

## Public Charter Schools

### 1. Definitions

- a. Applicant means any person or group that develops and submits a written proposal for a public charter school to the district.
- b. Public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- c. Virtual Public Charter School means a public charter school that provides online courses, but does not primarily serve students in a physical location.
  - (1) For the purpose of this definition, an “online course” is a course in which instruction and content are delivered on a computer using the internet, other electronic network or other technology such as CDs or DVDs; the student and teacher are in different physical locations for the majority of instructional time; the student is not required to be in a physical location of a school while participating in the course; and the online instruction is integral to the academic program of the charter school.
  - (2) For the purpose of this definition, “primarily serving students in a physical location” means that more than 50 percent of the core courses offered are not online courses; more than 50 percent of the total number of students attending the school are not receiving instructional services in an online course; and more than 50 percent of the school’s required instructional hours are not through an online course.
- d. Remote and necessary school district means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- e. “Sponsor” means the district Board.

### 2. Proposal Process

- a. The public charter school applicant shall submit the proposal to the district no later than January 31 for a September starting date.
- b. The proposal for a public charter school shall include, but not be limited to, the following:
  - (1) The identification of the applicant;
  - (2) The name of the proposed public charter school;
  - (3) A description of the philosophy and mission of the public charter school and how it differs from the district’s current program and philosophy;
  - (4) A description of any distinctive learning or teaching techniques to be used;
  - (5) A description of the curriculum of the public charter school;

- (6) A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools;
- (7) The governance structure public charter school board membership, selection, duties and responsibilities;
- (8) The projected enrollment including the ages or grades to be served;
- (9) The target population of students the public charter school is designed to serve;
- (10) The legal address, facilities and physical location of the public charter school and applicable occupancy permits and health and safety approvals;
- (11) A description of admission policies and application procedures;
- (12) The statutes and rules that shall apply to the public charter school;
- (13) The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;
- (14) The financial management system that includes:
  - (a) A description of a financial management system for the public charter school. The financial management system must include a budget and accounting system that:
    - (i) Is compatible with the budget and accounting system of the sponsor of the school; and
    - (ii) Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under OAR 581-023-0035.
  - (b) A plan for having the financial management system in place at the time the school begins operating.
- (15) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
- (16) The proposed school calendar, including the length of the school day and length of the school year;
- (17) A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with TSPC (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
- (18) The date upon which the public charter school would begin operating;
- (19) The arrangements for any necessary special education and related services for students with disabilities who qualify under IDEA and special education or regular education and related services for students who qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;
- (20) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
- (21) The term of the charter;
- (22) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;
- (23) A proposed plan for the placement of public charter school teachers, other employees and students upon termination or nonrenewal of a charter;
- (24) The manner in which the public charter school program review and fiscal audit will be conducted;

- (25) In the case of a district school's conversion to charter status, the following additional criteria must be addressed:
- (a) The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
  - (b) The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
- (26) The district will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045 (2)(a) – (y). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.075;
- (27) In addition to the minimum requirements enumerated in ORS 338.045 (2)(a) - (y), the district, under ORS 338.045 (3), requires the applicant to submit the following information in order for a proposal to be deemed complete:
- (a) Curriculum, Instruction and Assessment
    - (i) Description of a curriculum for each grade of students, which demonstrates in detail alignment with Oregon's academic content standards;
    - (ii) Description of instructional goals in relationship to Oregon's academic content standards and benchmarks;
    - (iii) A planned course statement class taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected;
    - (iv) Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public school;
    - (v) Explanation of all elements of the proposed curriculum programExplanation of grading practices for all classes and how student performance is documented;
    - (vi) Explanation of how the proposed academic program will be aligned with that of the district. (If an applicant is proposing an elementary level public charter school, please describe how the curriculum is aligned at each grade level with the district's curriculum, including an explanation of how a student in the public charter school will be adequately prepared to re-enter the district's public school system after completing the charter school's program.);
    - (vii) Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used;
    - (viii) Description of the plan for reporting student progress to parents, students and the community;
    - (ix) Description of how the public charter school will make adjustments and improve student performance;
    - (x) Description of policies and procedures regarding diplomas and graduation;
    - (xi) Description of policies and practices for meeting the needs of students who are not successful in the regular program;

