

OVERVIEW OF CHARTER SCHOOL LAW



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I-1240 codified at RCW 28A.710

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- Voters approved I-1240 in November 2012
- Up to **40** charter schools to be opened over a **5** year period
- States a preference for schools that serve **at-risk** student populations or students from **low-performing** public schools

Charter Schools

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Charter School Defined

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A Charter School is:

- A public, common school
- Open to all children free of charge
- Operated by a nonprofit organization
- Governed by a charter school board
- A Local Education Agency
- Exempt from some statutes and rules
- Approved and overseen by an Authorizer

Charter Schools, cont.

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A Charter School is subject to:

- 5 year contract and its terms
- Annual performance reviews
- Teacher certification and background check requirements
- Supervision of OSPI and SBE

Charter Schools, cont.

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A Charter School is subject to:

- Safety, parents' rights, civil rights and nondiscrimination laws
- Open Public Meetings Act (RCW 42.30)
- Public Records Act (RCW 42.56)
- Rules and statutes listed in the contract

Charter Schools, cont.

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There are two kinds of charter schools:

- New charter school
- Conversion charter school

Authorizers

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POWERS, DUTIES AND PROCEDURES

Entities Eligible to Authorize

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- School Districts (on application)
- Washington Charter School Commission

School District Authorizers

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- Must apply to the SBE
- Application must include:
 - Strategic vision and plan
 - Outline of RFP district would issue
 - Draft performance framework
 - Draft renewal, revocation and nonrenewal procedures
 - Statement of assurances
- If approved, may authorize *within* district boundaries

Charter School Commission

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- Independent state agency

- Mission:

Authorize high quality public charter schools throughout the state with emphasis on opportunities for at-risk students

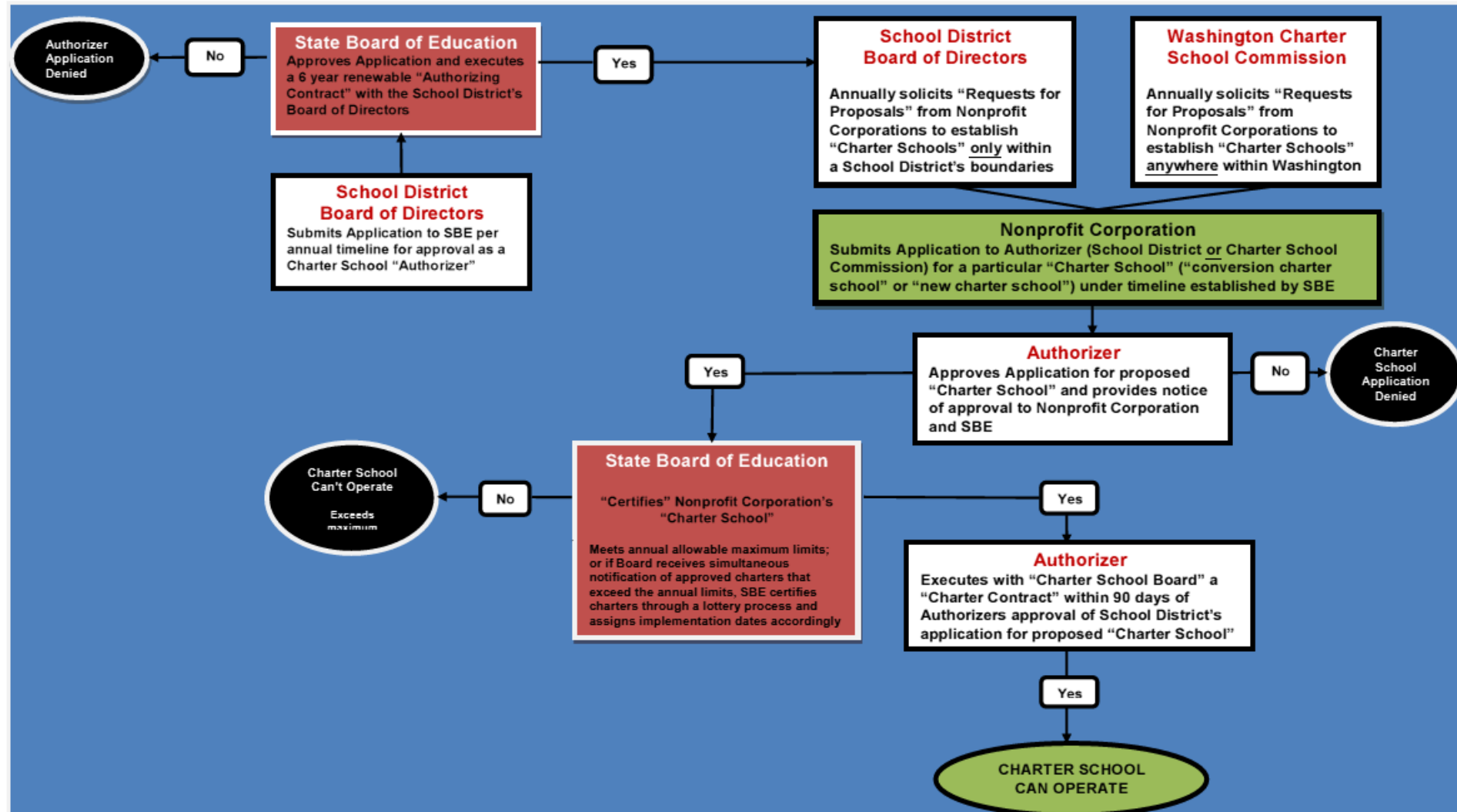
- Authorizes charter schools located *anywhere* in the state
- Ensure highest standards of accountability and oversight
- Manage, supervise and enforce charter contracts
- Collaborate with SBE to issue annual report on state's charter schools

Authorizer Process

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SBE APPROVAL OF SCHOOL DISTRICT AUTHORIZERS

CHARTER SCHOOL AUTHORIZERS



Authorizer's Powers and Duties

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- Solicit and evaluate charter applications (annually)
- Approve or deny applications
- Negotiate and execute charter contracts
- Monitor performance and legal compliance
- Make renewal, nonrenewal and revocation determinations
- May delegate responsibilities to employees or contractors

Authorizer's Powers and Duties, cont.

