

## OSBA Public Charter School Review Report – Resubmitted Application

Applicant: Kalmiopsis Community Arts High School

### Background

Oregon’s Public Charter School Law was enacted in May 1999. It provides an opportunity for teachers, parents, and community members to “create new, innovative, more flexible ways of educating all children within the public school system.” ORS 338.015.

### Review Process Components

The review process considers information required by ORSs 338.045 and 338.055 and includes the following components:

1. A review of the proposal by the consultant. This review will consist of:
  - An overall analysis with general impressions of the application.
  - A determination of whether each component of the applicant meets criteria, based on a three-point rubric of Meets, Nearly Meets, or Does Not Meet.
  - Information gathered from the public hearing will be included in the final report.
    - o **Meets:** The application addresses the section criteria with responses that adequately demonstrate the applicant’s ability to successfully start and operate a charter school. Applicant demonstrates a clear understanding of the requirements of charter schools, as per relevant Oregon Revised Statutes and Oregon Administrative Rules and Three Rivers School District Board policy regarding charter schools. Applicant addresses the topic with specific evidence that shows thorough preparation and presents a clear, realistic picture of how the school intends to operate. Very little additional information or data is necessary.
    - o **Nearly Meets:** The application sufficiently addresses most of the section criteria but does not provide adequate detail in the responses. Applicant provides some relevant data and/or information, but key data or informational points may be missing or flawed. The application lacks meaningful detail or requires additional information in one or more key areas.
    - o **Does Not Meet:** The application does not address the section criteria in adequate detail and/or the responses demonstrate the applicant’s inability to successfully start and operate a charter school. The applicant provides insufficient data and/or information to support assertions in the proposal or uses flawed or misleading data and/or information. The applicant demonstrates a lack of knowledge of the requirements of charter schools, as per relevant Oregon Revised Statutes and Oregon Administrative Rules and/or lack of preparedness to open and operate a charter school. The applicant’s responses raise substantial concerns about the applicant’s ability to implement an effective educational, financial, and/or organizational plan.

The final recommendation to the district to either approve or reject the proposal will be based on information gathered throughout the review process.

## Overall Recommendation Summary: Resubmitted Application

### OVERALL RECOMMENDATION

APPROVE

DENY

SUMMARY COMMENTS *(Note: these comments and ratings only address the sections that were rated either “Nearly Meets” or “Does Not Meet” in the original application. The sections that were found to have met criteria were not reconsidered in this review and still meet criteria.)*

**ORIGINAL APPLICATION:** While the applicant provided evidence of the ability to offer a comprehensive instructional program for students, it fails to meet the standard in three areas of required criteria in ORS 338.055(3):

1. Clear evidence of the demonstrated support for the program, particularly by families who would have students eligible for attendance at this charter school
2. Clear evidence of financial stability
3. Alternative arrangements for students and teachers who choose not to attend the charter school

Additionally, the applicant nearly meets the standard but should provide more information and/or corrections in the following areas:

1. Corrections to the bylaws reflecting the nature of the charter school as a public entity
2. A proposed cap on the number of in-district students that may attend the charter school
3. Additional information about the manner in which the charter school will serve students on 504 plans
4. How the school’s mission differs from the district’s program and philosophy

Based on the criteria in ORS 338.055(3) the board should deny the application and offer the following next steps:

1. The applicant will have 30 days from the date of the board’s vote to deny to resubmit the application, if the applicant chooses. Any resubmission of the application should include only the reasons for denial (sections addressed above and labeled as “does not meet” and “nearly meets”) which should be submitted as attachments, clearly labeled. The applicant should not resubmit the entire application.
2. As per ORS 338.055(5)(b), the board shall approve or disapprove the resubmitted application within 30 days of receipt.
3. If the resubmitted application is not approved, the applicant may appeal the decision to the State Board of Education.

**RESUBMITTED APPLICATION:** The applicant has sufficiently addressed the concerns and insufficiencies outlined in the original review of the charter application. The sections found to have not met criteria now meet criteria, and the applicant provided additional information in the “nearly meets” sections which allowed these sections to meet criteria.

Based on the criteria in ORS 338.055(3) the board should approve the application and complete the following next steps:

1. Vote to approve the application at its meeting on September 14, 2022.
2. Negotiate a contract for the charter school to begin operations in September, 2023. As per ORS 338.065(4)(a), this contract must be for a period of not more than 5 years. A three-year initial contract period is recommended.

