

Chapter 180-19 WAC

CHARTER SCHOOLS

WAC

180-19-010	Definitions.
180-19-020	Notice of intent to submit an authorizer application.
180-19-030	Submission of authorizer application.
180-19-040	Evaluation and approval or denial of authorizer applications.
180-19-050	Authorizing contract.
180-19-060	Authorizer oversight fee.
180-19-070	Charter school—Request for proposals.
180-19-080	Charter school applications—Submission, approval, or denial.
180-19-090	Board certification of charter schools—Lottery.
180-19-200	Computation of time.
180-19-210	Annual report by authorizer.

WAC 180-19-010 Definitions. (1) "Authorizer" shall have the same meaning as set forth in RCW 28A.710.010(3).

(2) "Authorizer application" or "application" means the form developed by the state board of education that must be completed and timely filed as set forth in these rules with the state board of education by a school district seeking approval to be a charter school authorizer.

(3) "Board" means the state board of education.

(4) "School district" or "district" means a school district board of directors.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-010, filed 3/19/13, effective 4/19/13.]

WAC 180-19-020 Notice of intent to submit an authorizer application. A school district intending to file an application during a calendar year to be approved as a charter school authorizer must submit to the state board of education a notice of intent to file such application by October 1st of the prior year; provided, however, that a district seeking approval as an authorizer in 2013 must provide such notice of intent to submit an application by April 1, 2013. A district may not file an authorizer application in a calendar year unless it has filed a timely notice of intent as provided for herein. A notice of intent shall not be construed as an obligation to submit an application under these rules. The board shall post on its web site all notices of intent upon receipt.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-020, filed 3/19/13, effective 4/19/13.]

WAC 180-19-030 Submission of authorizer application. (1) The state board of education shall develop and make available on its web site, no later than October 1st of each year, an "authorizer application" that must be used by school districts seeking to be approved as a charter school authorizer; provided, however, that the board shall make available on its web site the authorizer application for those districts seeking approval in 2013 by April 1, 2013. The application may include such attachments as deemed required by the board to support and complete the application.

(2) A school district seeking approval to be a charter school authorizer must submit an "authorizer application" to the state board of education by December 31st of the year in

which the district seeks approval as an authorizer; provided, however, that a district application for approval to be a charter school authorizer in 2013 must be submitted to the board, as provided herein, no later than July 1, 2013. The district's completed application must be sent via electronic mail to sbe@k12.wa.us with the original hand delivered or mailed to the board at the following address:

Washington State Board of Education
600 Washington St. S.E.
Olympia, WA 98504

The original and electronic version of the application must be received by the board no later than the date provided above. The board shall post on its web site each application received from a school district.

(3) A school district must provide sufficient and detailed information regarding all of the following in the authorizer application submitted to the board:

(a) The district's strategic vision for chartering. The district must state the purposes that it expects to fulfill in being an authorizer of charter schools, with specific reference to the statutory purposes set forth in RCW 28A.710.005, as well as any district-specific purposes that are a particular priority for the district; the characteristics of the school or schools it is most interested in authorizing, while maintaining a commitment to considering all charter applicants based on the merits of their proposals and the likelihood of success; how the school or schools it wishes to authorize might differ from the schools the district currently operates with regard to such features as staffing, schedule, curriculum, and community engagement; the educational goals it wishes to achieve; how it will give priority to serving at-risk students, as defined in RCW 28A.710.010(2), or students from low-performing schools; and how it will protect the autonomy and promote the accountability of the charter schools it oversees.

(b) A plan to support the vision presented, including explanations and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing. "Budget and personnel capacity" means the district's capability of providing sufficient assistance, oversight and monitoring to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under chapter 28A.710 RCW and comply with all applicable state and federal laws. A district's evidence of budget and personnel capacity shall consist, at a minimum, of a detailed description of the following:

(i) Staff resources to be devoted to charter authorizing and oversight under chapter 28A.710 RCW, in full-time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the "Principles and Standards for Quality Charter Authorizing" developed by the National Association of Charter School Authorizers and the provision of chapter 28A.710 RCW;

(ii) Job descriptions and qualifications of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to competent and necessary expertise in all areas essential to charter school oversight including, but not limited to: School leadership; curriculum instruction and assessment; special education, English language learners, and other diverse learning needs; performance management; law, finance and facilities, through staff and any contractual relationships or interagency collaborations; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection of sufficient financial resources, supported by the authorizer oversight fee under RCW 28A.710.110 and any other resources, to carry out its authorizing responsibilities in accordance with National Principles and Standards developed by the National Association of Charter School Authorizers and the provisions of chapter 28A.710 RCW.

