



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title: Briefing on Amendments to Chapter 180-19 (Charter Schools)

As related to:

<input checked="" type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps.	<input type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards.
<input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system.

Relevant to Board roles:

<input type="checkbox"/> Policy leadership	<input type="checkbox"/> Communication
<input checked="" type="checkbox"/> System oversight	<input type="checkbox"/> Convening and facilitating
<input type="checkbox"/> Advocacy	

Policy considerations / Key questions: Aligning SBE's charter school WACs with E2SSB 6194 (2016), RCW 28A.710.

Relevant to business item: No action in May.
Anticipate action will be taken at July SBE meeting.

Materials included in packet:

- WAC 180-19 Amendment Timeline
- CR 102
- Draft amendments to WAC 180-19
- Summary of WAC amendments
- Fiscal Impact Statement
- SBE charter school-related deadlines

Synopsis:

This agenda item could be considered a continuation of the "SBE charter school duties" piece of the charter school presentation and discussion during SBE's March meeting, as well as a resumption of the WAC amendment process which began this time last year.

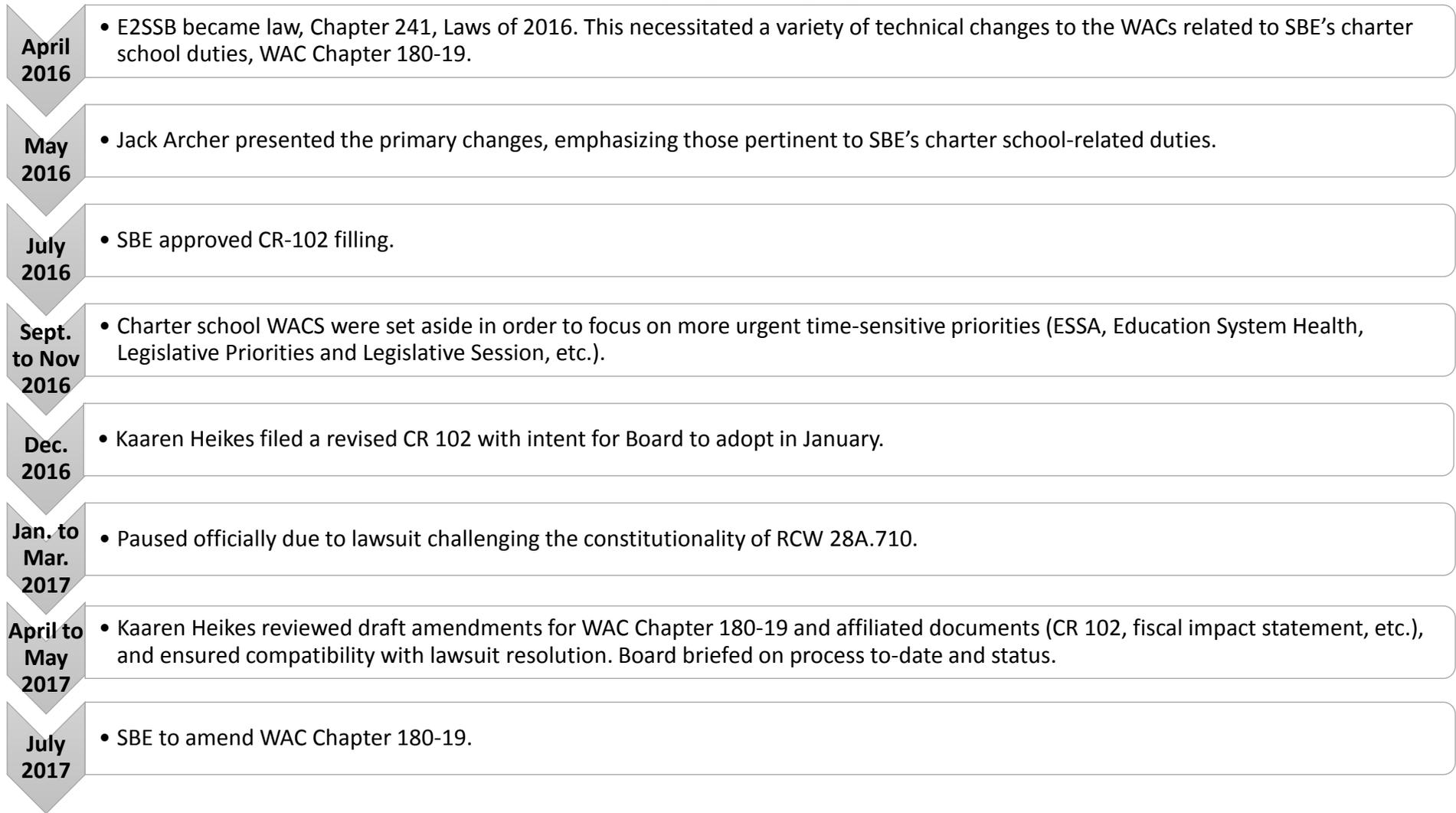
We will brief the Board on the technical changes to WAC 180-19 necessitated by E2SSB 6194 from 2016, RCW 28A.710, review the progression to-date and next steps, and a summary of the proposed amendments.



