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## CONTRACT GUIDELINES FOR PUBLIC CHARTER SCHOOLS

### I. Definitions

- A. Applicant means any person or group that develops and submits a written proposal for a public charter school to the District.
- B. Public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the District and an applicant.
- C. Sponsor means the Crook County School District Board.

### II. Proposal Process

- A. The public charter school applicant shall submit the proposal to the District no later than January 31 for a September starting date.
- B. To be considered compete, the proposal for a public charter school shall include, but not be limited to, the following:
  - 1. The identification of the applicant;
  - 2. The name of the proposed public charter school;
  - 3. A description of the philosophy and mission of the public charter school and how it differs from the District's current program and philosophy;
  - 4. A description of any distinctive learning or teaching techniques to be used;
  - 5. A description of the curriculum of the public charter school complete with syllabi and plan course statements;
  - 6. A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with District schools;
  - 7. The governance structure of the Board, selection, duties and responsibilities;
  - 8. The projected enrollment, including the ages and grades to be served;
  - 9. The target population the charter is intended to serve;
  - 10. The public charter's legal address, facilities and physical location and applicable occupancy permits, health and safety approvals;
  - 11. A description of admission policies and application procedure;
  - 12. The statutes and rules that shall apply to the public charter school;
  - 13. The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;
  - 14. The standards for behavior and procedures for student discipline, suspension or expulsion;
  - 15. The proposed school calendar, including the length of the school day and length of school year;
  - 16. A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license (issued by Oregon Teacher Standards and Practices Commission (TSPC) and those proposed teachers who do not hold a TSPC license but are registered by TSPC. (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.) Assurance of meeting NCLB Highly Qualified Teachers in core curriculum;

17. The date upon which the public charter school would begin operating;
18. The arrangements for any necessary special education and related services for students with disabilities who may attend the public charter school (fees for serving non-District students);
19. Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
20. The term of the charter;
21. The plan for performance bonding or insuring the public charter school, including buildings and liability, hired auto;
22. A proposed plan for the placement of public charter school teachers, other employees and students upon termination of the charter;
23. The manner in which the public charter school program review and fiscal audit will be conducted;
24. In the case of a District school's conversion to charter status, the following additional criteria must be addressed:
  - a. The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
  - b. The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
25. The District will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045 (2) (a-x). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.076;
26. In addition to the minimum requirements enumerated in ORS 338.045 (2) (a-x), the District, under ORS 338.045(3), may require the applicant to submit any of the following information as necessary to add detail or clarity to the minimum requirements or that the Board considers relevant to the formation or operation of the public charter school:
  - a. Curriculum, Instruction and Assessment:
    - i. Description of a curriculum for each grade that demonstrates in detail alignment to Oregon's academic content standards;
    - ii. Description of instructional SMART goals in relationship to Oregon's academic content standards and benchmarks;
    - iii. A planned course statement for each class taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected and remarked;
    - iv. Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public charter school;
    - v. Credit policy (Electives or PE credit: Will not give credit for a course/activity taught by non-certificated licensed or registered staff;
    - vi. Will not give credit for NCLB course/activity taught by non-highly qualified teacher;
    - vii. Explanation of grading practices for all classes and how student performance is documented (use of incomplete grades, time-line for completion);
    - viii. Explanation of how the proposed academic program will be aligned with District's curriculum. If the applicant is proposing a elementary charter, please describe how the charter's curriculum is aligned to grade level with the District's curriculum, including an explanation of

how a student in the public charter will be adequately prepared to re-enter the District's public school system after completing the charter school's program;

- ix. Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used. Description of test security protocol(s);
- x. Description of the plan for reporting student progress to students; parents; and community;
- xi. Description of how the charter will make adjustments and improve student performance (identification or interventions);
- xii. Description of how performance data will stored and transferred to District and other districts;
- xiii. Description of policies and procedures regarding promotion, diploma, graduation;
- xiv. Description of policies and practices for meeting needs of students who are not successful in the regular program or exceed the meet or exceed benchmark(s);
- xv. Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area and grade;
- xvi. Identification of supplementary or intervention material/strategy in core academic content area in each grade;
- xvii. Identification of instructional methodology used, including educational strategies teachers will use to design instruction around Oregon's academic standards;
- xviii. Identification of Power Standards by grade;
- xix. Description of how the charter will meet the unique learning needs of students working above or below grade level, including but not limited to talented and gifted students;
- xx. Description of how the charter staff will identify and address ELL/ESL plan per ODE criteria;
- xxi. Description of strategies the charter staff will use to create a climate conducive to learning and positive student engagement;
- xxii. Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
- xxiii. Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction/interventions, SIP, PDP;
- xxiv. Identification of how public charter school will provide access to national assessments such as PSAT, SAT, and ACT, if applicable;
- xxv. Full participation in ODE's testing schedule for all state-mandated assessments;
- xxvi. Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
- xxvii. Description of distance learning options/intervention strategies available to students, including the grade levels and amounts of instruction offered students, if applicable.

