

## STATE BOARD OF EDUCATION – TOPIC SUMMARY

**Topic:** Lewis and Clark Montessori Public Charter School Waiver Request

**Date:** August 2014

**Staff/Office:** Kate Pattison/Office of Learning

**Action Requested:**  Informational Only  Adoption  Adoption/Consent Agenda

**ISSUE BEFORE THE BOARD:** Whether the State Board of Education should approve a request for enrollment priority to be given to the children of the Lewis and Clark Montessori Public Charter School employees for the remainder of their contract with Gresham-Barlow School District.

### **BACKGROUND:**

The Lewis and Clark Montessori Public Charter School serves approximately 200 students in grades K-5, and is sponsored by the Gresham-Barlow School District. Lewis and Clark Montessori Public Charter School has operated since September 2008 in Damascus, Oregon as a public charter school. In 2012-3, Lewis and Clark Montessori received an overall rating of a “2” on the Oregon School Report Card and performed “below average” when compared to other similar schools.

The request is to give employees’ children preference in enrollment. The Gresham-Barlow School District supports this waiver request. The request to provide enrollment priority to the children of employees is consistent with the US Department of Education Title V, Part B of the ESEA Charter Schools Program Nonregulatory Guidance, (2014, E-4) “Children of a charter school's founders, teachers, and staff (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).” The request is also consistent with past practice of the State Board of Education.

### **581-026-0130 Procedure to Waive Certain Provisions of the Charter School Law**

- (1) A public charter school may petition the State Board of Education for a waiver of any provision of ORS 388. The written petition must specify the reason(s) the charter school is seeking the waiver and any other relevant information.
- (2) The public charter school must notify the sponsor if a waiver under this section is being considered. Waivers granted by the State Board to a charter school may require amending the charter under the provisions of OAR 581-026-0100 (7).
- (3) The State Board of Education, upon receipt of a waiver petition, will review the petition and may grant the waiver upon a showing that approving the waiver would:
  - (a) Promote the development of programs by providers;
  - (b) Enhance the equitable access by underserved families to the public education of their choice;
  - (c) Extend the equitable access to public support by all students; or
  - (d) Permit the development of high quality programs of unusual cost.
- (4) The State Board of Education may not waive any review provision under the Act or any provision under ORS 338.115(1).

This request is consistent with waiver criteria as stated in OAR 581-026-0130 and supports promoting the development of programs by providers. By giving employees children preference to enroll at the school, the school is able to recruit and retain teachers and board members thereby promoting the development of programs by providers.

**POLICY QUESTIONS:** If a public charter school gives priority enrollment to children of staff at a public charter school, does it put the staff at risk of an ethics violation?

**STAFF RECOMMENDATION:** The Deputy Superintendent and ODE staff recommend approval of the Lewis and Clark Montessori Public Charter School waiver request for the length of the current contract with Gresham-Barlow School District.

ATTACHMENTS –

- Waiver Request Letter
- 2012-13 School Report Card