

Oregon Public Charter School Handbook



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Excellence in Education...Getting There Together

About this Publication

This publication is intended to provide:

- answers to the most frequently asked questions about charter schools in Oregon;
- technical assistance to charter school developers and sponsoring districts;
- contact information to both charter school developers and sponsoring districts; and
- information on state and national resources available to charter school developers and sponsoring districts.

About the Authors

The first edition of the Oregon Public Charter School Handbook was a product of the collaborative effort of the Oregon Public Charter School Work Group (Task Force), the Oregon Department of Education, the Confederation of Oregon School Administrators (COSA), the Oregon Education Association, the Oregon Charter School Service Center and the Oregon School Board Association. These groups were enlisted to assist in the implementation of the Oregon Public Charter School Legislation. The subsequent editions mark the continuing implementation of the Charter School Legislation.

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Updates to this document may be found at:
<http://www.ode.state.or.us/search/results/?id=124>

Oregon Public Charter Schools

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US Department of Education	Website	http://www.ed.gov

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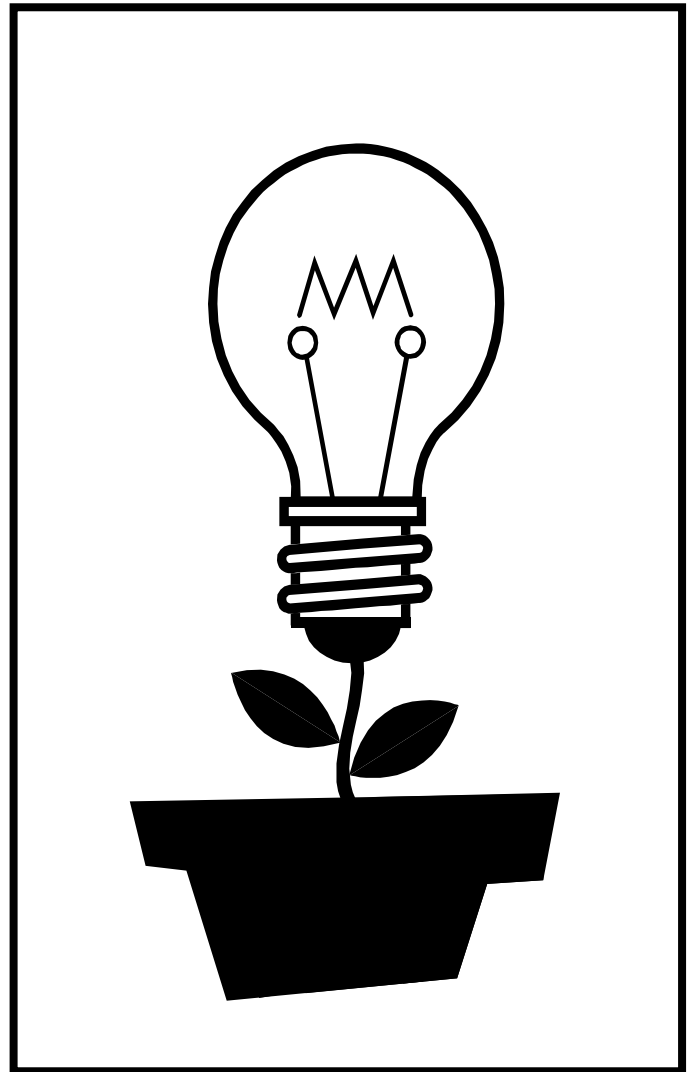
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Part I

Charter School Development



What is a Public Charter School?

A charter school in Oregon is a public school operated by a group of parents, teachers and/or community members as a semi-autonomous school of choice within a school district. It is given the authority to operate under a contract or “charter” between the members of the charter school community and the local board of education. The school must be nonsectarian. A public charter school is a school of choice. Students may choose to attend the charter school even if the school is not in their attendance area. Applications may not be submitted to convert an existing private school into a charter school.

School-centered governance, autonomy from the local school district, and a clear design for how and what students will learn are the essential characteristics of a charter school. The “charter” defines the school’s goals, standards, education design, governance and operations. The degree of autonomy exercised by the charter school on such issues as personnel, curriculum and facilities is negotiated between the charter applicants and the local school district and reflected in the charter. "Under Oregon law, Chapter 338, a public charter school is a separate legal entity operating under a binding agreement with a sponsor, called a charter. A sponsor is either the school district in which the public charter school is located, or the State Board of Education. A public charter school is subject to certain laws pertaining to school district public schools, is released from others and must operate consistent with the charter agreement. A public charter school must coordinate certain activity with the local school district, especially special education services." The approved charter application and accompanying agreements are the charter, and serves as the basis for a contract, between the charter school and the local board of education.



Through the authorization of public charter schools, the Oregon Legislature created an avenue for parents, teachers, and community members to “take responsible risks to create new, innovative, more flexible ways of educating all children within the public school system.”

Each charter school in Oregon must be consistent with the purposes set forth below in ORS 338.015:

- ◆ Increase student learning and achievement
- ◆ Increase choices of learning opportunities for students
- ◆ Better meet individual student academic needs and interest
- ◆ Build stronger working relationships among educators, parents, and other community members
- ◆ Encourage the use of different and innovative learning methods
- ◆ Provide opportunities in small learning environments for flexibility and innovation, which may be applied, if proven effective, to other public schools
- ◆ Create new professional opportunities for teachers
- ◆ Establish different forms of accountability for schools
- ◆ Create innovative measurement tools

Getting Started

Any group of parents, teachers and/or community members may develop a charter application (also called a charter proposal) however, applications may not be submitted to convert an existing tuition-based private school into a charter school. The school must be nonsectarian.

A charter proposal must be submitted to the local school district and a copy sent to the Oregon Department of Education. Check with the local school district as school district boards may have timelines, policies, and procedures for submission, review, and approval of proposals within the parameters of ORS Chapter 338.

The application process should consist of a series of meetings, dialogues, and negotiations between the charter applicants and the school district staff. The open sharing of information and ideas among all parties is essential to the process and development of a successful charter school. Early, informal discussions between the applicant and the school district officials **BEFORE** the official application is submitted to the local board are highly encouraged.

At the heart of the charter proposal is a clear statement of the **mission, goals, philosophy, values, and principles** that serve to guide the creation and operation of the learning environment and school community. A charter school must be clear on its purpose and should be developed as the result of **effective, research-based methods and strategies**. The charter school should fill an educational need in the local community and seek to implement innovative strategies and proven methods for improving student learning. Oregon content standards, grade level expectations, benchmarks and assessments must be incorporated into the school's program.

The charter application contains many elements similar to a small business plan. The application describes the school design and spells out mutual agreements among the charter applicants, the school board and other parties regarding such issues as: budget, employment, contracted services, governance, facilities, special education, content standards, curriculum, assessment of students and the dissolution of the charter school.

The following is a suggested process to form a public charter school.

1. Interested parties begin brainstorming ideas such as:
 - The vision, mission and objectives of the school
 - Who will attend the school
 - The need in the community for this type of school
 - The level of community support for the school
2. Gather information on the laws and rules involving public charter schools, including non-profit organization laws and rules.
3. Meet with the local school district officials to discuss the idea and find out about their charter school policy. Continue this dialogue throughout the entire process.
4. Begin to develop a proposal following the requirements of the local school district board policy.
5. Decide if the developers will apply for an Oregon Public Charter School Incentive Grant.
6. Develop the charter school application.
7. Present the charter school application to the local school district, using the timelines set forth in their school board policy. (See Application Process, page 12.)

Oregon Public Charter School Frequently Asked Questions

(Please note: Negotiations between the charter school and school district will further determine many of these issues.)

1. What is the purpose of ORS Chapter 338?

The Oregon Public Charter School Legislation was passed in May 1999 to encourage the creation of new innovative and more flexible ways of educating children within the public school system.



2. What is the best way to get started?

Research shows the single most important attribute of successful public charter schools is a clear sense of purpose or mission that is shared by parents, students, staff and the governing board. One way to begin crafting a common vision is to turn each of the above goals into a “How are we going to...?” question. The discussions and debates that answer these questions should develop into a clear and compelling sense of purpose and can be translated into a mission statement and measurable goals.

3. Why is it so important to begin with a mission statement?

The mission statement is a powerful tool and, when properly constructed, empowers everyone in the school to assume responsibility for the school and its ultimate direction. It tells the world what is valued or important at the particular school and how the school is different from other public schools. It guides the school’s decision makers in every aspect of planning and operations. It provides a sense of ownership to the entire school community.

4. What are the elements of a mission statement and goals?

A mission statement:

- Describes the purpose of the charter school;
- Is clear, focused and consistent with high academic standards and student success for all students;
- Informs the public about who the charter school intends to reach and;
- Informs the public how the charter school seeks to make a difference in public education and the community

Goal statements:

- Are clear, measurable and reasonable,
- Foster academic and non-academic high expectations for all students.

6. Who may sponsor (authorize) a public charter school?

The local school district is the sponsoring agent for the charter school. It is recommended a working relationship with the school district be established during the planning stages.

