

## WSR 23-21-093

## PROPOSED RULES

## CHARTER SCHOOL COMMISSION

[Filed October 18, 2023, 7:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-14-036.

Title of Rule and Other Identifying Information: Chapter 108-60 WAC, Complaints against charter schools.

Hearing Location(s): On November 21, 2023, at 12:00 p.m., via Zoom <https://zoom.us/j/3607255511>; or dial 646-558-8656, Meeting ID 360 725 5511.

Date of Intended Adoption: December 14, 2023.

Submit Written Comments to: Charmaine McCladdie, 1068 Washington Street S.E., email [charterschoolinfo@k12.wa.us](mailto:charterschoolinfo@k12.wa.us), by November 21, 2023.

Assistance for Persons with Disabilities: Contact Charmaine McCladdie, phone 360-725-5511, TTY 800-833-6388, email [charterschoolinfo@k12.wa.us](mailto:charterschoolinfo@k12.wa.us), by November 7, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to create new rules in order to comply with RCW 28A.710.185 and 28A.710.187. The new rules include: Creation of a policy statement for complaints against charter schools; description of requirements for charter schools regarding school complaint processes; description of the new commission school complaint process; and explanation of how complaints will be used.

Reasons Supporting Proposal: The new rules are proposed to align with RCW 28A.710.185, which requires the commission to establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of charter schools, and requires the commission to adopt rules to implement this section. The new rules also align with RCW 28A.710.187, which requires each charter school to prominently post and maintain on its website information about the school's process and instructions for submitting complaints, a designated point of contact at the charter school, and a link to the complaint system of the commission.

Statutory Authority for Adoption: RCW 28A.710.070, 28A.710.100, 28A.710.170, 28A.710.185, 28A.710.187, 28A.710.190, 28A.710.200.

Statute Being Implemented: RCW 28A.710.185, 28A.710.187.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Charter school commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jessica de Barros, 1068 Washington Street S.E., Olympia, WA 98501, 360-725-5511.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

October 18, 2023  
Jessica de Barros

OTS-5020.2

**Chapter 108-60 WAC**  
**COMPLAINTS AGAINST CHARTER SCHOOLS**

NEW SECTION

**WAC 108-60-010 Policy statement.** RCW 28A.710.185 authorizes the Washington state charter school commission to adopt rules to implement an online system for students enrolled in charter public schools and parents or guardians of those students to submit complaints about the operation and administration of charter public schools. RCW 28A.710.187 directs charter public schools to prominently post and maintain on their website the school's process and instructions for submitting complaints by its students and parents about the operation or administration of the school.

In addition to RCW 28A.710.187, charter public schools authorized by the commission are required to have a written complaint process that includes an appeal process. There are additional complaint processes available to students and parents including, but not limited to, those found in chapters 392-172A and 392-190 WAC. The commission process for receiving complaints supplements these processes for complaints against schools within the commission's authority. Schools authorized by the commission must have a complaint process that is accessible to the school community. Schools are encouraged to utilize any complaints the school receives to improve the school's complaint process, operations, and communications within the school community.

This chapter applies to charter public schools authorized by the Washington state charter school commission.

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NEW SECTION

**WAC 108-60-020 School complaint process.** (1) Charter public schools must have a procedure to resolve complaints by students or parents or guardians about the school's operation or administration of the charter public school. The requirement includes, but is not limited to, the requirements established under RCW 28A.710.187.

(2) Charter public schools must provide students and parents or guardians, information on the school's complaint process a minimum of two times each school year. If the school communicates information electronically to students and parents or guardians, an electronic link to the website information about the school's process and instructions for submitting complaints must be included.

(3) Charter public schools must provide students and parents or guardians information on the existence of and the location of the school's student/family handbook a minimum of two times each school year. If the student/family handbook is available electronically, the school must include an electronic link to the student/family handbook, along with specific instruction on where the complaint process is within the student/family handbook.

(4) Charter public schools must provide all enrolled students and their parents or guardians the opportunity to provide anonymous feedback on the school's complaint process at least once during each school year. The purpose of gathering feedback is to support the school in continuous improvement of its communications with families. If the opportunity provided by the school is at a meeting or forum, the school must notify the commission at least two weeks before the meeting or forum. If the opportunity provided by the school is through written feedback, the school must promptly provide a copy of the request to students/parents for written feedback to the commission. Within 30 days of the deadline for feedback from students/parents, the school must provide a written summary to the commission of the feedback received from students/parents, and a response to the feedback, including any steps the school plans to take to improve the process if needed.

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#### NEW SECTION

**WAC 108-60-030 Commission school complaint process.** (1) The complaint process in this chapter is for use by charter school students and their parents or guardians in making complaints against the charter public school currently attended by the student. For purposes of this complaint process, a charter school student must (a) currently attend the charter public school that is the subject of the complaint to the commission, (b) have attended the school within the 90 days prior to filing the complaint with the commission, or (c) attended the school at the time the complaint was submitted to the school through the school's complaint process.

(2) Before filing a complaint with the commission, the school's complaint process should be followed. A student or a parent/guardian of the student should first submit any complaint about the operation or administration of a public charter school to the charter public school using the school's complaint process.

(3) If after completing the school's complaint process (including the appeals process), the complaint remains unresolved, the student or the parent/guardian may submit the complaint to the commission through the commission's online complaint process on the Washington state charter school commission website.

(4) Complaints must be filed with the commission within 90 days of the final decision under the school's complaint process.

(5) The commission will acknowledge receipt of the submitted complaint by contacting the student or parent/guardian within 10 business days.

(a) If a complaint is filed with the commission before the completion of the school's complaint process, the commission will notify the school and the student/parent, and the commission will send the

complaint to the school so that the complaint can be addressed through the school's complaint process.

(b) When a complaint is sent to the school under (a) of this subsection, the school is required to promptly provide written notification to the commission regarding the final decision from the school's complaint process and the reason(s) for the outcome of the complaint. The written notification from the school must be provided to the commission within 10 business days of the school's final decision.

(c) After a complaint has gone through the school's complaint process, the student/parent may submit the complaint through the commission's online complaint process within 90 days of the final decision from the school's complaint process.

(6) The commission will review the complaint. When a complaint is in an area within the commission's authority, the commission will determine whether an investigation is necessary and the type of investigation. An investigation may include, but is not limited to, information gathering, a more in-depth investigation during the commission's routine oversight of a school, and/or a separate investigation of the complaint. The commission will provide written notice to the student/parent and the school after the review and/or investigation.

(7) If circumstances warrant it, the commission may alter the time frames within these rules and/or the steps involved in the process.

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#### NEW SECTION

**WAC 108-60-040 Use of complaints.** (1) A complaint submitted through the commission's online process may lead to a more formal inquiry under WAC 108-40-010 through 108-40-050 and/or 108-40-110.

(2) If a school has a pattern of well-founded complaints against it, the commission may consider the pattern of well-founded complaints in performance reports, the charter contract renewal process, expansion, transition to kindergarten, or other similar decisions about the school.

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