

## Chapter 108-40 WAC

# CHARTER SCHOOL OVERSIGHT AND CORRECTIVE ACTION POLICY, RENEWAL AND NONRENEWAL POLICY, REVOCATION POLICY, AND TERMINATION PROTOCOL

### WAC

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**WAC 108-40-010 Oversight and corrective action policy statement.** The Washington state charter school commission is responsible under RCW 28A.710.180 for oversight and accountability of the performance and effectiveness of all charter schools it authorizes under RCW 28A.710.070. This oversight and accountability is ongoing and is not limited to the specific actions and procedures described in these rules. For the purposes of the commission's rules governing the oversight and accountability of charter schools it authorizes, the term "school" means a school that has been authorized by the commission under RCW 28A.710.070.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-010, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-020 Oversight.** (1) In carrying out its responsibilities for oversight and accountability of the performance and effectiveness of schools it authorizes, the commission may utilize information including, but not limited to:

- (a) The annual reports submitted to the commission under RCW 28A.710.040;
- (b) All reports and data submitted to the office of the superintendent of public instruction under chapter 28A.710 RCW;
- (c) Data and information obtained through annual site visits;
- (d) Data and information obtained under the charter contract;

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- (e) Financial data and audit materials; and
- (f) Any other information, data or materials associated with the schools.

(2) The commission will require submission of, or access to, materials or data from the school deemed reasonably necessary for oversight and accountability of the schools.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-020, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-030 Inquiries and site visits.** (1) If the commission deems an inquiry or investigation necessary, it may request access to facilities, data, information, and staff. Charter schools are required to provide access to facilities, data, information, and staff in the manner and time frame requested by the commission.

(2) The commission will consider requests to adjust the manner and time frame for access if the school provides good cause. Failure to provide access as requested is considered a material and substantial violation of the charter school's legal and contractual obligations.

(3) Information about the investigation or inquiry will be provided at the discretion of the commission. One consideration is the possible impact of the disclosure on the inquiry or investigation.

(4) At the point of the inquiry or investigation when the commission has reason to believe that a charter school's performance or legal compliance is unsatisfactory, the commission will:

(a) Promptly notify the school of the perceived problem. Notice will be provided in writing. Depending on the nature of the apparent issue, prompt notice could range from between twenty-four hours to fourteen days;

(b) The school must respond in writing to the perceived problem within ten working days. The commission will consider the response and other evidence and information available and determine whether to take corrective action and/or impose sanctions as necessary; and

(c) If the commission imposes corrective action or sanctions, the school must submit a corrective action plan and/or adhere to sanctions imposed by the commission.

(5) The commission may conduct site visits to charter schools in its portfolio for the purpose of conducting oversight and holding schools accountable.

(6) If circumstances warrant it, the commission may alter the time frames within these rules.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-030, filed 6/2/14, effective 7/3/14.]

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**WAC 108-40-040 Corrective action process.** (1) Upon a finding of one or more deficiencies and imposition of corrective action, the school must comply with the corrective action process and successfully complete an approved corrective action plan.

(2) If there is immediate threat to student or employee health, safety or welfare, the commission may require immediate correction of the deficiency or correction within a time frame indicated by the commission.

(3) All other violations will require a corrective action plan.

(4) In addition to requiring a school to comply with a corrective action plan to correct any deficiencies, the commission may impose sanctions up to and including revocation. Sanctions may include:

- (a) Placement on a probationary status; and
- (b) Revocation.

(5) The corrective action plan must identify the date by which the deficiency will be corrected.

(6) Implementation of a corrective action plan constitutes reasonable opportunity for the school to remedy the identified deficiencies.

(7) Within ten days from receipt of a deficiency finding, a school must provide the commission with a corrective action plan.

(8) If accepted, the commission will approve the corrective action plan. Once approved, the school may seek one extension of the deadline for compliance for good cause shown. The commission is not required to approve the extension.

(9) If the extension is granted and the school does not satisfy the corrective action plan, the failure will be considered grounds for revocation of the contract.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-040, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-050 Corrective action plans.** (1) Corrective action plans must:

- (a) Address how the corrective action will be accomplished;
- (b) Address how the school will identify and address other deficiencies associated with the corrective action;
- (c) Address what measure(s) will be put in place to prevent future occurrence of defect;
- (d) Indicate how the school will monitor compliance to assure that solutions are sustained;
- (e) Identify person(s) responsible for corrections and sustaining change;
- (f) Give the date by which correction will be made; and
- (g) Include steps that will be taken to accomplish correction with steps, dates, and supporting evidence that the plan will be carried out as scheduled.