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Technical amendments to WAC Chapter 180-19 Timeline: Spring 2016 – Spring 2017





PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Education

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-09-029 _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) The following sections of Chapter 180-19 WAC (Charter schools): WAC 180-19-010 Definitions; WAC 180-19-020 Notice of intent to submit an authorizer application; WAC 180-18-030 Submission of authorizer application; WAC 180-19-040 Evaluation and approval or denial of authorizer application; WAC 180-19-070 Charter school – Request for proposals; WAC 180-19-080 Charter school applications – Submission, approval, or denial; WAC 180-19-250 Oversight of authorizers – Revocation of authorizing contract; WAC 180-19-260 Authorizer oversight – Transfer of charter contract

Hearing location(s): OSPI/SBE, 600 Washington Street SE, Olympia, WA 98504-7206.

Submit written comments to:

Name: Kaaren Heikes
Address: 600 SE Washington Street SE
Olympia, WA 98504-7206
e-mail Kaaren.heikes@k12.wa.us
fax () _____ by (date) June 1, 2017

Date: June 7, 2017 Time 1:00-2:00 P.M.

Assistance for persons with disabilities: Contact
Denise Ross by June 1, 2017

Date of intended adoption: July 13, 2017
(Note: This is NOT the effective date)

TTY () _____ or (360) 725-6027

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to make various amendments to eight sections of Chapter 180-19 WAC (Charter schools) in order to conform adopted SBE rules to implement Chapter 180-19 with Chapter 241, Laws of 2016 (E2SSB 6194), Concerning public schools that are not common schools. The proposed amendments also make certain technical corrections to this chapter, as in WAC 180-19-010, Definitions.

Reasons supporting proposal: The need to ensure that Chapter 180-19 WAC (Charter schools) is consistent in language, provisions, and intent with Chapter 28A.710 RCW, as amended by Chapter 241, Laws of 2016 (E2SSB 6194).

Statutory authority for adoption: Chapter 28A.710 RCW.

Statute being implemented: Chapter 28A.710 RCW, as amended by Chapter 241, Laws of 2016.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

CODE REVISER USE ONLY

DATE
April 24, 2017

NAME (type or print)
Ben Rarick

SIGNATURE *Ben Rarick*

TITLE
Executive Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) State Board of Education

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Kaaren Heikes	600 Washington St. SE Olympia, WA 98504	(360) 725-6029
Implementation....Ben Rarick	600 Washington St. SE Olympia, WA 98504	(360) 725-6025
Enforcement..... Ben Rarick	600 Washington St. SE Olympia, WA 98504	(360) 725-6025

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Thomas J. Kelly
Address: Rm. 433, 600 Washington Street S.E.
Olympia, WA 98504

phone (360) 725-6301
fax () _____
e-mail _____

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No: Please explain:

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-010 Definitions. (1) "Board" means the state board of education.

(2) "School district" or "district" means a school district board of directors.

(3) "*NACSA Principles and Standards*" means the "*Principles and Standards for Quality Charter Authorizing* (~~((2012))~~) 2015 Edition or most current edition" developed by the National Association of Charter School Authorizers.

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-020 Notice of intent to submit an authorizer application.

~~((Effective until May 15, 2015))~~

~~A school district intending to file an application during a calendar year to be approved as a charter school authorizer must submit to the state board of education a notice of intent to file such application by October 1st of that same year. A district may not file an authorizer application in a calendar year unless it has filed a timely notice of intent as provided for herein. A notice of intent shall not be construed as an obligation to submit an application under these rules. The board shall post on its public web site a form for use by districts in submitting notice of intent, and shall post all notices of intent upon receipt.~~

~~(Effective May 15, 2015))~~

A school district intending to file an application during a calendar year to be approved as a charter school authorizer must submit to the state board of education a notice of intent to file such application by June 15th of that same year. A district may not file an authorizer application in a calendar year unless it has filed a timely notice of intent as provided for herein. A notice of intent shall not be construed as an obligation to submit an application under these rules. The board shall post on its public web site a form for use by districts in submitting notice of intent, and shall post all notices of intent upon receipt.

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-030 Submission of authorizer application.

~~((Effective until May 15, 2015))~~

~~(1) The state board of education shall develop and make available on its web site, no later than October 1st of each year, an "authoriz-~~

er application" that must be used by school districts seeking to be approved as a charter school authorizer. The application may include such attachments as deemed required by the board to support and complete the application.

(2) A school district seeking approval to be a charter school authorizer must submit an "authorizer application" to the state board of education by December 31st of the year prior to the year the district seeks approval as an authorizer. The district's completed application must be submitted via electronic mail to sbe@k12.wa.us by the date specified in this section. The board shall post on its web site each application received from a school district.

