

Public Charter Schools**

I. Definitions

- A. **“Applicant”** has the meaning given to such term in ORS 338.005(1).
- B. **“Public charter school”** has the meaning given to such term in ORS 338.005(2).
- C. **“Virtual public charter school”** has the meaning given to such term in ORS 338.005(5) and ORS 581-020-0337.

II. Conflict with law. The District will comply with ORS Chapter 338, Oregon Administrative Rules relating to public charter schools, and any other applicable law. Because the law applicable to public charter schools changes from time to time, in the event any portion of these administrative regulations conflict with applicable law, the District will comply with the requirements of the law rather than these regulations.

III. Proposal Process. The applicant shall submit a written proposal for a public charter school to the District no later than 120 days prior to the proposed starting date. In addition to the minimum requirements established by law, to be considered complete, the proposal for a public charter school shall include all of the following, organized and labeled with sections and numbers corresponding to those shown below:

A. Curriculum and Program

1. A description of how the public charter school’s program and philosophy differs from the District’s current programs and philosophy;
2. A description of curriculum for each grade, showing detailed alignment with Oregon’s academic content standards;
3. Explanation of how the proposed academic program will be aligned with that of the District;
4. Description of instructional goals of the public charter school in relationship to Oregon’s academic content standard and benchmarks;
5. If applicant is proposing an elementary-level public charter school, a description of how the curriculum is aligned at each grade level with the District’s curriculum, and an explanation of how a student in the public charter school will be adequately prepared to re-enter the District’s public school system after completing the public charter school’s program;
6. A planned course statement for each grade, including related content standards, course criteria, assessment practices and state-required work samples that will be collected;
7. A list of the primary instructional materials to be used for each academic content area in each grade, which list shall include the publisher, copyright date, version, and edition;
8. A list of major supplementary material to be used in core academic content areas and the criteria for use with students;
9. Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
10. Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options; and
11. Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction.

B. Credits and Student Assessments

1. Description of how the public charter school will treat credits for course work completed by a public charter student at any other public school;

2. Explanation of grading practices for all classes and how student performance will be documented;
 3. Description of the student assessment system, including how student academic progress will be measure at each grade level and any specific assessment instruments that will be used; and
 4. Description of the plan for reporting student progress to parents, students and the community.
- C. Student Achievement
1. Description of how the public charter school staff will identify and address students' rates and levels of learning;
 2. Description of how the public charter school will meet any and all requirements of No Child Left Behind, specifically addressing adequate yearly progress (AYP) and the safe schools aspects of the law;
 3. Description of how the public charter school ill collect AYP information on all subgroup populations in the public charter school; and
 4. Description of how the public charter school will meet the unique learning needs of students working above and below grade level, including but not limited to talented and gifted students, including screening, identification and services.
- D. Special Education and Related Services
1. Description of specific program information regarding curriculum and how specially designed instruction will be delivered for special education students (include methodologies, data collection systems and service delivery models used);
 2. Explanation of how the public charter school will work with the District to implement Child Find requirements;
 3. Explanation of how the public charter school will work with the District to manage IDEA 2004 mandates regarding eligibility, IEP, and placement meetings;
 4. Explanation of how the public charter school will work with the District to implement accommodations and modifications contained in the IEP or Section 504 plan;
 5. Explanation of how the public charter school will work with the District to include parents in implementing IEPs;
 6. Explanation of how the public charter school intends to work with the resident district of any IEP student to provide special education services; and
 7. Description of how the public charter school will work with the District to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring.
- E. English Language Learners
1. Description of how the public charter school will deliver services and instruction to English Language Learners (ELL, including descriptions of curriculum, , methodology and program accommodations.
- F. Teacher and Staff Qualifications and Training
1. Explanation of how the public charter school will meet the federal mandate of "highly qualified" teachers contained in No Child Left Behind that are applicable to public charter schools;
 2. Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and Teacher Standards and Practices and Commission (TSPC) licensure and registration;
 3. Explanation of how the public charter school will comply with TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff;
 4. A description of the required qualifications of teachers, administrators, and other staff of the public charter school, including TSPC registration or licensure requirements, and the names of the proposed teachers, administrators, and other staff, if known;

5. Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or retraining, if applicable;
6. Provide the public charter school's plan for comprehensive professional development for all staff;
7. Identification of how the public charter school's licensed staff will obtain their required Continuing Professional Development units for licensure renewal; and
8. Explanation of contingency plans for the hiring of substitute professional and classified staff.

G. Access to Resources

1. Identification of how the public charter school will provide access to national assessments such as PSAT, SAT, and ACT, if applicable;
2. Description of parental involvement, content of planned meetings and how the public charter school will adjust any meeting to meet the needs of working parents;
3. Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable;
4. Plans for student participation in extracurricular activities pursuant to the Oregon School Activities Association, the District policies, and applicable regulations and rules;
5. Plans for use of any district facilities including, but not limited to gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
6. Plans for child nutrition program(s); and
7. Plans for counseling services.

