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Testimony in SUPPORT of Senate Bill 767

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Chair Dembrow and members of the Senate Committee on Education,

I am writing in strong SUPPORT of Senate Bill 767. Many of us in the Pinehurst School District, here in Southern Oregon, have found ourselves besieged by a group hoping to use our tiny Pinehurst School District--that has a total of 31 in-district students--to serve as the sponsoring district of an initial campus of 1610 students run by John Adams Academies, Inc., a California Corporation. Their proposal includes no school in our district. They are asking for a K-12 charter school with multiple satellite campuses that would be placed in various other school districts around the Rogue Valley. In researching how this is even possible, it has become clear that a more recent bill—that was passed by the legislature, making it possible for **virtual** charter schools to place a testing facility in another school district without needing written permission from the district where the facility would be located—inadvertently left out the word “virtual”.

Senate Bill 767 is simply a bill that corrects this error and preserves how brick and mortar charter schools have always been approved in Oregon—by ensuring that a brick and mortar charter school must be located IN their sponsoring district.

All evidence in Oregon’s charter school statutes clearly indicates that brick and mortar charter schools were designed to be put in the districts that sponsor them. And that permission for a charter school to move outside of its sponsoring district would be required by the neighboring district.

In our case, while recently researching how we even found ourselves in this situation, it became crystal clear that every Oregon Statute on charter schools indicates that brick and mortar charter schools were **NOT** designed to be built outside of their sponsoring school districts. ORS 338.005(4)(a) defines “Sponsor” as:

(a) The board of the common school district or the union high school district **in which the public charter school is located** that has developed a written charter with an applicant to create a public charter school. (*Emphasis added*)

“Public charter school” at ORS 338.005(2) is defined as:

(2) “Public charter school” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to this chapter.

Using our case as an example: The charter school proposal before Pinehurst School District says:

“The Academy will maintain a physical primary address within the District and will open and operate one or more satellite campuses outside of the District at a location in the Rogue Valley to be determined no later than four months before the beginning of a school year.

The initial facilities will provide a foundation for the educational program to continue to succeed and thrive. The size and location of the facilities will be determined by the final enrollment numbers.” (JAA application at page 19)

According to the definition of “sponsor” and “public charter school” the current application before our school board, and any proposal asking for a brick and mortar charter school outside the sponsoring district, should be mute.

Further evidence can be found in additional Oregon statutes that govern special education services in a brick and mortar charter school. These statutes are all written as if the charter school is located IN THE DISTRICT that is the sponsor. Looking at the following Oregon Statutes you can see each section says “the district in which the charter school is located”.

Under our scenario of Pinehurst placing a charter school in, let’s say Medford School District, the students who enroll in the charter school would become Pinehurst students, and yet **ORS 338.165** states the following:

(1)(a) **The school district in which a public charter school is located** shall identify, locate and evaluate students enrolled in the public charter school to determine which students may be in need of special education and related services.

...

(c) **Students who are eligible for special education and related services shall be considered students of the school district in which the public charter school is located** for purposes of data collection and reporting.

...

(2) If a student is enrolled in a public charter school and is eligible for special education and related services, an additional amount shall be added to the ADM of the public charter school as described in ORS 327.013 (State School Fund distribution computations for school districts) (1)(c)(A)(i). The payment per ADMw in the public charter school that is attributable to the student who is eligible for special education and related services shall equal an amount that is at least equal to:

(a) 40 percent of the amount of the General Purpose Grant per ADMw **for the school district in which the public charter school is located**, as calculated under ORS 327.013 (State School Fund distribution computations for school districts), for students who are enrolled in kindergarten through grade eight; and

(b) 47.5 percent of the amount of the General Purpose Grant per ADMw **for the school district in which the public charter school is located**, as calculated under ORS 327.013 (State School Fund distribution computations for school districts), for students who are enrolled in grades 9 through 12. (*Emphasis added*)

ORS 338.125 states:

(5) Within 10 days of a student's enrollment in a public charter school, the public charter school shall provide written notice of the student's enrollment to **the school district in which the public charter school is located if the student does not reside in the school district where the public charter school is located.**

(6) Within 10 days of receiving the notice described in subsection (5) of this section, **the school district in which the public charter school is located** shall provide to the student's parent, legal guardian or person in parental relationship written information about:

(a) **The school district's** responsibility to identify, locate and evaluate students enrolled in the public charter school to determine which students may be in need of special education and related services as provided by ORS 338.165 (Special education students); and

(b) The methods by which **the school district** may be contacted to answer questions or provide information related to special education and related services.

.....

(8)(a) If a student described in subsection (5) of this section enrolls in a public charter school and has an individualized education program, **the school district in which the public charter school is located must implement the individualized education program** and follow the terms of the individualized education program until a new individualized education program is developed. (*Emphasis added*)

And OAR 581-015-2010 says:

*(2) Charter School Students - **Each school district in which a charter school is located** reports children with disabilities enrolled in the charter schools located in the district and receiving services described in (1), regardless of parental residency. Residency for children enrolled in charter schools is determined in accordance with ORS chapter 338. (OAR 581-015-2010)*

If a brick and mortar charter school is placed outside of the sponsoring district, then none of the above statutes make any sense. You would have to read it as if the district where the charter school is located, Medford School District in my example, would be responsible for all the items listed above. But that is not the case, it is the sponsoring districts responsibility as all students that attend a charter school become the students of the sponsoring district. Oregon statutes confirm that the location of a brick and mortar charter school is IN the district boundaries of the sponsoring district. Any charter school wishing to be located in another school district can certainly apply to that district for sponsorship, but it is NOT the intent, and never has been, for brick and mortar charter schools to be allowed into a neighboring school district without either permission or without going through the proper channels to be sponsored by the district in which they want to be located.

Here in southern Oregon, four school districts facing the current situation in the Rogue Valley are vehemently against the allowance of a neighboring tiny district, Pinehurst, being allowed to place a

hostile charter within their school district boundaries. And rightly so. It upsets everything, including allowing placement of a brick & mortar school, run by another district, into a jurisdiction governed by an entirely different school board.

This current situation has only come to be because of a typographical omission of the word “virtual” in the current statute that was simply trying to allow testing facilities for virtual charter schools in another school district without them needing to ask for specific permission to do so. This needs to be fixed and Senate Bill 767 does just that.

For our case here in southern Oregon, Medford has already made it clear to John Adams Academy that they would welcome their resubmitting their proposal, they were not rejected. Rather, the proponents withdrew their earlier proposal last fall, figuring Pinehurst might be an easy target to obtain their goal of getting into multiple Rogue Valley school jurisdictions with no strings attached.

I urge you to pass Senate Bill 767, fix the error and preserve how brick and mortar charter schools have always been approved—**by obtaining sponsorship from districts in which they WILL be located**. This will ensure that school boards across Oregon maintain governance over the entirety of their districts and avoid a complete free for all of competing rogue districts and charter schools coming into Oregon school districts unwanted and entirely void of local control.