



THE WASHINGTON STATE BOARD OF EDUCATION

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

Title: Charter Schools – Update and Contract Transfer Petitions

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.
	<input type="checkbox"/> Other

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:

1. What is the rudimentary charter school landscape in WA?
2. What statutory duties related to charter schools does the the SBE have?
3. Specifically, what is the Board’s role in granting a petition to transfer a charter contract before its term expires?

Possible Board Action:

<input checked="" type="checkbox"/> Review	<input type="checkbox"/> Adopt
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Other

Materials Included in Packet:

<input type="checkbox"/> Memo	<input checked="" type="checkbox"/> Third-Party Materials
<input type="checkbox"/> Graphs / Graphics	<input type="checkbox"/> PowerPoint

Synopsis: Staff will brief the Board on the rudimentary charter school landscape and legal duties of the Board related to charter schools. The Board will then consider two petitions from currently operating charter schools to transfer their charter contracts before they expire.

In your packet you will find:

- Charter School Landscape, Law, and SBE Duties - PPT
- List of Washington Charter Schools
- Laws applicable to Washington Charter Schools
- Accountability of Washington Charter Schools
- Demographics of current Washington Charter Schools
- Petition to allow charter contract transfer: Excel Public Charter School
- Letter from the WA Charter School Commission (CSC) re Excel’s Petition
- Petition to allow charter contract transfer: Spokane International Academy
- Letter from the WA CSC re Petition from Spokane International Academy
- Letter from Spokane School District re Petition from Spokane International Academy

Recommendation: The Executive Committee requested staff to make recommendations regarding the petitions from Excel Public Charter School and Spokane International Academy. Per this request, staff does recommend that the Board take action to grant both of the petitions before you to transfer charter school contracts, as all the information we have indicates that both satisfy the pertinent legal criteria in RCW 28A.710.210(3) for “special circumstances” and provide sufficient evidence of the transfers being in the “best interest of the charter schools’ students.”

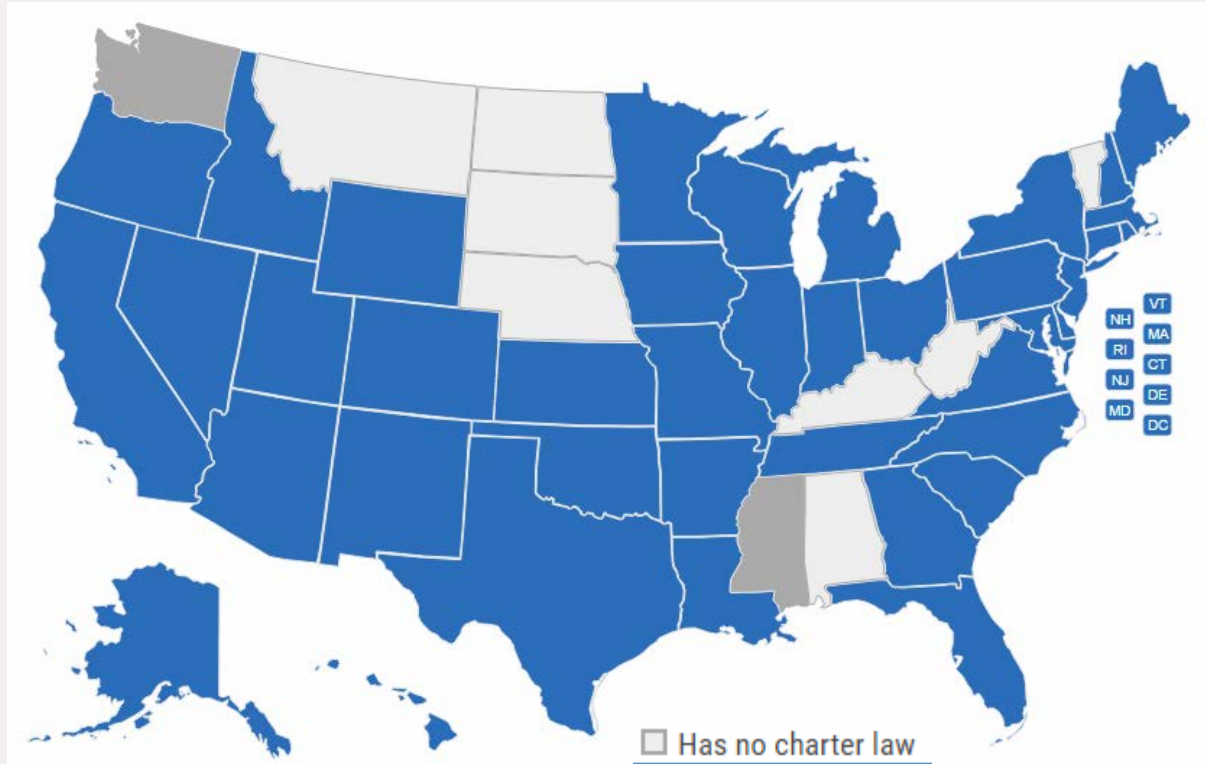
Please contact Kaaren Heikes with any questions at kaaren.heikes@k12.wa.us or 360.725.6029.