7. What is the process for applying to become a public charter school?

A written proposal must be submitted to the local school board for review and the Oregon Department of Education for record of submission. The school district has 15 days after the receipt of the proposal to inform the charter school whether or not the application is complete. A checklist of items that must be included in the proposal is available under

“Requirements for a Public Charter School Application.” Please contact Margaret Bates at (503) 378-3600, ext. 4503 or margaret.bates@state.or.us for additional information.

- 8. What is the timeline once the proposal has been deemed complete?**
The school board has 60 days to hold a public hearing. The proposal must be approved or denied within 30 days after the public hearing.
- 9. What happens once the proposal has been approved?**
Once the proposal has been approved, the public charter school applicant and the sponsoring school district develop a written charter agreement.
- 10. What happens if the proposal is denied?**
The school board must provide written reasons for the denial and suggest remedial measures. The applicant can resubmit a revised proposal. The school board has 20 days after receiving the resubmitted proposal to either approve or deny.
- 11. What happens if the resubmitted proposal is still not approved?**
If the resubmitted proposal is not approved, the applicant may appeal the decision to the State Board of Education. The Board will attempt to mediate a resolution between the applicant and the local school board. If mediation is unsuccessful, an applicant may request State Board of Education sponsorship under ORS 338.075.
- 12. May a religious or tuition-based private school apply to be a public charter school?**
No, a tuition-based or religious affiliated school may not convert to a public charter school. The law allows for only new public schools, schools within schools or existing alternative educational programs to apply for public charter school status.
- 13. How do I find out about available facilities?**
It is helpful to have a liaison with the district as they may have suggestions about facilities. The local ESD can, to the extent it is available, provide information of vacant, under-utilized or unused private and public buildings.
- 14. Who pays for the building?**
This is negotiated between the applicant and the sponsor and is stipulated in the charter agreement.
- 15. Do public charter school teachers and administrators need to be licensed by the Teacher Standards and Practices Commission (TSPC)?**
Fifty percent of the total FTE (full time equivalency) must be licensed teachers and/or administrators. The other fifty percent must be registered by the TSPC. For example, if the total FTE for a public charter school was four (approximately 32 hours a day), then 16 of those hours could be assigned to a person who was not a licensed teacher and was registered with TSPC.
- 16. How many students must be enrolled in a public charter school?**
The public charter school must serve a minimum of twenty-five full time students.
- 17. May a public charter school limit the admission of certain students?**
No. The law clearly states that admission based on ethnicity, national origin, disability, gender, income level, and proficiency in English language or athletic ability is prohibited. The only qualification for admission can be grade or age.



18. May priority be given to certain students?

The only priority can be to students enrolled the previous year and to their siblings.

19. What happens if there are more students that want to attend the school than there is space available?

An equitable lottery system must be established.

20. May an out-of-district student attend a public charter school?

Yes, but only if there is space available.

21. Must special education service be provided in public charter schools?

Yes, special education services must be provided. The charter between the school and its sponsor should address how the system of services will be provided. Individual educational programs and service delivery is determined by each student's IEP team after the student enrolls in the charter school. More information can be found in this handbook and at the following websites:

<http://www.edlaw.net/>

<http://www.ideapractices.org>

<http://www.ode.state.or.us/search/results/?id=40> (ODE special education)

22. Are public charter schools required to administer the state and local assessments?

Yes, all grade, benchmark level and CIM assessments are required.

<http://www.ode.state.or.us/search/results/?id=169>

23. How does a charter school receive assessment materials?

The sponsoring school district is responsible for providing testing information and materials to the charter school.

Required Elements of a Public Charter School Application

The charter school's vision should guide the charter school developers with respect to the planning, implementation and operation of the charter school. Each element of the charter school proposal should reflect the mission and vision.

Pursuant to ORS 338.045, the application must include, but is not limited to:

- The identification of the applicant
- The name of the proposed school
- A description of the philosophy and mission
- A description of the curriculum
- A description of the expected results of the curriculum
- The methods used to objectively measure and report objective student growth
- The governance structure of the school
- The projected enrollment including ages and grades
- The target population of the students
- A description of any distinctive learning or teaching techniques
- The legal address, facilities and physical location, if known
- A description of admission policies and application procedures
- The statutes and rules that apply to the school
- The standards for behavior and description of discipline, suspension or expulsion of students
- A proposed budget and financial plan; evidence of financial soundness
- The proposed calendar, including the length of school day and year
- The projected date the school would begin operating
- A description of staff members and required qualifications of teachers
- The arrangement for any special education and related services for students who may attend the school
- Information on how the community may be involved in the planning and development
- The term of the charter
- The plan for performance bonding or insuring the school
- A proposed plan for the placement of teachers, staff and students upon the termination or non-renewal of a charter
- The manner in which the program review and fiscal audit will be conducted
- Arrangements for students and staff who choose not to participate in the new charter school, if an existing public school is being converted into a public charter school.



The school district must notify the charter school within 15 days upon receipt of the application if it is not considered complete.

Charter School Application Process in Stages
Defined in OAR 581-020-0300, the Public Charter
School Proposal Review and Approval Process

STAGE 1
Submit Proposal to Local School Board and file copy with ODE
District notifies charter within 15 working days regarding the completeness of the application.
Application must be deemed complete before public hearing can be scheduled.

Public Hearing within *SIXTY* days of application being deemed complete

Proposal denied or approved within *THIRTY* days of public hearing.

Proposal denied
(reasons given w/suggestions for revision)

Proposal Approved
Sponsor and applicant negotiate charter
File copy with ODE

No further action
taken

STAGE 2
Modified proposal resubmitted
After resubmission, district must approve or disapprove
charter application within 20 days

Proposal denied
(reasons given w/suggestions for revision)
When applicant received written notification
a copy must be sent to ODE.

Proposal Approved
Sponsor and applicant negotiate charter
File copy with ODE

No further action
taken

STAGE 3
Request for decision review by ODE
(ODE mediates and/or suggests revisions)

Proposal denied by local school district

Proposal Approved
Sponsor and applicant negotiate contract
File copy with ODE

Proposal denied by ODE

ODE becomes sponsoring agency

Request for Judicial Review

Decision to deny upheld

ODE directed to become sponsor

Oregon Public Charter School Incentive Grant Program

In 2005, the Oregon Department of Education (ODE) was awarded a three-year grant under the Title V, Part B of the No Child Left Behind Act-Charter School Program for a total of **\$22.5 million dollars**. The Charter School Program grant is intended to support qualified charter schools in their planning and initial implementation phases. However, being awarded a grant does not guarantee or entitle a charter school developer a charter/contract with a district.

The **Incentive Grant Program** is available to assist charter school developers with the start-up and initial phases of implementation. The purposes of the Oregon Charter School Incentive Grant Program are to:

1. Expand the number of high-quality and educationally diverse charter schools throughout the state by supporting the effort and partnership of charter school developers and sponsors.
2. Assist newly approved and operational charter schools in meeting their identified planning, start-up, and implementation needs.



Three Step Process: The Incentive Grant Program consists of three phases, Planning, Implementation and Continued Implementation. The first phase is competitive, as a minimum score must be attained to be considered for funding.

Phase One: Competitive application for Planning Grant (Year One). Phase One includes two stages. Each stage funds up to \$25,000 for planning activities.

Phase Two: Non-competitive application for an Implementation Grant (Year Two) of up to \$150,000 (\$90,000 base with balance of award based on number of students). Award criteria for the Implementation Grant (Year Two) includes submission of a signed charter, approval of Phase One/Planning Grant report, budget worksheet for the next phase, and compliance with ORS Chapter 338.

Phase Three: Non-competitive application for a Continued Implementation Grant (Year Three) of up to \$150,000 (\$90,000 base with balance of award based on number of students). Award criteria for the Continued Implementation Grant (Year Three) includes approval of Phase Two/Implementation Grant report (including accountability plan), expenditure report, and compliance with ORS Chapter 338.

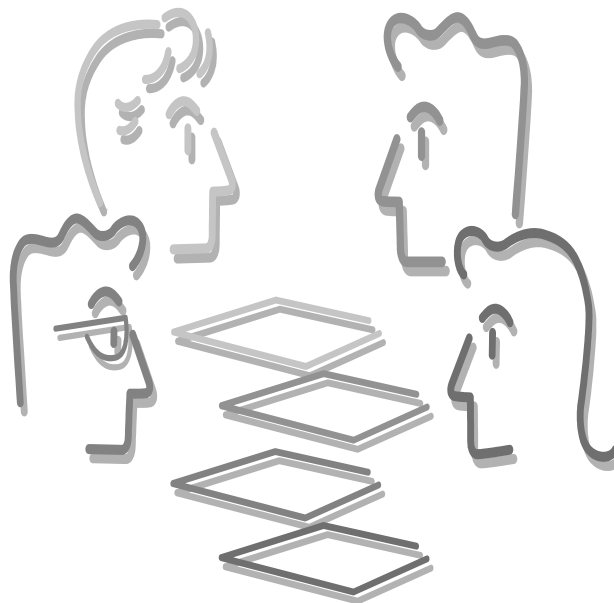
The **Dissemination Grant Program** is also funded by the Charter School Program grant. A competitive grant program, charter schools who have been in operation for at least three years and want to distribute their best practices or assist developing charter schools may apply for funding.