(c) A draft or preliminary outline of the request for proposal(s) that the district would, if approved as an authorizer, issue to solicit charter school applicants. The draft or preliminary outline of the request for proposal(s) shall meet all of the requirements set forth in RCW 28A.710.130 (1)(b) and demonstrate that the applicant intends to implement a comprehensive application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of chapter 28A.710 RCW.

(d) A draft of the performance framework that the district would, if approved as an authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of RCW 28A.710.170(2) including descriptions of each indicator, measure and metric enumerated therein; and shall provide that student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, graduation rates, and postsecondary readiness are measured and reported in conformance with the achievement index developed by the state board of education under RCW 28A.657.110.

(e) A draft of the district's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200. The draft provided must, at a minimum, provide for the implementation of transparent and rigorous processes that:

(i) Establish clear standards for renewal, nonrenewal, and revocation of charters it may authorize under RCW 28A.710.100;

(ii) Set reasonable and effective timelines for actions that may be taken under RCW 28A.710.190 and 28A.710.200;

(iii) Describe how academic, financial and operational performance data will be used in making decisions under RCW 28A.710.190 and 28A.710.200;

(iv) Outline a plan to take appropriate actions, or exercise sanctions short of revocation, in response to identified deficiencies in charter school performance or legal compliance, in accordance with the charter contract and the provisions of chapter 28A.710 RCW.

(4) A district must sign a statement of assurances submitted with its application, that shall be included as an attach-

ment to the authorizing contract executed between the approved district and the state board of education, stating that it seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of chapter 28A.710 RCW, and that if approved as an authorizer it will:

(a) Seek opportunities for authorizer professional development, and assure that personnel with significant responsibilities for authorizing and oversight of charter schools will participate in any authorizer training provided or required by the state;

(b) Provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures;

(c) Solicit applications for both new charter schools and conversion charter schools, while appropriately distinguishing the two types of charter schools in proposal requirements and evaluation criteria;

(d) Ensure that any charter school it oversees shall have a fully independent governing board and exercise autonomy in all matters, to the extent authorized by chapter 28A.710 RCW, in such areas as budget, personnel and educational programs;

(e) Ensure that any contract it may execute with the governing board of an approved charter school under RCW 28A.710.160 provides that the school will provide educational services to students with disabilities, students who are limited English proficient, and any other special populations of students as required by state and federal laws;

(f) Include in any charter contract it may execute with the governing board of an approved charter school, in accordance with RCW 28A.710.160(2), educational services that at a minimum meet the basic education standards set forth in RCW 28A.150.220.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-030, filed 3/19/13, effective 4/19/13.]

WAC 180-19-040 Evaluation and approval or denial of authorizer applications.

(1) The board shall evaluate an application submitted by a school district seeking to be an authorizer and issue a decision approving or denying the application by April 1st of each year; provided, however, that the board shall issue a decision approving or denying a district's application timely submitted for approval in 2013 by no later than September 12, 2013. The state board may utilize the services of external reviewers with expertise in educational, organizational and financial matters in evaluating applications. The board may, at its discretion, require personal interviews with district personnel for the purpose of reviewing an application.

(2) For an application to be approved, the state board must find it to be satisfactory in providing all of the information required to be set forth in the application. The board will also consider whether the district's proposed policies and practices are consistent with the principles and standards for quality charter school authorizing developed by the National Association of Charter School Authorizers, as required by RCW 28A.710.100(3), in at least the following areas:

(a) Organizational capacity: Commit human and financial resources necessary to conduct authorizing duties effectively and efficiently;

(b) Solicitation and evaluation of charter applications: Implement a comprehensive application process that includes clear application questions and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school;

(c) Performance contracting: Execute contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(d) Ongoing charter school oversight and evaluation: Conduct contract oversight that competently evaluates performance and monitors compliance, ensures schools' legally entitled autonomy, protects student rights, informs intervention, revocation and renewal decisions, and provides annual reports as required by chapter 28A.710 RCW; and

(e) Charter renewal and revocation processes: Design and implement a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.