b. State/ODE Regulations of Directive and Federal Mandates/Special Education

- i. Description of how the public charter will meet any and all requirements of No Child Left Behind, which also addresses adequate yearly progress (AYP) and safe schools aspects of the law;
  - ii. Description of how the public charter school will collect AYP information on all subgroup populations attending the charter school;
  - iii. Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data, collection systems and service delivery models used);
  - iv. Description of how the charter will serve the needs of talented and gifted students, including screening, identification and services;
  - v. Description of how the charter will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;
  - vi. Description of how the charter will work with the District to comply with Section 504 accessibility requirements and nondiscrimination requirements in admission and staff hiring;
  - vii. Explanation of how the charter will work with the District to implement Child Find requirements;
  - viii. Explanation of how the charter will work with the District to implement accommodations and modifications contained in the IEP or Section 504 plan;
  - ix. Explanation of how the charter will work with the District to manage IDEA 2004 mandates regarding eligibility, IEP and placement meetings;
  - x. Explanation of how the charter will work with the District to include parents in implementing IEPs;
  - xi. Explanation of how the charter intends to work with the resident district of any IEP student to provide special education services;
  - xii. Explanation of timeline to respond to District's requests for information/data.
- c. Teacher Certification (Teachers in core content area are to meet NCLB Highly Qualified Statutes) Copy to District of:
- i. Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and TSPC licensure, prior to extending teaching contract;
  - ii. Documentation/Explanation of how the charter will meet the federal mandate of "highly qualified" teachers contained in No Child Left Behind;
  - iii. Copy of Master Schedule complete with instructor's name/class code, enrollment;
  - iv. Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or re-training, if applicable;
  - v. Documentation/Explanation of how the charter will comply with TSPC/ODE requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to the charter staff.
- d. Professional Development

- i. Provide the charter's schools Professional Development Plan each May and thereafter offer comprehensive professional development for all staff per ODE's guidelines;
  - ii. Identification of how the charter's licensed staff will obtain their required Continuing Professional Development units for licensure;
- e. Budget
  - i. Explanation of projected budget items for PERS contributions that would be required of a public charter;
  - ii. Description of planned computer and technology support/replacement;
  - iii. Description of planned transportation costs;
  - iv. Explanation of projected budget items for teaching salaries and other personnel contracts;
  - v. Explanation of facilities costs, including utilities, repairs, rent;
  - vi. Copies of yearly municipal audits for school(s) operated by charter;
  - vii. Percent of operating capital in Reserve (goal).
- f. Policy – Provide the CCSD copy prior to Charter Board approval
  - i. Copies of any policy that the charter intends to adopt which address expectations of academic standards for students and transcript of credits;
  - ii. Copies of any policy that the charter intends to adopt on student behavior, classroom management, suspension, expulsions, which must contain an explanation of how the charter will handle a student expelled from another district;
  - iii. Description of copies of any policy that the charter intends to adopt regarding corporal punishment;
  - iv. Copies of any policy that the charter intends to adopt regarding dispensing of medication to students who are in need of regular prescribed medication during school hours;
  - v. Description of procedures on how the charter will handle disciplinary referrals and how they will impact student promotion and advancement;
  - vi. Copies of any policy that the charter intends to adopt regarding reviewing of and selection of instructional materials;
  - vii. Copies of any policy that the public charter intends to adopt regarding solicitation/advertising/fundraising by non-school groups;
  - viii. Copies of any policy that the charter plans to adopt regarding field trips;
  - ix. Copies of any policy that the charter plans to adopt regarding student publications;
  - x. Copies of any policy that the charter plans to adopt regarding staff/student vehicle parking and use of vehicles;
  - xi. Copies of any policy that the charter plans to adopt regarding diplomas, graduation and participation in graduation exercises;
  - xii. Copies of any policy the charter plans to adopt regarding visitors;
  - xiii. Copies of any policy the charter plans to adopt regarding student/parent/public complaints;
  - xiv. Copies of policy the charter plans to adopt regarding access to public records;