H. Finances

1. A description of the financial management system for the public charter school, which system must include, at a minimum:
 - a) Accounting and financial record-keeping procedure that reflect Generally Accepted Accounting Principles;
 - b) Procedures for cash management, investment practices, and financial reporting;
 - c) Procedures for creating balance sheets that summarize the public charter school's assets and liabilities;
 - d) Procedures to segregate the duties and provide oversight for accounting and reporting functions of the public charter school; and
 - e) Processes to facilitate an annual review of such system by both the public charter school and the District.
2. With respect to the public charter school's budget, each of the following must be separately listed in the budget and the application must explain how the value for each line item was derived:
 - a) Projected PERS contributions;
 - b) Computer and technology support costs;
 - c) Transportation costs, if applicable;
 - d) Teaching salaries and other personnel compensation; and
 - e) Projected facilities costs, including utilities, repairs, and rent
3. Description of how student membership will be calculated and reported, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM).

I. Governance and Facilities

1. A copy of all applicable of all applicable occupancy permits and health and safety approvals relating to the public charter school's facilities; and
2. A description of the governance structure of the public charter school including the name and qualifications of each school board member, a description of the duties and responsibilities of the board members, and a description of how additional or replacement school board members will be selected.

J. Policies and Procedures

1. Copies of policies or procedures of the public charter school with respect to:
 - a) Admission policies and application procedures, which shall describe the equitable lottery process referred to in ORS 338.125;
 - b) Academic standards for students.
 - c) Meeting the needs of students who are not successful in the regular program;
 - d) Transcribing of credits;
 - e) Student behavior standards, student rights and responsibilities classroom management, suspensions, expulsions, and student discipline, including corporal punishment, handling of students expelled from another school district, and student possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others
 - f) Dispensing of medication to students who are in need of regular medication during school hours;
 - g) Handling of disciplinary referrals and how such referrals will impact student promotion and advancement;
 - h) Reviewing and selecting instructional materials;
 - i) Soliciting, advertising, and fundraising by nonschool groups;
 - j) Field trips;
 - k) Student promotion and retention;
 - l) Diplomas and graduation, and participation in graduation exercises, if applicable;
 - m) Complaints from students, parents, and the public;
 - n) Visitors; and
 - o) Staff discipline, suspension, and dismissal.
2. Copies of any of the following policies or procedures that the public charter school intends to adopt relating to:
 - a) Student publications; or
 - b) Staff, parent, and student vehicle parking and use.

K. Other schools operated by applicant

1. If applicant operates any other school, whether public or private, that demonstrates improvement in student academic performance in such school over time (both individual and program/grade level);
2. If applicant operates any other public charter school, copies of municipal audits for such school;
3. Explanation of the legal relationship between the public charter school and any other school, whether public or private, if applicable, and copies of any contracts or legal documents that create or describe the relationship between the entities;
4. If an applicant is operating any other public charter school or private school, proof that the applicant has established a separate Oregon nonprofit corporation, legally independent of any other school, to operate the public charter school;
5. If applicant operates another school, whether public or private, documentation and a description of how long most students typically remain in the school, student improvement in academic performance, disciplinary referrals, juvenile interventions, and any other disciplinary issues of students in the program; and
6. If applicant operates another public charter school, copies of program reviews of such school conducted by other school districts.

L. Other Information

1. Any other information the District or its representatives considers relevant to the formation or operation of the public charter school.

IV. Proposal Review Process

- A. The Superintendent may appoint an advisory committee to review public charter school proposals and submit a recommendation to the Board. The committee will consist of District representatives and may include community members and other individuals as the Superintendent deems appropriate.
- B. The District's review of the proposal will be in accordance with ORS 338.055 and other applicable law.
- A. Within 15 business days of receipt of a written proposal, the district will notify the applicant as to the completeness of the proposal. Proposals that minimally address or leave out any of the required components are not complete and may be returned to the applicant.
- B. The Board must evaluate a proposal in good faith using the criteria established by ORS 338.055(2). In connection with the Board's evaluation of the proposal, whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the District. A "directly identifiable, significant and adverse impact" is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing District educational programs. This may include, but is not limited to, consideration of the following current data as compared to similar data from preceding years:
 - 1. Student enrollment;
 - 2. Student teacher ratio;
 - 3. Staffing with appropriately licensed or endorsed personnel;
 - 4. Student learning and performance;
 - 5. Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a Second Language;
 - 6. Revenue; and
 - 7. Expenditure for maintenance and upkeep of District facilities.

