

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Sauvie Island Academy Public Charter School Waiver

Date: October 2014

Staff/Office: Kate Pattison/Office of Learning

Action Requested: Informational Only Adoption Later Adoption/Consent

Agenda

ISSUE BEFORE THE BOARD: Review waiver for enrollment priority to be given to children of charter school employees, founders and charter board members, and students who reside on Sauvie Island.

BACKGROUND:

Sauvie Island Academy is a K-8 charter school sponsored by the Scappoose School District and located about 12 miles from downtown Scappoose. The school had 214 students in 2013-14. It is uniquely located on the 26,000 acre Sauvie Island, at the confluence of the Columbia and Willamette Rivers. The island reaches into two counties and most of the acreage is either farmland or wildlife refuge. There are approximately 600 families living on the island or nearby houseboats. The community spans the socio-economic scale, including generational farms, families on houseboats, and newer high-income residents attracted by the island's beauty. Parents and community members formed the charter school in order to preserve access to public education on the island in the event this rural school would be closed under current economic pressures.

On January 19, 2012, staff recommended approving the waiver for children of employees, founders, and recommended to deny the request for children of board members and residents of the island to have priority enrollment. The State Board of Education discussed this waiver request and voted to approve the waiver to allow priority to the children of employees and founders. In March 2012, the Board denied the request for children of charter board members to receive priority enrollment. At the same meeting the Board did not take staff recommendation and approved the request to give students who reside on the island priority enrollment as stated in the letter by the charter school. The waiver, as approved, does not have an end-date or timeline in which it should be reviewed or renewed. It is current practice for the Board to approve waivers for the duration of the charter school contract. This allows charter schools to have stable policies throughout their contract term while providing regular intervals for the waivers to be reviewed.

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 item is before the State Board of Education for a first read and will return to the board in December 2014 for a decision. Staff notified Sauvie Island Academy of this discussion and invited the director to submit information relevant to the discussion or to testify at the meeting in October.

POLICY QUESTIONS: Does approval of this waiver set a precedent allowing charter schools to be more restrictive?

STAFF RECOMMENDATION: Although staff did not recommend the original waiver request in 2012, considering the Board's prior action, the Deputy Superintendent and ODE staff recommend amending the waiver for the Sauvie Island Academy to allow children of employees, founders, and residents of the Island to have priority enrollment in the charter school for the duration of their current charter contract.

ATTACHMENT – Original Waiver Request Letter



September 19, 2011

RECEIVED
NOV 29 2011
JLB
OREGON DEPT. OF EDUCATION
SUPERINTENDENT'S OFFICE

Members, Oregon State Board of Education
255 Capitol Street NE
Salem, OR 97310

Subject: Charter School Waiver Request

Dear State Board of Education Members:

Please consider this a written petition pursuant to ORS 338.025(2) and 581-020-0341(3). The Sauvie Island Academy (SIA) respectfully requests that you waive ORS 338.125—which requires “selection for admission to a charter school be through an equitable lottery”—for two groups of students:

1. students who are children of Sauvie Island Academy’s founders, board members, and employees (not to exceed ten percent of the school’s annual enrollment); and
2. students who reside on Sauvie Island.

Sauvie Island Academy, a public charter school sponsored by the Scappoose School District, is a conversion of Sauvie Island (Elementary) School, currently operating under a three-year charter contract to provide Place-Based-Education to K-8 students.

Background and Rationale:

A committed team worked to develop SIA over a six-year period motivated by two primary factors:

1. to provide a stable public school for families who reside on Sauvie Island; and
2. to provide a innovative, high-quality educational model which maximizes our unique setting and integrates place-based learning, thematic instruction and service learning.

Sauvie Island maintained an independent K-8 school district for neighboring and Portland children from 1935 to 1998. In 1998, when the state required all districts to offer K-12, the SIS district merged with SSD and the school transitioned from K-8 to a K-6 configuration. Sauvie Island is located at the confluence of the Columbia and Willamette Rivers. At 26,000 acres, it is one of the largest river islands in the US. Lewis and Clark explored the island during their expedition, and the island has a long history of farming. The island spans two counties, the southern portion belonging to Multnomah County and the northern one-third to Columbia County. Most of the island is either farmland or wildlife refuge. Approximately

600 families live on the island and nearby houseboats. Our population of slightly over 1,000 includes 222 children under age 18. The community spans the socio-economic scale, including generational farm families whose parents and grandparents attended the island school, families who live on houseboats, and newer high-income residents attracted by the island's beauty.

Like many rural Oregon schools with enrollment under 90, the long-term viability in its prior configuration was in jeopardy. On an annual basis, the Scappoose School District openly considered closing the Sauvie Island School. This instability compelled many Sauvie Island residents to send their children to private schools. This instability for island residents will continue unless we can assure these families—both those currently living on the island and those considering moving their families there—that their children will be able to attend the only public school in the vicinity. Students living on the island who do not attend Sauvie Island Academy would face bus rides of an hour or more to another public school or would attend private schools. Enabling SIA to give priority in admission to students who reside on the island will enable us to accomplish goal #1 above.

According to OAR 581-020-0341(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 meet one of the four criteria below. SIA believes that our waiver request meets three of the four criteria, as follows:

Criteria: OAR 581-020-0341(3)	SIA alignment
(a) Promote the development of programs by providers;	The SIA development team and board include both Sauvie Island residents and non-residents. The overwhelming support by Island residents to convert this school to a charter school was one of the reasons for our success. Local Island community families need assurance their children can participate.
(b) Enhance the equitable access by underserved families to the public education of their choice;	As the only public school option in the area, families who have been, and could be, un-served or underserved by the public school system (via private or home-schooling) can access a local, high-quality public school, only through assurance from this waiver.
(c) Extend the equitable access to public support by all students; or	Assuring founders, board members, and employees that their children can attend SIA will increase our ability to attract and retain the highest caliber teachers and board members. As the only public school option in the area, families who have been, and could be, un-served or underserved by the public school system (via private or home-schooling) can access a local, high-quality public school, only through assurance from

	this waiver.
(d) Permit the development of high quality programs of unusual cost.	N/A

This waiver request, for both groups of students, is consistent with state criteria, and with federal guidance. Federal Nonregulatory Guidance (April 2011), E-4, provides that, specifically, the following categories of applicants may be exempted from the lottery on this basis:

- a) Students who are enrolled in a public school at the time it is converted into a public charter school;
- b) Students who are eligible to attend, and are living in the attendance area of, a public school at the time it is converted into a public charter school;
- c) Siblings of students already admitted to or attending the same charter school;
- d) 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); and
- e) Children of employees in a work-site charter school, (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).

In our first year, SIA has demonstrated its ability to fulfill the intentions and commitments set forth during our chartering process in regards to strategic outreach resulting in a diverse student population. Approximately one-third of the current SIA students qualify for free or reduced lunch. Should you decide to allow us to give enrollment priority to children of island residents and children of founders/board members/staff, our commitment and efforts regarding a diverse student body would remain intact.

We understand that your Board has a precedence of granting a waiver of the lottery requirement for a small percentage of annual enrollment to children of founders/staff/board members. We also understand that our request to give priority admission to students within a certain geographic area (other than all students within our sponsoring district) is not something your Board has had reason to grant to other Oregon charter schools. We hope you will consider this request carefully, in light of the unique geographic isolation of Sauvie Island, and the need for a stable public education option for those residents.

Thank you for your consideration. Please let us know if you require any additional information or an in-person meeting with us.

Sincerely,

Matthew Brubaker, Chairman
Sauvie Island Academy Board of Directors