- xv. Copies of any policy the charter intends to adopt regarding staff discipline, suspension or dismissal.

g. Other Information

- i. Plans and pre-use request for use of any District facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs, auditorium, etc.;
- ii. Plans and procedures for child nutrition program(s);
- iii. Plans and procedures for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and administrative rules;
- iv. Plans and procedures for counseling services;
- v. Explanation of contingency plans for the hiring of substitute professionals and classified staff;
- vi. Description of how the charter will handle situations involving student possession, use for distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
- vii. Description of how the charter will address the rights and responsibilities of students;
- viii. Copies of program reviews conducted by other school districts that may have referred students to another public charter operated by the public charter school applicant, if applicable;
- ix. Description of typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
- x. Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM);
- xi. Documentation and description of how long most students remain in the program, documentation of student academic improvement, disciplinary referrals, juvenile interventions, or any other disciplinary action while in the program;
- xii. Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide copies of any contracts or legal documents that will create the basis of the relationship between the entities. Please provide all financial audits and auditor's reports.);
- xiii. If the charter applicant is operating any other public charter school please provide documentation that the charter has established a separate Oregon nonprofit corporation and is legally independent of any other public charter school in operation;
- xiv. If a charter applicant has not secured a facility at the time of submitting a public charter school proposal, the charter applicant shall submit a signed declaration of intent stating:

If given any type of approval (conditional or unconditional), the public charter school applicant promises to provide to the Crook County School District liaison, at least 60 days before the intended date to begin operation of the public charter school, proof that the charter will be able to secure, at least thirty (30) days before he intended date to begin operation of the public charter school, a suitable facility, occupancy and safety permits and insurance policies with minimum coverage required by the school district in school board policy and administrative regulation/rule LBE/AR that sets forth the requirements and process for the school Board in reviewing, evaluating and approving a public charter school.

If the public charter school applicant fails to provide proof of and ability to secure a facility and all necessary occupancy and safety permits and insurance that is required by the school district as a

condition of approval by the due date, the public charter applicant will withdraw its application to begin operation as a public charter school for the upcoming school year.

By signing this document, I affirm that I am authorized to make the promises stated above on behalf of the public charter school applicant. I understand that failure to fulfill the conditions listed above will result in an approval becoming void, and will automatically revoke any type of approval that the school board previously granted to the public charter school applicant.

Name \_\_\_\_\_

Date \_\_\_\_\_

On behalf of the \_\_\_\_\_ Charter Applicant

The public charter applicant will organize and label all information required in Section II to correspond with the requested number.

III. Proposal Review Process -- Timeline may vary contingent upon District requirements/situation

- A. Within 15 business days of receipt of a proposal, the District will notify the applicant as to the completeness of the proposal. Proposals that minimally address or leave out any of the required components are not complete and may be returned to the applicant.
- B. Within 60 days of receipt of a proposal that meets the requirements of law and the District, the Board shall hold a public hearing on the provisions of the public charter proposal.
- C. The Board shall evaluate a proposal in good faith using the following criteria:
  1. The demonstrated sustainable support for the proposal by teachers, parents, students and other community members, including comments received at the public hearing;
  2. The demonstrated financial stability of the proposed public charter school
  3. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs;
  4. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs to students identified by the applicant as academically low achieving;
  5. The extent to which the proposal addresses the criteria required in the proposal process;
  6. Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the district:
    - a. A "directly identifiable, significant and adverse impact" is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing district educational programs. This may include, but not be limited to, the following current data as compared to similar data from preceding years:
      - i. Student enrollment;
      - ii. Student teacher ratio;
      - iii. Staffing with appropriately licensed or endorsed personnel;
      - iv. Student learning and performance;
      - v. Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a second language;
      - vi. Revenue;
      - vii. Expenditure for maintenance and upkeep of district facilities.

7. Whether there are arrangements for any necessary special education and related services;
  8. Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing district school.
- D. The Board shall either approve or deny the proposal within 30 days of the public hearing.
- E. Written notice of the Board's action shall be sent to the applicant. If denied, the notice will include the reason(s) for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board shall either approve or deny the resubmitted proposal within 20days. The Board may, with good cause, request an extension in the approval process time lines from the State Board of Education.