For more information on the Oregon Public Charter School Incentive Grant program, please contact Margaret Bates at (503) 378-3600, ext. 4503 or margaret.bates@state.or.us.

Oregon Public Charter School Start-up Resources

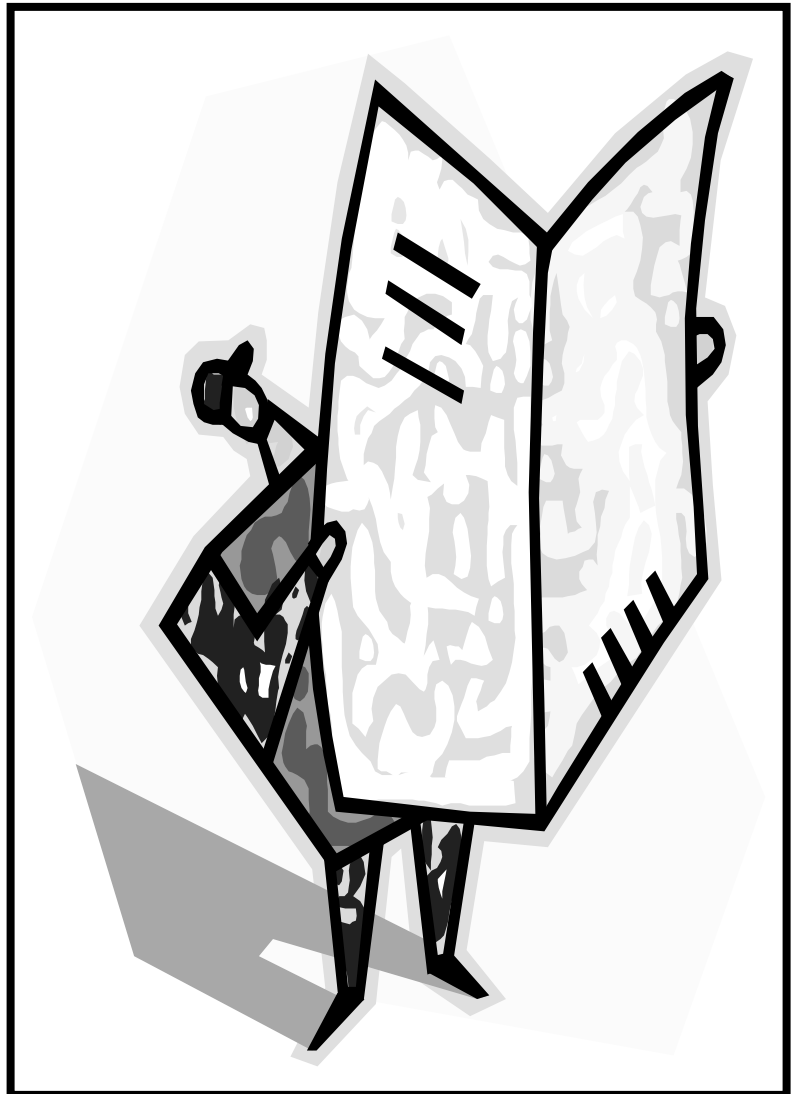
The following resources are available to assist in the development of charter schools.

1. <http://www.charterfriends.org/index.html> (Promotes and connects national public charter schools)
2. <http://www.uscharterschools.org> (Comprehensive information on starting and running a charter school)
3. rob@oregoneducation.org (Oregon Charter School Service Center)
4. <http://www.nwrel.org> (Charter School Tools)
5. <http://www.ode.state.or.us/search/results/?id=124> (Oregon Department of Education web site)
6. igreen@osba.org (Oregon School Board Association)
7. <http://www.chartercenter.org/or> (Charter School Development Center)
8. <http://web99.ed.gov/GTEP/Program2.nsf> (US Department of Education)
9. <http://www.edreform.com> (Center of Education Reform)
10. <http://www.startacharter.com> (Charter Starters Inc.)



Part II

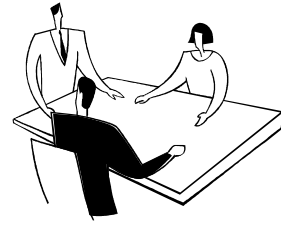
Charter School Operation



School Governance

The ability of a charter school to carry out its mission successfully depends upon the strength of its governance structure. An effective charter board ensures the school's financial and legal health, provides strategic direction for the school, and chooses and nurtures strong school leaders. For a charter school to succeed, it must form a governing charter board committed to the school's mission, and whose members possess:

- substantial leadership skills; and
- expertise in policy development, implementation, evaluation and continuous improvement.



Specifically charter schools need governing charter school boards for the following reasons:

- **The governing charter school board fulfills a legal responsibility.** A non-profit governing body is a legal requirement for a charter school for a legal, binding charter agreement. More broadly, this structure makes the charter school's management accountable to a diverse group of people who have the general interest of the charter school at heart. Charter board members, as volunteers with no financial stake, are not directly involved in the daily operations of the school, but have responsibility of ensuring the charter school meets financial and legal requirements in order to continue operation.
- **The governing charter school board promotes the charter school's mission.** The governing board needs to be composed of individuals who support the school's mission and seek to promote it. The members advocate for their school by promoting its mission and goals within the community and in the wider education reform arena.
- **The governing charter school board hires and supervises the charter school administrator.** One of the most important roles of the governing charter school board is recruiting and supporting a dynamic administrator who provides vision and leadership to the charter school. The administrator acts as the bridge between the governing charter school board and the staff of the organization and is designated to act on behalf of the governing charter school board to implement its decisions. When looking for an administrator, the governing charter school board must assess the charter school's specific needs, then seek a qualified individual who has the skills and experience to guide the charter school in meeting those needs. The governing charter school board should also periodically evaluate the performance of the administrator in carrying out the decisions of the governing charter school board and other assigned responsibilities.
- **The governing charter school board sets important school policies.** As stewards of the charter school, the governing charter school board takes leadership in the overall policy development and implementation process. The governing charter school board makes major financial and operation decisions for the school, such as setting policies which impact whether or not the school makes progress toward meeting the student achievement and other objectives agreed to in the charter contract.
- **The governing charter school board helps to raise funds.** The ability to raise funds is an important measure of a governing charter school board's effectiveness in serving a charter school. Building a group of regular financial donors will make it easier for the charter school to fulfill its mission and achieve its goals.

There are excellent resources available on a variety of governance topics at the following websites:

http://www.uscharterschools.org/pub/uscs_docs/r/startup.htm

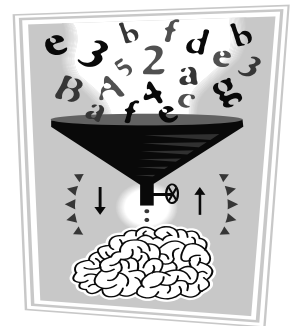
<http://www.uscharterschools.org/governance/contents.htm>

<http://www.charterfriends.org/>

Accountability

In exchange for increased school autonomy, charter schools have increased accountability for student achievement. Freed from many of the regulations a traditional public school must follow, charter schools, through the charter agreement with the school district, set their own achievement and performance goals, for which they are held accountable by their sponsor.

A carefully designed and implemented accountability plan ensures charter schools meet their obligation in terms of student performance and school operation. This also creates a powerful tool for ongoing learning and improvement. Accountability efforts are most effective when the school and its community work together to establish clear goals and then use student performance data to continuously improve teaching and learning.



Existing resources identify several common components for developing charter school accountability plans. The elements include:

- *Student performance:* Which measures will be used to determine the success of the academic program? What constitutes satisfactory achievement on state or district tests and other measures? Are students making academic gains?
- *Goals in the charter:* Is the school faithful to the terms of its contract, including its mission, goals, and objectives?
- *Operations:* Is the school a viable, well-managed organization? Is it responsibly using public funds and audited annually? Is it in compliance with all applicable laws and regulations (such as public health and civil rights) not waived for charter schools?
- *Continuous improvement:* Does the school recognize clearly where growth is most essential, and is the total program committed to discovering areas of self-improvement? If so, is there a school improvement plan in place. Elements of a continuous improvement cycle are:
 - assessment of need
 - written improvement plan to address need
 - implementation of improvement plan
 - evaluation of plan's effectiveness
 - begin again with the assessment of needs.

Charter school accountability continues through submitting an **annual evaluation** to the sponsoring school district (with a copy sent to the Oregon Department of Education), in addition to a **municipal audit**. Charter schools receiving funds from the Oregon Public Charter School Incentive Grant Program are required to participate in the Public Charter School Grant Program survey and evaluation.

All public schools, including public charter schools, report school data to the Oregon Department of Education. The annual ODE Fall Report, organized by the Data Based Initiative, collects data on spending, staffing, class size, student performance, and demographics. Charter school must be technologically prepared to participate in this data collection.

Assessment

As part of accountability, charter schools are expected to participate in all components of the Oregon State Assessment program. Resource materials, testing timelines and sample tests can be found at the ODE Assessment and Evaluation website at:

<http://www.ode.state.or.us/search/results/?id=169>

The following websites provide excellent resources on the development of an accountability plan:

http://www.uscharterschools.org/pub/uscs_docs/r/assistance.htm#acc

<http://www.charterfriends.org/>

http://edreform.com/pubs/charter_school_accountability.htm

Data Reporting

ODE collects statistical information used to describe and assess the condition of education in Oregon public schools. Public charter schools must participate in this data collection every year, providing data to the ODE on students, staff, and school characteristics.

