

# Chapter 108-30 WAC

## PERFORMANCE FRAMEWORK

### WAC

#### CHARTER SCHOOL PERFORMANCE FRAMEWORK

108-30-010	Performance framework policy statement.
108-30-020	Performance framework.
108-30-030	Rating categories.
108-30-040	Review process.

### CHARTER SCHOOL PERFORMANCE FRAMEWORK

**WAC 108-30-010 Performance framework policy statement.** The commission will evaluate charter school performance using a performance framework designed to ensure that charter schools are held to the highest standards of accountability and oversight.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-30-010, filed 8/23/13, effective 9/23/13.]

**WAC 108-30-020 Performance framework.** (1) "Performance framework" means the standards that will be used by the commission to evaluate the performance of each charter school. The performance framework will be a source of information used by the commission to make decisions involving corrective action, renewal, modification, revocation, and/or termination of a charter school.

(2) The performance framework evaluates charter school performance and compliance in the areas of academic, financial, organizational, legal and mission specific performance and compliance. The commission will develop and post performance framework guidance for charter schools on the commission web site.

(3) Academic performance and compliance. Academic performance and compliance measures whether the charter school meets or is making sufficient progress towards academic performance expectations. Academic performance and compliance includes, but is not limited to:

(a) Student achievement. Evaluation of student achievement includes evaluation of student academic proficiency in English language arts and literacy in history/social studies/civic education, science and technical subjects, and mathematics; advanced proficiency measurements in English language arts and literacy in history/social studies/civic education, science and technical subjects, and mathematics; evaluation of student achievement gaps in both proficiency and growth. In addition to overall data, this information 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.

(b) Comparative performance. Comparative performance is evaluated by comparing charter school students' performance on required state and federal assessments to performance of students in traditional public schools and charter schools with similar demographics. This is a comparison of

overall student performance in English language arts (reading and writing), math, and science, as well as any other subjects that will in the future be tested. To the extent data is available comparison schools may include, but are not limited to, district-of-residence schools and peer or comparable schools whether charter or noncharter. As additional data for comparisons become available, the comparative performance evaluation will be adjusted. In addition to aggregate data, when available, this information 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.

(c) Student progress. Student progress is evaluated using the school's median student growth percentile in reading and mathematics. As additional growth-related data become available, this evaluation will be adjusted. In addition to aggregate data, when available, this information 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.

(d) Post secondary readiness (high school evaluation). Evaluation of post secondary readiness includes evaluation of students' performance and participation on American College Testing (ACT) or Scholastic Assessment Test (SAT); overall graduation rates in accordance with the state of Washington reporting requirements; comparison of charter school to district-of-residence graduation rates; comparison of charter school to peer or similar school graduation rates; and enrollment in post secondary institutions. As additional comparison data such as dual credit accrual, industry certification, 11th grade assessments, or others, become available, this evaluation will be adjusted. In addition to aggregate data, this information 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.

(e) State and federal accountability. Evaluation of the charter school's compliance with state and federal accountability rules, regulations, and laws and whether the school has met the targets set forth by the state accountability system including, but not limited to, provision of basic education, instruction in the essential academic learning requirements, statewide student assessments, performance improvement goals. In addition to overall data, this information 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.

(f) Mission specific accountability. Evaluation of whether the charter school has met mission specific goals identified in its contract.

(4) Financial performance and compliance. Financial performance and compliance measures the financial health

and viability of a charter school. Financial performance and compliance includes, but is not limited to:

(a) Near term indicators. Evaluation of financial performance and compliance includes evaluation of charter school's assets and liabilities, available cash; actual enrollment as compared to enrollment projection and associated budget; loan and grant status.

(b) Sustainability indicators. Evaluation of sustainability indicators includes evaluation of net income and revenue; debt to asset ratio; cash flow; debt service ratio.

(c) Audit and accounting indicators. Evaluation of audit and accounting indicators includes evaluation of the charter school's compliance with generally accepted accounting principles; audit results and findings, if any.

(5) Organizational performance and compliance. Organizational performance and compliance measures compliance with specific terms and provisions of the charter contract and state and federal legal requirements. Organizational performance and compliance includes, but is not limited to:

(a) Education program. Evaluation of the education program includes evaluation of the charter school's education program in terms of compliance with specific performance expectations set forth in the charter contract; compliance with requirements of local education agencies and public schools under those federal laws and regulations including, but not limited to, compliance with the Individuals With Disabilities Education Act, the Rehabilitation Act, the Federal Educational Rights Privacy Act, the Elementary And Secondary Education Act, McKinney-Vento Act, and any other applicable education laws or regulations.

(b) Charter school law compliance. Evaluation of charter school law compliance includes evaluation of the charter school's compliance with chapter 28A.710 RCW. This includes review of policies and practices related to admissions, waiting lists, recruitment, security and privacy.

