

## Public Charter Schools

Updated: April 2013

1. What is a public charter school?
2. What is a charter school authorizer?
3. What is the State Board of Education's (SBE) role for public charter schools?
4. How does SBE's role for charter schools differ from the role of the Washington State Charter School Commission?
5. How many charter schools may be established?
6. Are the limits on the maximum number of charter schools differentiated between those authorized by school districts and those authorized by the Washington Charter School Commission?
7. Can a school district authorize a charter school located in another school district?
8. If a school district is approved as an authorizer, is a non-profit organization that wishes to establish a charter school in the district required to submit its charter application to the local school board?
9. Can a school district override a decision by the Washington Charter School Commission to authorize a charter school within its boundaries?
10. Who can apply to establish and operate a charter school?
11. What are the steps for creating a conversion charter school?
12. Can a private school convert to a public charter school?
13. How are members of the charter school board selected?
14. Can a charter school board contract with a for-profit organization for management and operation of the school?
15. Is a charter school required to provide a program of basic education as defined in state law?
16. Is a charter school subject to the same accountability requirements as other public schools?
17. Can a charter school be closed for unsatisfactory performance?
18. Whom should I contact with more questions?

1. What is a public charter school?

Chapter 28A.710 Revised Code of Washington (Initiative Measure No. 1240) defines a "charter school" or "public charter school" as "a public school governed by a charter school board and operated according to the terms of a charter school contract." A charter contract is "a fixed-term, renewable contract between a charter school and an authorizer that specifies the roles, powers, responsibilities, and performance expectations for each party to the contract. " The charter contract sets forth the academic and operational performance measures by which the charter school will be judged and the administrative relationship between the authorizer and the school. Charter schools may be a conversion charter school, in which an existing non-charter public school is converted to a charter school, or a new charter school. A charter school may not be religious or sectarian, and may not charge tuition for enrollment.

2. What is a charter school authorizer?

An authorizer is an entity with the powers and duties to review, approve or reject charter school applications; enter into, renew or revoke charter contracts with nonprofit corporations seeking to operate charter schools, and oversee the charter schools the entity has authorized. Eligible authorizers are:

- 1) School district boards of directors that have been approved as authorizers by the State Board of Education, for charter schools located within the school district's own boundaries;
- 2) The Washington Charter School Commission, for charter schools located anywhere in the state.

3. What is the State Board of Education's role for public charter schools?

The SBE has responsibilities for implementation and oversight of the charter school law, including:

- Approval of local school boards to be authorizers of charter schools.
- Overseeing the performance of school districts it has approved to be authorizers, with the power to revoke chartering authority if the district fails to remedy identified problems in the operation of the schools it has authorized.
- Setting an annual timeline for submission of charter applications to all authorizers and approval or denial by the authorizers.
- Establishing an authorizer oversight fee, deducted from the state allocation to the charter school and transmitted to the authorizer for the costs of carrying out its duties.
- Ensuring compliance with the limits on the number of charter schools that may be established.
- Issuing an annual report, in collaboration with the Washington Charter School Commission, on the state's charter schools for the preceding school year.
- Recommending, after five years, whether the Legislature should authorize the establishment of additional charter schools.

4. How does SBE's role for charter schools differ from the role of the Washington Charter School Commission?

The Washington Charter School Commission is an authorizer of charter schools; the State Board of Education is not. The SBE approves local school boards to be authorizers, but does not authorize charter schools itself. Its principal role, beyond setting in place procedures and timelines for implementation of the law, is one of oversight and reporting.

5. How many charter schools may be established?

A maximum of 40 charter schools may be established over a five-year period. No more than eight may be established in any year within the five-year period. If fewer than eight are established in any year, then additional schools equal to the difference between the number established in that year and eight may be established in the following year. The five-year period begins with the first year in which there have been charter schools operating for a full school year.

6. Are the limits on the maximum number of charter schools differentiated between those authorized by school districts and those authorized by the Washington Charter School Commission?

No. The limits apply to the total number of charter schools established, regardless of whether the authorizers are school districts or the Commission. There are not separate caps on the number of district-authorized and commission-authorized charter schools.

7. Can a school district authorize a charter school located in another school district?

No. RCW 28A.710.080 makes clear that a charter school authorized by a school district must be located within the same district.