<http://district.ode.state.or.us> is the site where all schools can access the Web Survey required by the Oregon Department of Education. This is a secure website which requires passwords you may get from the school district office. Most of the survey data is collected in the fall, but a few surveys are collected at the end of the school year in June.

How the data is reported is agreed upon between the charter school and the district office. Each survey has a listed contact at the Oregon Department of Education who can assist you with questions about data collection or how to report it.

Employment Models

There are three employment models for charter schools:

1. The charter school is the employer of the entire staff.
2. The school district is the employer of the entire staff.
3. A combination of the charter school and school district acting as employer.



The charter school must define what type of employment model will best meet the needs of the school and its employees, including the terms and conditions of employment. The employment language might address salary and also benefits and working conditions. In addition, public charter school operators should be familiar with the applicable requirements of federal and state employment statutes.

The employment model will have a significant effect on the relationship between the school district sponsor and charter school and how the charter agreement is negotiated.

An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from or part of other bargaining units of the sponsor or the school district in which the public charter school is located (ORS 338.135).

When charter school teachers are already employees of the chartering district, the teachers will be given a leave of absence. More details on this leave of absence can be found in ORS 338.135.

Public Employees Retirement System (PERS)

ORS 338.135 requires the charter school to provide Public Employees Retirement System (PERS) coverage to their employees. When a public charter school is established, the Oregon Department of Education will notify PERS. After notification, PERS will contact the charter school to help establish participation in PERS.



What is paid to PERS?

Employee contributions: 6 % of salary
Employer contributions: 15.3 % salary (current)
These amounts are subject to change.

Who is eligible for PERS?

All employees working a total of 600 hours or more in a 12-month period for one or more PERS employers are eligible for PERS. One exception to the 600-hour rule is a PERS retiree. A PERS retiree can work a total of 1039 hours in a calendar year for one or more PERS employers and receive retirement benefits.

Where can I find additional information on PERS?

<http://www.oregon.gov/PERS/index.shtml>

General member information

Employer information (the “Manual” is the guide to reporting)

Who is a PERS contact for charter schools?

Debra Hembree

(503) 378-3730, Ext. 228

debra.hembree@state.or.us

Teacher Licensure

At least one-half of the charter school's total full time equivalent (FTE) teaching and administrative staff must hold a valid teaching license issued by the Oregon Teacher Standards and Practices Commission (TSPC). The license must be a Basic or Initial Teaching License or a Standard or Continuing Teaching License. If instructional staff does not hold a valid teaching license, they must be registered by TSPC. Permanent rules on the registering of charter school personnel (OAR Divisions 020 and 023) can be obtained by contacting TSPC at (503) 373-1060. Please see the "No Child Left Behind Act (NCLB) of 2001; Highly Qualified Staff" section of this document for information.



The employment relationship between the school district and the charter school may significantly impact staffing decisions.

For teacher licensure purposes, employment in a public charter school is considered equivalent to experience in public schools. The charter school and teaching applicant jointly submit an application to TSPC. The application must state:

- A description of the specific teaching position the applicant will fill
- A description of the background of the applicant relevant to the teaching position
- Necessary documentation for completion of a background check.

Facilities

The applicants are responsible for locating a site for the school. This could be an existing school district building, a vacant building or space in a cooperating institution such as a college. Finding sites for schools can be difficult and creative solutions may be needed. The cost of maintenance, cleaning, utilities, insurance, etc. must be reflected in the budget negotiated in the charter agreement. Additionally, the charter school needs to consider ADA (Americans With Disabilities Act) and Section 504 accessibility compliance issues and insurance arrangements for the property.



All public school buildings must meet all health and safety standards. Building permits and inspections are required. To find out more information on specific codes and regulations, contact your local county Fire Chief. To find out more information on the specifics of the Americans with Disabilities Act, contact Ravi Mahajan at the Building Codes Division (503) 378-4133 or at ravindra.k.mahajan@state.or.us

Student Enrollment and Lottery

Charter schools are public schools of choice. Enrollment at a charter school is and must be voluntary. All students, including students with disabilities, who reside in the school district in which the charter school is located, are eligible for enrollment in the charter school. Age and grade are the only enrollment criteria. After the charter school has been open for a year, preference may be given to returning students and siblings of students already enrolled in the school.

If the number of applications from students who reside within the school district exceeds the number of spaces, available, the charter school must select all students for enrollment through an equitable lottery.

If space is available, a charter school may admit students from out of district.

School Nutrition Services

Federal Child Nutrition Programs in a public school must be operated in accordance with the sponsoring school district's agreement with the Oregon Department of Education.



Most school districts work under an agreement with the Oregon Department of Education to sponsor the Federal Child Nutrition Programs, the National School Lunch Programs (NLSP) and the School Breakfast Program (SBP).

It is not, however, mandatory for a school district to operate Federal Child Nutrition programs. Additionally, it is not mandatory for a school district that sponsors a Federal Child Nutrition Program to offer the program in all of its schools, including public charter Schools

A public charter school may operate its own nutrition program without federal reimbursements, in which case there are no State and Federal program requirements.

The school's decision to provide nutritious meals to students will have a profound effect on the achievement of the learning goals established for its students. The connection between nutritionally sound meals and the ability to learn has been demonstrated in many recent studies and the Federal Child Nutrition programs have been designed with this in mind. Any alternate nutrition program should be designed and monitored carefully to ensure the students' nutritional needs are being met.

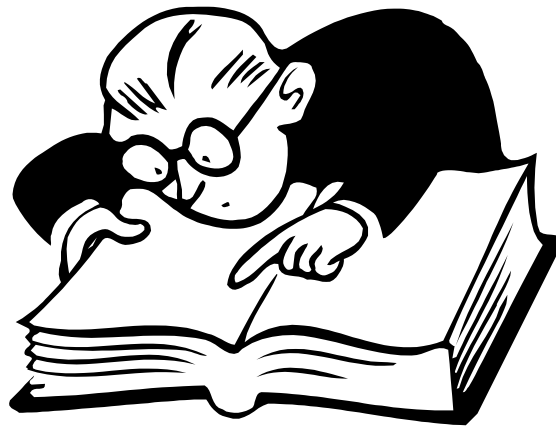
For more information on Federal Child Nutrition Programs in public charter schools, contact Joyce Dougherty, Oregon Department of Education, Child Nutrition Programs at 503-378-3600 ext. 2607 or joyce.dougherty@state.or.us . Additional information can be found at http://www.uscharterschools.org/cs/fs/view/uscs_pr/26

Other Essential Considerations Before Opening

There are a number of essential elements that must be considered before the charter school opens its doors. The following elements have requirements that need to be in place through charter school policy and procedures prior to opening:

- Student records: Where and how will they be stored? Who will have access to them? What information is required?
- Student immunization: Are all students in compliance with immunization laws? Are reports being filed in the appropriate timeframe?
- Custodial rights: Do all the staff understand parental and person-in-parental relationship rights?
- Student rights: Do all the staff understand student rights and responsibilities? Is there board policy on student rights and responsibilities? Do all the staff understand the additional considerations needed for discipline policies of students on IEPs?

- Section 504: Do all the staff understand student's civil rights according to Section 504 (equal access to education)?
- Reporting: Has the staff been trained in filing state and local reports? (Fall reports, immunization, etc.)
- Child Abuse: Is the staff trained on how to report any abuse issues?
- Student health: Is the staff trained in administering medication? Are there proper procedures in place for the storing and administering of medication?



Frequently Asked Questions about Students with Disabilities and Oregon Charter Schools¹

1. What special education laws and regulations apply to public charter schools in Oregon?

Charter schools are subject to the same federal laws as other public schools. Public charter schools must follow all federal laws, including federal special education laws, and state laws and regulations that implement federal special education laws. The Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA) all apply to public charter schools.

2. Must public charter schools comply with the non-discrimination requirements?

Yes. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 both apply to public charter schools and prohibit discrimination on the basis of disability. In evaluating charter school proposals, school districts should consider whether the charter school facility is accessible. If not, the charter should specify responsibility for compliance with accessibility requirements. Public charter schools need to be familiar with the requirements of these acts, and be prepared to offer and make appropriate accommodations and provisions for compliance with these acts.

Other federal non-discrimination laws that apply to public charter schools include: Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs. These laws also apply to the resident school district and chartering school district.

3. Where do I find more information about the civil rights responsibilities of charter schools? ²

The U.S. Office of Civil Rights has posted its Question and Answer document, Applying Federal Civil Rights Laws to Public Charter Schools on the following website:

<http://www.ed.gov/offices/OCR/archives/charterqa/chartitle.html>

4. May the public school district or the public charter school exclude children with disabilities from applying and enrolling in a public charter school?

No. The public charter school may not screen out applicants on the basis of disability, ethnicity, gender, national origin, income level, English language proficiency, or athletic ability. Age and grade are the only criteria for application and enrollment. Under Oregon law, charter schools are schools of choice and student enrollment in a public charter school is voluntary. All parents have choice, including parents of students with disabilities.

