

WAC 108-40-110 Revocation of charter school contract. (1) The commission may revoke a school's charter contract at 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 charter 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 charter 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 recorded public proceeding at which the school may:

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

(b) Submit documents and give testimony opposing the revocation of the charter 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 School 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 website.

(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 28A.710.070, 28A.710.180, 28A.710.190, and 28A.710.200. WSR 17-08-011, § 108-40-110, filed 3/24/17, effective 4/24/17; WSR 14-12-065, § 108-40-110, filed 6/2/14, effective 7/3/14.]