

OSBA Public Charter School Review Rubric

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

OVERALL RECOMMENDATION

APPROVE

DENY

SUMMARY COMMENTS *(more comprehensive notes are in the rubric below)*

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.

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;

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.

- 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);

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.

- Meets
- Nearly meets
- Does not meet

(c) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students pursuant to an approved proposal;

Applicant thoroughly describes a model of instructional strategies which include: differentiated instruction, arts integration, place-based learning, constructivism, gradual release of responsibility, social emotional learning, and social justice

- Meets
- Nearly meets
- Does not meet

(d) The capability of the applicant, in terms of support and planning, to specifically provide, pursuant to an approved proposal, comprehensive instructional programs to students identified by the applicant as academically low achieving;

Applicant thoroughly describes a model of instructional strategies which include: differentiated instruction, arts integration, place-based learning, constructivism, gradual release of responsibility, social emotional learning, and social justice

- Meets
- Nearly meets
- Does not meet

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

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.

- Meets
- Nearly meets
- Does not meet

(f) 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 school district in which the public charter school will be located;

There is no indication that the school would have a directly identifiable, significant, and adverse impact on the quality of education of the students residing in the district.

- 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;

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.

- 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

The applicant did not address this.

- Meets

Nearly meets

Does not meet

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

Not applicable.

Meets

Nearly meets

Does not meet

Narrative Questions	0	1	2	Comments (including references from the application)
1. The identification of the applicant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. The name of the proposed charter school.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. A description of the philosophy and mission of the public charter school and how it differs from the district's current program and philosophy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	While the school's mission was included, it did not include how it differs from the district's current program and philosophy.
4. A description of any distinctive learning or teaching techniques to be used.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The applicant notes four distinctive learning techniques: studio classes, place-based learning, youth-driven leadership, and intensives. This section is not sufficiently detailed.</p> <p>The applicant notes that students will have the opportunity to earn dual credit in partnership with RCC or SOU. The applicant also proposes to offer classes that will result in both HS and college credit at the charter school. There is no evidence that this program or partnerships have been established.</p>
5. A description of the curriculum of the public charter school.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The scope and sequence of the curriculum the charter school intends to adopt is well described. Alignment to standards is provided.
6. A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The applicant notes how the school will measure credits toward grade level completion and graduation. The applicant referred to the OAKS standardized test, which Oregon has not administered for years.
7. The governance structure of the public charter school membership, selection, duties, and responsibilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant proposes to give the board administrative powers, especially to hire and fire employees, which is not recommended as a responsibility of board members, especially those that are also identified as employees.

				<p>It is unclear where the board sits in the org chart provided by the applicant but in some ways, it appears subordinate to other groups in the school. It is unclear if the applicant understands that the board is the governing body of the organization, has legal responsibilities, and is generally accountable to ensure both the school and the nonprofit organization are sustainable.</p> <p>The board plans to only meet quarterly, which is not advisable for the board of a school and not typical of any charter school or school district.</p> <p>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.</p> <p>The bylaws state that the board may act without meeting, which is not permitted by public meeting laws.</p> <p>The bylaws reference committees established by and reporting to the board. The applicant should be aware that these kinds of committees are subject to public meeting law.</p>
8. The projected enrollment, including the ages or grades to be served.	<input type="checkbox"/>	<input type="checkbox"/>	X	
9. The target population of students the public charter school is designed to serve.	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The applicant notes that it will serve “students who are not fitting in elsewhere” (p. 10).</p> <p>The applicant states that it will target students who are not Three Rivers residents, but who are homeschooled, unschooled, and are in adjacent school districts.</p>

				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. It is unclear how well the applicant understands this section of charter law. The applicant's contention that out-of-district students may qualify as "at-risk" and may receive greater weighting will not necessarily meet ODE's criteria for the spirit of this part of the law.
10. The legal address, facilities, and physical location of the public charter school and applicable occupancy permits and health and safety approvals.	<input type="checkbox"/>	<input type="checkbox"/>	X	The needs for the facility are described in detail. The applicant provided two LOIs for facilities.
11. A description of admission policies and application procedures.	<input type="checkbox"/>	<input type="checkbox"/>	X	
12. The statutes and rules that shall apply to the charter school.	<input type="checkbox"/>	<input type="checkbox"/>	X	
13. The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound.	<input type="checkbox"/>	X	<input type="checkbox"/>	<p>23% of the applicant's first-year budget is dependent on grants, fundraising, and donations.</p> <p>There is no line item established for substitute teachers in the first year.</p> <p>The budget in year 1 shows a net positive of \$460. While this increases to \$3,292 in year 2, the budget shows a net negative of (\$2,675) in year 3.</p> <p>The budget assumes a 10% PERS rate. Most charter schools' PERS rate is at or near 20%.</p> <p>If revenues or enrollment decrease, the applicant proposes to ask volunteers, parents, and students to help with janitorial services. The applicant proposes reducing staff, which is</p>