(2) The school may be required to submit progress reports or updated plans in accordance with a schedule specified by the commission.

(3) Commission acceptance of the corrective action plan is at its discretion and does not rule out imposition of other remedies or sanctions.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-050, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-060 Renewal policy statement.** The renewal process begins at the end of the school year preceding a charter school's final year of operation under an existing charter school contract. This is a rigorous process designed to enable the commission to make an informed decision about whether or not a charter school should be allowed to continue to operate for an additional contract term.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-060, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-070 Renewal process.** (1) No later than May 1st, one school year before the expiration of the charter school contract, the charter school must notify the commission in writing of its decision to either:

- (a) Apply for renewal of the contract; or
- (b) Cease operation at the expiration of the contract term.

(2) If the school has decided to cease operation at the expiration of the contract term, a termination protocol shall be implemented.

(3) If the school is requesting renewal under the existing contract, it must submit a renewal application before the final school year begins. The renewal application must be submitted no later than June 1st and must be received by the commission by 5:00 p.m.; if June 1st falls on a weekend, the renewal application must be received by the commission no later than 5:00 p.m. on the Monday following June 1st.

(4) Within ninety days of receiving a renewal application, the commission will issue a written performance report addressing the information outlined in WAC 108-40-080. The performance report will be sent to the school seeking renewal and posted on the commission's web site.

(5) The school may submit a response to the performance report that corrects or clarifies information contained in the report. If the school is subject to the ineligibility presumptions enumerated in WAC 108-40-090, then the school must rebut those presumptions by demonstrating exceptional circumstances that justify renewal in the response to the performance report. If the school submits a response, it must be received by the commission within thirty days of issuance of the performance report.

(6) In conjunction with the performance report, the commission will issue renewal application guidance. The renewal application guidance will, at a minimum, provide the charter school with an opportunity to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;
- (b) Describe improvements undertaken or planned for the school; and
- (c) Detail the school's plans for the next charter contract term. The renewal application guidance will also contain the criteria that will guide the commission's renewal decisions.

(7) For those renewal applications deemed eligible for renewal consideration, individuals designated by the commission may conduct a school site visit (renewal inspection) during the renewal applicant school's final school year under

the existing contract. The renewal inspection may serve as one of the mechanisms for the commission to evaluate and document the charter school's performance and representations to inform the commission's renewal decision. The renewal inspection will include a review of the school's performance and satisfaction of its obligations under the charter contract, with specific focus on any concerns identified in the performance report. Within fourteen days following the renewal inspection, a renewal inspection report will be issued. The school will have ten days to submit a written response to the renewal inspection report.

(8) Those renewal applications deemed ineligible for renewal consideration may appeal this determination in accordance with the procedures outlined in WAC 108-40-100.

(9) Interested parties, including members of the public, may submit written comments to the commission regarding the potential renewal of a school's charter contract. The deadline for submitting comments will be posted on the commission's web site.

(10) For applications deemed eligible for renewal consideration, commission staff will review renewal applications, the renewal inspection report, and other relevant information, and make a recommendation, based on the renewal criteria, to approve, deny, or conditionally approve the renewal application. This recommendation will be provided to the school and commissioners. This recommendation shall serve as notice of the prospect of and reasons for nonrenewal. Within twenty days of issuance of this recommendation, the school may request an opportunity to respond to the recommendation in accordance with the procedures outlined in WAC 108-40-100; failure to make such a request shall constitute a waiver of the school's right to respond.

(11) The commission will pass a resolution approving, denying, or conditionally approving the renewal application. Renewal may be for a term of up to five years. This term may be shorter depending on the school's performance, demonstrated capacities and particular circumstances.

(12) Upon approval of a school's renewal application, the school must execute a new contract within ninety days of the approval decision. The contract must include specific conditions that the commission determines are required for necessary improvements to the school; provided, however, if approval of the renewal application is conditional, the renewal conditions must be included in the contract.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-070, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-080 Performance report.** (1) The performance report will summarize the school's performance record and provide notice of any weaknesses or concerns perceived by the commission that may jeopardize the school's renewal if not timely rectified.

