

Chapter 108-20 WAC

APPLICATION

WAC

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PART I

CHARTER SCHOOL APPLICATION PROCESS

WAC 108-20-010 Charter school application process information. (1) Information regarding the charter school application process shall be made available on the commission's web page. The information made available on the web page will include at a minimum: A timeline for the application process, a list of required application materials, the solicitation for proposals, the scoring rubric used by evaluators, and the contact information for the commission's staff. General questions regarding the application process may be directed to the commission's staff.

(2) The commission may make available an in-person or online orientation session to provide an overview of the charter school application process, content required in the application, and the online platform.

[Statutory Authority: RCW 28A.710.070. WSR 17-08-011, § 108-20-010, filed 3/24/17, effective 4/24/17; WSR 13-18-017, § 108-20-010, filed 8/23/13, effective 9/23/13.]

WAC 108-20-020 Notice of intent. (1) An applicant seeking approval must submit an electronic or hard copy non-binding notice of intent to submit a charter school application not less than thirty days before the last date for submission of an application to the commission.

(2) The electronic copy of the notice of intent must be received via email by 5:00 p.m. Pacific time not less than thirty calendar days before the last date for submission of an application to the commission.

(3) The hard copy must be:

(a) Postmarked not less than thirty days before the last date for submission of an application to the commission; or

(b) Hand delivered before the close of business not less than thirty days before the last date for submission of an application to the commission.

(4) Within two business days of receipt of the notice of intent, the commission will send email confirmation that the notice of intent has been received.

(3/24/17)

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-020, filed 8/23/13, effective 9/23/13.]

WAC 108-20-030 Application submission. (1) All applications, whether for an original charter, a modification of a charter, or the renewal of a charter shall be made on forms approved by the commission or through the online platform.

(2) An electronic version of the application through the online platform must be received by the commission by the application dead-line in order for the application to be considered.

(3) After receipt of the electronic application, the commission or its designee will review the application for completeness. If the review reveals that information is missing, the applicant will be contacted and granted twenty-four hours to provide the missing information.

(4)(a) Once an application is deemed complete, the applicant will be notified via email and will be required to submit five hard copies of the application. The hard copies of the application shall be identical in all respects to the content found in the application submitted through the online platform.

(b) The hard copies of the application must be submitted in person or through the U.S. Postal Service within ten business days of the application being deemed complete. In-person delivery will be due by 5:00 p.m. Pacific time on the fifth business day. Mailed applications must be postmarked by the fifth business day.

(5) In order for an application to be eligible for review, it must be received by the commission by the stated deadline and pass the completeness check or timely satisfy any completeness requests. Applications that are not received by the deadline or do not pass the completeness check or do not satisfy completeness requests will not be evaluated.

[Statutory Authority: RCW 28A.710.070. WSR 15-10-069, § 108-20-030, filed 5/1/15, effective 6/1/15; WSR 13-18-017, § 108-20-030, filed 8/23/13, effective 9/23/13.]

WAC 108-20-040 Applicant interview. Applicants are required to participate in an interview following submission of a complete, timely application. The interview is used as an evaluative tool for the evaluators to ask questions, seek clarification, and gain additional information regarding the application. The interview is taken into consideration with the application and will be used to inform the final recommendations made by the evaluators. Applicants will be given a notice of at least five business days before the scheduled interview date.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-040, filed 8/23/13, effective 9/23/13.]

WAC 108-20-050 Public forum. Applicants are required to participate in a public forum with the commis-

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sion. The public forum will provide an opportunity for the applicant to engage directly with the commission and for the public to learn more about and to provide input on each application. The public forum is independent of the application process and may be used to evaluate the applicant. Applicants will be given a notice of at least five business days before the scheduled public forum date.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-050, filed 8/23/13, effective 9/23/13.]

WAC 108-20-060 Application evaluators. The commission, its designee(s), or a combination thereof will participate in the evaluation process. Should the commission designate external evaluators, the designees must be qualified and independent, and disclose any conflict(s) of interest. The application evaluators will make a recommendation to the commission regarding the applications reviewed. The commission will consider the recommendations of the evaluators and comments from the public forum when making its final decision to authorize. The commission reserves its right to make final decisions regarding the approval and denial of charter school applications.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-060, filed 8/23/13, effective 9/23/13.]