#### IV. Terms of the Charter Contract

- A. 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 contract, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- B. The charter contract shall be legally binding and shall be in effect for a period of not more than five years but may be renewed by the District unless the charter is held not in compliance with Section VIII or not having met Federal, ODE, TSPC regulations, rules, requirements.
- C. The District and the public charter school may amend a charter agreement through joint agreement.
- D. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the District. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules but not limited to the following:
  1. Sexual harassment (ORS 342.700, 342.704);
  2. Pregnant and parenting students (ORS 336.640);
  3. Special English classes for certain children (ORS 336.079);
  4. Student conduct (ORS 339.250);
  5. Alcohol and drug abuse program (ORS 336.222);
  6. Student records (ORS 339.565);
  7. Oregon Report Card (ORS 329.115);
  8. Recovery of costs associated with property damage (ORS 339.270);
  9. Use of school facilities (ORS 332.172);
  10. Employment status of public charter school employees:
    - a. Public charter school law requires the following:
      1. Employee assignment to a public charter school shall be voluntary;
      2. A public charter school is considered the employer of any employees of the public charter school;
      3. If the District Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
      4. A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit to be separate from the other bargaining units of the District;

5. The public charter school governing board shall control selection of employees at the public charter school in full compliance adherence with state law, OR Admin Rules, Federal law and TSPC;
  6. The Board shall grant a leave of absence to any employee who chooses to work in a public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy. However, the length of absence may not be for less than two years unless:
    - a. The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
    - b. The employee and the Board have mutually agreed to a different length of time.
    - c. Should the public charter school close or be closed the District employee on leave to the charter school would have to wait until the start of the following academic year to bump back into the District.
  7. An employee of a public charter school operating within the District who is granted a leave of absence and returns to employment with the District shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence;
  - b. The terms and conditions of employment addressed in the agreement may include, but not limited to:
    1. A proposed plan for the placement of teachers and other school employees upon termination or non-renewal of the charter;
    2. Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
    3. Salary for professional staff or wages for classified staff;
    4. Health benefits provided through the public charter or OEBC;
    5. Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
    6. Work year;
    7. Working hours;
    8. Discipline and dismissal procedures;
    9. Arrangements to secure substitutes;
    10. Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed in Oregon;
    11. Hiring practices;
    12. All core academic teachers being Highly Qualified as per NCLB;
    13. Maintaining a teacher with ELL certification;
    14. Evaluation Procedures.
- E. Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:
- a. Public charter school law requires the following:
    1. Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. All resident applications will have their names written on a uniform sized card

to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applications are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the District. However, if the public charter school has been in operation one or more years, priority enrollment will be given to those students who:

- a. Were enrolled in the public charter school the prior year;
  - b. Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year;
2. If a public charter school offers any online courses as part of the curriculum of the school, then 50 percent or more of the students who attend the public charter school must reside in the school district in which the public charter school is located.
  3. A public charter school may not limit student admission based on ethnicity, national origin, disability, sex, income level, proficiency in the English language or athletic ability but may limit admission within a give age group or grade level;

F. Transportation of students:

a. Public charter school law requires the following:

1. The public charter school shall be responsible for providing transportation for its students and may negotiate with the District for the provision of transportation services;
2. The District shall provide transportation for District resident public charter school students pursuant to ORS 327.043. Resident public charter school students will be transported under the same conditions as students attending private or parochial schools located along or near established District bus routes. The District shall not be required to add or extend existing bus routes. The public charter school is to pay pro-rata portion of the route;
3. Public charter school students who reside outside the District may use existing bus routes and transportation services of the District in which the public charter school is located;
4. Any transportation costs incurred by the District shall be considered approved transportation costs.

G. The plan for performance bonding or insuring the public charter school is for the public charter school to provide sufficient protection for the District. Documentation shall be submitted prior to the Board approving the agreement.

a. Insurance:

1. Commercial General Liability Insurance in the amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 general annual aggregate covering the public charter school, the governing board, employee and volunteers against liability for damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;
2. Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 each policy year covering the public charter school, the governing board, employees, and volunteers against liability arising out of wrongful acts and employment practices. Continuous

“claims made” coverage will be acceptable, provided the retroactive date is on the effective date or the charter;

3. Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing body, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist coverage, at the limits equal to bodily injury limits;
4. Workers’ Compensation insurance shall also be maintained pursuant to Oregon law (ORS Chapter 656). Employers’ liability insurance with limits of \$100,000 each accident, \$100,000 disease for each employee and \$500,000 each policy limit;
5. Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing body, but not less than \$25,000.00. Coverage shall include faithful performance and loss of moneys and securities;
6. Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement costs of the building and/or equipment on an “all risk of direct physical loss basis,” including earthquake and flood perils.

b. Additional requirements:

1. The District shall be named an additional insured on commercial general liability and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance coverage shall be furnished to the District;
2. The public charter school shall also hold harmless and defend the District from any and all liability, injury, damages, fees or claims arising out of the operations of the public charter school operations or activities;
3. The District shall be loss payee on the property insurance if the public charter school leases any real or personal District property;
4. The coverage provided and the insurance carriers must be acceptable to the District.