(3) A school district must provide sufficient and detailed information regarding all of the following in the authorizer application submitted to the board:

(a) ~~The district's strategic vision for chartering.~~ The district must state the purposes that it expects to fulfill in being an authorizer of charter schools, with reference to the findings and intents set forth in RCW 28A.710.005, as well as any district specific purposes that are a priority for the district; the characteristics of the school or schools it is most interested in authorizing, while maintaining a commitment to considering all charter applicants based on the merits of their proposals and the likelihood of success; the educational goals it wishes to achieve; how it will give priority to serving at risk students, as defined in RCW 28A.710.010(2), or students from low performing schools; and how it will respect the autonomy and ensure the accountability of the charter schools it oversees.

(b) ~~A plan to support the vision presented,~~ including explanations and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing. "Budget and personnel capacity" means the district's capability of providing sufficient oversight, monitoring, and assistance to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under chapter 28A.710 RCW and comply with all applicable state and federal laws. A district's evidence of budget and personnel capacity shall consist, at a minimum, of a detailed description of the following:

(i) Staff resources to be devoted to charter authorizing and oversight under chapter 28A.710 RCW, in full time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW;

(ii) Job titles, job descriptions, and brief bios and resumes of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to expertise in all areas essential to charter school oversight including, but not limited to: School leadership; curriculum, instruction and assessment; special education, English language learners and other diverse learning needs; performance management and law, finance and facilities, through staff and any contractual relationships or partnerships with other public entities; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection, to the extent feasible, of sufficient financial resources, supported by the authorizer oversight fee under RCW 28A.710.110 and any other resources, to carry out its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW.

~~(c) A draft or preliminary outline of the request for proposal that the district would, if approved as an authorizer, issue to solicit charter school applications. The draft or preliminary outline of the request for proposal(s) shall meet all of the requirements set forth in RCW 28A.710.130 (1)(b) and demonstrate that the district will implement a comprehensive charter application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of RCW 28A.710.170.~~

~~(d) A draft of the performance framework that the district would, if approved as an authorizer, use to guide the execution of a charter contract and for ongoing oversight and performance evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of RCW 28A.710.170(2) including descriptions of each indicator, measure and metric enumerated therein, and shall provide that student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, graduation rates, and postsecondary readiness are measured and reported in conformance with the achievement index developed by the state board of education under RCW 28A.657.110.~~

~~(e) A draft of the district's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200. The draft provided must, at a minimum, provide for the implementation of transparent and rigorous processes that:~~

~~(i) Establish clear standards for renewal, nonrenewal, and revocation of charters it may authorize under RCW 28A.710.100;~~

~~(ii) Set reasonable and effective timelines for actions that may be taken under RCW 28A.710.190 and 28A.710.200;~~

~~(iii) Describe how academic, financial and operational performance data will be used in making decisions under RCW 28A.710.190 and 28A.710.200;~~

~~(iv) Outline a plan to take appropriate corrective actions, or exercise sanctions short of revocation, in response to identified deficiencies in charter school performance or legal compliance, in accordance with the charter contract and the provisions of RCW 28A.710.180.~~

~~(4) A district must sign a statement of assurances submitted with its application, which shall be included as an attachment to the authorizing contract executed between the approved district and the state board of education, stating that it seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of chapter 28A.710 RCW, and that if approved as an authorizer it will:~~

~~(a) Seek opportunities for authorizer professional development, and assure that personnel with significant responsibilities for authorizing and oversight of charter schools will participate in any authorizer training provided or required by the state;~~

~~(b) Provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures;~~

~~(c) Solicit applications for both new charter schools and conversion charter schools, while appropriately distinguishing the two types of charter schools in proposal requirements and evaluation criteria;~~

~~(d) Ensure that any charter school it oversees shall have a fully independent governing board and exercise autonomy in all matters, to the extent authorized by chapter 28A.710 RCW, in such areas as budgeting, personnel and instructional programming and design;~~

~~(e) Ensure that any contract it may execute with the governing board of an approved charter school under RCW 28A.710.160 provides~~

~~that the school will provide educational services to students with disabilities, students who are limited English proficient, and any other special populations of students as required by state and federal laws;~~

~~(f) Include in any charter contract it may execute with the governing board of an approved charter school, in accordance with RCW 28A.710.160(2), educational services that at a minimum meet the basic education standards set forth in RCW 28A.150.220.~~

~~(Effective May 15, 2015))~~

(1) The state board of education shall develop and make available on its web site, no later than May 15th of each year, an "authorizer application" that must be used by school districts seeking to be approved as a charter school authorizer. The application may include such attachments as deemed required by the board to support and complete the application.

(2) A school district seeking approval to be a charter school authorizer must submit an "authorizer application" to the state board of education by October 15th of the year prior to the year the district seeks approval as an authorizer. The district's completed application must be submitted via electronic mail to sbe@k12.wa.us by the date specified in this section. The board shall post on its web site each application received from a school district.