Charter School Update

Kaaren Heikes
March 9, 2017

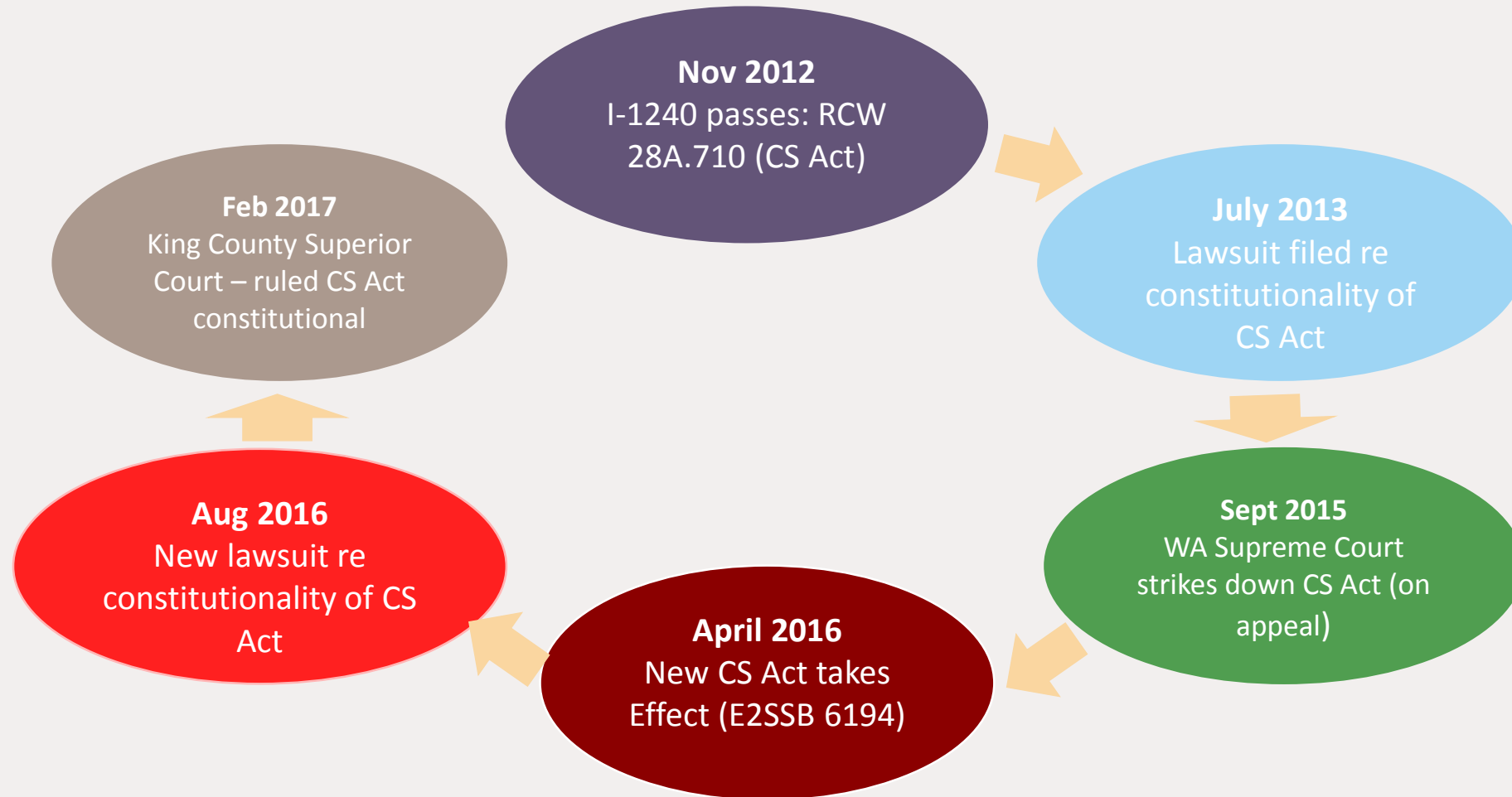
National Landscape



- 42 states and D.C. have charter school laws and charter schools
- Eight states do not (Montana, N Dakota, S Dakota, Nebraska, Alabama, Kentucky, W Virginia, Vermont)
- Nationally: 6,900 charter schools serving 3,100,000 students (2016-17)



History of WA's Charter School Law





El Centro de la Raza, et al v. State of WA

February 17, 2017: King County Superior Court (Judge Chun) dismissed all remaining claims in *El Centro v. State*, the lawsuit challenging the constitutionality of the Charter Schools Act (court had previously dismissed the Plaintiff's claims relating to ample funding and ALEs).

The Courts Order Granting Summary Judgment concerned the five remaining claims:

1. that charter schools violate Article IX, Section 2's uniformity requirement;
2. unconstitutionally divert constitutionally restricted common school funds;
3. impermissibly delegates the legislature's duty to define a program of basic education;
4. displaced the Superintendent of Public Instruction's supervisory authority; and
5. unconstitutionally amended the basic education and collective bargaining laws.

The Court rejected Plaintiffs' arguments, finding that the Plaintiffs conflated the term *common school*, with the term *public school*, and holding that all of the claims failed as a matter of law. As such, the Court dismissed all of the Plaintiffs' claims with prejudice.



El Centro de la Raza, et al v. State of WA

Remaining issues?










- Plaintiffs may appeal the King County Superior Court’s ruling to the State Superior Court
- Plaintiff claims there are still “significant questions on how funding will occur as the charter school program grows.” This raises the question as to whether lottery funds will suffice long-term for 40 potential charter schools.
- Judge Chun’s ruling agreed that this point could be raised again if the funding mechanism has to change: “If, in the future, the state attempts to use funds allocated for common schools in violation of article IX, section 2, then the issue will be ripe for consideration,” the decision said. “On the face of the [Charter School Act], however, such use is not inevitable.”

Charter Schools: Public or Private?



MYTH: Charter schools are not public schools.

FACT: Charter schools **are** public schools.

PUBLIC CHARTER SCHOOLS		TRADITIONAL PUBLIC SCHOOLS
	Tuition-free and open to all students	
	Non-sectarian, do not discriminate on any basis	
	Publicly funded based on enrollment	
	Held accountable to state and federal standards	



What type of WA public school?