(2) The commission's school performance report will include, but is not limited to, the following information:

(a) Academic information such as student achievement data, comparative performance, student progress, postsecondary readiness, state and federal accountability, and mission specific accountability;

(b) Financial information such as near term indicators, sustainability indicators, and audit and accounting indicators; and

(c) Organizational information such as education program, charter school law compliance, safety and welfare compliance, board performance and stewardship, student involvement and retention, and mission specific accountability.

(3) If there are reasons why the commission may not renew the charter, the performance report will provide the school with notice of those reasons and the prospect for non-renewal.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-080, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-090 Renewal decision and presumptions.** (1) In making charter renewal decisions, the commission will:

(a) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence that forms the basis for its decision. Specific criteria guiding the commission's renewal decisions will be set out in the commission's renewal application guidance.

(2) Schools are presumed to be ineligible for renewal if they have:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management;

(d) Substantially violated any material provision of law from which the charter school is not exempt;

(e) Fallen in the bottom quartile of schools on the state board's accountability index at the time of the renewal application; and

(f) Are subject to an active corrective action plan for the failures or violations listed in (a) through (f) of this subsection.

(3) The presumption of ineligibility can be rebutted if the school demonstrates exceptional circumstances that the authorizer finds justifiable. The school must satisfy this burden in its application and response to the performance report.

(4) A decision to renew, conditionally renew, or non-renew a school's contract will be memorialized in a resolution that sets forth the action taken, the reasons for the decision, and assurances of compliance with the commission's procedural requirements. A report of action, with the resolution attached, must be submitted to the renewal applicant and the state board of education within ten days of the decision.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-090, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-100 Procedures associated with possible nonrenewal decision.** (1) If a school is notified that it is considered ineligible for renewal, or that nonrenewal is recommended, within twenty days of that notice, the school may request an opportunity to respond and present evidence challenging the determination of ineligibility or recommendation for nonrenewal. This request must be sent to the commission's executive director or designee. Failure to make this request within twenty days acts as a waiver rendering the ineligibility determination or nonrenewal recommendation final.

(2) If a school requests an opportunity to respond, the commission will designate an individual, or individuals, to preside over a public proceeding at which the school may:

(a) Submit a written response explaining why it believes that its contract should be renewed;

(b) Submit documents and give testimony supporting the renewal of the contract;

(c) Call witnesses on its behalf; and

(d) Be represented by counsel.

(3) The commission may also, through staff or counsel, present documents, witnesses, and/or testimony to support the ineligibility determination or nonrenewal recommendation at the public proceeding.

(4) The presiding officer(s) shall regulate the course of the public proceeding and, in the discretion of the presiding officer(s), may impose reasonable limits on the conduct of the public proceeding including, but not limited to, limitations on the length of time that the school and commission has to present documents and evidence. The presiding officer(s) may issue deadlines and other requirements that the presiding officer(s) deem necessary for the orderly conduct of the proceeding. Unless they conflict with the Charter Schools Act and commission's rules, the provisions of chapter 34.05 RCW shall govern these proceedings.

(5) Within thirty days of the public proceeding, the presiding officer(s) shall make a written recommendation to the commission regarding whether the ineligibility or nonrenewal decision should stand or whether it should be altered in some manner. This recommendation will be transmitted to the commission, the school, and posted on the commission's web site.

(6) The commission will, after a reasonable period for deliberation, consider the recommendation of the presiding officer(s), as well as relevant evidence or documentation submitted during the application renewal process, and make a final determination. The commission's final determination shall be in the form of a resolution that, in the case of a nonrenewal, clearly states the reasons for the nonrenewal.

(7) Within ten days of issuing this resolution, the commission will submit a report of action to the school and the state board of education. The resolution will be attached to the report of action and will set forth the action taken, reasons for the decision, and assurances of compliance with the commission's renewal/nonrenewal procedures.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-100, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-110 Revocation of charter school contract.** (1) The commission may revoke a school's contract at

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any time that it determines that the school failed to comply with the Charter Schools Act or:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) If the commission determines that a school's contract should be revoked, the commission will notify the school, in writing, of the determination and the associated reasons. The school may submit a written response that must be received by the commission within thirty days of issuance of the notice.