(3) A school district must provide sufficient and detailed information regarding all of the following in the authorizer application submitted to the board:

(a) **The district's strategic vision for chartering.** The district must state the purposes that it expects to fulfill in being an authorizer of charter schools, with reference to the findings and interests set forth in RCW 28A.710.005, as well as any district-specific purposes that are a priority for the district; the characteristics of the school or schools it is most interested in authorizing, while maintaining a commitment to considering all charter applicants based on the merits of their proposals and the likelihood of success; the educational goals it wishes to achieve; how it will give priority to serving at-risk students, as defined in RCW 28A.710.010(2), or students from low-performing schools; and how it will respect the autonomy and ensure the accountability of the charter schools it oversees.

(b) **A plan to support the vision presented,** including explanations and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing. "Budget and personnel capacity" means the district's capability of providing sufficient oversight, monitoring, and assistance to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under chapter 28A.710 RCW and comply with all applicable state and federal laws. A district's evidence of budget and personnel capacity shall consist, at a minimum, of a detailed description of the following:

(i) Staff resources to be devoted to charter authorizing and oversight under chapter 28A.710 RCW, in full-time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW;

(ii) Job titles, job descriptions, and brief bios and resumes of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to expertise in all areas essential to charter school oversight including, but not

limited to: School leadership; curriculum, instruction and assessment; special education, English language learners and other diverse learning needs; performance management and law, finance and facilities, through staff and any contractual relationships or partnerships with other public entities; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection, to the extent feasible, of sufficient financial resources, supported by the authorizer oversight fee under RCW 28A.710.110 and any other resources, to carry out its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW.

(c) **A draft or preliminary outline of the request for proposal** that the district would, if approved as an authorizer, issue to solicit charter school applications. The draft or preliminary outline of the request for proposal(s) shall meet all of the requirements set forth in RCW 28A.710.130 (1)(b) and demonstrate that the district will implement a comprehensive charter application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of RCW 28A.710.170.

(d) **A draft of the performance framework** that the district would, if approved as an authorizer, use to guide the execution of a charter contract and for ongoing oversight and performance evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of RCW 28A.710.170(2) including descriptions of each indicator, measure and metric enumerated therein, and shall provide that student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, graduation rates, and postsecondary readiness are measured and reported in conformance with the achievement index developed by the state board of education under RCW 28A.657.110.

(e) **A draft of the district's proposed renewal, revocation, and nonrenewal processes**, consistent with RCW 28A.710.190 and 28A.710.200. The draft provided must, at a minimum, provide for the implementation of transparent and rigorous processes that:

(i) Establish clear standards for renewal, nonrenewal, and revocation of charters it may authorize under RCW 28A.710.100;

(ii) Set reasonable and effective timelines for actions that may be taken under RCW 28A.710.190 and 28A.710.200;

(iii) Describe how academic, financial and operational performance data will be used in making decisions under RCW 28A.710.190 and 28A.710.200;

(iv) Outline a plan to take appropriate corrective actions, or exercise sanctions short of revocation, in response to identified deficiencies in charter school performance or legal compliance, in accordance with the charter contract and the provisions of RCW 28A.710.180.

(4) A district must sign a statement of assurances submitted with its application, which shall be included as an attachment to the authorizing contract executed between the approved district and the state board of education, stating that it seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of chapter 28A.710 RCW, and that if approved as an authorizer it will:

(a) Seek opportunities for authorizer professional development, and assure that personnel with significant responsibilities for authorizing and oversight of charter schools will participate in any authorizer training provided or required by the state;

(b) Provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures;

~~(c) ((Solicit applications for both new charter schools and conversion charter schools, while appropriately distinguishing the two types of charter schools in proposal requirements and evaluation criteria;~~

~~(d))~~ Ensure that any charter school it oversees shall have a fully independent governing board and exercise autonomy in all matters, to the extent authorized by chapter 28A.710 RCW, in such areas as budgeting, personnel and instructional programming and design;

~~((e))~~ (d) Ensure that any contract it may execute with the ~~((governing))~~ charter school board of an approved charter school under RCW 28A.710.160 provides that the school will provide educational services to students with disabilities, students who are limited-English proficient, and any other special populations of students as required by state and federal laws;

~~((f))~~ (e) Include in any charter contract it may execute with the ~~((governing))~~ charter school board of an approved charter school, in accordance with RCW ~~((28A.710.160(2), educational services))~~ 28A-710-040 (2)(b), that the charter school must provide a program of basic education that at a minimum meets ((the basic education standards set forth in RCW 28A.150.220)) the requirements of RCW 28A.150.200 and 28A.150.220, and meets the goals in RCW 28A.150.210, including instruction in the essential learning requirements and participation in the statewide student assessment system as developed under RCW 28A.655.070.

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-040 Evaluation and approval or denial of authorizer applications.