V. Public Charter School Operations

- A. The public charter school shall operate at all times in accordance with the public charter state law and federal laws, ODE and TSPC regulations and directives, school law, the terms of the approved proposal and the charter agreement.
- B. Statutes and rules that apply to the District shall not apply to the public charter school except the following, as required by law, shall apply:
  1. Federal law including applicable provisions of the No Child Left Behind Act of 2001;
  2. Public records laws (ORS 192.410 to 192.505);
  3. Public meetings law (ORS 192.610 to 192.690);
  4. Municipal audit law (ORS 291.405 to 291.555 and 297.990);
  5. Criminal records check (ORS 181.539, 326.607 and 342.232);
  6. Textbooks (ORS 337.150);
  7. Tuition and fees (ORS 339.141, 339.147 and 339.155);
  8. Discrimination (ORS 659.150 and 659.155);
  9. Tort claims (ORS 30.260 to 30.300);
  10. Reporting of suspected child abuse (ORS 419B.045);
  11. Health and safety statutes and rules;
  12. Any statute or rule listed in the charter agreement;

13. The statewide assessment system developed by the Oregon Department of Education (ODE) for Mathematics, Science, and Language Arts/Writing under ORS 329.455(1), ORS 329.485(1);
  14. The academic content standards and instruction (ORS 329.045(1));
  15. Any statute or rule that establishes requirements for instructional time or staff development;
  16. Prohibition of infliction of corporal punishment (ORS 339.250(12));
  17. Diploma, modified diploma and alternative certificate standards (ORS 329.451);
  18. ORS Chapter 338.
- C. The public charter school may employ as a teacher or administrator a person who is not licensed by TSPC. However, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by TSPC, pursuant to ORS 342.135, 342.136, 342.138 or 342.140. All NCLB core courses must be taught by NCLB criteria for Highly Qualified Teachers.
  - D. The public charter school shall participate in the Public Employees Retirement System.
  - E. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
  - F. The public charter school shall maintain an active enrollment of at least 25 students.
  - G. The public charter school sponsoring District student cap is \*\*.
  - H. The public charter school may be sued as a separate legal entity.
  - I. The public charter school may enter contracts that may lease facilities and services from the District, education service district, state institution of higher education, other governmental unit or any person or legal entity.
  - J. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
  - K. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
  - L. The public charter may offer a high school diploma, modified diploma, alternative certificate to any student completing its approved course of instruction.
  - M. A high school diploma, modified diploma, alternative certificate, issued by a public charter school should grant to the holder the same rights and privileges as a high school diploma, modified diploma, alternative certificate issued by a non-chartered public school.
  - N. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost.
- VI. Charter Agreement Review
- A. The public charter school shall report at least annually on the performance of the school and its students to the State Board of Education and the District and the Crook County constituents as well as parents/guardians of students attending the public charter school.
  - B. The Board or designee shall visit the public charter at least annually to assure compliance with the terms and provisions of the charter. Lack of compliance will be cause for initiating charter school termination.
  - C. The public charter shall be audited annually in accordance with the Municipal Audit Law and shall forward the audit to the District Office, the State Board of Education and the Oregon Department of Education. The audit to be delivered to the district office on or before September 15.

- D. The public charter school shall submit to the Board's designee quarterly financial statements that reflect the school's financial operation. The report shall include, but not limited to, revenues, expenditures, loans, investments and specified reserves.
- E. The public charter school shall maintain a current inventory of all assets; equipment purchased with grant or general fund dollars as well as maintain an inventory of all assets; equipment purchased or donated by private donors.