¹ For more information about this document, contact Suzy Harris, Legal Specialist, Office of Student Learning & Partnerships, (503) 378-3600, ext. 2333 or Rae Ann Ray, Education Specialist, Office of Student Learning & Partnerships, (503) 378-3600, ext. 2311, raeann.ray@state.or.us.

²For more information about civil rights, contact Winston Cornwall, Office of Student Learning & Partnerships, (503) 378-3600, ext. 2708, winston.cornwall@state.or.us.

5. Must students with disabilities be given preferential consideration in selection for charter schools attendance?

No. If there are fewer spaces than interested students, the same lottery process is used for all students, including students with disabilities.

6. Which school district is the resident school district for public charter school students with disabilities under the IDEA?

The resident district is the district where the parent or person in parental relationship resides (ORS 339.133 and 339.134). "The residency of a student with disabilities under the Individuals with Disabilities Education Act (IDEA) does not change if that student enrolls in an out of district charter school."³

7. Who is responsible for providing special education services for public charter school students in Oregon?

The resident school district is responsible for providing any required special education and related services to public charter school students identified as students with disabilities under the IDEA. The resident school district's responsibility to provide a free appropriate public education is the same for children with disabilities in public charter schools as for other children with disabilities attending other public schools in the district.

The resident school district also remains responsible for providing special education services for students with disabilities attending a charter school located in another district. "Only the resident district should claim students with disabilities on the annual Special Education Child Count (SECC)."⁴

8. What responsibilities do public charter schools have for students with disabilities under IDEA?

Public charter schools have the responsibility for:

- Promptly notifying the resident district when a student with a disability under IDEA enrolls in order not to delay the provision of services (Free Appropriate Public Education);
- Participating in IEP and other meetings; public charter school staff members have the same responsibility for IEP implementation as teachers in any other public school;
- Implementing IEPs as written;
- Protecting personally identifiable information;
- Complying with statutory requirements related to education records;
- Referring students for evaluation when a disability is suspected and providing information requested by the District necessary to complete the evaluation;
- Taking disciplinary measures in accordance with IDEA;
- Ensuring that discrimination based on disability does not occur.

9. Does the resident district hold an IEP/placement meeting before the child enrolls in the charter school?

No. Once the student fills an available opening, the charter school is considered to be the home school for purposes of IEP decision-making. The student's resident district convenes the IEP/placement meeting *after* the student with a disability under IDEA applies and enrolls in the charter school.

³ ODE Executive Memorandum 021-2003-04, page 3

⁴ ODE Executive Memorandum 021-2003-04, page 3

10. How does the special education process work for children with disabilities who have been admitted and enrolled in charter schools?

The special education process for children with disabilities in Oregon public charter schools is essentially the same as for children with disabilities attending any other public school in the district. The district's state-approved policies and procedures for special education apply to students with disabilities enrolled in charter schools.

When a student with a disability under IDEA enters the public charter school, the following steps must occur:

A. District Notification

The charter school identifies the resident district and immediately notifies the resident district.

B. Records Review

The resident district reviews the charter school enrollee list to identify if any of the listed students have an IEP, are in the process of evaluation, including a referral for an evaluation, or are receiving interventions that may lead to a referral for an evaluation. The resident district notifies the charter school of this information.

C. IEP Meeting Notice

The resident district convenes an IEP/placement meeting and sends the notice of IEP/placement team meeting to all participants. The notice states that the purpose of the meeting is to review/revise the IEP and to determine placement.

D. Records Distribution and Retention

The resident district sends to the charter school the same type of special education records the district provides to any other public school in the district. Both the resident district and the charter school must maintain records according to all applicable statutes and rules.

E. IEP Team Members

The resident district provides the district representative at the IEP meeting because the resident district remains responsible for the provision and the oversight of special education services. The IEP/placement team includes:

- The parent ;
- At least one regular education teacher of the student (provided by the charter school);
- At least one special education teacher of the child, or if appropriate, one special education provider of the child;
- A representative of the school district who:
 - Is qualified to provide, or supervise special education;
 - Is knowledgeable about the general education curriculum;
 - Is knowledgeable about the availability of resources, and has the authority to commit agency resources;

The school district may designate another IEP Team member as the district representative, as long as this individual meets the criteria for this role.

- An individual who can interpret instructional implications of evaluation results (may also serve in another role on the IEP Team);

- The student, if appropriate. The student is a required IEP Team member beginning at age 16.
- At the discretion of the parent, or district, other individuals who have knowledge or special expertise regarding the student.

F. Participation and Attendance of IEP Team Members

- **Alternative Means of Participation in the IEP Meeting**

The parent and the school district may agree to use alternative means of meeting participation in an IEP meeting, such as video conferencing and conference calls. This provision is new in the IDEA statute but was previously permitted in regulation.

- **Excusing IEP Team Members - Written Input**

A member of the IEP team (but not the district representative) may be excused from attending the IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the members' area of the curriculum or related services, if the parent and the school district consent to this excusal and if, before the meeting, the member submits written input about the IEP development to the parent and to the IEP team. The district must separately document this agreement and retain the written submission in the student's education records. See *ODE Sample Form: Written Agreements between the Parent and the District* or refer to district forms and procedures. <http://www.ode.state.or.us/pubs/forms/iep/>

- **Attendance not required**

A member of the IEP team is not required to attend the IEP meeting, in whole or in part, if the parent of a child with a disability and the school district, agree that the attendance of such a member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. The district must separately document this agreement in writing, retain the written submission in the student's education records, and the student's IEP should reflect no changes to that area of curriculum or related service. See *ODE Sample Form: Written Agreements between the parent and the District* or refer to district forms and procedures. <http://www.ode.state.or.us/pubs/forms/iep/>

G. IEP Meeting

The IEP/placement team reviews and revises, as necessary, the child's current IEP. The team determines whether the student's annual goals are being achieved and addresses:

- Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;
- The results of any special education evaluation;
- Information about the student provided to, or by, the parents about the student's academic, developmental, and functional needs;
- The child's anticipated needs; and
- Other matters.

H. Standard Oregon IEP Form

The IEP/placement team documents its decisions regarding necessary services for the student using the Standard Oregon IEP Form (<http://www.ode.state.or.us/pubs/forms/iep>) or an ODE-approved alternate document. These services must be based on peer-reviewed research, to the extent practicable. The Service Summary section of the IEP indicates the specially designed instruction and services that will be provided to, or on behalf of, the student.

I. Placement

- **Least Restrictive Environment (LRE) Consideration**

In considering placement in the least restrictive environment (LRE), the IEP/placement team considers the public charter school as the student's "home school" or the school the child would otherwise attend if not disabled.

- **Placement Options**

The resident school district must ensure a continuum of placement options is available for all students with disabilities, including those attending charter schools. This continuum includes supplementary aids and services (such as resource room or itinerant instruction) in conjunction with regular class placement. The chartering school district must ensure that charter schools are treated the same as other schools in the District regarding the provision of on-site services.

- **Placement Decisions**

An IEP/Placement team, including the parents and a representative of the charter school, may determine that a student's special needs may be addressed appropriately with the charter school setting. In some instances an IEP/placement team may determine that a student needs to attend a school other than the public charter school in order to meet the student's special education needs. As with all students eligible under IDEA, placement is based on the student's IEP in conformity with the student's needs. (See OAR 581-015-0061 Placement of the Child and Question 11, below.)

11. What if the IEP/placement team decides that the student's needs, documented in the revised IEP, cannot be met in the charter school?

The answer depends on the situation and whether the entering student has already been identified as eligible for special education or is newly identified.

A. Previously identified students:

If the student is not new to special education, parent consent for placement is not required. In that case, if the IEP/placement team determines another placement is appropriate, the other placement takes effect and the student does not attend the charter school. The parent or district may want to try mediation, local dispute resolution. Contact Valerie Miller⁵ for more information about these options and how to arrange them.

⁵ Valerie Miller, (503) 378-3600, ext. 2340; valerie.miller@state.or.us

In some situations, a parent might challenge the placement decision through a due process hearing. If a parent requests a hearing, in most cases the child stays in the last agreed upon special education placement of the child. In some situations, this might be the charter school, and in other situations it might be the child's placement before being accepted by the charter school. If the parent and district cannot agree on the "stay put" placement for the student, the administrative law judge (ALJ) will decide this issue.

B. Newly identified students:

Some students may not be identified as having a disability until after they begin attending the charter school. In this situation, the resident district must plan the evaluation and get written parent consent to evaluate the student. The district holds meetings with a team (including the parent) to determine eligibility, to develop an IEP, and to determine initial placement. The district must get written parent consent for the initial placement in special education. If the team does not reach consensus about the IEP and placement, the parent may refuse to give written consent. In this situation, the student would be considered non-disabled. The district may suggest mediation or other strategies for resolving the disagreement, but the district may not request a due process hearing to challenge the parent's refusal to consent to initial placement in special education information about these options and how to arrange them.

12. How are special education services delivered to students with disabilities attending a charter school?

The type of services delivered will depend upon the student needs identified in IEPs. The resident district may provide the special education services using its own employees, qualified independent contractors, and qualified staff hired by the charter school, or through any combination. The resident district may also use ESD services depending upon local arrangements or resolutions. The resident school district always determines how special education services will be provided, even when the resident district is not the charter school sponsor, and remains responsible for the delivery of these services in compliance with IDEA and other applicable statutes, rules, and assurances.

