

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Kairos PDX Public Charter School Waiver Request

Date: December 2014

Staff/Office: Kate Pattison/Office of Learning

Action Requested: Adoption Later 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 Kairos PDX Public Charter School founders and employees for the duration of their contract with Portland Public School District.

BACKGROUND:

The Kairos PDX Public Charter School is a new public charter school that is located in North Portland and will serve approximately 224 students in grades K-5. Sponsored by Portland Public Schools, Kairos PDX opened in August 2014 and serves about 50 students in grades K-1 in its first year. The mission of the school is: KairosPDX is committed to serving the diverse neighborhoods of North Portland by cultivating confident, creative, compassionate leaders exceeding academic standards at each developmental milestone.

The request is to give the children of board members and employees preference in enrollment. Through discussion with Oregon Department of Education staff, the waiver request was amended to provide the children of employees and founders preference. This amendment was encouraged based on prior State Board practice to not give charter school board members’ children preference in enrollment because of ethics concerns.

The Portland Public School District supports this waiver request and it 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.

KairosPDX provided a list of the founders and children to be considered for this waiver:

Founder*	Number of Children (as of August 2014)	Ages of children (as of August 2014)
Zalika Gardner	3	19, 6, 9
Kaaren Heikes	3	10, 6, 3
Jasmine Johnson	3	6, 3, 8mo
Kali Ladd	2	5, 2
Marsha Williams	2	3yrs, 3mo

*Founder since before KairosPDX was incorporated (which occurred in August 2012) and still currently actively “founding” on a pro-bono or low-bono basis.

The Kairos PDX Public Charter School states in their letter:

KairosPDX was conceived of, created, and founded by a core team of five. We have invested thousands of volunteer hours in this labor of love over the past three years, and are prepared to continue this investment. The prospect of our own children possibly not being allowed to attend our school is a concern. Should we hire staff with children in the grades KairosPDX Learning Academy serves, we believe allowing these children to attend would enable our teachers to focus all of their energy on the school where they are both employee and parent.

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 at their school that have children preference to enroll at the school, the school is able to recruit and retain teachers thereby promoting the development of programs by providers.

The State Board reviewed this request at the August 2014 retreat and voted to consider the adoption of the waiver at the October 2014 meeting. KairosPDX requested to move the vote to December 2014. This waiver request is being considered at the same time the State Board is having a larger discussion regarding their policy on public charter school waivers.

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 Kairos PDX Public Charter School waiver request for the length of the current contract with Portland Public School District.

ATTACHMENT – Waiver Request Letter