Port Orford-Langlois School District

Code: LBE-AR
Revised/Reviewed: 09/21/26

Note: Content denoted with { } are for information to guide decision making to choose content kept in this administrative regulation for implementation, and should be deleted after final language is selected.

Public Charter Schools
(Version 2)

1. Definitions

   a. "Applicant" means any person or group that develops and submits a written proposal for a public charter school to the district.
   b. "Public charter school" means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
   c. "Virtual public charter school" means a public charter school that provides online courses, but does not primarily serve students in a physical location as described in Oregon Administrative Rule (OAR) 581-026-0300.
   d. "Remote and necessary school district" means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in Oregon Revised Statute (ORS) 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
   e. "Sponsor" means the district or Board.

2. Proposal Process

   a. An applicant will issue a written statement of its intent to submit a proposal not less than 30 days prior to the submission date outlined below.
   b. An applicant shall submit a complete proposal for sponsorship of a public charter school by the Board, including items outlined in ORS 338.045, and any additional requirements as are required in the Board's application for sponsorship, to the district office {[1]}no less than 180 days prior to the proposed starting date of the proposed public charter school during the hours the district office is open to the public for a start date in a subsequent school year. The applicant shall also submit a copy of the same proposal to the State Board of Education.
   c. The district will complete the review process as outlined in Section 3 below.
   d. As part of the proposal, each member of the proposed public charter school's governing body must provide an acknowledgment of understanding of the standards of conduct and the liabilities of a director of a nonprofit organization, as described in ORS Chapter 65, if the public charter school is organized as required by ORS 338.035(2)(a)(B) and (C).

[1] {The date shall be at least 180 days prior to the date that the public charter school would begin operating and give a reasonable period of time for the school district board to complete the approval process and the public charter school to begin operating by the beginning of the desired school year. Choose one of the proposed options or make other edits.}

3. Proposal Review Process

a. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal.

(1) If the Board determines the proposal is incomplete, the district will identify the specific elements of the proposal that are not complete and provide the applicant with a reasonable opportunity, as determined by the Board, to complete the proposal.
(2) If after given a reasonable opportunity the applicant does not complete the required elements, the Board may disapprove[2] the proposal.
(3) An applicant, which has had a proposal disapproved pursuant to section (2) may appeal the Board's decision to the State Board of Education within 30 days of the disapproval.
(4) A good faith disapproval is not a denial for purposes of requesting a review by the State Board of Education under ORS 338.075.

b. Within 60 days after the receipt of a completed proposal, or a final order issued by the Superintendent of Public Instruction remanding the proposal to the Board for consideration following a decision on an appeal, the Board shall hold a public hearing on the provisions of the public charter school proposal.

c. The Board must evaluate a proposal in good faith using the following criteria:

(1) The demonstrated sustainable support for the proposed charter school by teachers, parents, students and other community members, including comments received at the public hearing;
(2) The demonstrated financial stability of the proposed public charter school, including the demonstrated ability of the school to have a sound financial management system that
(3) is in place at the time the school begins operating and meets requirements of ORS 338.095(1);
(4) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs;
(5) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students identified as academically low-achieving;
(6) The adequacy of the information provided as required in the proposal criteria;
(7) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact[3] on the quality of the public education of students residing in the district in which the public charter school will be located.
(8) Whether there are arrangements for any necessary special education and related services for students with disabilities;
(9) Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and

[2] The term "disapprove" is used for a proposal that is rejected due to being incomplete. See ORS 338.055(1)(c).

[3] A determination of whether an impact is directly identifiable, significant and adverse may include, but is not limited to student enrollment, student-teacher ratios, staff with requisite licensure or endorsement, student learning and performance, specialty programs, financial considerations, and maintenance capabilities.

(10) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.

d. The Board must either approve or deny the proposal within 30 days of the public hearing. Written notice of the Board's action shall be sent to the applicant by the district.