~~((Effective until May 15, 2015))~~

~~(1) The board shall evaluate an application submitted by a school district seeking to be an authorizer and issue a decision approving or denying the application by April 1st of each year.~~

~~(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180-19-030 (3)(a) through (e) as well developed, partially developed, or undeveloped, based on criteria for evaluation included in the authorizer application developed and made publicly available pursuant to WAC 180-19-030(1).~~

~~(a) "Well developed" shall mean that the application response meets the expectations established by the board and the NACSA Principles and Standards in material respects and warrants approval subject to execution of an authorizing contract with the board.~~

~~(b) "Partially developed" shall mean that the application response contains some aspects of a well developed practice, is limited in its execution, or otherwise falls short of satisfying the expectations established by the board and the NACSA Principles and Standards.~~

~~(c) "Undeveloped" shall mean that the application response is wholly inadequate in that the applicant district has not considered or anticipated the well developed practice at all, or proposes to carry out its authorizing duties in a way that is not recognizably connected~~

to the expectations established by the board and the *NACSA Principles and Standards*.

~~(3) In its evaluation the board will consider whether the district's proposed policies and practices are consistent with the *NACSA Principles and Standards*, as required by RCW 28A.710.100(3), in at least the following areas:~~

~~(a) Organizational capacity: Commit human and financial resources necessary to conduct authorizing duties effectively and efficiently;~~

~~(b) Solicitation and evaluation of charter applications: Implement a comprehensive application process that includes clear application questions and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school;~~

~~(c) Performance contracting: Execute contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms;~~

~~(d) Ongoing charter school oversight and evaluation: Conduct contract oversight that competently evaluates performance and monitors compliance, ensures schools' legally entitled autonomy, protects student rights, informs intervention, revocation and renewal decisions, and provides annual reports as required by chapter 28A.710 RCW; and~~

~~(e) Charter renewal and revocation processes: Design and implement a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit based renewal decisions, and revokes charters when necessary to protect student and public interests.~~

~~(4) The board shall develop and post on its public web site rubrics for determination of the extent to which each criterion for evaluation has been met.~~

~~(5) The board may utilize the services of external reviewers with expertise in educational, organizational or financial matters in evaluating applications.~~

~~(6) Prior to approving any application, the board shall require an in person interview with district leadership for the purpose of reviewing and evaluating the application. The in person interview will be used to supplement or clarify information provided by the district in the written application. The information received in the in person interview shall be considered in formulating the overall ratings of the application under subsection (2) of this section.~~

~~(7) For an application to be approved, the board must find it to be well developed in each part of the application as set forth in WAC 180-19-030(3). A determination that an application does not meet standards of quality authorizing in any part, shall constitute grounds for disapproval. If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria included in the authorizer application.~~

~~(8) The board shall post on its public web site the applications of all school districts approved as authorizers. A school district approved as an authorizer shall post its application on a public web site.~~

~~(Effective May 15, 2015))~~

(1) The board shall evaluate an application submitted by a school district seeking to be an authorizer and issue a decision approving or denying the application by February 1st of each year.

(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180-19-030 (3)(a) through (e) as well-developed, partially developed, or undeveloped, based on criteria for evaluation included in the authorizer application developed and made publicly available pursuant to WAC 180-19-030(1).

(a) "Well-developed" shall mean that the application response meets the expectations established by the board and the *NACSA Principles and Standards* in material respects and warrants approval subject to execution of an authorizing contract with the board.

(b) "Partially developed" shall mean that the application response contains some aspects of a well-developed practice, is limited in its execution, or otherwise falls short of satisfying the expectations established by the board and the *NACSA Principles and Standards*.

(c) "Undeveloped" shall mean that the application response is wholly inadequate in that the applicant district has not considered or anticipated the well-developed practice at all, or proposes to carry out its authorizing duties in a way that is not recognizably connected to the expectations established by the board and the *NACSA Principles and Standards*.

(3) In its evaluation the board will consider whether the district's proposed policies and practices are consistent with the *NACSA Principles and Standards* as required by RCW 28A.710.100(3), in at least the following areas:

(a) Organizational capacity: Commit human and financial resources necessary to conduct authorizing duties effectively and efficiently;

(b) Solicitation and evaluation of charter applications: Implement a comprehensive application process that includes clear application questions and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school;

(c) Performance contracting: Execute contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(d) Ongoing charter school oversight and evaluation: Conduct contract oversight that competently evaluates performance and monitors compliance, ensures schools' legally entitled autonomy, protects student rights, informs intervention, revocation and renewal decisions, and provides annual reports as required by chapter 28A.710 RCW; and

(e) Charter renewal and revocation processes: Design and implement a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.

(4) The board shall develop and post on its public web site rubrics for determination of the extent to which each criterion for evaluation has been met.

(5) The board may utilize the services of external reviewers with expertise in educational, organizational or financial matters in evaluating applications.

(6) Prior to approving any application, the board shall require an in-person interview with district leadership for the purpose of reviewing and evaluating the application. The in-person interview will be used to supplement or clarify information provided by the district in the written application. The information received in the in-person

interview shall be considered in formulating the overall ratings of the application under subsection (2) of this section.

(7) For an application to be approved, the board must find it to be well developed in each part of the application as set forth in WAC 180-19-030(3). A determination that an application does not meet standards of quality authorizing in any part shall constitute grounds for disapproval. If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria included in the authorizer application.

