

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Sauvie Island Academy Charter School Waiver

Date: December 2014

Staff/Office: Kate Pattison/Office of Learning

Action Requested: Adoption Later Adoption 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 was before the State Board of Education for a first read in October 2014 and is now before the board for a decision. Staff notified Sauvie Island Academy of this discussion and invited the director to testify.

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; 10/15/14 Email from SIA Director



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SUPERINTENDENT'S OFFICE

September 19, 2011

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

P.O. BOX 28394
PORTLAND, OR 97228

WWW.SAUVIEISLANDACADEMY.ORG

503-621-3426 PH
503-621-3384 FAX

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

From: Darla Meeuwsen [<mailto:dmeeuwsen@sauvieislandacademy.org>]
Sent: Wednesday, October 15, 2014 5:30 PM
To: StateBoard Members; charlesm@uoregon.edu; henrys@pdx.edu;
miranda@summertrainor.com; ABowen@ctclusi.org; Anthony_Veliz@newyorklife.com; SOS
Oregon; ted@tedwheeler.com; TREASURER Oregon; KWAN KunYin
Cc: Deb Dyson; Matt Fields
Subject: Fwd: Draft agenda for October 24 Board meeting

Dear State Board of Education and Deputy Superintendent Rob Saxton,

I recently received this email from the Oregon Department of Education stating that the "State Board is currently having a discussion regarding their policy on charter school waivers." In addition, the ODE is going to recommend that the State Board of Education institute an expiration to the Sauvie Island Academy School Waiver, which currently does not exist. The ODE is recommending that SIA provide the State Board of Education with data on the number of students which have benefited from the waiver, as well as information on our waitlist and current enrollment.

Sauvie Island Academy opened its doors in September of 2011 and at the same time submitted their written waiver request to the State Board of Education. In this written request, there was no language regarding an expiration date if the waiver was approved. Between that September and March of the following year, I appeared before the State Board of Education several times with information, data and public comments regarding the importance and impact of this waiver. In fact, the State Board of Education invited me to sit at the table with them and discuss the details of our waiver request. They asked questions and I provided data, examples, and a clear plan of how the waiver would best serve the students, the community, and the school.

On March 8, 2012, the State Board of Education "Approved giving enrollment priority to children living on Sauvie Island for Sauvie Island Academy Charter School, but denied giving enrollment preference to children of parents who serve on the board of Sauvie Island Academy Charter School" (**SBOE, March 2012, Meeting Actions**). The State Board of Education approved the waiver request without any expiration date or term restrictions. Therefore, it is extremely concerning to us that the ODE is seems to be trying to circumvent the approved waiver granted by the State School Board to Sauvie Island Academy.

Is the State Board of Education considering adopting an OAR that puts a time limit or restriction on approved charter school waivers? Would charters schools like Sauvie Island Academy's waiver be grandfathered in since it was clearly approved by the State Board of Education without an expiration or term limit? I would ask that the State School Board really consider the financial impact of requiring Public Charter Schools to reapply for their waiver each time their charter contract is renewed.

Each application (or reapplication) process requires extensive time and money! It takes having your attorney assist with the verbiage of the written request. It requires that your charter school board review the document, provide an opportunity for public comment, and then adopt the waiver request. It would need your sponsoring district and board to support the waiver, which again requires additional time. Once all this happens, the waiver is submitted to the State School Board, which then requires time and travel away from your building to

Attachment

appear and speak to the State School Board on the importance of the waiver and the impact it would have for your students and school. In our case, during the initial application for the waiver this meant several trips to Salem, which left our school without an administrator for multiple days, yet it was necessary to be able to answer specific questions brought forward by the State School Board during the consideration process. Public Charter Schools are already stretched for resources and staff, so I strongly encourage the State School Board to consider the impact that placing expiration dates or time limits on approved waivers would have on students.

Does the ODE expect charter schools to renew their waiver with the State Board of Education at the same time they are renewing the charter contract with their sponsoring district or the state? These two documents and decisions are connected and contingent on each other, which would the State School Board have you complete first? The waiver is a part of your enrollment process which is also a part of your charter contract. If the waiver was not renewed it would require that you go back and revise your contract. How is this the best use of time or resources?

It is unclear to me who is advocating for this change: the ODE or the State School Board of Education. However, we would be happy to put together data for the State School Board on our approved waiver as the outcome of this issue will directly affect our school and our community. It would be helpful if the State Board of Education members could email me the specific information that they would need for their October meeting. Time is very valuable in the charter world when you are the sole administrator, so having a clear list of items needed is extremely helpful.

Thank you for your time,

Darla Meeuwsen
Sauvie Island Academy
Executive Director
[503-621-3426](tel:503-621-3426)

----- Forwarded message -----

From: **PATTISON Kate** <Kate.Pattison@ode.state.or.us>

Date: Fri, Oct 10, 2014 at 10:51 AM

Subject: Draft agenda for October 24 Board meeting

To: "dmeeuwsen@sauvieislandacademy.org" <dmeeuwsen@sauvieislandacademy.org>

Darla,

We have decided to add the Sauvie Island Charter Academy waiver to the October 24, 2014 State Board agenda for discussion and action in December. The State Board is currently having a discussion regarding their policy on charter school waivers and we think it is timely for the board to review this waiver. Our recommendation will be to allow your school to continue with the waiver through the term of your current contract since this has been the past practice of the Board.

I have attached the draft agenda for the meeting. Please consider sending me any information relevant to this discussion to be considered by the Board. They will be interested to know how many students have benefited from this waiver and any information you have regarding students on your waitlist and/or current enrollment.

I will be submitting the docket for the Board on Tuesday of next week. I would be happy to forward them information you provide leading up to the meeting and will include information you provide in my presentation to the board. If you would like to discuss this, please let me know a good time to call you.

Thank you,

Kate Pattison, M.Ed.

Program Analyst, Office of Learning

Oregon Department of Education

Direct [503-947-5691](tel:503-947-5691)

Fax [503-378-5156](tel:503-378-5156)

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