## Alignment of recommendation to criteria in ORS 338.055:

*(a) The demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (2) of this section;*

**Original application:** The applicant administered a survey to the public to assess interest in the proposed charter school. 82 responses were received. The survey contained one question that asked how likely the participant would be to consider the charter school as an option if they were a parent or a student. While 53 respondents answered “very likely”, it is unclear whether these respondents represented high school age groups.

Attachment 21 is “Community Involvement” in which the applicant lists nonprofit organizations, the relationship that currently exists between these organizations and the applicant, and the potential future relationship. Of the 12 organizations listed, only one has a current MOU with the applicant to partner in an official way. The remaining organizations are ones in which the applicant’s founders have volunteered or worked, but the applicant does not provide evidence that these personal connections extend to the Kalmiopsis application.

**Resubmitted application:** The applicant noted that a second survey was conducted between June 11 and August 14, 2022. Of the survey respondents, 32 were representative of students eligible to attend the charter school.

The applicant submitted a list of organizational community connections with which it has signed MOUs, committed volunteer time, or financial support.

- Meets
- Nearly meets
- Does not meet

*(b) The demonstrated financial stability of the public charter school, including the demonstrated ability of the school to have a sound financial management system that is in place at the time the school begins operating and that meets the requirements of ORS 338.095 (1);*

**Original application:** The applicant submitted an amendment to the application on 4/29/2022 that addressed initial weaknesses in the budget and financial plan. However, the budget remains problematic.

For instance, 19% of the applicant’s first-year budget is dependent on grants, fundraising, and donations. There is no budget established for substitute teachers in the first year. The budget in years 1-4 shows a net of \$0, with \$391 being set aside in year 1 for a future facility purchase; there is no contingency fund. The 12-month cash flow is dependent on receiving \$39,000 from the district in July, 2022. There is no indication that the district would provide this funding that far in advance of the school opening. Cash flow at the end of 12 months is less than \$1,000.

Additionally, the applicant does not address the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.

**Resubmitted application:** The applicant resubmitted a 3-year budget and a cash flow projection for the 2023-24 school year. The resubmitted budget addresses the major concerns from the initial application such as the dependency on grants, fundraising, and donations (which was reduced from 19% to less than 2%), a positive net balance, and ensuring the substitute teachers are accounted for in the budget. Additionally, the budget has been reviewed by district staff.

The applicant addressed the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.

- Meets
- Nearly meets
- Does not meet

*(e) The adequacy of the information provided as required by ORS 338.045 (2) and (3);*

**Original application:** The bylaws state that the board may fix the place at which the meetings are held. Board meetings must be held within the geographic boundaries of the district. The bylaws state that the board may act without meeting, which is not permitted by public meeting laws. The bylaws reference committees established by and reporting to the board, but the bylaws do not indicate that these kinds of committees are subject to public meeting law.

The applicant says it would like to cap the number of students coming from the Three Rivers School District, which is not allowed in law. ORS 338.125(2)(a) states “All students who reside in the school district in which the public charter school is located are eligible for enrollment in the public charter school if space is available.”

The applicant does not sufficiently address its duties to serve students on 504 plans.

**Resubmitted application:** The applicant sufficiently addresses its responsibility to serve students qualifying for services on 504 plans.

The applicant removed the enrollment cap on the number of students coming from the Three Rivers School District who would be able to enroll in the charter school.

The applicant updated the bylaws to address the concerns articulated in the initial review of the application.

- Meets
- Nearly meets
- Does not meet

*(g) Whether there are arrangements for any necessary special education and related services for children with disabilities pursuant to ORS 338.165;*

**Original application:** Applicant describes the system for identifying, evaluating, and serving the needs of students with disabilities in partnership with the district and under the guidance of the IEP team. The applicant does not, however, sufficiently address its duties to serve students on 504 plans.

**Resubmitted application:** The applicant sufficiently addresses its responsibility to serve students qualifying for services on 504 plans.

- Meets
- Nearly meets
- Does not meet

*(h) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and*

**Original application:** The applicant did not address this section.

**Resubmitted application:** The applicant sufficiently addressed this section.

- Meets
- Nearly meets
- Does not meet