(1) If approved, the applicant shall also submit a copy of the approval to the State Board of Education.
(2) If denied, the notice must include the reasons for the denial with suggested remedial measures. The Board shall provide a reasonable opportunity for the applicant to amend and resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days of receipt. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

e. If the Board denies the resubmitted proposal, the process ends. An applicant whose resubmitted proposal is not approved by the Board may request a review of that decision to the State Board of Education within 30 days of the disapproval.

4. Terms of the Charter Agreement

a. Upon the approval of a proposal by the Board, the applicant, in cooperation with the district, must prepare and execute a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the Board.
c. The Board and the public charter school may amend a charter agreement through joint agreement.
d. The agreement shall incorporate the elements of the approved proposal, will address the requirements outlined in OAR 581-026-0100(2) and any additional requirements that may apply to the public charter school including, but not limited to, the following:

(1) {[4]}{[5]}Pregnant and parenting students (ORS 336.640);
(2) {[6]}English language learners (ORS 336.079);
(3) {[7]}Student conduct (ORS 339.250);
(4) {[8]}Alcohol and drug abuse policy and plan (ORS 336.222);
(5) {[9]}Oregon Report Card (ORS 329.115);

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[4] {Many education laws do not directly apply to public charter schools. If the district would like to require a public charter school to follow any of these laws, we recommend that those laws be included here and in the charter agreement. The district can include laws that the public charter school is required to follow for reference.}

[5] {Will the Board require the public charter school to comply with this statute?}

[6] {Will the Board require the public charter school to comply with this statute?}

[7] {Will the Board require the public charter school to comply with this statute? Includes policy requirements, see ORS 339.250.}

[8] {Will the Board require the public charter school to comply with this statute?}

[9] {Will the Board require the public charter school to comply with this statute and provide the data the district is required to report to ODE?}

(6) Employment status of public charter school employees pursuant to ORS 338.135;
(7) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis pursuant to ORS 338.125.[10]
(8) Transportation of students shall comply with ORS 338.145;
(9) The plan for performance bonding or insuring the public charter school sufficient to protect the public charter school and the district from loss and liability and comply with Oregon law. Documentation shall be submitted prior to agreement approval.

e. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.

5. Public Charter School Operation

a. The public charter school shall operate at all times in accordance with the laws and rules governing public charter school operation in the state of Oregon, including but not limited to, ORS Chapter 338 and applicable OAR Chapter 581 Division 22, and the charter agreement.
b. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions 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. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

6. Virtual Public Charter School Operation

In addition to the other requirements for a public charter school, a virtual public charter school must comply with additional requirements pursuant to ORS 338.120.

7. Charter Agreement Review

a. The public charter school shall report at least annually on the performance of the school and its students to ODE and the district.
b. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward a copy of the annual audit to ODE and the following to the sponsoring district:

(1) A copy of the annual audit;
(2) Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the public charter school during the preceding annual audit period for the school; and

[10] Student enrollment shall be voluntary. A public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, gender identity, income level, the terms of an individualized education program, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level. A public charter school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. A public charter school may implement a weighted lottery that favors historically underserved students and may give priority for admission to students when in accordance with ORS 338.125(3)(c) (as amended by HB 2954 (2021)).

(3) A balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.

c. The district may request at any time an acknowledgment from each member of the public charter school board that the member understands the standards of conduct and liabilities of a director of a nonprofit organization, as those standards and liabilities are described in ORS Chapter 65.

d. The public charter school shall submit to the district quarterly financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

8. Authorizing Duties

a. The district shall designate a liaison{[11]} to the public charter school for ease of communication between the district and the public charter school.

b. The district shall ensure at all times that both the public charter school and the district are in compliance with the charter agreement, as per ORS 338.065(2).

c. The district shall conduct:

(1) A comprehensive annual visit to the public charter school and written evaluation of the charter school's program, which should include an audit of the public charter school's academic, financial, and operational performance.

(2) A review of public charter school staff credentials to ensure that public charter school staff are properly licensed and/or registered with TSPC.