28A.710.020

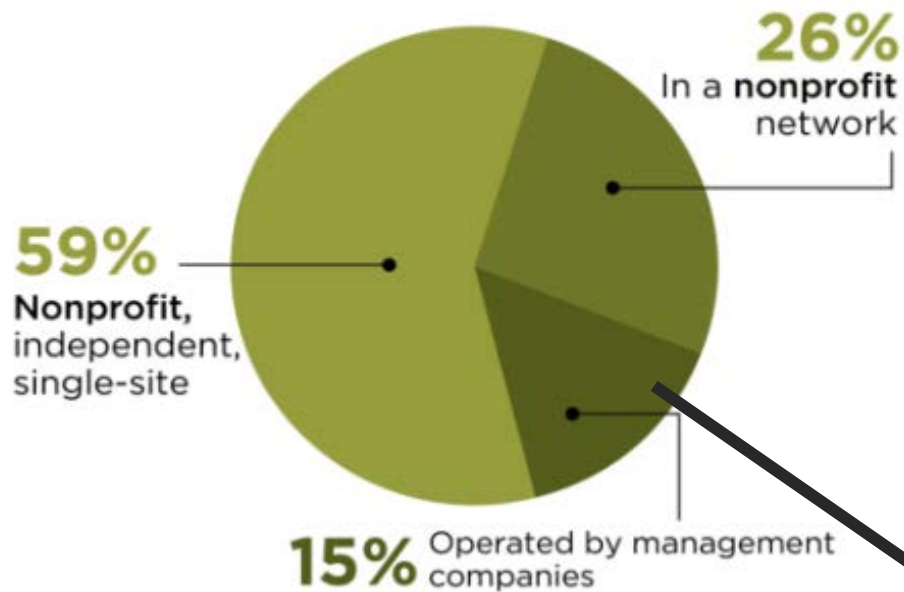
A charter school established under this chapter is a public school that is:

Operated separately from the common school system as an alternative to traditional common schools (i.e., “a public school that is not a common school”).

Nationally: publicly or privately run?

MYTH: Charter schools are for-profit companies.

FACT: 85% of charter schools are **nonprofits**.



- Operated by nonprofit, public benefit corporations with a board of directors
- Non-religious and non-sectarian
- Open to all students; no admission criteria, admission via lottery

“Management Companies” that operate 15% of charters nationally – predominantly “virtual schools” or “home school hybrids” – do not operate or manage any charters in WA.



WA Charter Schools: privately or publicly run?

- In addition to all the facts on slide 4, WA charter schools:
 - Must be a WA public benefit nonprofit corporation with tax exempt status under section 501(c)(3) of IRS code;
 - Must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW [28A.710.220](#);
 - Is governed by a “charter” (5-year-renewable-performance-based-contract) executed between the nonprofit organization/board and the authorizer – either a school district or the CSC (a state agency);
 - May **only** contract with **nonprofit organizations for management operation** of the charter school.
- The “private” corporations that run WA charter schools and 85% of charter schools nation-wide are “private NONPROFIT corporations” (vs “private sector” corporations).



What laws apply to WA charter public schools?

28A.710.040(3) *See “Applicable Laws” doc in packet*

Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section.



What are WA charters not subject to?

28A.710.040(3)

For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, **all other state statutes and rules applicable to school districts and school district boards of directors**. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from **all school district policies**.



Charter Public Schools - Funding

Charter Public schools are not “common schools”

Legislative intent (6194) is that state funding for charter public schools be equitable to the state funding received by other public schools and includes:

- The prototypical school funding

- Any enrichment specified in the budget

- Categorical program funding

- State funding for school construction, but not from the common school construction fund

Not eligible for local levy funds (which, on average, is 30% of the public funding district-run schools receive)



Charter Public Schools – funding source

WA Charter Public Schools are funded by the Washington Opportunity Pathways Account (WOPA)

Other public K-12 Educational schools/programs that are not common schools and are funded by WOPA:

- Tribal compact schools

- Community learning center program

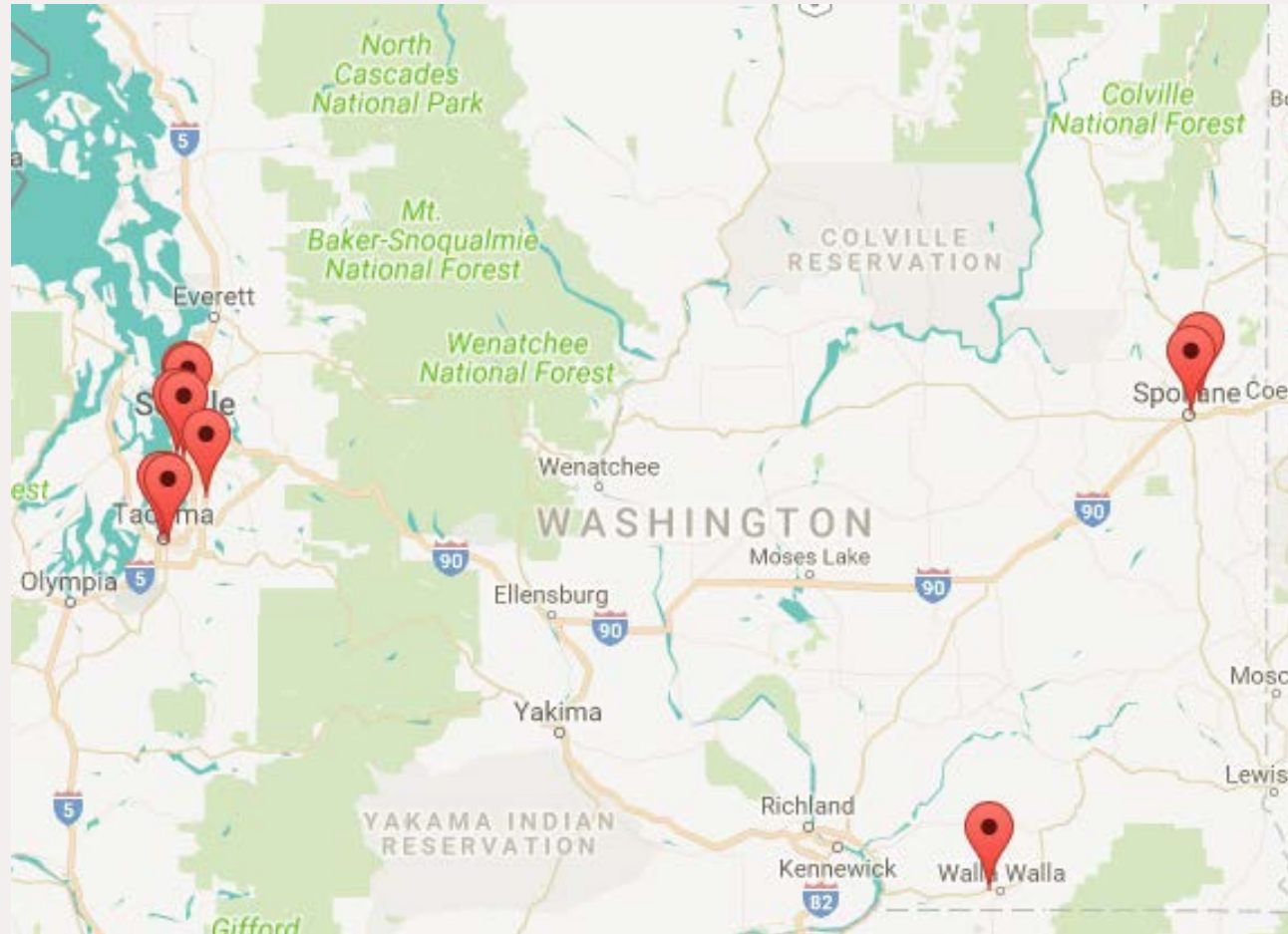
- Education Centers

- Washington National Guard Youth Challenge Program

- Early Entrance Program at UW for highly capable students

- The educational program for juveniles in detention centers

Eight open charter schools in WA 2016-17





WA Authorizers and Charters

Authorizers

Charter School Commission (CSC)

Spokane Public Schools

No additional districts have submitted “notice of intents” to the SBE

Charter Schools

Eight currently operating

Three slated to open fall 2017

Four submitted “notice of intent” to the CS Commission to apply for fall 2018 (Auburn, S Seattle, Everett, Seattle)

Washington State Charter School Commission



Commission Composition

3 members appointed by the **Governor**

3 members appointed by the **Senate**

3 members appointed by the **House**

The **SPI** or designee

The **SBE Chair** or designee

Charter School Commission: 28A.710.070(1-2)



- Independent state agency
- Mission (per statute) is to authorize high quality charter public schools throughout the state, especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.
- Administer the charter schools it authorizes in the same manner as a school district board of directors administers other schools (through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law).



SBE Statutory Duties re Charter Schools

Include all charter schools in its public school system oversight, including accountability measures, to the same extent as other public schools

SBE chair, or designee, serve as a member of the Charter School Commission

Screen, approve, contract with, and oversee the performance and effectiveness of school districts that authorize charter schools within their boundaries

Establish a statewide formula for an authorizer oversight fee

Certify charter school applications approved by CSC or a district authorizer between approval and contract ratification (to ensure “room” within the 40 maximum allowed by law).

Create annual charter school report for Governor, Legislature, public at large

Petitions for charter contract transfers (review and determine whether to grant)



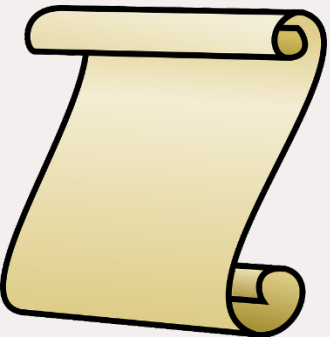
Charter Contract Transfer Petition

If the SBE receives a “petition to transfer charter contract” from either a charter school or its authorizer, the SBE:

- Must review such petitions on a case-by-case basis
- May grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students

Granting, or approving, the transfer means:

- The charter contract transfer is permissible, not required.
- It is incumbent upon the two parties to the charter contract to follow applicable laws and their policies to proceed.





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Charter Schools in Washington State

Green Dot Destiny Middle School



Tacoma

Grades Served: 6-7 in 2016-2017, expanding to 6-8 in 2017-18

Focus: High school preparation, college-ready pathway programs

Enrollment:

Website: <http://wa.greendot.org/destiny/>

Authorizer: Charter School Commission

Rainier Prep



South King County

Grades Served: 5-7 2016-2017, expanding to 5-8

Focus: College preparatory

Enrollment:

Website: www.rainierprep.org

Authorizer: Charter School Commission

Spokane International Academy



Spokane

Grades Served: K-2 and 6-7 in 2016-2017, expanding to K-8

Focus: Rigorous, authentic learning and global competence

Enrollment:

Website: www.spokaneintlacademy.org

Authorizer: Spokane School District

SOAR Academy



Tacoma

Grades Served: K-2 in 2016-2017, K-3 in 2017-18, expanding to K-8

Focus: High school preparatory, college preparatory, leadership development

Enrollment:

Website: www.soaracademies.org

Authorizer: Charter School Commission

Excel Public Charter School



Kent

Grades Served: 6-8 in 2016-2017, expanding to 6-12

Focus: College preparatory, STEM

Enrollment:

Website: <http://excelwa.org>

Authorizer: Charter School Commission

PRIDE Prep



Spokane

Grades Served: 6-8 in 2016-2017, expanding to 6-12

Focus: College preparatory, leadership development

Enrollment:

Website: <http://prideprepschool.org>

Authorizer: Spokane School District

Summit Olympus High School



Tacoma

Grades Served: 9-10 in 2016-2017, expanding to 9-12

Focus: College readiness, small-school environment

Enrollment:

Website: <http://summitps.org/schools/washington/summit-olympus>

Authorizer: Charter School Commission

Summit Sierra High School



Seattle

Grades Served: 9-10 in 2016-2017, expanding to 9-12

Focus: College readiness, small-school environment

Website: <http://summitps.org/schools/washington/summit-sierra>

Address: 1025 S King St, Seattle, WA 98104

Phone: (206) 453-2520

Opening Fall 2017

Green Dot Seattle Middle School



SE Seattle

Grades: 6 in 2017-2018, expanding to 6-12

Focus: College-going culture, personalized learning, family partnership programs

Website: <http://wa.greendot.org/seattle/>

Sponsor: Charter School Commission

Summit Atlas



West Seattle

Grades: Grades 6 and 9 in 2017-2018, expanding to 6-12

Focus: College readiness, small-school environment

Website: <http://www.summitps.org/schools/washington/summit-atlas>

Sponsor: Charter School Commission

Willow Public School



Walla Walla

Grades: 6-7 in 2017-2018, expanding to 6-8

Focus: College and career readiness, project-based learning

Website: <http://www.willowschoolwallawalla.org/>

Sponsor: Charter School Commission



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Applicable Laws for Charter Public Schools

Charter schools—Requirements (RCW 28A.710.040)

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter [28A.642](#) RCW (discrimination prohibition) and chapter [28A.640](#) RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW [28A.150.210](#), including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW [28A.655.070](#);

(c) Employ certificated instructional staff as required in RCW [28A.410.025](#). Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW [28A.150.203](#)(7);

(d) Comply with the employee record check requirements in RCW [28A.400.303](#);

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW [28A.655.110](#);

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW [28A.305.130](#);

(h) Comply with the open public meetings act in chapter [42.30](#) RCW and public records requirements in chapter [42.56](#) RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

[[2016 c 241 § 104](#). Prior: 2013 c 2 § 204 (Initiative Measure No. 1240, approved November 6, 2012).]

Also applicable:

1. 28A.710.020(4)
(a public school that) Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.)
2. The Washington Nonprofit Corporation Act (Chapter 24.03 RCW)
3. Section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3))

Charter School Accountability – Washington State

Charter schools are public schools that are granted additional autonomy in return for additional accountability. Charter schools must:

- Comply with most of the same accountability, oversight, and transparency laws applicable to traditional public schools.
 - Charter teachers meet the same certification requirements as traditional public school teachers, including background checks.
 - Students meet same academic standards and participate in same statewide assessment system as students in traditional public schools.
 - Charter schools are subject to the open public meetings act and the public records act. They comply with the annual school performance report required of all public schools and are subject to performance improvement goals adopted by the State Board of Education applicable to all public schools.
 - Charter schools comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts.
 - The nonprofit organizations that operate charter schools are subject to annual audits for legal and fiscal compliance by the state auditor (and must comply with generally accepted accounting principles).
- Be approved through a rigorous application process to assure the highest-quality schools.
 - Charter school applications must address 32 required elements, including evidence of need and parent and community support for the proposed charter school, evidence that the educational program is based on proven methods, and a description of the school's financial plan and policies, including financial controls and audit requirements.
- Be overseen by a local school board or a state commission.
 - Charter schools are accountable directly to their authorizer (whether district or state) and are subject to annual performance reviews as well as ongoing oversight to be sure the school is complying with the terms of its charter agreement.
 - All public charter schools in the state, and their authorizers, ultimately fall within the existing public school system that is overseen by the Superintendent of Public Instruction and the State Board of Education.
- Demonstrate success and high-performance.
 - Charter schools are subject to rigorous academic, financial, and organizational performance frameworks.
 - Performance frameworks are incorporated into the charter contract and serve as the basis for holding schools accountable.
 - Performance frameworks include measures of student academic proficiency; student academic growth; achievement gaps between major student subgroups; school financial performance and sustainability; and board performance and stewardship.

Charter School Accountability – Washington State

- Must be reauthorized after five years and can be closed for poor performance.
 - A charter contract may be revoked or not renewed if the charter school violates material terms of its contract, including insufficient progress toward academic performance expectations, fiscal mismanagement, and legal violations.
 - Most importantly, a charter contract may not be renewed if the charter school's performance falls in the bottom quartile of schools on the state accountability index.
- Submit to the most important and direct form of **local control** – keeping parents and students satisfied.
 - Charter schools are the ultimate form of local control because they give control to parents to choose the school that best meets their child's needs.
 - If the schools are not meeting community expectations, they will lose enrollment and have to close. This process keeps schools directly accountable to parents; concerned parents have direct access to charter leaders and boards and unsatisfied parents can “vote with their feet” by choosing not to enroll (or choosing to leave). There is a level of direct grassroots engagement and feedback that can be challenging, if-not-impossible, for districts to achieve simply because of their size.

Washington's charter school law is one of the strongest in the nation, mandating strict accountability and oversight.