13. Who is responsible for transportation for children with disabilities attending a charter school located within the district's boundaries?

As with all students eligible under IDEA, the IEP team determines whether transportation is a necessary related service and what transportation services are appropriate. The resident district is responsible for providing transportation identified as a related service. If the transportation is not a required related service, regular charter school transportation options apply.

14. Who is responsible for transportation for children with disabilities attending a charter school located outside the resident district's boundaries?

State law provides that students who attend public charter schools located outside their resident district may use existing bus routes and transportation services of the district in which the public charter school is located. If a student's IEP includes transportation as a related service, then the resident school district must ensure that this is provided. However, the resident school district is not required to provide transportation as a related service if a free appropriate public education (including transportation) is available in the resident school district and the parent chooses a public charter school located outside the school district.

15. Who is responsible for “child find” activities in public charter schools to identify students who may have a disability under the Individuals with Disabilities Education Act (IDEA)?

Resident school districts, charter schools, and parents have roles in “Child Find” activities. Each school district is responsible for child find activities in the public charter schools located within the school district. The chartering school district has the responsibility to ensure its charter schools engage in child find activities to the same extent as other schools and school personnel in the district as required by state and district policies and procedures.

Charter school staff must be knowledgeable about when and how to refer students for evaluation, *including interventions that may precede referral*. Charter school staff and parents both need information about the school district’s child find procedures. If the school district locates children who are residents of other districts that may be in need of a special education evaluation, the district should notify the resident district(s) of those students. The resident district is responsible for completing the evaluation and eligibility determination processes.

16. Do the “qualified staff” requirements of the IDEA apply to public charter schools?

Yes. The IDEA requires states to establish requirements for qualified staff. Even though state law permits public charter schools to hire some percentage of uncertified staff as teachers, federal law requires special education teachers and related service providers working in public charter schools to meet the same qualifications as those working in other public schools in Oregon.

17. How are state funds distributed for students with disabilities under the IDEA?

For students with disabilities, State School Funds (SSF) are distributed to the resident school district (the district where the parent/guardian resides). The distribution of the second weight funds is based on the Special Education Child Count of the resident district. The payment per ADMw in the public charter school that is attributable to an eligible student must equal an amount that is at least equal to:

- 40 percent of the amount of the school district’s General Purpose Grant per ADMw for kindergarten through eighth grade and
- 47.5 percent of the amount of the school district’s General Purpose Grant per ADMw for students in grades nine through twelve.
- School districts and public charter schools may negotiate on a case-by-case basis for an alternative distribution of funds.

18. How are state funds for students with disabilities distributed to the charter school?

When the resident school district is the same as the chartering school district, the charter will establish how special education and related services will be provided for eligible students attending that charter school. When the resident district is not the charter school sponsor, state school funds for the students with disabilities flow to the resident district first. The resident district divides the funds among the resident district, the chartering district, and the charter school according to statute. The resident school district must contractually establish the payment arrangements with the charter school. For a K-8 student residing **outside** the sponsoring district and on an **IEP**, the resident district pays the charter school 40 percent of its General Purpose Grant per ADMW (47.5 percent for a grade 9-12 student).

- 19. How are federal IDEA funds distributed for students with disabilities under the IDEA?**
Federal IDEA funds are distributed to the school district designated as responsible for the provision of special education and related services or a Free Appropriate Public Education (FAPE). In Oregon this is the resident school district of the student with disabilities.

Written Agreements between the Parent and the District

Student Name _____ Birth Date _____ Student ID # _____

Attending School _____ Case Manager _____

The authorized District staff has explained to the Parent that he or she is not required to enter into any of these agreements.

Authorized District Staff – Print Name

Date

1. THREE YEAR-EVALUATION

- The District and the Parent agree that the District will not conduct a three-year re-evaluation which is due on: _____.

Parent Signature

Date

Authorized District Staff Signature

Date

Note: *Prior Notice about Evaluation/Consent for Evaluation* is not required.

2. IEP TEAM ATTENDANCE NOT REQUIRED

A. CONTENT AREA OF EXCUSED MEMBER NOT DISCUSSED AT MEETING

- The District and the Parent agree that the following member(s) of the IEP team are not required to attend the IEP meeting on _____, in whole or in part, because the member's area of the curriculum or related service is not being modified or discussed in the meeting.

List name(s) of member(s):

Parent Signature

Date

Authorized District Staff Signature

Date

B. CONTENT AREA OF EXCUSED MEMBER DISCUSSED AT MEETING

- The District and the Parent agree that the following member(s) of the IEP team may be excused from attending the IEP meeting on _____, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the member submits in writing to the team input into the IEP before the meeting. List name(s) of member(s)

Parent Signature

Date

Authorized District Staff Signature

Date

3. REVISIONS TO IEP OTHER THAN AT ANNUAL IEP MEETING

- The District and the Parent agree that an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings. Date IEP revised: _____.
 - The IEP revision must be written on the student's IEP and dated. If new IEP pages are required, these pages must be stapled to the IEP, a complete copy filed with the student's education records, and a copy given to the parent upon request.
 - The District must give the Parent Prior Notice of Special Education Action describing the IEP change.

Parent Signature Date Authorized District Staff Signature Date

4. COMPLETION OF EVALUATION OF TRANSFER STUDENT

The 60 school day evaluation timeline for completing evaluations does not apply if:

- A school district initiates an evaluation or re-evaluation of the student;
- The student moves to another school district before the evaluation or re-evaluation has been completed;
- The new district is promptly seeking information from the previous district and promptly completing the evaluation; and
- The new district and the Parent agree that the evaluation will be completed by a specific date.

The District and the Parent agree that the evaluation will be completed by _____.
(mm/dd/yy)

Parent Signature Date Authorized District Staff Signature Date

<input type="checkbox"/> A copy of this document has been given to the parent(s).	
_____ District Staff Name	_____ Date

Written Agreements between the Parent and the District

This form is used to:

- Document new provisions for written agreements between parents and districts in IDEA 2004, and document that staff have explained that the agreement is voluntary;
- Document parent and district agreement that the district will not conduct a three-year re-evaluation, which is permitted by IDEA 2004, Sec. 614(a)(2)(B)(ii);
- Document parent and district agreement that specific members of the IEP team are not required to attend a specific IEP meeting, in whole or in part, because the member's area of curriculum or related service is not being modified or discussed at the meeting, as permitted by IDEA 2004, Sec. 614(d)(1)(C)(i);
- Document parent and district agreement that specific members of the IEP team are excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related service if the member submits in writing to the parent and other members of the IEP team input into the IEP before the meeting, as permitted by IDEA 2004, Sec. 614(d)(1)(C)(ii);
- Document parent and district agreement that an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings, as permitted by IDEA 2004, Sec 614(d)(3)(D);
- For students who move from one school district to another school district in the middle of an evaluation, document parent and district agreement on a time for completion of the evaluation, as permitted by IDEA 2004, Sec 614(a)(1)(C)(ii); and
- Document that parents have been given a copy of this completed form.

Directions:

1. Enter student's name, birth date, student ID#, attending school and case manager.
2. The district staff person who is authorized to enter into a written agreement with the parent explains to the parent that the agreement is voluntary. Write in the authorized staff person's name and the date this information is provided to the parent.
3. This form includes several different types of agreements. Select the agreement(s) that applies by checking the box.

(1) Three year re-evaluation: If the parent and district agree that the district will not conduct a three year re-evaluation, write in the date the three year evaluation would otherwise be due. Parent and authorized district staff person each sign and date the agreement.

Note: Until OSEP issues regulations interpreting this provision, ODE will continue to require that districts complete an eligibility determination form for each student at least every three years. For now, an agreement that a three year re-evaluation is not necessary has the same effect as a determination that additional evaluation is not necessary to complete a re-evaluation. The only difference (for now) is that if the district and parent *agree* to not conducting a three-year re-evaluation, the district would not be required to give the parent *Prior Notice about Evaluation/Consent for Evaluation* (informing the parent that no further evaluation is necessary but the parent could still ask for an evaluation).

(2) IEP team attendance:

- A. Content not discussed: The parent and school district may agree to excuse from attendance IEP team members who are not necessary because the member's area of curriculum or related service is not being modified or discussed at the meeting. List the date of the IEP meeting and the names of the excused members. Parent and authorized district staff person each sign and date the agreement.
- B. Content discussed: The parent and school district may agree to excuse from attendance IEP team members when the member's area of curriculum or related service is being modified or discussed at the meeting, if the member submits input in writing to the IEP team before the meeting. List the date of the IEP meeting and the names of the excused members. Parent and authorized district staff person each sign and date the agreement.