V. Charter Agreement

- A. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school, subject to District and the applicant executing a mutually acceptable written charter agreement.
- B. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the District. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:
 - 1. Reporting of suspected child abuse (ORS 419B.045);
 - 2. Sexual harassment (ORS 342.700, 342.704);
 - 3. Pregnant and parenting students (ORS 336.640);
 - 4. Special English classes for certain children (ORS 336.079);
 - 5. Student conduct (ORS 339.250);
 - 6. Alcohol and drug abuse program (ORS 336.222);
 - 7. Student records (ORS 326.565);
 - 8. Oregon Report Card (ORS 329.115);
 - 9. Recovery of costs associated with property damage (ORS 339.270) and withholding records until property damage or fees are paid (ORS 339.260); and
 - 10. Use of school facilities (ORS 332.172).
- C. The terms of the charter agreement may include, but are not limited to, the terms and conditions of employment of teachers, administrators, and staff of the public charter school, including without limitation, the following:
 - 1. Salary, benefit, an leave;
 - 2. Discipline and dismissal procedures;
 - 3. Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed; and
 - 4. Hiring practices and evaluation procedures.

D. The public charter school shall obtain performance bonding or insurance sufficient to reasonable protect the District. Proof of insurance shall be submitted to the District prior to the date the public charter school begins operation. The minimum insurance each public charter school shall maintain is as follows:

1. Insurance Requirements:¹

- a) Commercial General Liability Insurance in an amount of not less than \$3,000,000 combined single limit per occurrence/\$5,000,000 general annual aggregate covering the¹ public charter school, the governing board, employees and volunteers against liability for personal injury, bodily injury, death, damage to property, including the loss of use thereof, contractual liability, advertisers' liability, employee benefits liability, professional liability, medical payment, and teachers' liability;
- b) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$1,000,000 each policy year covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
- c) Automobile Liability Insurance in an amount not less than \$2,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of an automobile. The will include underinsured motorist coverage at the limits equal to bodily injury limits;
- d) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;
- e) Employee Dishonesty Insurance covering all employees and volunteers. The policy must carry limits of no less than \$100,000. Coverage must include faithful performance and loss of moneys and securities; and
- f) Property Insurance shall be required on all owned or leases buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk direct physical loss basis; including earthquake and flood perils.

2. Additional requirements:

- a) The District shall be an additional insured on the public charter school's commercial general and automobile liability insurance policies. The policies shall provide for a 30-day written notice of cancellation or material change.
- b) The public charter school shall also hold harmless, indemnify, and defend the District and its Board members, officers, employees, and agents from and against any and all liabilities, injuries, damages, fees, costs, expenses, attorney fees, demands, grievances, losses, or claims arising out of or in any way related to the operations, activities, or condition of the public charter school, any debt or contractual obligation of the public charter school, and any negligence or wrongful act or omission of any public charter school director, officer, employee, or agent;
- c) The District shall be loss payee on the property insurance if the public charter school leases any real or personal property from the District; and
- d) The coverage provided and the insurance carriers must be acceptable to the District.

¹ Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative of the District.

- D. If an applicant has not secured a facility at the time the charter agreement is executed, the charter agreement shall specifically provide that the effectiveness of the charter agreement is expressly conditioned upon applicant's ability to secure, at least 30 days prior to the intended date for applicant to begin operation of the public charter school, a suitable facility, occupancy and safety permits, and insurance policies with minimum coverage required by the District. In the event applicant fails to secure such facility, occupancy and safety permits, and insurance on or before such date, the without further action of either party, the charter agreement shall be immediately null and void ab initio. Thereafter, if applicant desires to operate the public charter school, the applicant must submit a new written proposal to the District with respect to the public charter school.
- VII. Financial Statements. At a minimum, the public charter school shall submit to the District quarterly financial statements that reflect the public charter school's financial operations. Such financial reports shall, at a minimum include a balance sheet and income statement for the public charter school for the most recent quarter ended.
- VIII. Virtual Public Charter Schools. An applicant seeking to establish a virtual public charter school shall comply with all application requirements of Chapter 691, Oregon Laws 2009, and all other relevant laws. In addition, a virtual public charter school shall comply with all other requirement of Chapter 691, Oregon Laws 2009, and all other relevant laws.
- IX. Charter School Renewal. The District and the public charter school shall follow the following timeline set forth in ORS 338.065(4) unless a different timeline is agreed upon by the District and the public charter school. In any event, the public charter school shall submit a written renewal request to the Board for consideration for renewal at least 180 days prior to, but no earlier than 210 days before the expiration of the existing charter.
- X. District Immunity. With respect to renewal of a private charter school, the District, members of the Board and employees of the District are immune from civil liability with respect to the public charger school's operations and activities.