PART II

APPLICATION CONTENT AND APPROVAL CRITERIA

WAC 108-20-070 Criteria used for application evaluation. The commission will grant approval only to charter school applicants that are able to demonstrate the capacity to successfully execute all elements of the educational, operational, financial, and governance plan. The charter school applications must demonstrate the applicants' competence in each of the components listed in RCW 28A.710.130 as well as any other requirements in chapter 28A.710 RCW and those outlined below in this section. The approval criteria include:

(1) An executive summary that outlines the school's mission and vision, student population and community, location or geographic area for the proposed school and the school district where it will be located, the educational need and anticipated student population, leadership and governance, enrollment summary, a brief description of the plan for the school, and an explanation of how the applicant will successfully open and operate a high-quality school; community engagement, evidence of need, and parent and/or guardian and community support for the proposed charter school.

(2) A high-quality educational program design and capacity that addresses the following elements:

(a) A curriculum and instructional design framework, must present a clear and coherent framework for teaching and learning, that reflects the needs of the anticipated population and ensures all students will meet or exceed the state standard. This includes:

(i) A description of the basic learning environment (e.g., classroom-based, independent study), class size, classroom management, and structure.

(ii) An overview of the planned curriculum including a sample course scope and sequence for one subject for each division (elementary, middle, high school) the school would serve. In addition, identified course outcomes and demonstrated alignment with applicable state standards.

(iii) Evidence that the educational program or key elements of the program are based on proven methods; evidence that the proposed educational program has a sound base in research, theory, and/or experience, and has been or is likely to be rigorous, engaging, and effective for the anticipated student population.

(iv) If the curricular content is developed, a summarized description of content choices such as text book selection, by subject, and rationale. The applicant must provide evidence that this curricular content will be appropriate and effective for the students as well as adhere to the federal and state standards.

(v) If the curricular content is not developed, a plan for how the content will be developed between approval of the application and the opening of the school, including who will be responsible and when key stages will be completed.

(vi) A description of the primary teaching methods and instructional strategies that the school will expect teachers to use and why the strategies are well-suited for the anticipated student population.

(b) A description of student performance expectations for the school as a whole. If the applicant plans to adopt or develop additional academic expectations beyond the state and authorizer standards, an explanation of the types of expectations (content areas, grade levels). The applicant must also explain the policies, standards, and expectations for promoting students from one grade to the next.

(c) For applications that include high school, a detailed explanation of high school graduation requirements including, but not limited to: A description of the process of earning credit hours, calculating grade point averages, and what information will be available on transcripts, and elective courses offered; explanations of additional requirements that exceed state and authorizer standards; explanations of how these requirements ensure student readiness for college or post secondary opportunities; and an explanation of the systems and structures used for students at risk of dropping out and/or not meeting graduation requirements.

(d) An outline of the school calendar and schedule including, but not limited to: An explanation of how the calendar meets the needs of the school's educational program; the structure of the school day including the number of instructional hours/minutes in a day for core subjects; the length of the school day (start/dismissal times); and the minimum number of hours/minutes devoted to instruction in each grade.

(e) A description of the school culture including, but not limited to: A description of the culture or ethos of the proposed school; an explanation of how it will promote a positive academic environment and reinforce student intellectual and social development; the process of implementation of this culture among students and staff; and an explanation of how the school culture will serve students with special needs.

(f) If they are to be offered, an overview of supplemental programming including, but not limited to: Summer school offerings including the schedule, length, and anticipated par-

participants; resource and staffing needs; extra-curricular or cocurricular activities offerings and how they will be funded. As anticipated for your student population, an overview of programs addressing student mental, emotional, and social development and health, and how these programs will be funded; and other student-focused activities and programs integral to the educational and student development plans.

(g) Special populations and at-risk students includes, but is not limited to: A description of the overall plan to serve students with special needs; a description of more specific plans identifying how the school will meet the students' learning needs in the least restrictive environment possible as defined by state and federal special education guidelines and law; how the school will meet the needs of students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families; how the school will meet the needs of highly capable students; and how the school will comply with applicable laws and regulations governing services to these student populations.