#### VII. Charter School Renewal

- A. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five (5) years.
- B. The Board and the public charter school shall follow the following timeline unless a different timeline has been agreed upon by the Board and the public charter school.
  - 1. The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to, but no earlier than 210 days before expiration of the charter. The public charter to include all data with changes noted in proposal.
  - 2. Within 45 days after receiving a written request from a public charter school, the Board shall hold a public hearing regarding the renewal request.
  - 3. Within 10 days after the public hearing, the Board shall notify the public charter school of the Board's intent regarding charter renewal.
  - 4. Within 20 days after the public hearing, the Board shall approve the charter renewal or state in writing the reason(s) for denying charter renewal.
  - 5. If the Board approves the charter renewal, the board and the public charter shall negotiate a new charter within 90 days unless the Board and the public charter agree to an extension of the time period.
  - 6. If the Board does not renew the charter, the public charter school may address the reasons stated for the denial or the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board.
  - 7. If the Board does not renew the charter based on the revised request for renewal or the parties do not negotiate a charter contract within the timeline established in this policy, the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.
    - a. If the State Board of Education finds that the District Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the District Board. A public charter may seek judicial review of this order.
    - b. If the State Board of Education finds that the District Board did not use the appropriate process in denying the request for renewal, it shall order the District Board to reconsider the request for renewal. If after reconsideration the District Board does not renew the charter, the public charter school may seek judicial review of the Board's decision.
  - 8. The Board shall base the charter renewal decision on a good faith evaluation of whether the public charter school:
    - a. Is in compliance with all applicable state and federal laws as well as ODE/TSPC and District regulations and directives;
    - b. Is in compliance with the charter of the public charter school;
    - c. Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreement(s) between the Board and the public charter school;
    - d. Is fiscally stable; and
    - e. Is in compliance with any renewal criteria specified in the charter of the public charter school.

9. The Board shall base the renewal evaluation described above, primarily on a review of the public charter school's annual performance report, annual audit of accounts and annual site visit and review and any other information mutually agreed upon by the public charter and the Board.
10. For the purpose of this section, the phrase "good faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and facts before that person.

#### VIII. Charter School Termination

- A. The public charter school may be terminated by the Board for any of the following reasons:
  1. Failure to meet the terms of the approved charter agreement;
  2. Failure to meet the requirements for student achievement as outlined in the charter agreement or federal or state performance criteria for AYP;
  3. Failure to correct a violation of federal or state law or ODE/TSPC administrative rule;
  4. Failure to address ODE/TSPC administrative directive in a timely manner;
  5. Failure to maintain insurance designated level(s) of insurance;
  6. Failure to maintain financial stability;
  7. Failure to maintain the health and safety of the students or staff;
  8. Failure to submit annual report on or before May 15;
  9. Failure to re-submit revised SIP based on student performance data;
  10. Failure to submit PDP based on student performance data.
- B. If a charter school is terminated by the District Board, for any reason listed in Sections IV through VIII A. 10, the following shall occur:
  1. The District shall give the public charter school a 60-day written notification of its decision;
  2. The District shall state the grounds for termination;
  3. The public charter school may request a hearing by the Board. The requests must be made in writing and delivered to the District's business address;
  4. Within 30 days of receiving the request for a hearing, the Board must provide the public charter school with the opportunity for a hearing on the proposed termination;
  5. The public charter may appeal the decision to terminate to the State Board of Education;
  6. If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
  7. If the State Board's final order upholds the District Board's decision to terminate and at least 60 days has passed since the notice of intent to terminate was received by the public charter school, the District's sponsorship of the public charter school will terminate;
  8. The final order of the State Board may be appealed under the provision or ORS 183.484;
  9. Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
  10. If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- C. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in Section VIII A.7, the following shall occur:
  1. If the District reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the District may act to immediately terminate the approved charter and close the public charter school without providing notice as required in VIII B.;
  2. A public charter school closed due to health or safety concerns may request a hearing by the District. Such a request must be made in writing and delivered to the District's business address;

3. Within 10 business days of receiving the request for a hearing, the District must provide the public charter school with the opportunity for a hearing on the termination;
  4. If the District acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
  5. The State Board will hold a hearing on the appeal within 10 days of receiving the request;
  6. The public charter school will remain closed during the appeal process unless the State Board orders the District not to terminate and to re-open the public charter school; and
  7. The final order of the State Board may be appealed under the provisions of ORS 183.484.
- D. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the District, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the District's business address.

Assets of a terminated, closed or dissolved public charter school that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

#### IX. District Immunity

The District, members of the Board, employees of the District and the District's agents are immune from civil liability with respect to the public charter school's activities.