- (xii) Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area in each grade;
- (xiii) Identification of major supplementary material in core academic content areas and the criteria for use with students;
- (xiv) Identification of instructional methodology used, including educational strategies teachers will use to design instruction around Oregon’s academic content standards; around the Common Core State Standards starting in 2014.
- (xv) Description of how the public charter school will meet the unique learning needs of student working above and below grade level, including but not limited to talented and gifted students;
- (xvi) Description of how the public charter school staff will identify and address students’ rates and levels of learning;
- (xvii) Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
- (xviii) Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
- (xix) Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction;
- (xx) Identification of how the public charter school will provide access to national assessments such as PSAT, SAT and ACT, if applicable;
- (xxi) Description of a testing schedule for all state-mandated assessments, including a description of how testing will occur;
- (xxii) Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
- (xxiii) Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable.

(b) State and Federal Mandates/Special Education

- (i) Description of how the public charter school will meet any and all requirements of No Child Left Behind, which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law.
- (ii) Description of how the public charter school will collect AYP information on all subgroups populations in the school;
- (iii) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data collection systems and service delivery models used.);
- (iv) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification and services;
- (v) Description of how the public charter school will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;
- (vi) Description of how the public charter school will comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;

- (vii) Explanation of how the public charter school will implement Child Find requirements;
  - (viii) Explanation of how the public charter school will manage IDEA 2004 mandates regarding eligibility, IEP and placement meetings;
  - (ix) Explanation of how the public charter school will implement accommodations and modifications contained in the IEP or Section 504 plan;
  - (x) Explanation of the role of parents in implementing IEPs;
  - (xi) Explanation of how the public charter school intends to work with the resident district of any IEP student to provide special education services.
- (c) Teacher Certification
- (i) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and Teacher Standards and Practices Commission (TSPC) licensure;
  - (ii) Documentation of how the public charter school will meet the federal mandate of “highly qualified” teachers contained in No Child Left Behind;
  - (iii) Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or re-training, if applicable;
  - (iv) Documentation of how the public charter school will comply with TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.
- (d) Professional Development
- (i) Provide the public charter school’s plan for comprehensive professional development for all staff;
  - (ii) Identification of how the public charter school’s licensed staff will obtain their required Continuing Professional Development units for licensure renewal.
- (e) Budget
- (i) Explanation of projected budget item for PERS contributions that would be required of the public charter school;
  - (ii) Description of computer and technology support;
  - (iii) Description of transportation costs, if applicable;
  - (iv) Explanation of projected budget items for teaching salaries and other personnel contracts;
  - (v) Explanation on facilities costs, including utilities, repairs, and rent;
  - (vi) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.
- (f) Policy
- (i) Copies of any policy that the public charter school intends to adopt which address expectations of academic standards for students and transcribing of credits;

- (ii) Copies of any policy that the public charter school intends to adopt on student behavior, classroom management, suspensions and expulsions, which must contain an explanation of how the charter school will handle a student expelled from another district for reasons other than a weapons violation;
- (iii) Descriptions and copies of any policy that the public charter school intends to adopt regarding corporal punishment;
- (iv) Copies of any policy that the public charter school intends to adopt regarding dispensing of medication to students who are in need of regular medication during school hours;
- (v) Description of procedures on how the public charter school will handle disciplinary referrals and how they will impact student promotion and advancement;
- (vi) Copies of any policy that the public charter school intends to adopt regarding reviewing and selecting instructional materials;
- (vii) Copies of any policy that the public charter school intends to adopt regarding solicitation/advertising/fund raising by nonschool groups;
- (viii) Copies of any policy that the public charter school intends to adopt regarding field trips;
- (ix) Copies of any policy that the public charter school intends to adopt regarding student promotion and retention;
- (x) Copies of any policy that the public charter school intends to adopt regarding student publications;
- (xi) Copies of any policy that the public charter school intends to adopt regarding staff/student vehicle parking and use;
- (xii) Copies of any policy that the public charter school intends to adopt regarding diplomas and graduation, and also participation in graduation exercises;
- (xiii) Copies of any policy that the public charter school intends to adopt regarding student/parent/public complaints;
- (xiv) Copies of any policy that the public charter school intends to adopt regarding visitors;
- (xv) Copies of any policy that the public charter school intends to adopt regarding staff discipline, suspension or dismissal.

