**Created by CH on 5/16/16**

**581-026-0600 Public Charter School Facility Location**

1. As used in this rule:
   1. “Written notice” means written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the written notice.
   2. “Primary physical address of the public charter school” means the physical location of the public charter school campus located within the boundaries of the sponsoring district or the district in which the public charter school originally applied under ORS 338.045.
   3. “School or facility” means a physical location that is owned, leased, or otherwise used by the public charter school where students receive instruction or educational services. As used in this rule, “school or facility” does not include the student’s home.
2. (a) For public charter schools sponsored by a school district that establish schools and facilities that are not located at the primary physical address of the charter school, the district shall retain all responsibility assigned to a sponsor by ORS Chapter 338 and OAR 581-026-0005 to 0515.
3. Except as provided in subsection (2)(a) of this rule, if a public charter school is sponsored by the State Board of Education or an Institution of Higher Education, the district in which the primary physical address of the public charter school is located shall retain the responsibilities assigned to a district by ORS 338.155 to 338.165 and described in a contract between the district and the public charter school.
4. The public charter school must maintain student records, board records, employment records, and other school records at the primary physical address of the public charter school.
5. 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:
   1. The public charter school opens or operates a school or facility within the boundaries of that district; and
   2. 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
   3. The public charter school or facility was not already in operation on January 1, 2016.
6. 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:
7. The name of the school district making the complaint;
8. The name and contact information of a member of the board or district staff person who will act as primary contact for the complaint;
9. The name of the public charter school operating the facility;
10. The primary physical address of the public charter school operating the facility;
11. The physical address of the school or facility being operated by the public charter school in the offended district; and
12. A brief statement explaining the facts underlying the complaint.
13. 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.
14. Upon receipt of the complaint the superintendent shall schedule a contested case hearing pursuant to ORS 183.413 to 183.470.
15. 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:
16. The superintendent shall withhold State School Fund moneys due to the public charter school under ORS 338.155.
17. 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.

Stat. Auth.: ORS 338.025

Stat. Implemented: ORS 332.158 and ORS chapter 338