(3) The commission, or a person designated by the commission, will review the notice, response, and any supporting information and issue a draft resolution to revoke or not revoke the school's contract and any conditions that are recommended if the school's contract is not to be revoked. The draft resolution will be sent to the school.

(4) The school may request an opportunity to respond to a draft resolution recommending revocation. This request must be sent to the commission's executive director, or designee, within twenty days of issuance of the draft resolution. Failure to make this request within twenty days acts as a waiver rendering the draft resolution final.

(5) If a school requests an opportunity to respond, the commission will designate an individual or individuals to preside over a public proceeding at which the school may:

(a) Submit a written response explaining why it believes that its contract should not be revoked;

(b) Submit documents and give testimony opposing the revocation of the contract;

(c) Call witnesses on its behalf; and

(d) Be represented by counsel.

(6) The commission may also, through staff or counsel, present documents, witnesses and/or testimony to support the revocation at the public proceeding.

(7) The presiding officer(s) shall regulate the course of the public proceeding and, in the discretion of the presiding officer(s), may impose reasonable limits on the conduct of the public proceeding including, but not limited to, limitations on the length of time that the school and commission has to present documents and evidence. The presiding officer(s) may issue deadlines and other requirements that the presiding officer(s) deems necessary for the orderly conduct of the proceeding. Unless they conflict with the Charter Schools Act, and commission's rules, the provisions of chapter 34.05 RCW shall govern these proceedings.

(8) Within no more than thirty days of the public proceeding, the presiding officer(s) shall make a written recommendation to the commission regarding whether the revocation decision should stand or whether it should be altered in some manner. This recommendation will be transmitted to the commission, the school, and posted on the commission's web site.

(9) The commission will, after a reasonable period for deliberation, consider the recommendation of the presiding

officer(s) as well as any other evidence or documentation submitted during the revocation process, and make a final determination. The commission's final determination shall be in the form of a resolution that clearly states the reasons for the revocation or decision not to revoke.

(10) Within ten days of issuing this resolution, the commission will submit a report of action to the school, the superintendent of public instruction, and the state board of education. The resolution will be attached to the report of action and will set forth the action taken, reasons for the decision, and assurances of compliance with the commission's renewal/nonrenewal procedures.

(11) Nothing within these rules prevents the commission from engaging in contingency planning in initiating the termination protocol.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-110, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-120 Termination protocol statement.**

The following roles and procedures govern the closure of a school upon nonrenewal, revocation, or other termination of the charter school contract. All time frames are triggered by a final decision to nonrenew, revoke, or terminate a charter school contract.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-120, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-130 Termination protocol responsibilities of the charter school board.** The charter school board shall be responsible for the obligations associated with this termination protocol. These obligations are personal and extend beyond the term of the contract.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-130, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-140 Termination protocol responsibilities of the commission's staff.** (1) Within forty-eight hours of a decision to nonrenew, revoke, or terminate a charter school contract, the commission's staff will establish a transition team.

(2) Within twenty-four hours of a decision to nonrenew, revoke, or terminate a charter school contract, the commission staff will notify the Washington state board of education and the office of superintendent of public instruction.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-140, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-150 Termination protocol responsibilities of the transition team.** (1) The transition team may include:

- (a) Commission staff;
- (b) Charter school board chair or designee;
- (c) Lead administrator from the charter school;
- (d) Lead finance person from the charter school;
- (e) Lead person from the charter school faculty; and
- (f) Lead person from the charter school parent organization.

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(2) The transition team will develop a closure plan and assign roles.

(3) Within forty-eight hours of a decision to nonrenew, revoke, or terminate a charter school contract, the transition team will notify districts materially impacted by the closure decision with information including:

(a) If the closure decision is being appealed, information of where parties are in process and an estimated timeline for a final decision;

(b) A timeline for final decision;

(c) A copy of the closure letter sent to parents;

(d) A copy of letters sent to school faculty and staff;

(e) Information regarding the school closure process;

(f) Information regarding the plan being developed to ensure an orderly closure process; and

(g) Commission decision-making materials, including:

(i) A resolution to close school; and/or

(ii) A copy of a termination protocol pursuant to RCW 28A.710.210(1).