- The National Alliance for Public Charter Schools and the National Association of Charter School Authorizers both rank Washington's law as one of the strongest charter school laws in the country.
 - Experts agree that rigorous authorizing and oversight helps improve student performance.
 - Washington's law draws on over 20 years of lessons learned and best practices nationally.
- Authorizers are held accountable, too.
 - School district authorizers are held accountable for their work by the State Board of Education. Authorizing is both a major public stewardship role and a complex profession requiring particular capacities and commitment, and our charter school law treats it as such—with standards-based barriers to entry and ongoing evaluation to maintain the right to authorize.
- All schools will be evaluated after five years before additional schools could be authorized.
 - The legislature then determines whether additional public charter schools should be allowed.

Additional accountability-related provisions adopted in E2SSB 6194 (2016):

- Adds McKinney-Vento Homeless Assistance Act to the list of federal acts that charter schools are specifically required to comply with.
- Requires charter schools to contract for independent performance audits.
- Requires that Charter School Commissioners and charter school board members file personal financial affairs statements with PDC, just like traditional school board members.
- Requires charter schools to advise families of any ongoing litigation challenging the constitutionality of charter schools.

Washington Charter Public School Demographics
2016-17 Academic Year*

<i>School</i>	<i>Location</i>	<i>Grades Served</i>	<i>Enrollment</i>	<i>Low income</i>	<i>Special education</i>	<i>English language learners</i>	<i>Students of color</i>
Excel	Kent	6,7,8	182	31%	13%	16%	64%
Green Dot Destiny	Tacoma	6,7	260	66%	20%	3%	78%
PRIDE Prep	Spokane	6,7,8	241	54%	19%	0%	26%
Rainier Prep	Highline	5,6,7	245	79%	11%	21%	94%
SOAR Academy	Tacoma	K,1,2	139	67%	8%	0%	83%
Spokane International Academy	Spokane	K,1,2,6,7	263	40%	9%	1%	27%
Summit Olympus	Tacoma	9.10	131	54%	11%	8%	68%
Summit Sierra	Seattle	9.10	184	41%	13%	5%	77%
<i>Charter schools total</i>			1,645	59%	18%	10%	62.5%
<i>State total</i>			1,086,000	44%	13.5%	11%	44%

*Data from Commission-authorized schools (Excel, Destiny, Rainier Prep, SOAR, Olympus, Sierra) is as of December 2016; data from Spokane-authorized schools (PRIDE, SIA) is as of October 2016; state totals are from 2015-16 OSPI report card.



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PETITION FOR THE TRANSFER OF A CHARTER SCHOOL CONTRACT

RCW 28A.710.210(3) **A charter contract may not be transferred** from one authorizer to another or from one charter school to another before the expiration of the charter contract term **except by petition to the state board of education by the charter school or its authorizer**. The state board of education **must review such petitions on a case-by-case basis** and **may grant** transfer requests in response to **special circumstances and evidence that such a transfer would serve the best interests of the charter school's students**.

Please complete this form – with concise information and a list of back-up documentation that you have available should the State Board of Education wish to review it – and submit it to Kaaren Heikes, Director of Policy and Partnerships, Kaaren.heikes@k12.wa.us.

DATE: February 21, 2017

CHARTER SCHOOL: Excel Public Charter School

AUTHORIZER: Washington State Charter School Commission

PARTIES TO THE CURRENT CHARTER CONTRACT: Washington State Charter School Commission, Excel Public Charter School

DATES (START AND END) OF CURRENT CHARTER CONTRACT: August 20, 2016 through August 20, 2021

PETITIONER (THE PARTY REQUESTING A TRANSFER OF CURRENT CHARTER CONTRACT):

Excel Public Charter School

PROPOSED NEW CHARTER SCHOOL OR AUTHORIZER:

Green Dot Public Schools of Washington

PERSON COMPLETING THIS PETITION: Jessica de Barros, Board Chair, Excel Public Charter School

EMAIL: Jessica@excelwa.org

PHONE: 206-383-9181

SPECIAL CIRCUMSTANCES: Please describe the special circumstances that you believe warrant the State Board of Education to make an exception to the “A charter contract may not be transferred from one another to another or from one charter school to another before its expiration” (“except by petition to the State Board of Education by the charter school or its authorizer”).

The special circumstances warranting an exception in this case are centered on *financing*, the *need for a facility*, and *capacity*.

Excel needs a facility to accommodate its plan to serve middle and high school students. As a start-up, stand-alone charter, it is difficult to obtain facility financing. Original budget estimates assumed the use of local district levies, and planned significant fundraising to occur in the first year. However, development efforts were hindered and reprioritized due to the charter lawsuit. Further, our student population has highly specific needs, adding to our budget – 23 percent of students receive special education services and 23 percent are English learners. At the end of our successful first year, we decided to partner with Green Dot Public Schools of Washington (GDPSW) to ensure continued success without disruption as we navigated a leadership transition. We believe transferring our charter to GDPSW, which has a financial track record and capacity to secure a facility for Excel, is a unique opportunity to continue to deliver on Excel’s vision and ensure students and families continue to have this important public middle and high school option in the Kent community.

About Excel

Excel is a college preparatory, public, 6th – 12th grade school located in Kent, WA. We prepare students to be successful in college and career by balancing the day with core academic skill-building and a focus on Science, Technology, Engineering, Arts and Math (STEAM). The core values that drive Excel’s educational program are Excellence, Community, Compassion, Endurance, Leadership, and Love of Learning (ExC2EL2). We believe in partnering closely with families and communities to foster a growth mindset focused on continuous improvement in all students.

