

## STATE BOARD OF EDUCATION – TOPIC SUMMARY

**Topic:** Charter School Waivers Discussion

**Date:** October 24, 2014

**Staff/Office:** Kate Pattison/Office of Learning; Cindy Hunt/Deputy Superintendent's Office

**Action Requested:**

Informational Only    Adoption Later    Adoption    Adoption/Consent Agenda

**ISSUES BEFORE THE BOARD:** The State Board of Education sets policy and makes decisions regarding individual charter schools across the state including the authority to grant specific waivers of certain provisions within Oregon Revised Statute Chapter 338.

**BACKGROUND:** Since the establishment of the public charter school law, the Oregon State Board of Education has granted waivers according to ORS 338.025 (2) which states:

Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost.

On average, the State Board receives 10 waiver requests a year from public charter schools across the state. The most common waiver request is for charter schools to give enrollment priority to students of founders and employees. Twice, the State Board approved waivers to allow students who live within specific attendance boundaries to have priority enrollment. The State Board has also considered waivers related to virtual charter schools, location of a charter school outside the sponsoring district boundary, and teacher licensure requirements.

There are limitations to what the State Board of Education is able to waive: "the State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (y), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122" (ORS 338.025).

Oregon Department of Education staff, members of the State Board of Education, school district authorizers, and charter school operators have been discussing what it would look like for students if public charter schools in Oregon were allowed to conduct weighted lotteries. There have been many questions about equity, discrimination, and unintended consequences. At this time, Oregon law does not allow for weighted lotteries beyond those priorities listed in ORS 338.125(3)(b). However, the State Board may consider granting waivers that would allow weighted lotteries in charter schools. The Department has requested guidance from the Attorney General and will report back to the Board in December regarding weighted lotteries.

At the August 2014 retreat, the Board discussed shifting its policy regarding approving waivers. This is a continuation of that discussion prior to the board taking action on multiple waiver requests at the October meeting.

**POLICY QUESTIONS:**

- What criteria should be used when making decisions on waivers that give students priority enrollment in a public charter school?
- What responsibility does the State Board have to communicate a shift in policy and provide time for charter schools to adjust their policies?

ATTACHMENT – Public Charter School Waiver Requests 1999-2014

## Oregon State Board of Education – Public Charter School Waiver Requests

#	Charter School	District	Request Type	Action Type	Action Date
1	Willamette Valley Community School	Corvallis	Selection of students (students attending Alt. Ed. grandfathered in)	Approved	
2	Lourdes School	Scio	Waived from operational timeline	Approved	10-20-99
3	Molalla Options	Molalla River	Waived from operational timeline	Approved	10-20-99
4	Armadillo Technical Institute	Phoenix-Talent	20% out-of-district cap	Approved	
5	McCoy Academy	Portland	Waive PERS requirement (not joint with district)	Denied	2-2002
6	Pioneer Youth Corps Academy (PYCO)	Eugene	Waive PERS requirement (not joint with district)	Denied	2-2002
7	Lighthouse School	North Bend	Waive the 80% ADMw payment (ORS 338.155) in exchange for a 19 % ADMw funding and 19% in-kind services	Approved	4-18-02
8	Lighthouse School	North Bend	Admission preference for children of charter school developers	Approved	4-18-02
9	Howard Street Charter School	Salem-Keizer	<ul style="list-style-type: none"> <li>• Enroll siblings of 9<sup>th</sup> graders</li> <li>• Grandfather in current 6<sup>th</sup> and 7<sup>th</sup> graders</li> </ul>	Approved	4-18-02
10	Sand Ridge Charter School	Lebanon Community	Request for waiver from 20% out-of-district cap (joint with the district)	Approved	6-18-02
11	Lourdes School	Scio	Request for waiver from 20% out-of-district cap (joint with the district)	Approved	5-16-02
12	Center for Advanced Learning	Gresham-Barlow	<ol style="list-style-type: none"> <li>1. Permission to have multiple districts as sponsors</li> <li>2. Permission to waive having a comprehensive educational program</li> <li>3. Permission to waive the percent of support accompanying each student from 95% to no more than 50%</li> </ol>	# 1 – Approved	2-20-03

