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Public Charter Schools** (Version 2)

The district recognizes that public charter schools offer an opportunity to create new, innovative and more flexible ways of educating students in an atmosphere of learning experiences based on current research and development. Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to one or more of the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

Public charter schools may be established as a new public school, from an existing public school or a portion of the school or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonsectarian school or religious institution or encompass all the schools in the district unless the district is composed of only one school.

The Board will not approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant and adverse impact on the quality of the public education of students residing in the district. To meet the eligibility criteria for Board approval, a public charter school proposal must meet the requirements of Oregon Revised Statutes, Oregon Administrative Rules, Board policy and regulation. Upon request of the Board, the public charter school applicant must furnish in a timely manner any other information the Board deems relevant and necessary to conduct a complete and good faith evaluation of the public charter school proposal.

The district will determine if it has any unused or underutilized buildings. Buildings may be made available for public charter school use, subject to Board approval. Approved use may be limited to instructional purposes only. Appropriate-use fees will be determined by the Board. Public charter school use outside the district’s instructional day will be subject to Board policy KG - Community Use of District Facilities and accompanying administrative regulation.

[Public charter school students may, upon request, be allowed to participate in district programs such as physical education, instrumental and vocal music offerings or other selected options if space and materials are available. Students must adhere to state law, Board policies, regulations and rules concerning conduct and discipline.][Public charter school students shall not be permitted to participate in district curricular programs.]

The district [will] [will not] provide instructional materials, lesson plans or curriculum guides for use in a public charter school.

The public charter school employer will be determined with each proposal. If the Board is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the Board is not the sponsor of the public charter school, it shall not be the employer and will not collectively bargain with public charter school employees.

The superintendent will develop administrative regulations for public charter schools to include the proposal process, review and appeal procedure and charter agreement provisions.

END OF POLICY

Legal Reference(s):

[ORS 327.077](#)
[ORS 327.109](#)
[ORS 332.107](#)

[ORS Chapter 338](#)
[ORS 339.141](#)
[ORS 339.147](#)

[OAR 581-026-0005 to -0515](#)

No Child Left Behind Act of 2001, 20 U.S.C. §§ 6311-6322 (2006).

PUBLIC CHARTER SCHOOLS

A Public Charter School is defined in Oregon as "an elementary or secondary school offering a comprehensive instructional program operating under a written agreement between a sponsor and an applicant." For the purposes of this policy, any reference to "Public Charter School" refers to one sponsored by the School Board of the Beaverton School District.

In the interest of supporting the District's Mission to "...meet the educational needs of each student in its schools," the School Board recognizes that Public Charter Schools may offer a different opportunity to create other alternative models of educating students based on current research and development. Public Charter Schools shall also demonstrate a commitment to the District's priorities and guiding principles involving (a) success for all learners, (b) safety and security, (c) future work and learning, and (d) a high quality staff.

Public Charter Schools may be established as a new public school, from an existing public school, a portion of the school or from an existing alternative education program. A Public Charter School may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonsectarian school or religious institution or encompass all the schools in the District unless the District is composed of only one school.

The District will determine if it has any unused or underutilized buildings that may be made available for Public Charter School use, subject to Board approval. Approved use may be limited to instructional purposes only. Appropriate-use fees will be determined by the Board. Public Charter School use outside the District's instructional day will also be subject to Board policy KG, Community Use of District Facilities.

The Board will not approve any Public Charter School proposal when it is deemed that its value is outweighed by any direct identifiable, significant, and adverse impact on the quality of the public education of students residing in the District. To meet the eligibility criteria for Board approval, a Public Charter School proposal must meet the requirements of Oregon Revised Statutes, Oregon Administrative Rules, Board Policies, and Administrative Regulations, including the following two conditions:

1. Addressing how the Public Charter School will implement the State's Common Curriculum Goals, including Essential Learning Skills and Academic Content Standards, and
2. Agreeing to participate in all State assessments and reporting expectations required of District schools.

In addition, approval of any Public Charter School proposal will be subject to the results of a detailed examination of each individual applicant's experience, qualifications, credentials, training, and financial condition. Acceptance of the proposal is also subject to fingerprinting and criminal

checks as required by ORS 181.5239, 326.603, 326.607, and 342.232. Each member of the Public Charter School governing body will be subject to the same requirements as those of each Public Charter School applicant with all costs borne by the Public Charter School.

A Charter School applicant must submit a proposal to the Superintendent no later than 120 days prior to the final school board's June meeting. The Superintendent and School board will follow the process and timeline, including a public hearing, on the provisions of the proposal in accordance with legal requirements and procedures outlined in Administrative Regulation LBE-AR. Upon Board approval of the proposal, the Board will become the sponsor of the Public Charter School. The District and the applicant shall develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the Public Charter School. If a proposal is ultimately not approved by the School Board, the applicant may request a review by the State Board of Education

Once approved the Public Charter School shall report to the Superintendent and School Board annually on the performance of the school and its students in accordance with this policy and appropriate administrative regulations as well as the charter agreement itself.

A Public Charter School will also be required to have its accounts and fiscal affairs audited annually in accordance with Oregon Municipal Audit Law, ORS 297.405 to 297.555 and 297.990. The cost of the annual audit shall be the responsibility of the Public Charter School. The annual audit shall be reported to the School Board on a timely basis at a public meeting following the end of the fiscal year. A copy of the Public Charter School's annual audit shall be forwarded to the Oregon State Board of Education and the Oregon Department of Education. The District must also approve selection of the independent auditor.

The Board may terminate the charter of a district-sponsored charter school for failure to:

1. Meet the terms of the approved charter or any provision of the law;
2. Meet the requirements of student performance in the charter;
3. Correct a violation of federal or state law;
4. Maintain insurance as described in the charter; and
5. Maintain financial stability.
6. Maintain the health and safety of the students.

Public Charter School students may, upon request, be allowed to participate in District programs such as physical education, instrumental and vocal music offerings and other selected options if space and materials are available. Students must adhere to state law, Board policies, regulations and rules concerning conduct and discipline.

The District will provide instructional materials, curriculum guides, equipment, and other services for use in a Public Charter School, if requested, and charged to the charter school at District cost.

Public Charter School law requires the following:

1. Employee assignment to a Public Charter School shall be voluntary;
2. A Public Charter School or the sponsor of the Public Charter School may be considered the employer of any employees of the Public Charter School;
3. If the Board is not the sponsor of the Public Charter School, it shall not be the

employer and shall not collectively bargain with the employees.

All approved Public Charter Schools must have a plan for performance bonding or sufficient insurance to protect the District. A Public Charter School shall be required, to the fullest extent of the law, to defend, indemnify, hold harmless, and reimburse the District from all claims, demands, suits, actions, penalties, and damage expenses for liability of any kind, including attorney fees, resulting from the conduct of the charter school.

The Superintendent will develop an administrative regulation (LBE-AR) for Public Charter Schools.

END OF POLICY

Legal Reference (s):

ORS 181.539
ORS 326.603
ORS 326.607
ORS 327.077
ORS 327.109
ORS 329.045
ORS 332.107
ORS 337.150
ORS Chapter 338
ORS339.141
ORS 339.155
ORS 342.125
ORS 342.127
ORS 342.143
ORS.342.165
ORS.342.175
ORS 342.180
ORS 342.232
ORS 342.815
ORS 659.155

OAR 581-020-0301 to -0375

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.