



HOUSE OF REPRESENTATIVES
900 COURT ST NE
SALEM, OREGON 97301

February 16, 2009

State Board of Education
255 Capitol Street, NE
Salem, OR 97310

Dear Members of the State Board of Education:

The Oregon Connections Academy (ORCA) has a pending request in front of the Board to grant a waiver from the "50% provision" of ORS 338.125. We urge the board to grant this waiver, and secure the future of this innovative school.

During the 2005 legislative session when SB1071 (which established the 50% provision) was being debated, the Oregon Department of Education official in charge of virtual schooling assured the legislature that SB1071 would not affect ORCA. We voted for the bill only because of this assurance, with the good faith understanding that ORCA would never be required to comply with this provision.

After the 2005 session, this same official reported to the State Board that SB1071 would not affect ORCA. This is clearly reflected in the minutes of the September 2005 meeting.

Since then, ORCA has grown to be one of the largest public schools in the state, and it is meeting the state's academic standards. But now the ODE's position has changed. It now says that ORCA must comply with the 50% provision starting in 2010. This would mean the death of this innovative public school that serves more than 2500 students.

The waiver request in front of you now simply asks the ODE to live up to the word it gave the legislature in 2005. To deny this waiver request is tantamount to the ODE announcing that its word cannot be trusted.

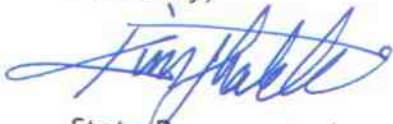
It is outrageous that ORCA finds itself in the position of having to formally request that the State Board honor the commitments made by ODE officials to the legislature in 2005. It is more outrageous still that the ODE is hiding behind an Attorney General's office opinion that essentially says whatever the ODE told the legislature in 2005 is immaterial. How can the honor of a state agency's word be immaterial?

If the State Board refuses to grant this waiver and stand by the commitments, clearly documented in the record, made by the ODE in 2005, then it will be clear to us that we can no longer trust anything told to us by the state's education agency.

This, as you know, is not the first time the ODE has acted dishonorably with regards to ORCA. In 2006, the Emergency Board was so disgusted by the ODE's behavior that it voted unanimously to write a letter expressing its outrage to Superintendent Castillo.

Please put a stop to this unconscionable pattern of bad faith behavior by approving the waiver request, and thereby honoring the word of the ODE.

Sincerely,



State Representative
Kim Thatcher
House District 25



State Representative
Matt Wingard
House District 26



State Representative
Bruce Hanna
House District 7



State Representative
Sherrie Sprenger
House District 17



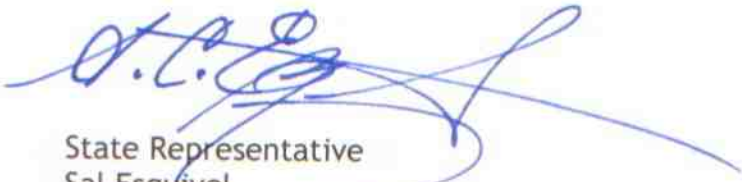
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House District 53



State Senator
Jeff Kruse
Senate District 1



State Senator
Larry George
Senate District 13



State Representative
Sal Esquivel
House District 6



State Senator
Brian Boquist
Senate District 12



State Representative
John Huffman
House District 59



State Representative
Wayne Krieger
House District 1



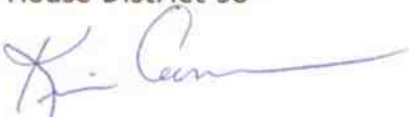
State Representative
Andy Olson
House District 15



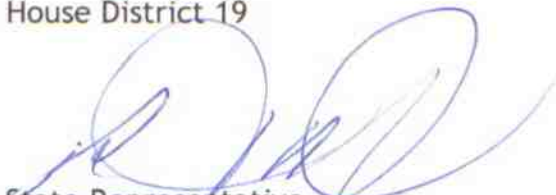
State Representative
George Gilman
House District 55



State Representative
Bob Jenson
House District 58



State Representative
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House District 19



State Representative
Ron Maurer
House District 3



State Representative
Cliff Bentz
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