(g) Other Information

- (i) Plans and procedures for use of any unique district facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
- (ii) Plans and procedures for child nutrition program(s);
- (iii) Plans and procedures for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and rules;
- (iv) Plans and procedures for counseling services;
- (v) Explanation of contingency plans for the hiring of substitute professional and classified staff;
- (vi) Description of how the public charter school will address the rights and responsibilities of students;

- (vii) Description of how the public charter school will handle situations involving student, possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
- (viii) Copies of program reviews conducted by other schools district that may have referred students to another public charter school operated by the public charter school applicant, if applicable;
- (ix) Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
- (x) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM).
- (xi) Documentation and description of how long most student remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions, or any other disciplinary action while in the program;
- (xii) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor's reports.);
- (xiii) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
- (xiv) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states:

If given any type of approval (conditional or unconditional), the public charter school applicant promises to provide to the school district liaison, at least ninety (90) days before the intended date to begin operation of the public charter school, proof that it will be able to secure, at least thirty (30) days before the intended date to begin operation of the public charter school, a suitable facility, occupancy and safety permits and insurance policies with minimum coverage's required by the school district in school board policy and administrative regulation LBE that sets forth the requirements and process for the school board in reviewing, evaluating and approving a public charter school.

If the public charter school applicant fails to provide proof of an ability to secure a facility and all necessary occupancy and safety permits and insurance that is required by the school district as a condition of approval by the due date, it will withdrawal its application to begin operation of a public charter school for the upcoming school year.

By signing this document, I affirm that I am authorized to make the promises stated above on behalf of the public charter school applicant. I understand that failure to fulfill the conditions listed above will result in an approval becoming void, and will automatically revoke any type

of approval that the school board previously granted to the public charter school applicant.

Name \_\_\_\_\_ Date \_\_\_\_\_  
On behalf of the [ADD APPLICANT'S NAME]

The public charter school applicant will organize and label all information required in section 27 to correspond to the requested numbers.

### 3. Proposal Review Process

- a. The superintendent may appoint an advisory committee to review public charter school proposals and submit a recommendation to the Board. The committee will consist of district representatives, community members and others as deemed appropriate.
- b. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal.
- c. Within 60 days of the notification to the applicant of the district's receipt of a complete proposal that meets the requirements of law and the district, the Board shall hold a public hearing on the provisions of the public charter school proposal.
- d. The Board must evaluate a proposal in good faith using the following criteria:
  - (1) The demonstrated sustainable support for the proposal by teachers, parents, students and other community members, including comments received at the public hearing;
  - (2) The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system that:
    - (a) Is in place at the time the school begins operating; and
    - (b) Is compatible with the budget and accounting system of the sponsor of the school; and
    - (c) Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under OAR 581-023-0035.
  - (3) The capability of the applicant in terms of support and planning to provide comprehensive instructional programs;
  - (4) The capability of the applicant in terms of support and planning to provide comprehensive instructional programs to students identified by the applicant as academically low achieving;
  - (5) The extent to which the proposal addresses the criteria required in the proposal process;
  - (6) 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 residing in the district.

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 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;
  - (g) Expenditure for maintenance and upkeep of district facilities.
- (7) Whether there are arrangements for any necessary special education and related services;
  - (8) Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing district school.
  - (9) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
- e. The Board must either approve or deny the proposal within 30 days of the public hearing.
  - f. Written notice of the Board's action shall be sent to the applicant. If denied, the notice must include the reasons for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

#### 4. Terms of the Charter Agreement

- a. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school. The district and the applicant must develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the district.
- c. The district and the public charter school may amend a charter agreement through joint agreement.
- d. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the district. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:
  - (1) Sexual harassment (ORS 342.700, 342.704);
  - (2) Pregnant and parenting students (ORS 336.640);
  - (3) Special English classes for certain children (ORS 336.079);
  - (4) Student conduct (ORS 339.250);
  - (5) Alcohol and drug abuse program (ORS 336.222);
  - (6) Student records (ORS 326.565);
  - (7) Oregon Report Card (ORS 329.115);
  - (8) Recovery of costs associated with property damage (ORS 339.270);
  - (9) Use of school facilities (ORS 332.172);
  - (10) Employment status of public charter school employees:
    - (a) Public charter school law requires the following:

- (i) Employee assignment to a public charter school shall be voluntary;
  - (ii) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
  - (iii) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
  - (iv) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the district;
  - (v) The public charter school governing body shall control the selection of employees at the public charter school;
  - (vi) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:
    - 1) The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
    - 2) The employee and the Board have mutually agreed to a different length of time.
  - (vii) An employee of a public charter school operating within the district who is granted a leave of absence and returns to employment with the district shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.
- (b) The terms and conditions of employment addressed in the agreement may include, but need not be limited to:
- (i) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
  - (ii) Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
  - (iii) Salary for professional staff or wages for classified staff;
  - (iv) Health benefits;
  - (v) Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
  - (vi) Work year;
  - (vii) Working hours;
  - (viii) Discipline and dismissal procedures;
  - (ix) Arrangements to secure substitutes;
  - (x) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
  - (xi) Hiring practices;
  - (xii) Evaluation procedures.

- (11) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:
- (a) Public charter school law requires the following:
    - (i) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. An equitable lottery may incorporate a weighted lottery for historically underserved students. All resident applicants will have their names written on a uniform-sized card to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applicants are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the district. If the public charter school has been in operation one or more years, priority enrollment will be given to those students who:
      - 1) Were enrolled in the public charter school the prior year;
      - 2) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year.
      - 3) Only when the public charter school is party to a cooperative agreement for the purpose of forming a partnership to provide educational services, reside in:
        - a) The public charter school's sponsoring district; or
        - b) A district which is a party to the cooperative agreement.
    - (ii) If a public charter school offers any online courses as part of the curriculum of the school, then 50 percent or more of the students who attend the public charter school must reside in the school district in which the public charter school is located.
    - (iii) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, sex, income level, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level and may implement a weighted lottery for historically underserved students. Historically underserved students are at risk because of any combination of two or more factors including their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location.

(12) Transportation of students:

- (a) Public charter school law requires the following:
  - (i) The public charter school shall be responsible for providing transportation for its students and may negotiate with the district for the provision of transportation services;

- (ii) The district shall provide transportation for public charter school students pursuant to ORS 327.043. Resident public charter school students will be transported under the same conditions as students attending private or parochial schools located along or near established district bus routes. The district shall not be required to add or extend existing bus routes;
  - (iii) Public charter school students who reside outside the district may use existing bus routes and transportation services of the district in which the public charter school is located;
  - (iv) Any transportation costs incurred by the district shall be considered approved transportation costs.
- (13) The plan for performance bonding or insuring the public charter school sufficient to protect the district. Documentation shall be submitted prior to agreement approval.
- (a) Insurance:
    - (i) Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability for damages because of personal injury, bodily injury, death or damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;
    - (ii) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
    - (iii) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
    - (iv) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;
    - (v) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
    - (vi) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk of direct physical loss basis," including earthquake and flood perils.

- (b) Additional requirements:
  - (i) The district shall be additional insured on commercial general and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance shall be furnished to the district;
  - (ii) The public charter school shall also hold harmless and defend the district from any and all liability, injury, damages, fees or claims arising out of the operations of the public charter school operations or activities;
  - (iii) The district shall be loss payee on the property insurance if the public charter school leases any real or personal district property;
  - (iv) The coverage provided and the insurance carriers must be acceptable to the district.
- e. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.
- f. In addition to any other terms required to be in the charter agreement, a virtual public charter school must have in the charter of the school, a requirement that the school:
  - (1) Monitor and track student progress and attendance; and
  - (2) Provide student assessments in a manner that ensures that an individual student is being assessed and that the assessment is valid.

## 5. Public Charter School Operation

- a. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.
- b. Statutes and rules that apply to the district shall not apply to the public charter school except the following, as required by law, shall apply:
  - (1) Federal law, including applicable provisions of the No Child Left Behind Act of 2001;
  - (2) ORS 192.410 to 192.505 (Public Records Law);
  - (3) ORS 192.610 to 192.690 (Public Meetings Law);
  - (4) ORS Chapters 279A, 279B and 279C (Public Contracting Code);
  - (5) ORS 326.565, 326.575 and 326.580 (student records);
  - (6) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
  - (7) ORS 181.534, 326.603, 326.607 or 342.223 (criminal records checks);
  - (8) ORS 337.150 (textbooks);
  - (9) ORS 339.119 (considerations for educational services);
  - (10) ORS 336.840 (use of personal electronic devices);
  - (11) ORS 339.141, 339.147 and 339.155 (tuition and fees);
  - (12) ORS 342.856 (core teaching standards);
  - (13) ORS 659.850, 659.855 and 659.860 (discrimination);
  - (14) ORS 30.260 to 30.300 (tort claims);
  - (15) ORS Chapter 657 (Employment Department Law);
  - (16) Health and safety statutes and rules;
  - (17) Any statute or rule listed in the charter;