(h) A culturally inclusive student recruitment and enrollment plan that includes, but is not limited to: An enrollment policy; plans for student recruitment and marketing that will provide equal access; and plans for outreach to families of at-risk students, if applicable.

(i) Evidence that the proposed discipline plan has a sound base in, and some combination of, research, theory, experience, and best practice; and has an explanation of how it is likely to be effective for the anticipated student population. The discipline policy must be culturally responsive and comply with applicable state laws and authorizer policies which includes, but is not limited to: Equitable and fair practices with incentives to promote positive behavior and school climate; penalties for infractions; types of offenses; rights of students with disabilities in disciplinary actions and proceedings; procedures for due process when a student is suspended or expelled; and how students and parents and/or guardians will be informed of the discipline policy.

(j) Education program capacity includes, but is not limited to: The identification of key members of the school's leadership team who will play a substantial role in school development and its success; the key members' qualifications to implement school design; identification and descriptions of organizations, agencies, or consultants that are partners in planning and establishing the school; the identification of the principal/head of school candidate and why this individual is well qualified to lead the school in achieving its mission (if no candidate identified, a description of the job and its qualifications, timeline, criteria, recruiting and selection process); a description of the responsibilities and qualifications of the school's leadership/management team beyond the principal/head of school; and who will be working full time, or nearly full time, to lead development of the school, and the plan to compensate them.

(k) The school's plan for using internal and external assessments to measure and report student progress, including those required by the state.

(3) Operations plan and capacity. A detailed plan and supporting information addressing the school's operations plan and capacity including the following elements:

(a) A detailed description of the school's governance includes, but is not limited to: Legal status and governing documents; organization charts that show the school governance, management, and staffing structure in the school's first year and for the term of the charter, and the roles and responsibilities of the governing board, staff, any related bodies, and any external organizations playing a role in the school's management; an explanation of the governance philosophy guiding the board; a description of the governance structure; a list of current and identified board members and their intended roles and responsibilities, including their interests in and qualification for serving the school's board as well as background information on the identified or proposed governing board members and proposed school leadership and management team; if there is no initial governing board, an explanation of how and when the transition to the formal governing board will take place; the procedure by which board members have been and will be selected and how frequently they will meet; a description of the board's ethical standards and procedures for identifying and addressing conflicts of interests; plans for increasing the capacity of the governing board; advisory bodies and the roles and duties of those bodies; and a description of the school's grievance process should a student or parent have an objection to the governing board policy or decision, administrative procedure, or practice at the school.

(b) An explanation of any proposed partnership agreement between a charter school and the school district or educational service district (ESD) in which it resides and a description of the terms of that agreement.

(c) Explanations of any other partnerships or contractual relationships central to the school's operations or mission; in the case of an application where the proposed charter school intends to contract with a nonprofit education service provider (ESP) for substantial educational services, management services, or both, the applicant must:

(i) Provide evidence of the nonprofit ESP's success in serving student populations similar to the student population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(ii) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the ESP; scope of services and resources to be provided by the service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract; and

(iii) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

(d) A detailed description of the school's staffing includes, but is not limited to: Staff structure; staffing plans for the first year and for the term of the charter, hiring, management, and evaluation; professional development; and performance management.

(e) A detailed plan for engaging families in the school before it opens and once students are enrolled. The plan should include specifics on proposed events or activities to engage families.

(f) A detailed plan for acquiring a suitable facility including budget, facilities start up including backup or contingency plans, and a letter of intent.

(g) Start-up and ongoing operations include, but are not limited to: A detailed start-up plan for the school specifying tasks, timelines, and responsible individuals; transportation plan; food service plan; plans for all other significant operational or ancillary services; plan for safety and security for students, the facility, and property; description of types and levels of insurance coverage.

(h) A detailed description of the school's operations capacity includes, but is not limited to: Individual and collective qualifications for successfully implementing operations plan with specific emphasis on staffing, performance management, professional development, general operations, and facilities management; organization's capacity and experience in facilities acquisition and management.

