
2012 Annual Convention




Charter School Legal Basics

Presented by:

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Charter School Legal Basics


Current requirements and future developments

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Agenda

- Introduction
- Oregon's law, including key recent changes
- Application process
- Basic operations of Charter Schools
- Evaluation and monitoring
- Charter renewal
- Charter termination
- Virtual Charter specifics




Oregon's Charter Schools

- 2010-2011
 - ◆ 110 (estimated) Charter schools in one third of Oregon school districts
 - ◆ Approximately 18,000 students enrolled statewide
 - ◆ 6 Virtual Charter Schools serving approximately 4,600 students




Virtual Public Charter Schools

- Defining a “Virtual” charter school vs. one that uses online courses
- Original Charter laws did not envision this form of education
- Recently grown in popularity requiring legislative action
- SB 767 (2009) and now HB 994 (2011) have created workgroups to address issues




Oregon’s Charter Law

- Enacted in 1999
 - ◆ Oregon Revised Statute Chapter 338
- Any person or group may proposed/develop
- The school must be an Oregon non-profit and (in the process to be) a federal tax-exempt corporation
- Cannot convert an existing tuition based private school
- Proposals and Charter contracts approved by school districts and now colleges




Oregon’s Charter Law (cont’d)

- Must be non-sectarian and tuition-free
- Minimum 25 student enrollment
- Open, non-discriminatory admissions, lottery
 - ◆ In District student served first
- Up to one-half of teachers/administrators may be non-licensed; all must be highly qualified
 - ◆ New changes for virtual schools, all must be licensed
- Funded through districts at a % of ADMw




Recent Amendments

- SB 767 (2009):
 - ◆ “Virtual Public Charter schools” added as a new type of Charter school
 - **Adds extra requirements for their operation**
 - ◆ For-profit entities cannot employ Charter School employees




Recent Amendments (cont'd)

- HB 3660 (2010):
 - ◆ State Board must propose governance model for VPCS
- HB 3645 (2011)
 - ◆ Allows institutions of higher education to sponsor charter schools
- HB 3362 (2011)
 - ◆ Allows for cooperative sponsorship of charter schools between districts



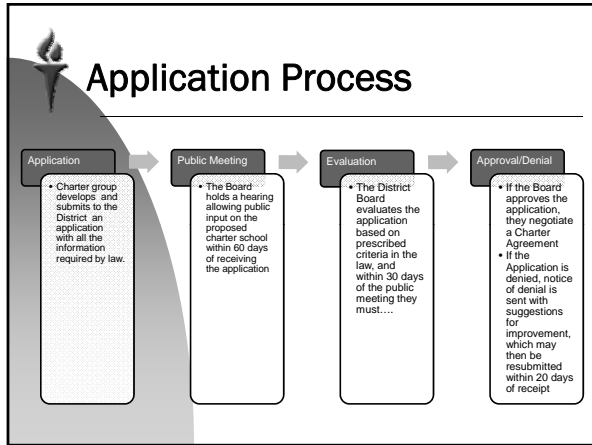
Recent Amendments (cont'd)


- HB 2299 (2011)
 - ◆ Sets up notification procedures for enrollment in charter schools, and un-enrollment
 - ◆ Sponsoring District of charter schools now responsible for implementing IEPs of students in the charter
 - **And they also now receive the funding**



Recent Amendments (cont'd)


- HB 2301 (2011)
 - ◆ Institutes the 3% rule for virtual charter schools
 - **Districts do not have to release more than 3% of their students to be in a virtual charter school**
- HB 3417 (2011)
 - ◆ Charter financial system must be compatible with that of the sponsoring district






Application Evaluation Criteria

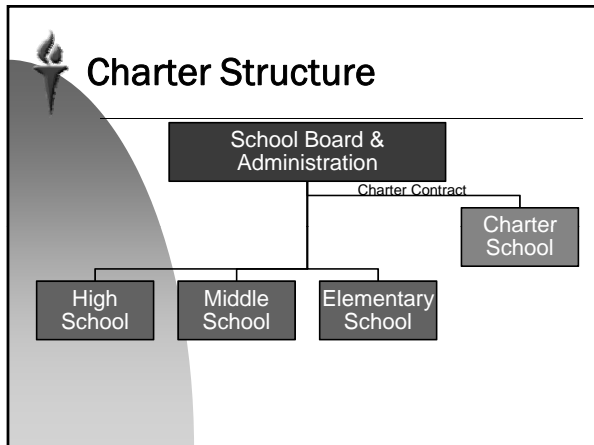
- ORS § 338.055
 - ◆ Demonstrated sustainable support within the community
 - ◆ Financial stability and financial management plan
 - ◆ Capability to provide comprehensive instruction to students, including Low achieving students
 - ◆ How good the application is
 - ◆ Whether the charter would adversely impact the District
 - ◆ Several others as well...




The Charter

- The Charter agreement is a contract between the District Board and the Charter School
- Sets out the basics of their relationship and the rights and obligations of both parties









Charter Operations

- Free from many requirements under state education law
- Funded at a percentage of Enrollment
- Open enrollment
 - ◆ Limits on online education
 - ◆ Students become residents of sponsoring Districts
- Responsible for their own transportation




Monitoring and Evaluation

- The law mandates little in oversight, but what is required:
 - ◆ Review school's annual report and annual audit
 - **With a balance sheet from the Charter school and a statement of all transactions affecting the Charter**
 - ◆ Annual site visit to determine compliance affecting the Charter



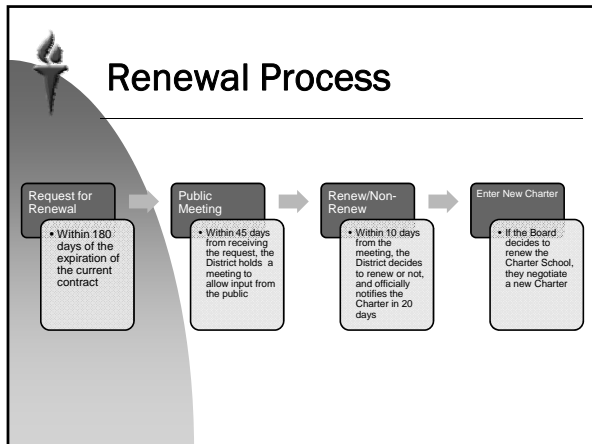
Monitoring and Evaluation (cont'd)

- Despite the absence of legal oversight requirements:
 - ◆ Use the charter contract as a road map to oversight
 - ◆ The District and Charter should have an open collaboration
 - ◆ The charter contract should include realistic, measurable performance outcomes
 - **New law requires more fiscal oversight specifically**
 - ◆ Proactively include charter staff in district activities (i.e., professional development)



Charter Contract Length

- Initial charter – no more than 5 years
- First renewal – must be the same period of time as the initial charter
- Subsequent renewal – at least 5 years, but not more than 10 years
- Avoid sporadic extensions



Charter Termination

- Upon 60 days notice of termination, the sponsor can terminate for a failure to:
 - ◆ Meet charter terms, student achievement requirements or legal requirements
 - ◆ Maintain insurance and financial stability plan as required by law
- Sponsor can terminate immediately for health and safety reasons

Recent Adjustments for Virtual/Online Charters

- Set out Virtual Public Charter Schools (VPCS as a separate form of Charter
 - VPCS is a charter that offers online courses and does not primarily serve students in a physical location
- VPCS must have:
 - ◆ Heighted academic achievement plans
 - ◆ 95% TSPC licensed teachers
 - ◆ Plans for student/teacher contact time
 - ◆ Plans for access to the curriculum
- 3% enrollment rule



Questions?

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