- (18) The statewide assessment system developed by the Oregon Department of Education (ODE) for mathematics, science and English under ORS 329.485 (2);
  - (19) ORS 329.045 (academic content standards and instruction);
  - (20) Any statute or rule that establishes requirements for instructional time;
  - (21) ORS 339.250 (12) (prohibition of infliction of corporal punishment);
  - (22) ORS 339.326 (notice concerning student subject of juvenile court petitions);
  - (23) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of suspected abuse of a child and sexual conduct, and training on prevention and identification of abuse and sexual conduct);
  - (24) ORS 329.451 (diploma, modified diploma, extended diploma and alternative certificate standards);
  - (25) Statutes and rules that expressly apply to public charter schools;
  - (26) Statutes and rules that apply to special government body as defined in ORS 174.117, or public body as defined in ORS 174.109; and
  - (27) ORS Chapter 338.
- c. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS 342.135, 342.136 or 342.138.
  - d. A board member of the school district in which the public charter school is located may not serve as a voting member of the public charter school's board, yet may serve in an advisory capacity.
  - e. The public charter school shall participate in the Public Employees Retirement System.
  - f. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
  - g. The public charter school shall maintain an active enrollment of at least 25 students, unless the public charter school is providing educational services under a cooperative agreement entered into for the purpose of forming a partnership to provide educational services.
  - h. The public charter school may sue or be sued as a separate legal entity.
  - i. The public charter school may enter into contracts and may lease facilities and services from the district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
  - j. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
  - k. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
  - l. The district shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student located in the district who meets the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.
  - m. A high school diploma, modified diploma, extended diploma or alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, modified diploma, extended diploma or alternative certificate issued by a nonchartered public school.
  - n. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public

education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

## 6. Virtual Public Charter School Operation

- a. In addition to the other requirements for a public charter school, a virtual public charter school must have:
- (1) A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045;
  - (2) Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
  - (3) A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
  - (4) A budget, business plan and governance plan for the operation of the school;
  - (5) An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
  - (6) An agreement to employ only licensed teachers who are highly qualified as described in the Federal No Child Left Behind Act of 2001;
  - (7) A plan that ensures:
    - (a) All superintendents, assistant superintendents and principals of the schools are licensed by the TSPC to administrate; and
    - (b) Teachers who are licensed to teach by the TSPC and who are highly qualified as described in the federal No Child Left Behind Act of 2001 teach at least 95 percent of the school's instructional hours.
  - (8) A plan for maintaining student records and school records, including financial records, at a designated central office of operations;
  - (9) A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
    - (a) Has access to and use of a computer and printer equipment as needed;
    - (b) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
    - (c) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.
  - (10) A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (8) above by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

- (11) A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
  - (12) A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
  - (13) A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year;
  - (14) A plan to provide written notice to both the sponsoring district and the district in which the student resides upon enrollment or withdrawal for a reason other than graduation from high school:
    - (a) If notice is provided due to enrollment, then the notice must include the student's name, age, address and school at which the student was formerly enrolled;
    - (b) If notice is provided due to withdrawal for a reason other than graduation from high school, then notice must include the student's name, age, address, reason for withdrawal (if applicable) and the name of the school in which the student intends to enroll (if known).
  - (15) An agreement to provide a student's education records to the student's resident school district or to the sponsor upon request of the resident school district or sponsor.
- b. The sponsor of a virtual public charter school or a member of the public may request access to any of the documents described in 6.a. above.
  - c. If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school.
  - d. The following limitations apply:
    - (1) School board members of the virtual public charter school's sponsoring district may not be:
      - (a) An employee of the virtual public charter school;
      - (b) A member of the governing body of the virtual public charter school;
      - (c) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.
    - (2) Members of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school intends to enter or has entered into a contract to provide educational services;
    - (3) If a third-party entity contracts with a virtual public charter school to provide educational services to the school, then:
      - (a) No third-party entity's employee or governing board member may attend an executive session of the sponsoring district's school board;
      - (b) No virtual public charter school employee may promote the sale or benefits of private supplemental services or classes offered by the third-party entity;
      - (c) The educational services must be consistent with state standards and requirements;



- (d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services, including itemization of:
  - (i) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a virtual public charter school in this state; and
  - (ii) The annual operating expenses and profit margin of the third-party entity for providing educational services to a virtual public charter school in this state.