(4) Financial plan. A detailed description of the school's financial plan and capacity includes, but is not limited to:

(a) A description of the systems, policies, and procedures the school will use for financial planning, accounting, purchasing, and payroll, including a description of internal controls and methods for ensuring compliance with all financial reporting requirements; roles and responsibilities of administration and governing board for school finances; plans and procedures for annual audit of financial and administrative operations; methods for ensuring financial transparency; liability insurance plans with ability to indemnify the school, its board, staff, and teachers against tort claims; completion of a budget form and financial plan workbook; a detailed description of assumptions, estimates, and bases for revenue projections, staffing levels, and costs. This includes start-up and five-year cash flow projections and budgets with clearly stated assumptions.

(b) Financial management capacity. A detailed description of the school's financial management capacity includes, but is not limited to: Individual and collective qualifications for successfully implementing the financial plan which includes, at a minimum, financial management, fund-raising and development, and accounting and internal controls.

(5) School specific performance measures. A detailed description of the school's specific performance measures includes, but is not limited to, the following mission-specific items: Educational goals and targets; organizational goals and targets; nonmandatory assessments or measures for evaluating student learning needs and progression within the school year; training and support school leadership and teachers will receive in analyzing, interpreting, and using performance data to improve student learning.

(6) For existing charter school operators, charter management organizations or educational management organizations, a detailed description of the organization's growth plans and capacity to successfully support and execute that plan.

(7) Conflict of interest. Conflict of interest includes, but is not limited to: Full disclosure of all real or apparent con-

licts of interest between reviewers, decision makers, applicants, and any affiliates of these entities.

(8) Background checks. The safety and welfare of the students in Washington's charter schools is of the utmost importance, as is the protection of scarce state resources being entrusted to charter schools. Therefore, application evaluation will include the following background check components:

(a) Each identified or proposed governing board member, and identified or proposed school leadership and management, must complete a background check disclosure form, waiver, and certification which will include disclosure of, at a minimum, criminal background information in accordance with enumerated questions and as aligned with RCW 28A.400.303 and the statutes cited therein. This will also require specific disclosure of financial mismanagement or malfeasance.

(b) The commission may also complete an independent background and/or records check on each identified or proposed governing board member, and identified or proposed school leadership and management.

(c) Individuals will not be permitted to serve on the governing board, administration, or leadership of a charter school if the results of their records check would legally preclude them from working in a school.

(d) Individuals may not be permitted to serve on the governing board, administration, or leadership of a charter school if they have a history of financial malfeasance or mismanagement.

(9) All of the above criteria will be subject to review for cultural responsiveness.

[Statutory Authority: RCW 28A.710.070. WSR 17-08-011, § 108-20-070, filed 3/24/17, effective 4/24/17; WSR 13-18-017, § 108-20-070, filed 8/23/13, effective 9/23/13.]

WAC 108-20-080 Ratings. The application and all associated documents and evidence will be rated using the following criteria: Exceeds the standard; meets the standard; partially meets the standard; or does not meet the standard. The application will also be evaluated to determine whether the school is designed to serve at-risk students, and whether each component aligns with the overall mission, budget, and goals stated throughout the application and supporting documents.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-080, filed 8/23/13, effective 9/23/13.]

WAC 108-20-090 Approval or denial of an application. (1) After evaluation of the application and supporting documents, interview, and other documented evidence received through the application review process, including public input received by the commission, the commission will determine whether to approve, approve with conditions, or deny an application. Preference will be given to applications for charter schools designed to serve at-risk student populations.

(2) When an application is approved with conditions, those conditions will be enumerated and placed into two categories: (a) Precontract conditions; and (b) preopening conditions.

Precontract conditions must be fully satisfied by deadlines identified by the commission. Failure to fully satisfy the precontract conditions before the ninety day contract execution deadline will negate approval.

Preopening conditions and associated deadlines will be identified in the charter contract. Failure to satisfy the preopening conditions may be considered a material breach of the charter contract.

(3) Misrepresentations on application. In the event that an applicant makes material misrepresentations in the information and documentation submitted as part of this application process, the application may be denied.

(4) Reasons for denial of an application will be clearly stated in writing.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-20-090, filed 8/23/13, effective 9/23/13.]