(8) The board shall post on its public web site the applications of all school districts approved as authorizers. A school district approved as an authorizer shall post its application on a public web site.

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-070 Charter school—Request for proposals.

~~((Effective until January 16, 2016))~~

~~No later than April 15th, each authorizer shall annually issue requests for proposals for charter schools meeting the requirements of RCW 28A.710.130.~~

~~((Effective January 16, 2016))~~

No later than March 1st, each authorizer shall annually issue ~~((requests))~~ solicitations for proposals for charter schools meeting the requirements of RCW 28A.710.130.

AMENDATORY SECTION (Amending WSR 14-19-107, filed 9/16/14, effective 10/17/14)

WAC 180-19-080 Charter school applications—Submission, approval, or denial.

~~((Effective until January 16, 2016))~~

~~(1) An applicant, as defined in RCW 28A.710.010, seeking approval must:~~

~~(a) Submit a nonbinding notice of intent to be approved as a proposed charter school not less than thirty days before the last date for submission of an application to an authorizer as provided in this section. An applicant may not submit a charter school application in a calendar year unless it has filed timely notice of intent as provided herein; and~~

~~(b) Submit an application for a proposed charter school to an authorizer by no later than July 15th of the year in which the applicant seeks approval.~~

~~(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than October 15th of the year in which the application is received.~~

~~(3) The authorizer must provide the state board of education with a written report of the approval or denial of an applicant's proposal for a charter school within ten days of such action. The notice must comply with the requirements set forth in RCW 28A.710.150(2). The report shall be sent to the board via electronic mail to sbe@k12.wa.us.~~

~~(Effective January 16, 2016))~~

(1) An applicant, as defined in RCW 28A.710.010, seeking approval must:

(a) Submit a nonbinding notice of intent to be approved as a proposed charter school by May 1st of the year in which approval is sought. An applicant may not submit a charter school application in a calendar year unless it has filed timely notice of intent as provided herein; and

(b) Submit an application for a proposed charter school to an authorizer by no later than June 1st of the year in which the applicant seeks approval.

(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than September 1st of the year in which the application is received.

(3) The authorizer must provide the state board of education with a written report of the approval or denial of an applicant's proposal for a charter school within ten days of such action. The notice must comply with the requirements set forth in RCW 28A.710.150(2). The report shall be sent to the board via electronic mail to sbe@k-12.wa.us.

AMENDATORY SECTION (Amending WSR 14-02-060, filed 12/26/13, effective 1/26/14)

WAC 180-19-210 Annual report by authorizer. (1) Each authorizer must, no later than November 1st of each year starting in 2014, submit an annual report to the state board of education meeting the requirements of RCW 28A.710.100(4). The board shall develop and post on its web site by September 1st of each year a standard form which must be used, and instructions which must be followed by each authorizer in making its report. The completed report must be sent via electronic mail to sbe@k12.wa.us and shall be posted on the board's web site.

(2) The report must include:

(a) The date of authorizer approval by the board;

(b) The names and job titles of district personnel having principal authorizing responsibilities with contact information for each;

(c) The names and job titles of any employees or contractors to whom the district has delegated responsibilities under RCW 28A.710.100, with contact information for each;

(d) An executive summary including, but not limited to, an overview of authorizing activity during the prior year and the status and performance of the charter schools authorized;

(e) The authorizer's strategic vision for chartering, as submitted to the state board under WAC 180-19-030 (3)(a), and its assessment of progress toward achieving that vision;

(f) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories:

(i) Approved but not yet open, including for each, the targeted student population and the community the school hopes to serve; the

location or geographic area proposed for the school; the projected enrollment; the grades to be operated each year of the term of the charter contract; the names of and contact information for the (~~governing~~) charter school board, and the planned date for opening;

(ii) Operating, including for each, location; grades operated; enrollment in total and by grade; and for each student subgroup as defined in RCW 28A.300.042 in totals and as percentages of enrollment;

(iii) Charter renewed with date of renewal;

(iv) Charter transferred to another authorizer during the prior year, with date of transfer;

(v) Charter revoked during the prior year with date of and reasons for revocation;

(vi) Voluntarily closed;

(vii) Never opened, with no planned date for opening.

(g) The academic performance of each operating charter school overseen by the authorizer, based on the authorizer's performance framework, including:

(i) Student achievement on each of the required indicators of academic performance in RCW 28A.710.170 (2)(a) through (f), as applicable by grade, in absolute values and in comparison to the annual performance targets set by the charter school under RCW 28A.710.170(3). Student academic proficiency, student academic growth, achievement gaps, graduation rates and postsecondary readiness must be included as reported in the achievement index developed by the state board of education under RCW 28A.657.110.

(ii) Student achievement on each additional indicator of academic performance the authorizer has chosen to include in its performance framework to augment external evaluations of performance, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170.

(iii) Student achievement on each indicator 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 as required of performance frameworks in RCW 28A.710.170.