A determination that an application does not provide the required information, or does not meet standards of quality authorizing in any component, shall constitute grounds for disapproval.

(3) The state board of education shall post on its web site the applications of all school districts approved as authorizers. A school district approved as an authorizer shall post its application on a public web site.

(4) If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria established in these rules.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-040, filed 3/19/13, effective 4/19/13.]

WAC 180-19-050 Authorizing contract. (1) If the board approves a district's application, it shall execute a renewable authorizing contract with the school district within thirty days of its decision. The contract shall specify the district's agreement to serve as an authorizer in accordance with the expectations of chapter 28A.710 RCW and specify additional performance terms based on the district's proposal and plan for chartering as set forth in its application.

(2) The statement of assurances submitted with an authorizer application shall be incorporated as an attachment to the authorizing contract and incorporated by reference as if fully set forth therein.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-050, filed 3/19/13, effective 4/19/13.]

WAC 180-19-060 Authorizer oversight fee. (1) The statewide formula for the authorizer oversight fee transmitted to an authorizer by the superintendent of public instruction, as provided for in RCW 28A.710.110, shall be calculated at four percent of the state operating funding allocated under RCW 28A.710.220, with the fee decreasing to three percent of the state operating funding after an authorizer has authorized ten charter schools.

(12/26/13)

(2) The board shall periodically review the adequacy and efficiency of the authorizer oversight fee for the purpose of determining whether the formula should be adjusted in order to ensure fulfilling the purposes of chapter 28A.710 RCW. In conducting the review, the board shall utilize the information on authorizers' operating costs and expenses included in the annual report submitted to the board by each authorizer as set forth in RCW 28A.710.100(4).

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-060, filed 6/1/13, effective 7/2/13.]

WAC 180-19-070 Charter school—Request for proposals. Each authorizer shall annually issue requests for proposals for charter schools. For the year 2013, a request for proposal must be issued by no later than September 22, 2013. Requests for proposals in all subsequent years must be issued no later than April 15th.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-070, filed 6/1/13, effective 7/2/13.]

WAC 180-19-080 Charter school applications—Submission, approval, or denial. (1) An applicant, as defined in RCW 28A.710.010, seeking approval must:

(a) Submit a nonbinding notice of intent to be approved as a proposed charter school not less than thirty days before the last date for submission of an application to an authorizer as provided in this section. An applicant may not file a charter school application in a calendar year unless it has filed timely notice of intent as provided herein; and

(b) Submit an application for a proposed charter school to an authorizer by no later than July 15th of the year in which the applicant seeks approval. Provided, however, that an applicant seeking approval to operate a charter school in 2014 must submit an application to an authorizer by no later than November 22, 2013.

(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than October 15th of the year in which the application is received; Provided, however, that for applications received in 2013, the authorizer must approve or deny the proposal by no later than February 24, 2014.

(3) The authorizer must provide the state board of education with a written report of the approval or denial of an applicant's proposal for a charter school within ten days of such action, but no later than October 25th, whichever is sooner. Provided, however, that for proposals for charter schools received in 2013, the report must be received within ten days of the action, but no later than March 6, 2014, whichever is sooner. The notice must comply with the requirements set forth in RCW 28A.710.150(2). The report shall be sent to the board via electronic mail to sbe@k-12.wa.us.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-080, filed 6/1/13, effective 7/2/13.]

WAC 180-19-090 Board certification of charter schools—Lottery. (1) Upon receipt of notice from an authorizer that a charter school has been approved, the chair of the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters in RCW 28A.710.150. Certification from the state

[Ch. 180-19 WAC p. 3]

board of education must be obtained before final authorization of a charter school. The certification of a charter school shall be posted on the board's web site.

(2) If the board receives notification of charter approvals under this section on the same day, and the total number of approvals exceeds the limits in RCW 28A.710.150(1), the board will select approved charters for certification through a lottery process as follows:

(a) The board shall notify the authorizer that the approved charter school has not been certified by the board for operation and must be selected for certification through a lottery.

(b) Within thirty days after determining that the limit for charter schools has been exceeded, the board shall conduct a lottery, as required by RCW 28A.710.150(3), at a publicly noticed meeting to select and certify approved charters for implementation. The board shall randomly draw the names of charter schools from the available pool of approved charter schools that have not been certified until the maximum allowable total number of charter schools has been selected.