8. If a school district is approved as an authorizer, is a non-profit organization that wishes to establish a charter school in the district required to submit its charter application to the local school board?

No. The entity can choose to submit its charter application to the local school board, if approved as an authorizer, or to the Commission. It cannot, however, apply to both.

9. Can a school district override a decision by the Washington Charter School Commission to authorize a charter school within its boundaries?

No. The charter school law grants no power to a school district to prohibit or otherwise obstruct the Commission from authorizing a charter school within the district.

10. Who can apply to establish and operate a charter school?

A charter school applicant must be a non-profit corporation that has applied for tax-exempt status under section 501(c)(3) of the federal tax code. It may not be a religious or sectarian organization, and must meet all of the requirements for a public benefit non-profit corporation before it may receive any state funding as a public charter school.

11. What are the steps for creating a conversion charter school?

A conversion charter school is created by following all the same steps as for a new charter school as set forth in RCW 28A.710.030, with the *additional* step that the applicant must also demonstrate support for the proposed conversion by a petition signed by a majority of teachers assigned to the school or a petition signed by a majority of parents of students in the school. Chapter 28A.710 RCW is not a “parent trigger law.” A petition signed by parents is not sufficient to convert an existing public school to a public charter school.

12. Can a private school convert to a public charter school?

Not directly. A private school that wishes to become a public charter school would have to form a 501(c)(3) non-profit corporation and apply to an authorizer to establish a new charter school, following all the same requirements and procedures as any other charter applicant. If approved by an authorizer, it would then be subject to the terms of the charter contract and to any state laws applicable to public charter schools.

13. How are the members of a charter school board selected?

The statute does not specify how a charter school board is selected or the composition of its membership. That is left up to the non-profit corporation that, if its application is approved, enters into the charter contract with the authorizer. Among the required elements of a charter application is background information on the proposed governing board members and, if identified, the proposed school leadership and management team.

14. Can a charter school board contract with a for-profit organization for management and operation of the school?

No. RCW 28A.710.030 provides that contracts for management operation of a charter school may only be with non-profit organizations.

15. Is a charter school required to provide a program of basic education as defined in state law?

Yes. Charter schools are public schools, and the constitutional entitlement to a basic education accrues to students in charter schools as fully as to students in traditional public schools. RCW 28A.710.040 provides that all charter schools must provide basic education, including instruction in the state's essential academic learning requirements. RCW 28A.710.160 further states that after approval of a charter application, the authorizer and the governing board of the charter school must execute a charter contract "by which, fundamentally, the public charter school agrees to provide educational services that at a minimum meet basic education standards in return for an allocation of funds . . ."

16. Is a charter school subject to the same accountability requirements as other public schools?

Yes. The same statute on requirements on charter schools provides that they must participate in the statewide assessment system developed by the Superintendent of Public Instruction under the state law on academic achievement and accountability. Charter schools are additionally subject to their own, distinct accountability requirements that do not apply to non-charter public schools. A charter contract may not be renewed, when its five-year term is up, if the charter school's performance falls in the bottom quartile of all public schools in the Achievement Index developed by the State Board of Education, except if the school demonstrates exceptional circumstances that the authorizer accepts as justifying renewal. A charter school is further subject to individual accountability requirements set in its charter contract, which must include a performance framework setting out the academic and operational indicators, measures and metrics that will guide the authorizer's evaluation of the school over the term of the contract.

17. Can a charter school be closed for unsatisfactory performance?

Yes. A charter contract may be revoked at any time or not renewed if the authorizer determines that the charter school:

- a. Committed a substantial and material violation of the charter contract or any of the requirements of the charter school law.
- b. Failed to make sufficient progress toward the performance expectations in the charter contract.
- c. Failed to meet generally accepted standards of fiscal management, *or*
- d. Substantially violated any material provision of law from which the charter school is not exempt.

Authorizers must follow certain processes and procedures set out in law (RCW 28A.710.200) in order to revoke or decline to renew a charter contract.

18. Whom should I contact with more questions?

Jack Archer ([mailto:jack.archer@k12.wa.us?subject=Charter Schools Question](mailto:jack.archer@k12.wa.us?subject=Charter%20Schools%20Question))  
Senior Policy Analyst  
Washington State Board of Education  
360.725.6025