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Develop and follow chartering policies and practices consistent with national principles and standards (NACSA) in the following areas:

- Organizational capacity and infrastructure
- Soliciting and evaluating charter applications
- Performance contracting
- Ongoing charter school oversight and evaluation
- Charter renewal decision making

Authorizer's Powers and Duties, cont.

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Standards	A Quality Authorizer ...
<i>Proposal Information, Questions, and Guidance</i>	<p>Issues a charter application information packet or request for proposals (RFP) that:</p> <ul style="list-style-type: none">- States any chartering priorities the authorizer may have established;- Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and- Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria. <p>Welcomes proposals from first-time charter applicants as well as existing school operators/replicators, while appropriately distinguishing between the two kinds of developers in proposal requirements and evaluation criteria.</p> <p>Encourages expansion and replication of charter schools that demonstrate success and capacity for growth.</p> <p>Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.</p>

Authorizer's Powers and Duties, cont.

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Standards	A Quality Authorizer ...
<i>Proposal Information,</i>	Issues a charter application information packet or request for proposals (RFP) that: States any chartering priorities the authorizer may have established
<i>Guidance</i>	information needed for rigorous evaluation of applicants' plans and capacities, and Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities
	Welcomes proposals from first-time charter applicants as well as existing school operators/replicators, while appropriately Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria
	Encourages expansion and replication of charter schools that demonstrate success and capacity for growth. Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.

Solicitation

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- Annual Solicitation issued in accordance with SBE deadlines
- RFP must contain:
 - Authorizer's strategic vision
 - Statement of preferences
 - Performance framework for oversight and evaluation
 - Criteria for approval or denial
 - Detailed information on format and content of application

Review and Evaluation

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- Application review process must include:
 - NACSA consistent practices, procedures and criteria
 - Thorough evaluation
 - In person interview
 - Public Forum to inform stakeholders and provide an opportunity for input

Review and Evaluation, cont.

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- Application evaluation and approval must be based on:
 - Demonstrated competence in RFP criteria
 - Likelihood of success (open and operate)
 - Documented evidence
 - Transparent policies and practices
- Avoid conflicts of interest (real or apparent)
- Approval can be conditional

Approval or Denial of Applications

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Authorizer must issue a resolution stating:

- Action taken (approval or denial)
- Reasons for decision
- Assurances of compliance with charter school laws

Post-Approval

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- Report of action within 10 days
 - Applicant
 - SBE
 - Include resolution
 - Indicate whether at-risk population will be served
- SBE certification
- Contract executed within 90 days
- Notice and copy of contract to SBE within 10 days

Contracts

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Must contain **performance framework** that includes indicators, measures and metrics for:

- Student academic growth and proficiency
 - Achievement gaps
 - Attendance
 - Recurrent enrollment
 - Graduation rates/postsecondary readiness
 - Financial performance and sustainability
 - Board performance and stewardship
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- Data must be disaggregated by major student subgroups

Sub-Contracting

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Authorizer's employees, trustees, agents, and representatives are PROHIBITED from:

simultaneously serving “as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.”

Sub-Contracting

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- However, an authorizer may:

“[P]rovide contracted, fee-based services to charter schools under its jurisdiction.”

Distinction:

Individuals v. Entities

- Fees collected must be tracked separately and reported annually to SBE

Oversight

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- Authorizers must “continually monitor the performance and legal compliance”
- Unsatisfactory performance
 - Notice to charter school
 - Opportunity to remedy
 - Unless immediate revocation is warranted
 - Sanctions
 - Corrective action plan

Annual Report

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Annual report to SBE must contain:

- Strategic vision for chartering
- Progress towards strategic vision
- Info on schools authorized, including:
 - Academic performance
 - Financial performance
 - Progress based on authorizer's performance framework
- Status of authorizer's charter school portfolio
- Authorizer's operating costs and expenses
- Itemized accounting for purchased services

Additional Reporting Requirement

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- Commission and SBE
- Issue report to governor, legislature and public at large
- December 1st of each year after charters schools have operated for a full school year
- Compare performance of charter school students with noncharter public school student
- SBE must assess other factors
- After the 5th year – recommendation about whether establishment of additional charter schools should be authorized

Renewal

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- Authorizer must (6 months before end of contract):
 - Issue performance report; and
 - Contract renewal application guidance

NOTE: Contract may not be renewed if charter school's performance is in bottom quartile of schools on the accountability index absent exceptional circumstances

Revocation

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- Revocation can occur at any time if charter school:
 - Failed to comply with charter school laws
 - Committed material and substantial violation of the contract
 - Didn't make sufficient progress towards performance expectations
 - Didn't meet generally accepted standards of fiscal management
 - Substantially violated any material provision of an applicable law

Nonrenewal/Revocation

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- Authorizers must:
 - Develop protocol
 - Give notice nonrenewal/revocation is possible
 - Issue a final written determination
 - Resolution
 - Clearly states reasons for decision

Nonrenewal/Revocation

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- Charters schools have an opportunity to respond
 - Submit documents
 - Give testimony and call witnesses
 - Be represented by counsel

In event of nonrenewal or revocation, Authorizer must notify SBE of the decision within 10 days

QUESTIONS?

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