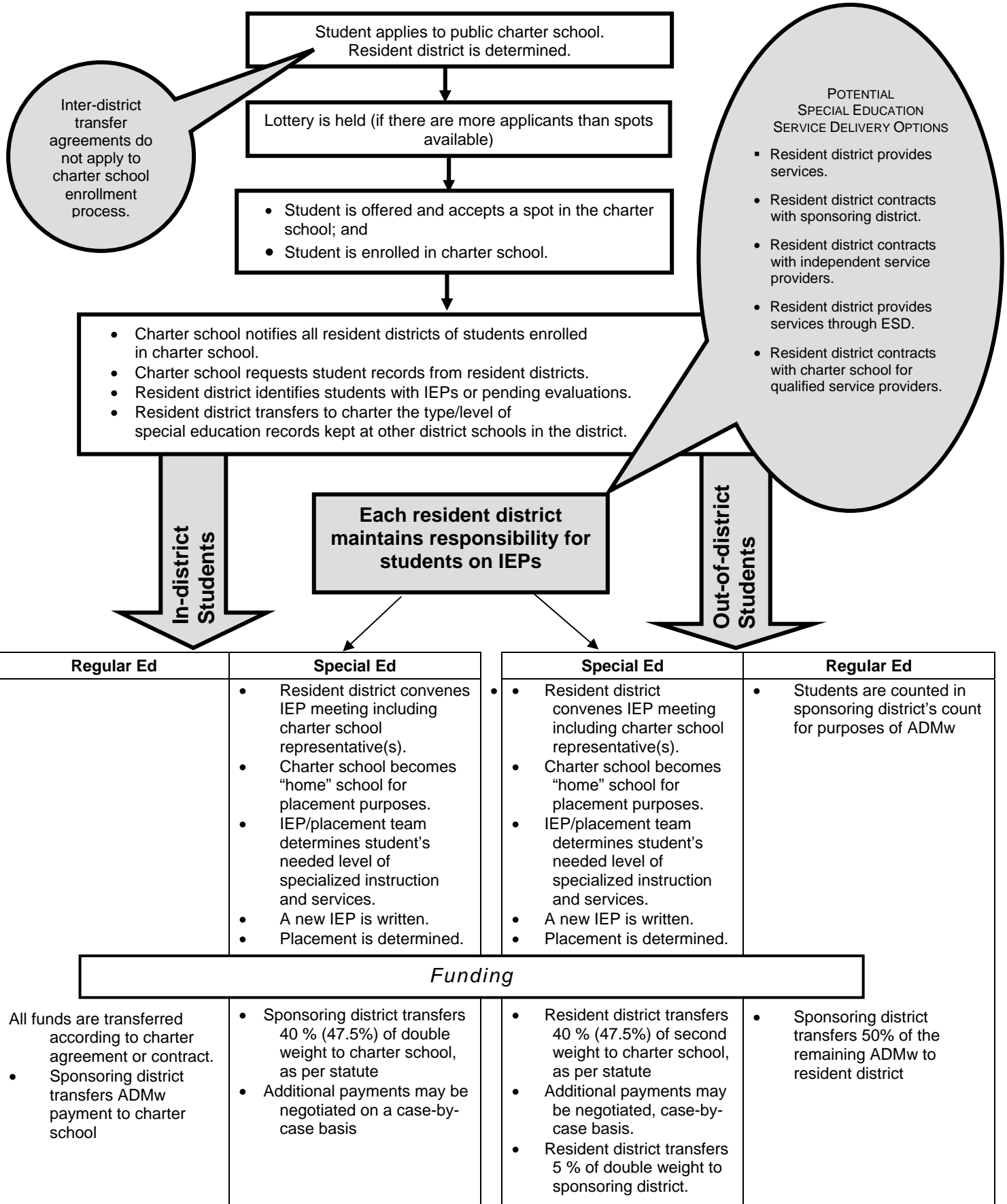
- (3) Revisions to IEP: The parent and school district may agree that an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings. If so, indicate the date of IEP revision. Parent and authorized district staff person each sign and date the agreement.

Note: The IEP revision must be written on the student's IEP and dated. If new IEP pages are required, these pages must be stapled to the IEP, a complete copy filed with the student's education records, and a copy given to the parent upon request. The District must give the Parent Prior Notice of Special Education Action describing the IEP change.

- (4) Completion of Evaluation of Transfer Student: The 60 school day evaluation timeline will not apply to a student who transfers to a new school district while the evaluation is underway if the new district is working promptly to complete the evaluation and the parent and new district agree to a specific time when the evaluation will be completed. If these circumstances are present, indicate the date by which the evaluation will be completed. Parent and authorized district staff person each sign and date the agreement.

4. Sign and date the bottom of the form indicating that the parent has been given a copy of the form.

Oregon Public Charter Schools Initial Student Admission, Enrollment, and Funding for Students in Special Education



No Child Left Behind Act (NCLB) of 2001; Highly Qualified Staff

The federal No Child Left Behind Act mandates all teachers in core academic areas meet the law's definition of "highly qualified" by the end of the 2005-2006 school year.

The core academic areas, as defined in the No Child Left Behind Act, are:

- English (Language Arts including Speech and Reading)
- Mathematics
- Science
- Foreign Languages (only those languages offered as an endorsement through TSPC)
- Social Science (Civics and Government, Economics, History and Geography)
- Art (includes only Drama, Visual Arts and Music)

The Oregon TSPC established requirements and procedures to apply to teachers with No Child Left Behind assignments (teaching core curriculum). The complete requirements and procedures can be found in the Oregon Administrative Rules (OAR) 584-100-0000.

Highly Qualified Public Charter School Teacher

Charter School Teacher	Licensed	Registered Must hold a bachelor's degree AND
Elementary classroom teacher (A teacher in a self-contained classroom grades preprimary through eight) OAR 584-100-0005	Must meet the highly qualified teacher definition for new or not new to the profession OAR 584-100-0090	Demonstrate subject matter competency by passing the appropriate rigorous state test (Multiple Subjects Assessment for Teachers, MSAT). OAR 584-100-0090
Middle-Level teacher (teaching in a departmentalized grades 5-8) or Secondary teacher (departmentalized grades 9-12) OAR 584-100-0095	Must meet the highly qualified teacher definition for new or not new to the profession OAR 584-100-0095	Have evidence of the following: a) A passing score on the appropriate rigorous state test in the subject area (the appropriate Praxis II or NTE Subject Matter test for middle-level and high school or satisfaction of the TSPC alternative assessment procedure or another state's subject-matter licensure exam designated as a "rigorous state test"); or b) An undergraduate major in the subject area; or c) A graduate degree in the subject area; or d) Coursework equivalent to an undergraduate major in the subject area. OAR 584-100-0095

Highly Qualified Public Charter Paraprofessionals (Instructional Assistants)

Highly qualified paraprofessional requirements are only in effect for those public charter schools whose programs are supported by Title I funds and to those staff involved directly with assisting instruction of reading, writing and mathematics. The requirements are:

- Two years of higher education or equivalent (72 quarter hours) or
- An Associates Degree or
- Demonstrate competency through a rigorous local academic assessment
(Title I Paraprofessional Non-Regulatory Guidance, March 1, 2004)

Title I Requirements

Title I of the No Child Left Behind Act (2001) is the largest federal aid to education programs. It provides financial assistance, through our state department of education, to local school districts for high poverty schools to provide supplementary enrichment opportunities for at-risk children. The supplemental money is to assist students in the acquisition of the knowledge and skills required by Oregon's challenging content standards and to meet the student performance standards developed for all children.

A charter school may not apply directly for Title I funds. Only a local school district may submit an application for Title I funds. In order to receive Title I funds, a public charter school must meet the same eligibility requirements as other public schools in the local school district. The local school district must first determine which schools (including the public charter school) are eligible to participate. The school district shall allocate Federal funds to the charter school on the same basis that it provides funds to its other schools. (March, 2003, The Impact of the New Title I Requirements on Charter Schools, Non-Regulatory Guidance) Eligibility in Oregon is determined by the number of students on free and reduced lunch. Generally, a school is "eligible" (not entitled) to participate if the percentage of children from low-income families enrolled in the school is at least 35% or equal to the district average percent of poverty. Because school districts have discretion on how to allocate Title I funds, an eligible school may or may not receive Title I funding. School districts **MUST** serve all schools above 75 % poverty. Questions regarding this program are best answered by the local school district.



Newly created charter schools are often not in a position to identify their poverty children until on or near the date when the school actually opens for the first time. The U. S. Department of Education encourages "school districts to allow public charter schools as much leeway as possible with respect to deadlines for submitting data." The Charter School Expansion Act of 1998 (CSEA) was incorporated into the NCLB Act in Title V, Part B, Subpart 1 which allows charter schools an important tool to ensure they receive the full amount of federal funds to which they are entitled. However, charter schools must follow certain procedures in order to trigger the protections provided by this law.

If a charter school accepts Title I funds, they are subject to the same Title I accountability requirements as other public schools. They are also subject to meeting Adequate Yearly Progress (AYP). School districts may incorporate the Oregon AYP definition into the charter contract.

Transportation

ORS 338.145

The charter school transportation options are:

Option 1: Use the district's existing transportation routes to provide transportation services to students, keeping in mind that routes do not need to be added to or additional routes added.

Option 2: Contract with an outside provider of transportation services. Remember any small vehicles or school buses owned and operated by a charter school or school district or those under contract must meet safety and operating standards. For more information on these requirements, contact Deborah Lincoln, Pupil Transportation Consultant, at (503) 378-3600 ext. 2664 or deborah.lincoln@state.or.us



Understanding Charter School Finance

ORS 338.155

Charter schools in Oregon are funded out of the State School Fund, General Purpose Grant. Charter schools are not eligible to receive funding through the Alternative Education formula.