(4) Within seventy-two hours of a decision to nonrenew, revoke, or terminate a charter school contract, a parent contact list for enrolled students will be created and the transition team will notify parents of the closure decision. A parent contact list may include:

(a) Student name;

(b) Parent name;

(c) Address;

(d) Telephone number; and

(e) E-mail.

(5) A notification of the closure decision may include:

(a) Notification of the closure decision;

(b) Timeline for transition;

(c) Assurance that instruction will continue through the end of the school year or the date when instruction will cease;

(d) Assurance that parents and students will be assisted in the reassignment process;

(e) Frequently asked questions about the charter closure process; and

(f) Commission and school contact information for parents/guardians with questions.

(6) Within seventy-two hours of a decision to nonrenew, revoke, or terminate a charter school contract, the transition team will create a faculty contact list and notify faculty members of the closure decision. The faculty contact list may contain:

(a) Name;

(b) Position;

(c) Address;

(d) Telephone number; and

(e) E-mail.

(7) Within five business days of a decision to nonrenew, revoke, or terminate a charter school contract the transition team will develop a closure plan. The closure plan will include responsible persons and written reports concerning:

(a) Reassignment of students;

(b) Return or distribution of assets;

(c) Transfer of student records;

(d) Notification of entities doing business with the school;

(e) The status of the school's finances; and

(f) Submission of all required reports and data to the commission and/or OSPI.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-150, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-160 Termination protocol responsibilities of the charter school lead administrator.** (1) The school's lead administrator will maintain corporate records and IRS 501 (C)(3) status. Corporate records include, but are not limited to records relating to the school:

- (a) Loans, bonds, mortgages, and other financing;
- (b) Contracts;
- (c) Leases;
- (d) Assets and asset distribution;
- (e) Grants;
- (f) Governance;
- (g) Accounting and tax records;
- (h) Personnel;
- (i) Employee benefit programs and benefits;
- (j) Insurance; and
- (k) Any other items listed in the closure plan.

(2) The charter school's lead administrator will maintain existing insurance coverage for assets under the closure plan, as well as for the facility, vehicles, and other assets until disposal, transfer of real estate, or termination of lease, and disposal, transfer, or sale of vehicles and other assets.

(3) Within ten days of a decision to nonrenew, revoke, or terminate a charter school contract, the charter school's lead administrator will notify commercial lenders and bond holders of the school's closure, and a likely date of when an event of default will occur, as well as the projected date for the last payment by the school towards its debt.

(4) Within ten days of a decision to nonrenew, revoke, or terminate a charter school contract, the charter school's lead administrator will notify the following groups as to the school's closure and project date of closure:

- (a) Charitable partners; and
- (b) Vendors.

(5) Within ten days of a decision to nonrenew, revoke, or terminate a charter school contract, the charter school's lead administrator will create and submit to commission staff a list of all creditors and debtors, and any amounts accrued and unpaid with respect to such creditor or debtor.

(6) Within fifteen days of the commission's resolution to not renew or terminate a charter school contract, the charter school's lead administrator will:

(a) Create a list of all contractors with contracts in effect, and notify the contractors of the school's closure and cessation of operations;

(b) Instruct contractors to remove any contractor property from the school prior to final day of school operation; and

(c) Retain records of past contracts as proof of full payment, and terminate contracts for goods and services as of the last date such goods or services will be provided.

(7) Within fifteen days of a decision to nonrenew, revoke, or terminate a charter school contract, the charter school's lead administrator will notify an education service provider of termination of education program by the school's board, providing:

(a) The last day of classes and absence of summer school;

(b) Notice of nonrenewal in accordance with management contract;

(c) Request for final invoice and accounting to include accounting of retained school funds and grant fund status; and

(d) Notice to the education service provider to remove any property lent to the school after the end of classes, and to request a receipt for such property.

(8) Within thirty days after the last day of classes, the charter school's lead administrator will transfer student records to students' new school or district of residence. Student records include:

- (a) Grades and any evaluation data;
- (b) All materials associated with individual education plans;
- (c) Immunization records; and
- (d) Parent or guardian information.