#	Charter School	District	Request Type	Action Type	Action Date
13	Armadillo Technical Institute	Phoenix-Talent	Waive PERS requirement, alternate retirement plan (not joint with district)	Denied	
14	Willamette Leadership Academy	Fern Ridge	Request for waiver from 20% out-of-district cap (joint with the district)		
15	Jane Goodall Environmental Middle School	Salem-Keizer	Request from 338.125-allows current 6 <sup>th</sup> and 7 <sup>th</sup> grade students priority enrollment. Lottery will be held for 6 <sup>th</sup> grade. Only for 2004-05 school year. (joint with the district)	Approved	9-16-04
16	Phoenix School of Roseburg	Douglas County 4	<ul style="list-style-type: none"> <li>Request from 338.125(2)-to allow an in-district student enrollment "cap" of 140 students of the 195 student capacity. Remaining student population will be out-of-district students.</li> <li>Request from 338.125-to establish concurrence by enrolling student, parents and staff that attendance at Phoenix is the best decision for the student.</li> <li>Request from 338.135-to allow 40% of teaching/administrative staff to teach with a restricted, transitional license. Said teachers will enter a TSPC-approved MAT program and make adequate annual progress toward licensure. Initial licensure will be achieved within three years.</li> </ul>	1 <sup>st</sup> bullet granted, other two denied.	9-16-04
17	Network Charter School	Eugene	Request from 338.135-to allow teaching/administrative staff to teach with a regular, transitional license and be considered licensed staff	Approved	9-16-04
18	Oregon Coast Technology Charter School	North Bend	Allow for successful continuation of the current technology program		

#	Charter School	District	Request Type	Action Type	Action Date
19	Springwater Environmental Sciences School	Oregon City	<ul style="list-style-type: none"> <li>Request to admit siblings if a sibling is drawn in the lottery</li> <li>Founders children given priority in the lottery, will be admitted</li> <li>Employee children given priority in the lottery to be admitted</li> </ul>	Approved	
20	Lighthouse School	North Bend	<ul style="list-style-type: none"> <li>Request from 338.135-to allow teaching/administrative staff to teach with a regular, transitional license and be considered licensed staff for the 06-07 school year</li> </ul>	Approved	4-20-06
21	Cascade Academy (Cascade Heights Charter School)	North Clackamas	Admission preference for children of charter school developers	Approved	
22	Sweet Home Charter School	Sweet Home	<ul style="list-style-type: none"> <li>No preference district students, resident/non-resident the same</li> <li>Preference to current students and siblings</li> </ul>		
23	Kings Valley Charter School	Philomath	<ul style="list-style-type: none"> <li>Establish geographic boundary for kindergarten enrollment priority</li> </ul>	Denied	3-07
24	Oregon Connections Academy	Scio	<ul style="list-style-type: none"> <li>Waiver from ORS 338.165 (SSF/Special Ed distribution formula)</li> </ul>		
25	Madrone Trail School	Medford	<ul style="list-style-type: none"> <li>Preference for founding members and employees</li> <li>Preference for siblings, if one is selected first</li> <li>CS located in district that is not the sponsor</li> </ul>	Approved Approved Denied	
26	Sage Community Charter School	Klamath County	Admission preference for children of charter school developers	Approved for 2007-08 school year	

#	Charter School	District	Request Type	Action Type	Action Date
27	Forest Grove Community Charter School	Forest Grove	Admission preference for children of charter school developers, board members and staff	Approved for 2007-08 school year	
28	Insight School of Oregon	Lincoln County	Request waiver from OAR 338.125, 50% of students must be in-district.		
29	West Lane Technical Learning Center	Fern Ridge	Request waiver from OAR 338.125, 50% of students must be in-district.	March 2008	
30	Oregon Connections Academy	Scio	<ul style="list-style-type: none"> <li>waiver from ORS 338.165 (SSF/Special Ed distribution formula)</li> </ul>		
31	Alliance Charter Academy	Oregon City	Admission preference for children of charter school staff for Spring 2008 lottery and no more than 5%	First read 1.17.2008 Bring back for consent agenda in Feb.	Feb. 2007
32	Oregon Virtual Academy Charter School	North Bend	Request waiver from OAR 338.125, 50% of students must be in-district.	Information only	
33	Sisters Web Academy	Sisters	50% waiver request	Denied 5/15/2008	
34	Marcola Web Academy	Marcola	50% waiver request	Denied 5/15/2008	
35	Oregon Virtual Academy Charter School	North Bend	50%	Approved	06/19/08
36	Sisters/Marcola Web Academy	Sisters/Marcola	50%	Approved with conditions	6/19 Withdrawn July 2008
37	Sisters Academy Fine Arts	Sisters	Active Enrollment – 25	Approved	06/19/08
38	Four Rivers	Ontario	Lottery	Approved	06/19/08