(3) A collection and review of all deliverables specified in the agreement.

(4) A review of data to ensure the public charter school is making progress on reasonable, measurable written goals for academic, financial, and operational performance.

(5) A review to ensure the public charter school is providing appropriate services to students who qualify, e.g., English learner supports.

9. Complaints Heard by the Charter School Board

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.850 (Discrimination), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), is recognized as the final decision regarding this complaint[12] by the Board of Port Orford – Langlois School District. A final decision may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.

OR

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.850 (Discrimination), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22

[11] {This designated staff member may be the superintendent or other designee.}

[12] The public charter school board is given this authority by the district Board as established by Board policy.

(Division 22 Standards), is recognized as the final decision regarding this complaint[13] by the Board of Port Orford – Langlois School District. A final decision may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.

10. Charter School Renewal

    a. The first renewal of a charter agreement shall be for the same time period as the initial charter. Subsequent renewals of a charter agreement shall be for a minimum of five years but may not exceed 10 years.
    b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:

        (1) The public charter school board shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter agreement;
        (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
        (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;
        (4) If the Board approves the charter renewal, the district and the public charter school shall negotiate a new charter agreement within 90 days unless the district and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter agreement, an expiring charter agreement shall remain in effect until a new charter agreement is negotiated;
        (5) If the Board does not renew the charter agreement, the public charter school board may address the reasons stated for denial of the renewal and any remedial measures suggested by the district and submit a revised request for renewal to the Board;
        (6) If the Board does not renew the charter agreement based on the revised request for renewal the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter agreement renewal pursuant to ORS 338.065(6).
        (7) The Board shall base the charter agreement renewal decision on a good faith evaluation pursuant to ORS 338.065(8) and shall base the renewal evaluation described primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school board and the Board.

            For purposes of this section, the phrase "good faith evaluation" means an evaluation of all criteria required by ORS 338.065 resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

11. Charter School Termination

    a. The public charter school may be terminated by the Board for any of the following reasons:

        (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education.

[13] The public charter school board is given this authority by the district Board as established by Board policy

(2) Failure to meet the requirements for student performance as outlined in the charter agreement.
(3) Failure to correct a violation of federal or state law that is described in ORS 338.115.
(4) Failure to maintain insurance as described in the charter.
(5) Failure to maintain financial stability.
(6) Failure to maintain, for one or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065.
(7) Failure to maintain the health and safety of the students.

b. If a public charter school is terminated by the Board for any reason listed in sections a.(1) through a.(6) above, the following shall occur:

(1) The Board shall give the public charter school board, at least 60 days prior to the proposed effective date of termination, written notification of its decision which shall state the grounds for termination.
(2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the Board and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow a process outlined in ORS 338.105.
(3) The public charter school may request a hearing with the Board in relation to a termination or a plan to correct deficiencies. The request must be made in writing and delivered to the business address of the district.
(4) Following a hearing, a decision reached by the Board to terminate may be appealed by the public charter school to the State Board of Education.

c. The Board may terminate a charter immediately and close the public charter school for endangering the health or safety of the students enrolled in the public charter school under ORS 338.105(4):

(1) A public charter school board may request, in writing and delivered to the business address of the district, a hearing with the Board.
(2) Within 10 days of receiving the request for a hearing, the Board must hold a hearing on the termination.
(3) If the Board acts to terminate the charter following the hearing, the public charter school may appeal the decision reached by the Board to the State Board of Education.
(4) The public charter school will remain closed during the appeal process at the discretion of the Board unless the State Board of Education orders the Board not to terminate and to re-open the public charter school.

d. If the charter agreement is terminated or a public charter school is closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and the public charter school board shall notify the district at least 180 days prior to the proposed effective date of the termination, closure or dissolution. Such notice must be made in writing and be delivered to the business address of the district.
e. If a charter agreement is terminated or a public charter school is dissolved, assets that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.