(9) Within five days of the transfer of student records, the charter school's lead administrator will provide the commission with written verification of transfer of student records. Written verification of records must include:

- (a) Number of general education records transferred;
- (b) Number of special education records transferred;
- (c) Date of transfer;
- (d) Signature and printed name of the charter school representative releasing the records; and
- (e) Signature and printed name of the district or other entity recipient(s) of the records.

(10) Within thirty days after the last day of classes, the charter school's lead administrator will review, prepare and make available to commission staff an itemized financial statement that includes, but is not limited to:

- (a) Fiscal year-end financial statements;
- (b) Cash analysis;
- (c) List of compiled bank statements for the year;
- (d) List of investments;
- (e) List of payables and determinations of when a check used to pay the liability will clear the bank;
- (f) List of all unused checks;
- (g) List of petty cash;
- (h) List of bank accounts; and
- (i) List of all payroll reports including taxes, retirement, or adjustments on employee contracts.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-160, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-170 Termination protocol responsibilities of the charter school lead administrator and the charter school commission staff.** (1) Within five business days of a decision to nonrenew, revoke, or terminate a charter school contract commission staff and lead administrator from charter school will review the school's budget. The purpose of the review is to:

- (a) Ensure that funds are sufficient to operate the school through the end of the school year, if applicable;
- (b) Emphasize the legal requirement to limit expenditures to only those in the approved budget, while delaying

approved expenditures that might no longer be necessary until a revised budget is approved;

(c) Make revisions that take into account closure and associated expenses while prioritizing continuity of instruction; and

(d) Identify acceptable use of reserve funds.

(2) Within ten business days of a decision to nonrenew, revoke, or terminate a charter school contract, commission staff and lead administrator will hold a parent closure meeting. The purpose of the parent closure meeting is to:

(a) Provide overview of the commission's closure policy and closure decision;

(b) Provide calendar of important dates for parents;

(c) Provide specific remaining school vacation days and date for the end of classes;

(d) Present timeline for transitioning students;

(e) Present timeline for closing down of school operations; and

(f) Provide contact information.

(3) Within ten days of a decision to nonrenew, revoke, or terminate a charter school contract, commission staff and lead administrator will meet with charter school faculty and staff. The purpose of this meeting is to:

(a) Discuss reasons for closure;

(b) Emphasize importance of maintaining continuity of instruction through the end of the school year;

(c) Discuss plans for helping students find new schools;

(d) Identify date when last salary check will be issued, when benefits terminate, and last day of work; and

(e) Describe assistance, if any, which will be provided to faculty and staff to find new positions.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-170, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-180 Termination protocol responsibilities of the charter school financial lead.** (1) Within five business days of the last day of classes, the charter school's financial lead will file Federal Form 269 and 269a if the school has been receiving funds directly from the United States Department of Education.

(2) Within one hundred twenty days after the last day of classes, the charter school's financial lead will establish a date for audit to perform final close out audit. Lead must provide commission with findings of audit within forty-eight hours of receipt of findings.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-180, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-190 Termination protocol final closure meeting.** (1) Within five days of receiving the finalized audit report, commission staff will establish a date for a final report meeting between commission staff, charter school board, lead administrator, and financial lead. This meeting is established to:

(a) Ensure termination protocols have been followed;

(b) Ensure all necessary deliverables are accounted for;

(c) Review findings of final close out audit; and

(d) Ensure indemnification of the commission and its employees by the charter school board, lead administrator, and financial lead.

(2) In the event that the commission determines an incompleteness and lacking of any protocols, deliverables, or audit findings, the charter school board, lead administrator, and financial lead should address these within forty-eight hours.

[Statutory Authority: RCW 27A.710.070 [28A.710.070], 27A.710.180 [28A.710.180], 27A.710.190 [28A.710.190], 27A.710.200 [28A.710.200]. WSR 14-12-065, § 108-40-190, filed 6/2/14, effective 7/3/14.]

**WAC 108-40-200 Voluntary school closure.** Nothing in these provisions preclude a school board from volunteering to close the school and enter into a termination agreement. The termination agreement sets out the tasks and responsibilities associated with the closure of the school.

[Statutory Authority: RCW 27A.710.070, 27A.710.180, 27A.710.190, and 27A.710.200. WSR 14-19-030, § 108-40-200, filed 9/8/14, effective 10/9/14.]