For purposes of distributing State School Funds, charter school students are considered residents of the school district in which the public charter school is located. (Exception: students on IEPs are always considered residents of the district in which their parents/guardians reside). The sponsoring school district contracts with the charter school to pay for educational services. The payment must be at least:

- 80 percent of the amount of the school district's General Purpose Grant per weighted Average Daily Membership (ADMw) for students in grades K-8
- 95 percent of the amount of the school district's General Purpose Grant per ADMw for students in grades 9-12.

A charter school must provide evidence of financial stability; particularly after the federal grant funds have expired. It is the charter school's responsibility to propose and manage a budget that balances. Expenditures may not exceed revenues in any given year. Seek plenty of technical assistance as the budget is developed, as it reveals the plans and assumptions of the school's structure and operations. Arrangements for contracted services (e.g. school lunch, transportation, special education, accounting, etc.) should be shown in the budget.



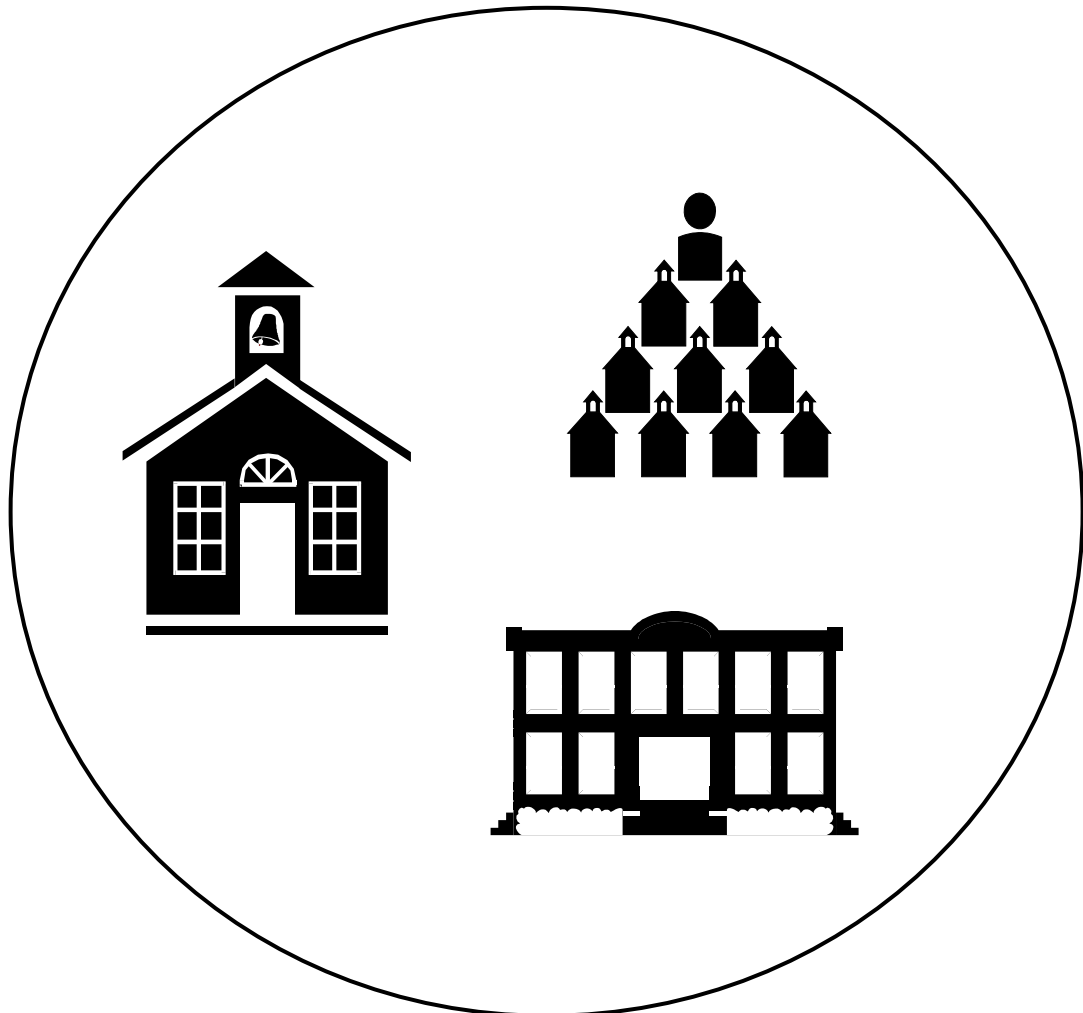
The Flow of State School Fund Money to Charter Schools
[keyed to diagram on following page]
ORS 338.155

For a K-8 student residing **within** the sponsoring district and **not** on an IEP, the sponsoring district pays the charter school 80 percent of its General Purpose Grant per ADMw (95 percent for a grade 9-12 student).

For a K-8 student residing **outside** the sponsoring district and **not** on an IEP, the sponsoring district pays the charter school 80 percent of its General Purpose Grant per ADMw (95 percent for a grade 9-12 student). The sponsoring district also pays the resident district half of the per ADMw amount for this student that is left over after payment has been made to the charter school.

For a K-8 student residing **within** the sponsoring district and on an **IEP**, the sponsoring district pays the charter school 40 percent of its General Purpose Grant per ADMw (47.5 percent for a grade 9-12 student).

For a K-8 student residing **outside** the sponsoring district and on an **IEP**, the resident district pays the charter school 40 percent of its General Purpose Grant per ADMw (47.5 percent for a grade 9-12 student). The resident district also pays the sponsoring district five percent of its General Purpose Grant per ADMw for each ADMw for this student.



The Flow of State School Fund Money to Charter Schools
 (Example is based on General Purpose Grant per ADMw of \$5,000 for a K-8 school)

	Student resides in sponsoring district	Student resides outside sponsoring district
Regular Ed Student	<p>1.0 ADMw</p> <p align="center">Keeps \$1,000</p> <p align="center">Pays \$ 4,000</p>	<p>1.0 ADMw</p> <p align="center">Keeps \$ 500</p> <p align="center">Pays \$ 4,000</p> <p align="center">Pays \$ 500</p>
Student on an IEP	<p>2.0 ADMw</p> <p align="center">Keeps \$6,000</p> <p align="center">Pays \$ 4,000</p>	<p>2.0 ADMw</p> <p align="center">Pays \$ 500</p> <p align="center">Pays \$ 4,000</p> <p align="center">Keeps \$ 5,500</p>

KEY



Sponsoring District



Charter School



Resident District (district in which parents reside)

Waivers and Exemptions

The public charter school is exempt from all statutes and rules except for following:

- Federal law
- Public records law (ORS 192.410 TO 192.505)
- Public meeting law (ORS 192.610 to 192.690)
- Municipal audit law (ORS 297.405 to 297.555 and 297.990)
- Criminal background checks (ORS 181.539, 326.603, 326.607 and 342.232)
- Textbook adoption procedures (ORS 337.150)
- Prohibition against tuition and fees (ORS 339.141, 339.147 and 339.155)
- Discrimination (ORS 659.150 and 659.155)
- Tort claims protections (ORS 30.260 to 30.300)
- Health and safety statutes and rules
- Any statute or rule listed on the charter
- Statewide assessment (ORS 329.485)
- Academic content standards (ORS 329.045)
- Any statute or rule that establishes requirements for school-year and school-day instructional time
- The provisions of ORS 338



ORS Chapter 338 grants authority to the State Board of Education to adopt any rules necessary for the implementation of the law as long as the rules follow the intent of the Chapter.

The State Board of Education may grant a **waiver** from major provisions of the Chapter to a charter school if the waiver:

1. promotes program development,
2. enhances equitable access to public education by under-served families, and
3. extends equitable access to all students or permits high quality programs at less cost.

However, the State Board of Education may not waive any appeals provision in the act or any of the laws listed in the section above.

Oregon Public Charter School Program

Web Resources

1. **Oregon Revised Statute (ORS Chapter 338)**
<http://www.leg.state.or.us/ors/338.html>
2. **Oregon Administrative Rules (581-020-0301-0390)**
http://arcweb.sos.state.or.us/rules/OARS_500/OAR_581/581_020.html
3. **No Child Left Behind**
“The New ESEA (No Child Left Behind): What It Means For Charter Schools”
http://www.edreform.com/charter_schools/esea.pdf
http://edreform.com/pubs/charter_school_accountability.htm
<http://www.osba.org/hotopics/funding/nclb/index.htm>
<http://www.ode.state.or.us>
4. **Guidance on Federal Programs**
<http://www.uscharterschools.org/cs/fs/query/q/1770>
5. **Accessing Federal Programs**
http://www.uscharterschools.org/gb/fed_funds/
6. **Applying Civil Rights Laws to Public Charter Schools**
http://www.uscharterschools.org/cs/fs/view/uscs_rs/401
7. **Public Charter School Program Non-regulatory Guidance**
http://www.uscharterschools.org/pdf/fr/sea_guidance_main.pdf
8. **The Charter School Guide to Federal Funds and Legal Responsibility**
<http://www.bruman.com>