

From: "The Center for Education Reform" <news@edreform.com>
Subject: **Oregon Education Alert: Take Action for Charter Schools Students**
Date: February 18, 2009 9:45:09 AM EST
To: "Kara" <kara@edreform.com>
Reply-To: news@edreform.com

The Center for Education Reform

OREGON EDUCATION ALERT: MAKE YOUR VOICE HEARD TODAY!

On Thursday, February 19, the fate of 2,600 public school students across the state attending the Oregon Connections Academy (ORCA) will be decided.

The State Board of Education will consider enforcing a law that, as it stands now, would force ORCA to close, even though the Oregon Department of Education had previously determined that it would not apply to ORCA.

These students need your help!

Call or email the Oregon State Board of Education NOW and let them know you support the students of ORCA. Tell them:

- You encourage their continued support of Oregon Connections Academy and all public charter school students across the state.
- You support ORCA's request for a waiver from the "50% provision" which limits their ability to serve students statewide.
- You believe that more students in Oregon should be able to choose the right school to fit their needs.

The State Board of Education Meeting will be held, Thursday, February 19 at 1:00 PM, 2nd floor of the Public Services Building, 255 Capitol Street NE, in Salem. For more information read the letter of support for ORCA signed by the Oregon Legislature at

http://wwweek.com/2009/letter_to_Bd_of_Ed.pdf.

CALL:

Make phone calls to (503) 947-5746. You will probably need to leave a message with the Board's Executive Support.

EMAIL The State Board of Education:

- Duncan Wyse, Chair 1st Congressional District, Duncan.Wyse@state.or.us
- Brenda Frank, Vice Chair, 2nd Congressional District, Brenda.Frank@state.or.us
- Artemio Paz, Jr., 2nd Vice Chair, 4th Congressional District, Artemio.Paz@state.or.us
- Jerry Berger, 5th Congressional District, Jerry.Berger@state.or.us
- Nikki Squire, At-Large, Nikki.Squire@state.or.us

- Leslie Shepherd, At-Large, Leslie.Shepherd@state.or.us
- Lewis Frederick, 3rd Congressional District, Lewis.Frederick@state.or.us

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CER changes laws, minds and cultures to allow good schools to flourish.*

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The Center for Education Reform
(tel) 800-520-2118 301-986-8088 (fax) 301-986-1826
cer@edreform.com www.edreform.com

From: MooreGreen@aol.com
Subject: **Fwd: Oregon Connections Academy**
Date: March 12, 2009 10:49:20 PM EDT
To: kara@edreform.com
▶ 1 Attachment, 15.8 KB

Good evening Kara - thought you might be interested in the email below. Finally a response from the Oregon State Board of Education.

best regards, rmg

Raquel Moore-Green, Salem, Oregon
ad majorem dei gloriam
503.362.5021

From: Jan.McComb@ode.state.or.us
Sent: 3/11/2009 4:49:39 P.M. Pacific Daylight Time
Subj: Oregon Connections Academy

Dear ORCA Parents:

Thank you for your letters of support for Oregon Connections Academy (ORCA). Learning of your first-hand experience with the program is very helpful as the State Board of Education considers the ORCA request to waive state law so it may continue to operate as it has over the last four years.

Oregon law requires that if a charter school has a portion of its program online, that no more than 50 percent of the enrolled students come from out-of-district (SB 1071, 2005). However, the State Board of Education is empowered to grant waivers from the charter school laws (ORS chapter 338) under certain conditions:

- The waiver promotes the development of programs by providers
- The waiver enhances the equitable access by underserved families to the public education of their choice;

The waiver extends the equitable access to public support by all students or permits high quality programs of unusual cost.

ORCA has requested that the 50 percent in-district student requirement law be waived for ORCA, and the board is considering that request now. The board is taking this request very seriously, and is weighing heavily the success of students enrolled in the program.

Again, thank you for writing to us. We have included some responses (below) to issues some of you have included in your letters. As always, our goal is to help students be successful so they are ready for their next steps, whether that is college or work. The State Board of Education has been examining the issue of online charter schools over the last 18 months. These issues are outlined in the Board's draft paper posted at:

<http://www.ode.state.or.us/stateboard/2009feb19onlinelearningsubcommitteeproposal.doc>

Sincerely,

Duncan Wyse, Chair
State Board of Education

Frequently Asked Questions

Has the Oregon Dept. of Education (ODE) and the State Board of Education been trying to close ORCA?

One of the responsibilities of the ODE is to enforce the law. ODE staff have spent many hours on ORCA issues, both directly with ORCA and with other school districts and parents who have had questions about the program. Because ORCA was a first-of-its-kind program in Oregon, both ORCA and ODE were faced with issues not dealt with before. When ODE found ORCA in violation of the law it worked with ORCA to make corrections. We don't think ORCA wants to violate the law, anymore than we want them to.

Is ODE and the state board against virtual schooling?

ODE encourages school districts to use whatever tools they need to reach all of Oregon's students. Many districts and ESDs have begun online programs. ODE believes online classes can be very helpful to students and districts, particularly small districts that may be unable to offer a wide course selection. With this belief, ODE created a library of online courses, such as Advanced Placement courses, from which schools can choose to use with their students.

Does ODE want to shut down ORCA to preserve its own online program?

The online courses ODE offers to school districts are supplemental and do not provide a comprehensive education directly to parents and students in the way ORCA does. They are not comparable and the two programs do not compete with one another.

ORCA is providing education "with little or no taxpayer money," right?

ORCA is a public charter school, and receives money from the State School Fund. These are state General Fund dollars, consisting largely of property and income taxes. The formula for charter schools in law is a minimum of 80 percent for grades K-8 and 95 percent for grades 9-12. The Scio School District has negotiated a higher amount for ORCA—90 percent for grades K-8 (and 95 percent for grades 9-12).

Was ORCA "grandfathered" and not subject to the 2005 law?

When SB 1071 was being considered by the 2005 Legislature, ORCA was not yet operating, but then-Rep. Jeff Kropf and ORCA board member, asserted that ORCA had a contract with Connections Academy in Baltimore to provide the education and because of that pre-existing contract, ORCA was not subject to the law. While this point of contract law was subject to debate, the Oregon Department of Education did not challenge that assertion and did not enforce the law against ORCA. The legislative record does not include testimony from ODE staff asserting that that the provision did not, and would not, apply to ORCA.

Ultimately, the question of whether ORCA is grandfathered under SB 1071 is a matter of law, not ODE staff opinion. When the ORCA board threatened litigation against the State Board of Education if the board did not grant the requested waiver, the Oregon Department of Education sought advice from the Attorney General about the applicability of the statute to ORCA. The Attorney General has advised that the statute will apply to ORCA upon renewal of the charter on July 1, 2010. The Oregon Department of Education and the State Board of Education are compelled to follow advice given to it by its lawyer, the Department of Justice. Neither the state agency nor the board has the option to ignore the law and to grandfather ORCA.

The department has indicated to ORCA that the 50 percent sponsoring district student provision will apply to the school upon renewal of its charter. This is similar to how the board treated West Lane Technology Charter School, another school that had an online component prior to enactment of the 2005 law. As more and more of these schools are formed, it is important that they are treated similarly, both as a matter of fairness and to avoid litigation.

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