

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Eola Hills Charter School Waiver Extension Request

Date: May 15, 2014

Staff/Office: Kate Pattison/Office of Learning, ISAA Unit

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

ISSUE BEFORE THE BOARD: Whether the State Board of Education should approve a request to extend the waiver for Eola Hills Charter School to be located outside of the sponsoring district boundary for a temporary period of time after a fire destroyed the school building.

BACKGROUND:

The Eola Hills Charter School serves 41 students in grades 1-12, and is sponsored by the Amity School District. Eola Hills Charter School opened as Ballston Community Charter School in September 2006. The school changed its name in 2013 to reflect the broader rural community it serves. The Eola Hills Charter Schools targets low-achieving, at-risk, and special needs students.

On Thursday, October 3, 2013, the Eola Hills Charter School building was completely destroyed by a fire. The fire began during school hours, but all students and staff were able to evacuate without injury. The School reopened in a temporary location the following Monday with almost full attendance. The McMinnville Seventh Day Adventist Church has offered space to the school temporarily until the school is able to find a more permanent location. Due to the rural nature of the community in which the school was located, finding an available site suitable for conducting school is a challenge. The Eola Hills Charter School has been operating in 'Creekside Alternative School' housed at the Willamette ESD office on the west edge of McMinnville.

The State Board approved the waiver through the 2013-14 school year and requested an update from the Eola Hills Charter School Board by June 2014. This waiver request is to allow the Eola Hills Charter School to be located outside of the Amity School District boundary through the 2014-15 school year, while allowing Amity School District, the sponsor/authorizer of Eola Hills Charter School, to maintain all its responsibilities under ORS Chapter 338 including, but not limited to, transportation and the reporting of special education and other data to ODE.

The Amity School District is aware of this waiver extension request and does not support the temporary relocation of the school in the McMinnville School District through the 2014-15 school year and indicated the charter school has demonstrated difficulty in submitting accurate reports on time.

The McMinnville School District is aware of this waiver extension request and does not support the charter school being located within the McMinnville School District boundary. When the charter school made the original waiver request, the McMinnville Superintendent raised policy questions related to the precedent, services, and possibility of the charter school seeking sponsorship of the McMinnville School District.

OAR 581-020-0341 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 338. 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 581-020-0311(5).

(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.

This request is consistent with waiver criteria as stated in OAR 581-020-0341.

POLICY QUESTIONS:

- Does this create a precedent for a charter school to be located outside the boundaries of the sponsoring school district?
- Does a temporary relocation outside of the sponsoring district boundary create responsibilities for the other district?
- Is the school's student performance a factor in the decision whether or not to approve a waiver?
- If the charter school is unable to find a new location, do the sponsoring district and the charter school have a clear plan for the future operation of the charter school and placement of students?

STAFF RECOMMENDATION: The Superintendent and ODE staff do not recommend approval of the Eola Hills Charter School waiver extension request through the 2014-15 school year.

Eola Hill Charter School

Status Update

April 2014

Oregon Department of Education:

In the early afternoon of Thursday, October 3, 2013, the quiet, rural school setting of Eola Hills Charter School was to change forever.

That afternoon a fire started in the roof area at the back corner of the school. In minutes the entire wooden building was engulfed in flames. Fire alarms sounded, teachers ushered all children from the building safely. All of the students in attendance that day and staff stood in a nearby field while the Amity fire department arrived and attempted to put out the fire. However, those efforts were in vain.

Earlier that summer the building had a new metal roof installed by the owner of the building, our landlord. After a short while all that remained were the many pieces of metal roofing scattered on the property.

Everything was destroyed! Desks, chairs, tables, computers, book shelves and many other items that marked this as a school were totally consumed. Teachers' desks, offices, students backpacks, many of the school records... all destroyed.

The next day, a local church in McMinnville offered their educational unit as a temporary place to conduct school. Many businesses and members of the community came forward to offer supplies, equipment and words of encouragement. During the following week, the school board searched for possible temporary quarters to house the school children.

One location that was identified was the former 'Creekside Alternative School' housed at the Willamette ESD office at the west edge of McMinnville. There were five unoccupied modular classrooms. After contacting the WESD it was learned the classrooms were available. They were also partially equipped and Mike Dunckel, our contact at the WESD, indicated that we were welcome to use whatever we needed.

What a blessing; only one catch...this location was not in the school district that sponsors our charter school. The law requires that charter schools reside within the physical boundaries of their sponsoring school district. Unfortunately this location is in the McMinnville district, not Amity school district. It was not our desire to switch sponsoring districts. Mr. Jeff Clark, Superintendent of the Amity school district, has been a great supporter of our charter school and its mission.

The Eola Hills Charter School board decided to contact the Oregon Department of Education and request a waiver. Kate Pattison was a terrific advocate and helper in getting the school's situation before the ODE board.

A number of parents and board members appeared before the ODE board; our request for a waiver was granted. Many thanks to ODE for their compassion and understanding and their focus on meeting the kids' need for a school!

The results of that action allowed the school to achieve stability and predictability in its educational commitment and allowed for a traumatic event to be mitigated. Full enrollment has been maintained all year.

Even though everyone was focused on continuing the school, there were members of the board and our financial administrator who were heavily engaged in discussions, visits and communication with all the insurance companies involved. Cause and responsibilities needed to be sorted out. No small task with three insurance companies. After some time it was determined that the fire was ultimately caused by negligence of the roofing contractor who failed to properly reinstall the chimney after reroofing.

The school was covered for business interruption and replacement of equipment and supplies. The landlord was minimally covered, not sufficient to replace the building. Loss factors and amounts are still being determined. It is very probable that the school will submit a claim to the contractor's insurance company for facility replacement. The progress is painfully slow.

Concurrently, other board members and staff have been diligently searching for possible real estate that could be used for a school site. Both Yamhill and Polk counties land use folks have indicated that the difficulty of finding property that could be zoned appropriately is monumental.

The Willamette ESD indicated that they would be glad to sell the modular units if we would move them to a new location. After inspection of the modular units it has been determined that the moving and setup would be about \$12,000 - \$15,000 per unit, not including excavation, foundation, and hookups.

The proverbial clock is running; the school year is fast coming to an end. A small church in Amity has indicated that they have space in their educational unit that may serve as an 'emergency' location. Administration and staff have reviewed the premises. Their determination is that; "We can make it work if necessary". There are only two small rooms and one medium sized room for general gatherings. This setting would be far from adequate and appropriate for our 52 students.

We are hopeful that a school site can be found suitable to house the modular units. That option will require more time to find a site and more time to pursue the claim against the contractor's insurance company. Recently there has been some talk with our previous landlord about returning to the fire site. Each of these options requires more time. It would also be our hope that ODE would favorably entertain a request to grant us an extension to our waiver for another year.

There are many families and friends who support our school and there has been an extensive amount of energy and time invested in these activities to date, but we remain committed and dedicated to meeting the educational needs of these children. Eola Hills Charter School is a very special school for a very special student body.

Respectfully Submitted By:

Al Christensen
EHCS Board Chair