(h) The financial performance of each operating charter school overseen by the authorizer, based on the indicators and measures of financial performance and sustainability in the authorizer's performance framework, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170;

(i) The organizational performance of the (~~governing~~) charter school board of each operating charter school overseen by the authorizer, based on the indicators and measures of organizational performance in the authorizer's performance framework, including compliance with all applicable laws, rules and terms of the charter contract;

(j) The authorizer's operating costs and expenses for the prior year for fulfilling the responsibilities of an authorizer as enumerated in RCW 28A.710.100(1) and provided under the terms of each charter contract, detailed in annual financial statements that conform with generally accepted accounting principles and applicable reporting and accounting requirements of the office of the superintendent of public instruction;

(k) The contracted, fee-based services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including a brief description of each service purchased, an itemized accounting of the revenue received from the schools for the services, and the actual costs of these services to the authorizer.

WAC 180-19-250 Oversight of authorizers—Revocation of authorizing contract. (1) Evidence of material or persistent failure by an authorizer to carry out its duties according to nationally recognized principles and standards for charter authorizing is grounds for revocation of an authorizer's chartering contract. This may include:

(a) Failure to comply with the terms of the authorizing contract between the authorizer and the board;

(b) Violation of a term of the charter contract between the authorizer and a charter school board;

(c) Demonstrated failure to develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the National Association of Charter School Authorizers in any of the following areas, as required by RCW 28A.710.100:

(i) Organizational capacity;

(ii) Soliciting and evaluating charter applications;

(iii) Performance contracting;

(iv) Ongoing charter school oversight and evaluation;

(v) Charter renewal decision making.

(2) Notice of intent to revoke. If the board makes a determination, after due notice to the authorizer and reasonable opportunity to effect a remedy, that the authorizer continues to be in violation of a material provision of a charter contract or its authorizing contract, or has failed to remedy other identified authorizing problems:

(a) The board shall notify the authorizer in writing that it intends to revoke the authorizer's chartering authority under RCW 28A.710.120. The notification to the authorizer shall explain and document the reasons for the intent to revoke chartering authority.

(b) The authorizer shall, within thirty days of notification, submit a written response showing that the authorizer has implemented or will implement within sixty days of submitting the written response, a sufficient remedy for the violation or deficiencies that are the stated grounds for the intent to revoke chartering authority. The board shall within thirty days of receipt provide written notice to the authorizer whether it finds the proposed remedy sufficient to correct the violation or deficiencies.

(3) Notice of revocation. If the authorizer fails to provide a timely written response or if the response is found insufficient by the board to meet the requirement set forth in subsection (1) of this section:

(a) The board shall provide the authorizer with written notice of revocation of the authorizer's chartering authority. The notice of revocation shall state the effective date of revocation, which shall not be sooner than twenty days from the date of receipt of the notice of revocation by the authorizer unless a timely notice of a request for an adjudicative proceeding is filed as set forth herein.

(b) The authorizer may request an adjudicative proceeding to contest the revocation. The request for an adjudicative proceeding must be submitted in writing by the authorizer to the board within twenty days of receipt of the notice of revocation at the following address:

Old Capitol Building
P.O. Box 47206

600 Washington St. S.E., Room 253
Olympia, Washington 98504

Any adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act (APA).

AMENDATORY SECTION (Amending WSR 14-08-033, filed 3/25/14, effective 4/25/14)

WAC 180-19-260 Authorizer oversight—Transfer of charter contract. (1) In the event that a notice of revocation is provided to the authorizer under WAC 180-19-250, any charter contract held by that authorizer shall be transferred, for the remaining portion of the charter term, to the Washington charter school commission on documentation of mutual agreement to the transfer by the charter school board and the commission.

(2) Documentation of mutual agreement shall consist of a written agreement between the charter school board and the commission, signed and dated by the chair or president of the charter school board and the chair of the commission. The agreement shall include any modification or amendment of the charter contract as may be mutually agreed upon by the charter school (~~board~~) and the commission.

(3) The commission shall submit the agreement to the state board of education. The board shall review the agreement and on a determination that the requirements of these rules have been met, issue written certification of the transfer of the charter contract to the charter school (~~governing~~) board and the commission.

(4) On certification by the board of the transfer of the charter contract, the prior authorizer shall transfer to the commission all student records and school performance data collected and maintained in the performance of its duties as an authorizer under RCW 28A.710.100 and 28A.710.170.

(5) The commission, in consultation with the charter school (~~governing~~) board, shall develop and implement a procedure for timely notification to parents of the transfer of the charter contract and any modifications or amendments to the charter included in the written agreement executed under subsection (2) of this section.

(6) If mutual agreement is not obtained on the transfer of the charter contract under RCW 28A.710.120(6) and this section, the charter school shall be closed under the provisions of RCW 28A.710.210. The district shall develop and implement a termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must include, at a minimum, a plan for addressing the following:

(a) Adequate and timely communication with parents, school staff and the community regarding the closing of the charter school and the options for student transfer to another public school;

(b) Retention of student, personnel, governance and financial records in compliance with all applicable laws and policies;

(c) The transfer of all student records in accordance with privacy rules set forth in the Family Educational Rights and Privacy Act (FERPA) and any applicable state laws and school district policies;

(d) Resolution of all financial obligations associated with the closure of the charter school;

(e) Return of the public funds in the possession of the charter school as provided for in RCW 28A.710.201(2), or as required by any other state law; and

(f) A plan for the disposition of all other assets, in compliance with applicable state and federal laws or district policies governing the assets.