## 7. Charter Agreement Review

- a. The public charter school shall report at least annually on the performance of the school and its students to the State Board of Education and the district.
- b. The Board or designee shall visit the public charter school at least annually to assure compliance with the terms and provisions of the charter.
- c. The public charter school shall be audited annually in accordance with the Municipal Audit Law and shall forward the audit to the Board, the State Board of Education and ODE.
  - (1) A copy of the annual audit;
  - (2) Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the charter school during the preceding annual audit period for the school; and
  - (3) Any balance sheet containing a summary of the assets and liabilities of the public charter school and related operating budget documents as of the closing date of the preceding annual audit period for the school.
- d. The sponsoring district may request at any time an acknowledgement from each member of the public charter school governing body that the member understands the standards of conduct and liabilities of a director of a nonprofit organization.
- e. The public charter school shall submit to the Board quarterly financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

## 8. Charter School Renewal

- a. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of 5 years but may not exceed 10 years.
- b. The Board and the public charter school shall follow the following timeline unless a different timeline has been agreed upon by the Board and the public charter school:
  - (1) The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter.
  - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request.
  - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal.

- (4) If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school agree to an extension of the time period.
- (5) If the Board does not renew the charter, the public charter school may address the reasons stated for denial of the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board.
- (6) If the Board does not renew the charter based on the revised request for renewal, the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.
  - (a) If the State Board of Education finds that the Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the Board. A public charter may seek judicial review of this order.
  - (b) If the State Board of Education finds that the Board did not use the appropriate process in denying the request for renewal, it shall order the Board to reconsider the request for renewal. If after reconsideration the Board does not renew the charter, the public charter school may seek judicial review of the Board's decision.
- (7) The Board shall base the charter renewal decision on a good faith evaluation of whether the public charter school:
  - (a) Is in compliance with all applicable state and federal laws;
  - (b) Is in compliance with the charter of the public charter school;
  - (c) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the Board and the public charter school;
  - (d) Is fiscally stable; and
  - (e) Is in compliance with any renewal criteria specified in the charter of the public charter school.
- (8) The Board shall base the renewal evaluation described above primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review and any other information mutually agreed upon by the public charter school and the Board.
- (9) For purposes of this section, the phrase "good faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

## 9. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
  - (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;
  - (2) Failure to meet the requirements for student performance as outlined in the charter agreement;
  - (3) Failure to correct a violation of federal or state law;
  - (4) Failure to maintain insurance;

- (5) Failure to maintain financial stability;
  - (6) Failure to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065.
  - (7) Failure to maintain the health and safety of the students.
- b. If a public charter school is terminated by the Board for any reason listed in sections A.1 through A.7, the following shall occur:
- (1) The district shall give the public charter school a 60-day written notification of its decision;
  - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow the process as per ORS 338.105.
  - (3) The district shall state the grounds for termination and deliver notification to the business office of the public charter school;
  - (4) The public charter school may request a hearing by the district. The request must be made in writing and delivered to the business address of the sponsor;
  - (5) Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
  - (6) The public charter school may appeal the decision to terminate to the State Board of Education;
  - (7) If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
  - (8) If the State Board's final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the district's sponsorship of the public charter school will terminate;
  - (9) The final order of the State Board may be appealed under the provision of ORS 183.484;
  - (10) Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
  - (11) If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- c. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section A.7, the following shall occur:
- (1) If the district reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the district may act to immediately terminate the approved charter and close the public charter school without providing the notice required in section B.1;
  - (2) A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the district;
  - (3) Within 10 days of receiving the request for a hearing, the district must provide the public charter school with the opportunity for a hearing on the termination;
  - (4) If the district acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;

- (5) The State Board will hold a hearing on the appeal within 10 days of receiving the request;
  - (6) The public charter school will remain closed during the appeal process unless the State Board orders the district not to terminate and to re-open the public charter school; and
  - (7) The final order of the State Board may be appealed under the provisions of ORS 183.484.
- d. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the district, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.

Assets of a terminated, closed or dissolved public charter school that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

#### 10. District Immunity

The district, members of the Board and employees of the district are immune from civil liability with respect to the public charter school's activities.