

Submitter: Deborah Dyson
On Behalf Of: Attorney at Law
Committee: Senate Committee On Education
Measure: SB767

Dear Members of the Senate Committee on Education,

I am an attorney who has worked with charter schools in Oregon for 20 years. One of the most difficult tasks for any charter school, whether it is at the stage of initial approval by its sponsoring school district or has been in operation for years, is finding a suitable facility for its students. For this reason, you find charter schools in churches, shopping malls, portable units in fields and other unusual locations. Some charter schools are in several locations with staff driving between these locations daily to serve their students. For charter schools in suburban school districts experiencing residential and commercial growth or in very rural school districts with limited facilities, these charter schools often can't find a suitable facility within their sponsoring school district. This is particularly the situation for charter schools that don't have their leases extended by their lessor, so they have a limited time period to find another location. For these schools, being able to look at directly adjacent neighboring school districts for a facility can solve a problem. Because current law allows charter schools to take these steps, several charter schools are in the process of purchasing facilities outside of their sponsoring districts.

If you pass SB 767 as written, you could cause the closure of some charter schools. Nationally, one of the top reasons charter schools fail is due to losing a facility. By using the 12-month time period in SB 767, you could cause the loss of financial and time commitments for those charter schools in the process of locating to an adjacent district even in situations where the involved districts are not objecting to the location. The requirement in SB 767 of having a charter school in this situation seek sponsorship by the district is not an answer, as there are districts that do not object to a charter school located in their district, but the district doesn't want the obligations of sponsorship. In addition, the process of seeking sponsorship is time consuming and costly for both the charter school and district. Having a 14-day requirement for a charter school to submit a proposal if this bill passes can only be meant to penalize a charter school, because the application is a detailed document according to the requirements of law and district policy. Finally, by having SB 767 revise section ORS 332.158 and not be included in ORS 338, the laws for charter schools, means that charter schools do not have the option to ask the State Board of Education for a waiver from this law, as it can request under ORS 338.025 of other rules applicable to charter schools. SB 767, as written, has consequences for charter schools without any kind of reasonable appeal or exceptions.

I encourage you to reach out to charter schools, particularly those who submitted testimony, so you understand why voting no on SB 767 is important.