Excel’s academic mission is to provide all students an academically rigorous, STEAM-focused, college preparatory educational program that will help them achieve both academic and personal success in college and career. Our civic mission is to empower all students to become agents of positive change in their communities through character development and culturally-responsive pedagogy.

Background: A Strong Partnership to Support Students

In July 2016, the Excel Board of Directors requested, and the Washington State Charter Commission approved, the establishment of an Educational Service Provider (ESP) contract with GDPSW. Excel had just finished its first, successful year – students had worked diligently all year on STEM-focused projects and computational thinking to prepare them for the journey to college; families had shared that they had chosen a school that best meets the needs of their children; and students were on track to make 1.5 years of growth in reading. We had established one of the first computer science middle schools in Washington State, and students had publicly performed classical and contemporary pieces in the school orchestra. At the same time, we faced a leadership transition, and wanted to ensure success continued without disruption.

Excel’s Board of Directors asked GDPSW, an organization whose mission aligns closely to ours, to partner with Excel for the 2016-17 school year. The educational service provider partnership means GDPSW provides coaching, professional development, and implementation support to Excel staff so they can continue to develop and deliver the Excel vision and academic model. Excel is very pleased with the services GDPSW has provided; they have allowed for stability and support and a positive student experience. Excel has met all compliance requirements this year.

Stakeholder Outreach

Due to the Excel Board's strong satisfaction with the level and quality of service provided this year, we started to explore the possibility of Excel formally joining the GDPSW network. Our exploration started with outreach to stakeholders, namely families and staff.

Family Feedback Themes

Family feedback was very positive about Excel and the Green Dot partnership. Families were attracted to Excel because of its commitment to serve ALL students, deeper learning, college-going culture, and values of respect and support. They highly value computational thinking, the STEM focus, the longer school day/year, after-school programs and orchestra. They were curious about how much flexibility Excel would have in the Green Dot network, a topic the Board followed up on to its satisfaction.

Staff Feedback Themes

Teachers shared that they value autonomy, flexibility, teacher voice, the STEAM model, computational thinking, and Excel's character-building values. They feel it is important to continue serving the community of Kent. Staff value a consistent culture of high expectations. They also expressed the need for more capacity in the school.

Due Diligence

Having received positive feedback about the partnership with Green Dot, the Boards of Excel and GDPSW began a due diligence process to formally analyze implications of Excel joining GDPSW. GDPSW assessed the alignment of our mission, values, and academic program as described on our respective charter contracts and conducted interviews with six other non-profit charter management organizations that had "absorbed" stand-alone charters, in order to learn best practices. GDPSW and Excel established a Joint Committee comprised of Board members and staff from each organization. The Joint Committee reviewed nine areas: school model; academic model; student culture; student discipline; personnel practices; teacher growth and support; administrator supports; stakeholder input and communications; and governance. The Boards of both organizations reached agreement that the services GDPSW offers in all of these areas are in alignment with Excel's mission and vision, and will only make our school stronger and more stable for students and families.

Legal Pathway and Charter Commission Support

The Excel Board of Directors proposes that its charter be transferred to GDPSW, effective at the end of the 2016-17 school year. Both organizations' Boards voted in support of this transfer earlier this month. We secured approval of and support for this pathway from the Washington State Charter Commission on February 16, 2017. Pending approval of the SBE, Excel would enter into an Asset Purchase Agreement with GDPSW. Under this agreement, GDPSW would purchase all available assets of Excel Public Charter School.

We believe this charter transfer improves Excel's viability by giving the school support, expertise, and the resources of an established national network such as Green Dot. Moreover, this transfer will strengthen the collaborative environment between both schools where staff and families will be able to learn, grow and share best practices with each other.

EVIDENCE OF STUDENTS' BEST INTEREST: What evidence can you provide to the SBE that this charter contract transfer would serve the best interest of the charter school's students?

As described above, joining GDPSW will allow Excel greater capacity to meet the stated wishes of families to continue to deliver on Excel's vision and to fully execute our middle and high school model.

Most importantly, it will allow us a pathway to securing a facility, which is necessary in order to grow to high school.

Green Dot Public Schools, which operates Destiny Middle School in Tacoma, has a track record of student success both nationally and locally in serving communities similar to Excel's. Destiny Middle School serves a population that is approximately 86% students of color, 83% students participating in the Free or Reduced Lunch Program, and 22% students with special needs. In its first year, Destiny Middle School students on average achieved 1.5 years of reading growth, and Destiny is one of the highest performing schools in the Green Dot network for total reading growth, as well as students exiting the math intervention program due to grade level growth.

Nationally, Green Dot Public Schools serves a student population where more than 90% of students are eligible for free or reduced lunch, more than 11% are students with special needs, and more than 17% identify as English Language Learners. Last year, Green Dot Public Schools helped more than 1600 students graduate, and 80% of them are enrolled in two or four year colleges -- closing the achievement gap with their peers from higher income families. Many schools in the Green Dot network have been recognized as part of *U.S. News & World Report's* top schools in the country.

