-0300-0340

History: Adpt 9/11/00, BA 1469; Amended 6-13-2005, BA 3331, Amended 8-8-2005, BA3064

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