(i) A charter school shall be certified by the board for operation commencing in the following school year so long as the total number of charter schools that may be established in any single year under RCW 28A.710.150 is not exceeded.

(ii) Once the total number of charter schools that may be established in any single year under RCW 28A.710.150 is exceeded, the board shall certify a charter school for operation in a subsequent year based upon the charter's selection in the lottery.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-090, filed 6/1/13, effective 7/2/13.]

WAC 180-19-200 Computation of time. (1) "Days" means calendar day whenever used in this chapter, unless otherwise specified. The period of time for performing an act governed by this chapter is determined by excluding the first day and including the last day, unless the last day is an official state holiday, Saturday, or Sunday, in which event the period runs until the end of the next business day.

(2) If a specific due date is established under this chapter, and that date falls on a Saturday, Sunday, or official state holiday, such period is automatically extended to the end of the next business day.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-200, filed 6/1/13, effective 7/2/13.]

WAC 180-19-210 Annual report by authorizer. (1) Each authorizer must, no later than November 1st of each year starting in 2014, submit an annual report to the state board of education meeting the requirements of RCW 28A.710.100(4). The board shall develop and post on its web site by September 1st of each year a standard form which must be used, and instructions which must be followed by each authorizer in making its report. The completed report must be sent via electronic mail to sbe@k12.wa.us and shall be posted on the board's web site.

(2) The report must include:

(a) The date of authorizer approval by the board;

(b) The names and job titles of district personnel having principal authorizing responsibilities with contact information for each;

(c) The names and job titles of any employees or contractors to whom the district has delegated responsibilities under RCW 28A.710.100, with contact information for each;

(d) An executive summary including, but not limited to, an overview of authorizing activity during the prior year and the status and performance of the charter schools authorized;

(e) The authorizer's strategic vision for chartering, as submitted to the state board under WAC 180-19-030 (3)(a), and its assessment of progress toward achieving that vision;

(f) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories:

(i) Approved but not yet open, including for each, the targeted student population and the community the school hopes to serve; the location or geographic area proposed for the school; the projected enrollment; the grades to be operated each year of the term of the charter contract; the names of and contact information for the governing board, and the planned date for opening;

(ii) Operating, including for each, location; grades operated; enrollment in total and by grade; and for each student subgroup as defined in RCW 28A.300.042 in totals and as percentages of enrollment;

(iii) Charter renewed with date of renewal;

(iv) Charter transferred to another authorizer during the prior year, with date of transfer;

(v) Charter revoked during the prior year with date of and reasons for revocation;

(vi) Voluntarily closed;

(vii) Never opened, with no planned date for opening.

(g) The academic performance of each operating charter school overseen by the authorizer, based on the authorizer's performance framework, including:

(i) Student achievement on each of the required indicators of academic performance in RCW 28A.710.170 (2)(a) through (f), as applicable by grade, in absolute values and in comparison to the annual performance targets set by the charter school under RCW 28A.710.170(3). Student academic proficiency, student academic growth, achievement gaps, graduation rates and postsecondary readiness must be included as reported in the achievement index developed by the state board of education under RCW 28A.657.110.

(ii) Student achievement on each additional indicator of academic performance the authorizer has chosen to include in its performance framework to augment external evaluations of performance, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170.

(iii) Student achievement on each indicator must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status as required of performance frameworks in RCW 28A.710.170.

(h) The financial performance of each operating charter school overseen by the authorizer, based on the indicators and measures of financial performance and sustainability in the authorizer's performance framework, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170;

(i) The organizational performance of the governing board of each operating charter school overseen by the authorizer.

rizer, based on the indicators and measures of organizational performance in the authorizer's performance framework, including compliance with all applicable laws, rules and terms of the charter contract;

(j) The authorizer's operating costs and expenses for the prior year for fulfilling the responsibilities of an authorizer as enumerated in RCW 28A.710.100(1) and provided under the terms of each charter contract, detailed in annual financial statements that conform with generally accepted accounting principles and applicable reporting and accounting requirements of the office of the superintendent of public instruction;

(k) The contracted, fee-based services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including a brief description of each service purchased, an itemized accounting of the revenue received from the schools for the services, and the actual costs of these services to the authorizer.

[Statutory Authority: RCW 28A.710.100. WSR 14-02-060, § 180-19-210, filed 12/26/13, effective 1/26/14.]