#	Charter School	District	Request Type	Action Type	Action Date
39	ORCA	Scio	50%	Approved	02/19/09
40	Community Roots	Silver Falls	Lottery	Approved	02/19/09
41	Muddy Creek	Corvallis	Lottery	Approved	02/19/09
42	Opal	Portland	Lottery	Approved	04/16/09
43	ORCA	Scio	50%	Approved	06/19/09
44	West Lane Technology	Fern Ridge	50%	Approved	06/20/09
45	Three Rivers	West Linn- Wilsonville	Lottery	Approved	08/28/09
46	Prospect	Prospect	Enrollment Priority	Approved	10/23/09
47	Sisters Academy Fine Arts	Sisters	Active Enrollment – 25	Approved	12/04/09
48	Village School	Eugene	Enrollment Priority	Approved	01/29/10
49	Portland Village	Portland	Enrollment Priority	Approved	03/11/10
50	Portland Village CS	Portland	Enrollment Priority	Approved	10/29/10
51	ACE	Reynolds	Enrollment Priority – All 4 SDs	Approved	12/9/2010
52	Four Rivers	Ontario/SBE	Enrollment Priority – Employees/Siblings	Approved	12/9/2010
53	CAL	Gresham-Barlow	Enrollment Priority – All 3 SDs	Approved	1/21/2011

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54	Oregon Connections Academy	Scio	50%		
55	Oregon Virtual Academy	North Bend	50%		
56	Ivy School	Portland	Enrollment Priority	Approved	
57	Coburg Charter School	Coburg	Enrollment Priority	Approved	4/14/11
58	Alliance Charter Academy	Oregon City	Enrollment Priority	Approved	4/14/11
59	Trillium Charter School	Portland	Enrollment Priority	Approved	4/14/11
60	Madrone Trail Charter School	Medford	Enrollment Priority	Approved	4/14/11
61	Oregon Virtual Academy	North Bend	50%		
62	Oregon Connections Academy	Scio	50%		
63	Charter School Waiver Requests	ODE		N/A	
64	Alliance Charter Academy	Oregon City	50%	N/A	
65	North Powder Charter School	North Powder	Enrollment Priority	Approved	5/19/11
66	Alliance Charter Academy	Oregon City	50%	Approved	6/24/11
67	Four Rivers Community School	Ontario/SBE	Enrollment Priority	Approved	6/24/11

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68	MITCH	Tigard-Tualatin	Enrollment Priority	Approved	6/24/11
69	West Lane Tech Learning Center	Fern Ridge	50%		
70	Coburg Community Charter School	Eugene	Enrollment Priority – attendance boundary	Approved	3/2012
71	Sauvie Island Charter School	Scappoose	Enrollment Priority – geographical boundary	Approved	3/2012
72	LeMonde Charter School	Portland	Enrollment Priority	Approved	3/2012
73	JGEMS	Salem-Keizer	Enrollment Priority	Approved	3/2012
74	Four Rivers Community School	ODE	Enrollment Priority	Approved	4/2012
75	Hope Chinese Charter School	Portland	Enrollment Priority	Approved	4/2012
76	Portland Village School	Portland	Enrollment Priority	Approved	4/2012
77	Willamette Leadership Academy	Springfield	Enrollment Priority – former district	Approved	4/2012
78	Paisley Charter School	Paisley	Registered/Licensed Teachers	Approved	6/2012
79	Gresham-Barlow Web Academy	Gresham-Barlow	Term of Renewal Contract	Approved	6/2012
80	REALMS	Bend-La Pine	Enrollment Priority	Approved	1/2013

#	Charter School	District	Request Type	Action Type	Action Date
81	ORVED East	Sherman Co	Enrollment Priority – Geographical Boundary	Denied	3/2013
82	ORVED West	Gaston	Enrollment Priority – Geographical Boundary	Denied	3/2013
83	Sherwood Charter School	Sherwood	Enrollment Priority	Approved	3/2013
84	Ridgeline Montessori Charter School	Eugene	Enrollment Priority	Approved	4/2013
85	Arco Iris Charter School	Beaverton	Enrollment Priority	Approved	5/2013
86	Opal Charter School	Portland	Enrollment Priority	Approved	9/2013
87	Eola Hills Charter School	Amnity	Physical location outside sponsoring district	Approved	10/2013
88	Madrone Trail Charter School	Medford	Enrollment Priority – Prior Waldorf Experience	Pending	10/2014
89	Lewis and Clark Montessori Charter School	Gresham-Barlow	Enrollment Priority	Pending	10/2014
80	Kairos PDX	Portland	Enrollment Priority	Pending	10/2014