(c) Safety and welfare compliance. Evaluation of student and employee compliance includes evaluation of the charter school's compliance with laws concerning employment of faculty and staff including, but not limited to, certification requirements and background checks; evaluation of student and employee disciplinary policies and procedures and application of associated legal and constitutional protections; evaluation of compliance with health and safety laws and regulations.

(d) Board performance and stewardship. Evaluation of board performance and stewardship will include evaluation of compliance with all applicable laws, rules, and terms of the charter contract as well as willingness and skill in identifying issues with management of the school and taking corrective action and in implementing any corrective actions imposed by the commission.

(e) Student involvement and retention. Evaluation of student involvement and retention will include evaluation of attendance and recurrent enrollment.

(f) Mission specific accountability. Evaluation of whether the charter school has met mission specific goals identified in its contract including, but not limited to, proactive public engagement in student recruitment and demonstrated execution of a mission appropriate enrollment plan.

(6) Other. The commission may also include additional rigorous, valid, and reliable indicators to augment evaluations of the charter school's performance.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-30-020, filed 8/23/13, effective 9/23/13.]

**WAC 108-30-030 Rating categories.** Unless otherwise deemed appropriate, academic measures will be rated using the following categories: Exceeds standard; meets standard; does not meet standard; falls far below standard. Financial and organizational measures will be rated using the following categories: Meets standard or does not meet standard. Each of these ratings will be defined in relation to the measure being evaluated.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-30-030, filed 8/23/13, effective 9/23/13.]

**WAC 108-30-040 Review process.** (1) Charter school responsibilities. Charter schools shall submit data, documentation, or other evidence to establish compliance with the performance framework and terms of the charter contract. The charter school shall also submit additional data, documentation, or other evidence necessary to facilitate oversight and monitoring by the commission. This includes, at a minimum:

(a) Submission of the data, documentation, or evidence to the commission in accordance with the format and time frames established by the commission prior to the beginning of each school year. This will include submission of an annual report but may also require submission of other reports at more frequent intervals.

(b) Submission of additional data, documentation, or evidence that the commission determines to be relevant to evaluation of compliance with the performance framework within ten business days of the commission's request, unless otherwise indicated in the request.

(c) Charter schools shall submit independent audit reports and any associated findings to the commission within ten business days of receipt by the charter school.

(d) Charter schools shall respond, within reasonable time frames, to any notice of concerns about unsatisfactory performance or legal compliance provided by the commission. The charter school will work with the commission to remedy the problem.

(e) Charter schools shall comply with any corrective action plan required by the commission.

(f) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance.

(g) Charter schools may submit a written response to any findings or recommendations contained in the compliance review report within ten business days of issuance of the report.

(2) Commission responsibilities. The commission will continually monitor the performance and legal compliance of the charter schools it oversees, at a minimum, this will include:

(a) Collecting and analyzing data to support ongoing evaluation according to the performance framework.

(b) Annual evaluation of compliance with the performance framework in accordance with established rating categories and associated rubric(s).

(c) Annual issuance of a compliance review report that documents the results of the annual evaluation, along with any additional relevant information, including necessary corrective action.

(d) By September 1st of each school year, establish format and time frames governing the submission of data, documentation, or evidence to be submitted to the commission by the charter schools.

(e) Post time frames on the commission's web site.

(f) Notification to the charter school of perceived problems about unsatisfactory performance or legal compliance, perceived or otherwise, will be given within reasonable time frames considering the scope and severity of the concern. The charter school will be given a reasonable opportunity to remedy the problem, unless revocation is warranted by the law.

(i) A perceived problem exists when the commission has conducted an inquiry and it is reasonable to believe that the issue exists (anytime a complaint is brought or information is brought forward).

(ii) The commission will respond to any general reporting of issues within a reasonable amount of time depending upon the scope and severity of the concern. When the health or safety of children are at risk a response will be made within forty-eight hours.

(g) Taking corrective action, or exercising sanctions including, but not limited to, successful completion of a corrective action plan within a specified time frame to address apparent deficiencies in charter school performance or legal compliance.

(h) Imposition of sanctions if the commission determines that it is necessary to address noncompliance.

(i) Consideration of any written response that a charter school submits in response to the commission's findings or recommendations.

(3) Nothing in this provision will preclude the commission from requesting additional information outside established time frames when the commission determines that the information is necessary to satisfy its monitoring and oversight responsibilities under the law.

(4) Nothing in this provision precludes the commission from conducting inquiries or investigations into charter school performance on an as needed basis. If the commission determines that notice may compromise an investigation or inquiry, notice will be provided upon completion of the investigation or inquiry.

(5) Failure to submit data, documentation, or evidence as requested by the commission could result in a finding of "does not meet standard" for the performance framework or corrective action.

[Statutory Authority: RCW 28A.710.070. WSR 13-18-017, § 108-30-040, filed 8/23/13, effective 9/23/13.]