

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

OAR # & Title: First Reading: Operations, Public Charter School Facility Location/ OAR 581-026-0600

Date: September 17, 2015

Staff/Office: Kate Pattinson, Jennifer Donovan/Office of the Deputy Superintendent

New Rule **Amend Existing Rule** **Repeal Rule**
Hearing Date: 10/21/15 **Hearings Officer Report Attached**
Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY: Creates procedure for a school district to file a complaint against a public charter school that has opened a school or facility within school district without providing the school district written notice prior to the first day students attend classes at the school or receive instruction at the facility.

BACKGROUND:

Previously under ORS 332.158, if a school district wishes to own, lease and/or operate a facility inside the boundaries of another school district, then that district must seek and gain permission from the school district in which that facility would be located. This requirement did not extend to charter schools.

The 2015 Legislature adopted House Bill 3044 and the Governor signed the Bill into law. The new law maintains that a school district must receive permission and now requires a public charter school to notify the school board of any other school district, and the school board of the charter’s sponsor district, if the charter school uses real property in a school district that is not the district of the sponsor school. The public charter school does not need permission, but State School funds may be withheld if they do not provide appropriate notice.

These proposed rules clarify the process for a public charter school to give written notice and for a school district board to file a complaint if written notice is not provided.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK: None.

CHANGED SINCE LAST BOARD MEETING?

N/A; first read—hasn’t been before board
 No; same as last month
 Yes – As follows:

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Adopt administrative rule as prepared this month
 Adopt administrative rule next month
 No recommendation at this time

Subsection Header: Operation

Number: 581-026-0600

Title: Public Charter School Facility Location

- (1) As used in this rule:
 - a. "Written notice" means written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the written notice.
- (2) The board of a school district that is not the sponsoring school district of the public charter school may file a complaint with the Superintendent of Public Instruction pursuant to ORS 332.158(3) against the public charter school if:
 - a. The public charter school opens or operates a school or facility within the boundaries of that district; and
 - b. The public charter school did not provide written notice to the district school board of use of the school or facility prior to the first day on which students will attend classes in the school or receive instruction at the facility; and
 - c. The public charter school or facility was not already in operation on January 1, 2016.
- (3) The complaint must be in writing and may delivered by mail, fax or e-mail or by personally delivering a copy to the Superintendent of Public Instruction and must contain:
 - a. The name of the school district making the complaint;
 - b. The name and contact information of a member of the board or district staff person who will act as primary contact for the complaint;
 - c. The name of the public charter school operating the facility;
 - d. The primary physical address of the public charter school operating the facility;
 - e. The physical address of the school or facility being operated by the public charter school in the offended district; and
 - f. A brief statement explaining the facts underlying the complaint.
- (4) The school district board must provide written notice of the complaint by mail, fax, e-mail or personal delivery to the public charter school and the sponsoring district on the same date the complaint is provided to the superintendent.
- (5) Upon receipt of the complaint the superintendent shall schedule a contested case hearing pursuant to ORS 183.413 to 183.470.
- (6) Upon a finding that the public charter school has operated a school or facility in the school district without providing the board of the school district written notice:
 - a. The superintendent shall withhold State School Fund moneys due to the public charter school under ORS 338.155.
 - b. The superintendent shall withhold moneys until the written notice is provided by the public charter school to the district school board, and a copy of the written notice is provided to the public charter school's sponsoring district and the superintendent.