The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer. The district shall provide the board with a copy of the termination protocol. The board may review the protocol and request revisions for implementation.



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SUMMARY OF DRAFT AMENDMENTS TO CHAPTER 180-19 WAC

The draft amendment to nine sections of Chapter 180-19 (Charter Schools) has two purposes:

1. Conform adopted SBE rules on charter schools to changes made to the original charter school law by Chapter 241, Laws of 2016 (E2SSB 6194).
2. Delete obsolete language left by amendments adopted in 2014 to change the due dates for various actions taken by parties under the law.

Section	Title	Change
180-19-010	Definitions.	Changes “2012 Edition” of “ <i>Principles and Standards for Quality Charter Authorizing</i> ” to “2015 Edition or most current edition” (p. 1).
180-19-020	Notice of intent to submit an authorizer application.	Strikes duplicated text with a superseded effective date.
180-19-030	Submission of authorizer application.	Strikes duplicated text with a superseded effective date. In (3)(c), replaces “request for proposal” with “annual charter school application process.” Makes other language changes to align with new law. In (4)(e), replaces “governing board” with “charter school board.” Clarifies, per a change in E2SSB 6194, that a district must include in any charter contract it executes with the board of a charter school that the school must provide a program of basic education meeting the definition in RCW 28A.150.200, the goals in RCW 28A.150.210, and the minimum instructional and program accessibility requirements in RCW 28A.150.220.
180-19-040	Evaluation and approval or denial of authorizer applications.	Strikes duplicated text with a superseded effective date.
180-19-070	Charter school – Request for proposals.	Strikes duplicated text with a superseded effective date. Replaces “requests for proposals with “solicitations for proposals” to align with new law.
180-19-080	Charter school applications – Submission, approval, or denial.	Strikes duplicated text with a superseded effective date.

180-19-210	Annual report by authorizer.	Replaces “governing board” with “charter school board” to align with new law.
180-19-250	Oversight of authorizers – Revocation of authorizing contract.	Clarifies that a charter contract is between the authorizer and a charter school board.
180-19-260	Authorizer oversight – Transfer of charter contract.	Corrects obsolete references to charter school “governing” board.

If you have questions regarding this memo, please contact Kaaren Heikes at Kaaren.heikes@k12.wa.us.



STATE BOARD OF EDUCATION RULE CHANGE SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR:	Title of Rule: Oversight of Charter School Authorizers	Agency: SDF - School District Fiscal Impact - SPI
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Part I: Estimates

No Fiscal Impact

Chapter 180-19 WAC (Charter Schools) is being updated through this rule revision to conform to the requirements of E2SSB 6194 as passed in the 2016 legislative session. Also included are some changes to delete obsolete language. Neither of these changes create additional costs to school districts, thus this rule change has no fiscal impact.

Estimated Cash Receipts to:

No Estimated Cash Receipts

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total \$					

Estimated Expenditures From:

No Estimated Expenditures

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total \$					

Estimated Capital Impact:

No Estimated Capital Impact

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total \$					

The cash receipts and expenditures estimate on this page represent the most likely fiscal impact.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note from Parts I-IV.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Agency Preparation:	T.J. Kelly	Phone: 360-725-6301	Date: 08/02/2016
Agency Approval:	T.J. Kelly	Phone: 360-725-6301	Date: 08/02/2012

Part II: Narrative Explanation

II. A – Brief Description Of What the Measure Does That Has Fiscal Impact

Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

II. B – Cash Receipts Impact

Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C – Expenditures

Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A – Expenditures by Object or Purpose

Part IV: Capital Budget Impact



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Charter Schools Timeline Chapter 180-19 WAC*

Action	WAC	
Last date for SBE to post authorizer application	180-19-030	May 15
Last date for school district notice of intent to submit authorizer application	180-19-020	June 15
Last date for a district to submit an authorizer application	180-19-030	October 15
Last date for SBE to approve or deny an authorizer application	180-19-040	February 1
Last date for all authorizers to issue RFPs for charter applications	180-19-070	March 1
Last date for SBE to execute an authorizing contract with an approved district	180-19-050	March 1
Last date to submit charter applications to authorizers	180-19-080	June 1
Last date for authorizers to approve or deny charter applications	180-19-080	September 1
Last date for authorizers to report approval or denial of charter applications to SBE	189-19-080	Not stated. ¹

¹The due date for authorizers to report approval or denial of charter applications to the SBE is set in RCW 28A.170.150(2) at ten days from the action to approve or deny.

*Per proposed amendments to WAC 180-19, spring 2017. Please contact Kaaren Heikes regarding this information at Kaaren.heikes@k12.wa.us.