

WAC 392-121-1885 Instruction provided under contract by charter schools. Charter schools are authorized to enter into contracts with any school district, educational service district, or other public or private entity for the provision of educational instructional services to the same extent as other noncharter public schools, as long as the charter school board maintains oversight authority over the charter school. When a charter school contracts with an entity other than a school district and that entity employs staff to provide basic education instruction claimed by the charter school for state basic education funding, the requirements of this section also apply. Instruction provided by such an entity (hereafter called the contractor) may be counted as a course of study and claimed by the charter school for state funding if the following requirements are met:

(1) The charter school retains full responsibility for compliance with all state and federal laws;

(2) The charter school complies with all relevant state and federal laws that are applicable to charter schools;

(3) The contractor provides instruction free of sectarian or religious influence or control;

(4) The contractor charges the student no tuition for enrollment;

(5) No student or person is unlawfully excluded from participation on the grounds of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal, or marital status;

(6) Each student is enrolled in the charter school reporting the enrollment and each high school student is working toward course credits which satisfy high school graduation requirements;

(7) If the contractor is a state higher education institution, a state funded education center, or any other state funded entity, the contractor is not claiming enrollment of the student or receiving direct state support for the contracted instruction reported pursuant to this section;

(8) The curriculum is approved by the charter school. Approval for online course curriculum is not required for online courses offered by an online provider approved by the superintendent of public instruction under RCW 28A.250.020;

(9) The contractor provides enrollment reports to the charter school that comply with this chapter;

(10) The contractor maintains and has available for audit or review by the charter school, charter school authorizer, and state or federal authorities documentation of enrollment, hours of instructional activity participated in by the students, personnel data, and financial data including all revenues and expenditures pertaining to the contract with the charter school;

(11) As of October 1st, if a contractor certificated employee employed by a contractor other than an institution of higher education spends more than twenty-five percent of a full-time equivalent time with students for a given charter school, the charter school must report the individual contractor certificated employee as required by the SPI annual personnel reporting system for calculation of state funding, staff ratios and statistics;

(12) The charter school and contractor execute a written contract which is consistent with this section, and which sets forth the duties of the contractor in detail sufficient to hold the contractor accountable to the charter school. Charter schools that purchase online cour-

ses through the online course catalog provided by the office of superintendent of public instruction are exempt from this provision;

(13) The charter school and contractor establish a process for periodic monitoring by the charter school and charter school authorizer for compliance with this section and other terms of the contract between the charter school and contractor. Charter schools that purchase online courses through the online course catalog provided by the office of superintendent of public instruction are exempt from this provision;

(14) Contracts for services for students with disabilities shall comply with WAC 392-172A-04085 and 392-172A-04090;

(15) Full-time equivalent enrollment reported for students served under a contract with a higher education institution shall be based on the number of hours of instruction meeting the criteria in WAC 392-121-107 (1)(a) provided by staff of the higher education institution under the contract. This section does not apply to running start enrollment, which is governed by chapter 392-169 WAC; and

(16) The charter school requires the contractor to clearly state in all of the contractor's advertising, publicity, or public statements regarding the contracted service that the service is being offered by the charter school under contract.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-121-1885, filed 8/28/15, effective 9/28/15.]