			<p>already minimal.</p> <p>The charter school notes that it plans to purchase a school bus before August 22, 2022, but this is not in the budget.</p> <p>The applicant notes that it will finalize and secure the facility and order furniture and computers between February and April 2022. This evaluation is being conducted at the end of March 2022. It is not clear if the charter school is currently making purchases prior to approval.</p> <p>UPDATE: The applicant submitted an amendment to the application on 4/29/2022.</p> <p>19% of the applicant's first-year budget is dependent on grants, fundraising, and donations.</p> <p>There is no budget established for substitute teachers in the first year.</p> <p>The budget in years 1-4 show a net of \$0, with \$391 being set aside in year 1 for a future facility purchase, and no contingency fund.</p> <p>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.</p> <p>Cash flow at the end of 12 months is less than \$1,000.</p>
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<p>14. A financial management system that includes:</p> <p>(a) A description of a financial management system for the public charter school. The financial management system must include a budget and accounting system that:</p> <p>(i) Is compatible with the budget and accounting system of the sponsor of the school and</p> <p>(ii) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.</p> <p>(b) A plan for having the financial management system in place at the time the school begins operating.</p>	<input type="checkbox"/>	X	<input type="checkbox"/>	The applicant does not address the requirements of the uniform budget and accounting system adopted by the SBE under OAR 581-023-0035.
<p>15. The standards for behavior and the procedures for discipline, suspension, or expulsion of students.</p>	<input type="checkbox"/>	<input type="checkbox"/>	X	The applicant proposes to use a restorative justice model and describes this thoroughly.
<p>16. The proposed school calendar, including the length of the school day and school year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The bell schedule and the school year calendar indicate that there are 179 school days in the year, including the weeks labeled “intensives”. The applicant states that there are 1,035 instructional hours but may be counting breaks and lunch periods in that total, which are not allowed as per OAR 581-022-0102(30). There appear to be 4.5 instructional hours each day, excluding breaks. $4.5 \text{ hours} \times 179 \text{ days} = 805.5 \text{ hours}$.</p> <p>OAR 581-022-2320 allows 30 additional hours to be counted for professional development time, and 30 hours for student conferences. $805.5 \text{ hours} + 60 = 865.5$. OAR 581-022-2320 requires 990 instructional hours for grades 9-11 and 966 hours for grade 12. The applicant’s proposed calendar falls far short of the required instructional time.</p>

			<p>UPDATE: On 4/29/2022, the applicant submitted an amendment to the application. The applicant proposes two options for a bell schedule: one with a 4-day week, and one with a 5-day week.</p> <p>5-day week: 178 school days. There appear to be 5.25 instructional hours each day, excluding breaks. $5.5 \text{ hours} \times 178 \text{ days} = 934.5 \text{ hours}$.</p> <p>OAR 581-022-2320 allows 30 additional hours to be counted for professional development time, and 30 hours for student conferences. $934.5 \text{ hours} + 60 = 994.5$. OAR 581-022-2320 requires 990 instructional hours for grades 9-11 and 966 hours for grade 12.</p> <p>4-day week: 141 instructional days, 23 of which are intensives, which are 5 minutes shorter than the remaining 118 days. There appear to be 6.66 instructional hours in typical school days, excluding breaks. $6.66 \text{ hours} \times 118 \text{ days} = 785.88 \text{ hours}$.</p> <p>There appear to be 6.58 instructional hours in intensive school days, excluding breaks. $6.58 \text{ hours} \times 23 \text{ days} = 151.34 \text{ hours}$. $785.88 + 151.34 = 937.22$</p> <p>OAR 581-022-2320 allows 30 additional hours to be counted for professional development time, and 30 hours for student conferences. $937.22 \text{ hours} + 60 = 997.22$ OAR 581-022-2320 requires 990 instructional hours for grades 9-11 and 966 hours for grade 12.</p>
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<p>17. A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by TSPC and those who do not hold a license but are registered with TSPC.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The applicant notes that teachers in the core content areas of ELA and Math will be required to be licensed, but it is unclear what FTE these teachers will comprise. It is unclear if the applicant is aware that at least 50% of the charter school's teaching and administrative FTE must be licensed and the rest must be charter registered.</p> <p>Each staff member will be doing a portion of administration from .05 to .5. It is unclear how these duties will be divided or how this will be managed.</p> <p>It appears that staff members will also be board members. This will likely constitute ongoing conflicts of interest.</p>
<p>18. The date upon which the public charter school would begin operating.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>19. The arrangements for any necessary special education and related services for students with disabilities who qualify for services under IDEA or Section 504 who may attend the public charter school.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The applicant did not sufficiently address serving students on 504 plans.</p>
<p>20. Information on the manner in which community groups may be involved in the planning and development process of the public charter school.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The applicant notes it has conducted online surveys, received interest forms, and formed partnerships with local community groups to review the application.</p> <p>The applicant further describes the manner in which it will engage families once opened, if approved.</p> <p>MOUs were provided and a comprehensive community involvement plan was provided.</p>
<p>21. The term of the charter.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

22. The plan for performance bonding or ensuring the public charter school, including buildings and liabilities.	<input type="checkbox"/>	<input type="checkbox"/>	X	
23. A proposed plan for the placement of public charter school teachers, other employees, and students upon termination or nonrenewal of the charter.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
24. The manner in which the public charter school program review and fiscal audit will be conducted.	<input type="checkbox"/>	<input type="checkbox"/>	X	