BACK-UP DOCUMENTATION YOU COULD PROVIDE UPON REQUEST OF SBE:

- Excel Public Charter School contract with Washington State Charter School Commission
- Green Dot Public Schools of Washington contract with Washington State Charter School Commission (Destiny Middle School)
- Green Dot Public Schools of Washington contract with Washington State Charter School Commission (Green Dot Seattle)
- Education Service Provider contract between Excel Public Charter School and Green Dot Public Schools of Washington
- Statement of support of charter contract transfer from Washington State Charter School Commission
- Other documents upon request



February 23, 2017

Washington State Board of Education
600 Washington Street SE
PO Box 47206
Olympia, WA 98504

RE: Excel Public Charter School Charter Contract Transfer

Dear Washington State Board of Education,

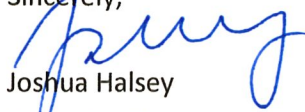
The Washington State Charter School Commission (Commission) supports the proposed transfer of Excel Public Charter School's (Excel) charter contract to Green Dot Public Schools Washington (Green Dot). Excel provided the Commission a Letter of Intent, along with a signed Board Resolution expressing intent to petition the State Board of Education (SBE) for approval of a charter contract transfer and a series of documents in response to Commission request. The Commission has reviewed the submitted materials and found that a charter contract transfer from Excel to Green Dot is in the best interest of students currently enrolled at Excel.

One factor that the Commission considered was the ability of Excel to fully operationalize its educational model within its current school facility. As Excel's *Petition for the Transfer of a Charter School Contract* states, start-up, stand-alone charter public schools have found accessing and financing adequate school facilities to be extremely difficult. Green Dot, as a nonprofit Charter Management Organization (CMO), has the infrastructure and ability to access financing for facility acquisition and improvement. The Commission also considered Green Dot's organizational capacity and ability to continue to deliver Excel's academic program. Furthermore, during this school year Excel has contracted with Green Dot for a number of services. This close relationship allowed for extensive stakeholder engagement and discussions with an eye towards smoothly transitioning Excel to a Green Dot, if such a transfer is approved. The Commission considered these factors as it assessed the extent to which a charter contract transfer from Excel to Green Dot would be in the best interest of students.

On Thursday, February 16, 2017, the Commission met in an open public meeting and passed a motion to support Excel's charter contract transfer petition to the SBE. SBE designee, Commissioner Kaaren Heikes abstained. The Commission requests that the SBE grant Excel's request to transfer its charter contract to Green Dot.

The Commission's Chair, Steve Sundquist, and I will be present at the SBE's meeting in March to support Excel's charter contract transfer petition. We are available before and during the meeting to answer any questions you may have.

Sincerely,



Joshua Halsey
Executive Director

Washington State Charter School Commission



THE WASHINGTON STATE BOARD OF EDUCATION

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

PETITION FOR THE TRANSFER OF A CHARTER SCHOOL CONTRACT

RCW 28A.710.210(3) A charter contract may not be transferred from one authorizer to another or from one charter school to another before the expiration of the charter contract term **except by petition to the state board of education by the charter school or its authorizer**. The state board of education **must review such petitions on a case-by-case basis and may grant** transfer requests in response to **special circumstances and evidence that such a transfer would serve the best interests of the charter school's students**.

Please complete this form - with concise information and a list of back-up documentation that you have available should the State Board of Education wish to review it - and submit it to Kaaren Heikes, Director of Policy and Partnerships, Kaaren.heikes@k12.wa.us.

DATE: February 17, 2017

CHARTER SCHOOL: Spokane International Academy

AUTHORIZER: Spokane Public Schools (Current)

PARTIES TO THE CURRENT CHARTER CONTRACT:

Spokane International Academy and Spokane Public Schools

DATES (START AND END) OF CURRENT CHARTER CONTRACT:

Start - August 23, 2016

End - August 22, 2021

PETITIONER (THE PARTY REQUESTING A TRANSFER OF CURRENT CHARTER CONTRACT):

Spokane International Academy Board of Directors

PROPOSED NEW CHARTER SCHOOL OR AUTHORIZER:

Washington State Charter School Commission

PERSON COMPLETING THIS PETITION: Travis Franklin, SIA Head of School

EMAIL: franklin@spokaneintlacademy.org

PHONE: (509) 209-8730

SPECIAL CIRCUMSTANCES: Please describe the special circumstances that you believe warrant the State Board of Education to make an exception to the “A charter contract may not be transferred from one another to another or from one charter school to another before its expiration” (“except by petition to the State Board of Education by the charter school or its authorizer”).

Spokane International Academy currently occupies a temporary site that allows for the enrollment of its first two years of operation. Knowing this challenge, we have been attempting to find a permanent site for the past three years. Since Spokane Public Schools is our current authorizer, we are limited to looking within their boundaries. After conducting our search in partnership with our real estate broker, SPS staff, and Pacific Charter School Development, we have come to the conclusion that there is no suitable building in Spokane that fits our enrollment size and our financial capacity.

As such, we need the opportunity to expand our search to include outlying areas of the greater Spokane region in order to continue to serve our current students and to grow to serve our expected future student enrollment. It is for this reason that we are seeking to transfer our contract from Spokane Public Schools to the Washington State Charter School Commission. We have been fortunate to enjoy a great relationship with Spokane Public Schools and have been pleased with our partnership in our first two years of operation.

EVIDENCE OF STUDENTS’ BEST INTEREST: What evidence can you provide to the SBE that this charter contract transfer would serve the best interest of the charter school’s students?

We believe this contract transfer is in the best interest of our students because it will allow us to continue to serve students as planned. If we are unable to transfer our contract to the Commission, we would only be able to serve the students we currently have, and would not be able to add any new grade levels or students in the 2017-18 school year.

Also, all estimates related to trying to make a facility work within the SPS boundaries have shown a substantially negative effect on our long-term financial sustainability. This move allows us to allocate our resources directly to impacting student outcomes as opposed to the cost of renovating and inhabiting a facility.

Once we know if our petition for transfer has been approved we will work with a group of our parents to design transportation and operational adjustments to allow for as many of our current families to attend SIA at our new site as possible. We believe our students continuing to attend SIA is in their best interest as we have seen firsthand how beneficial the program has been to their growth academically, in their character and in their understanding of the world.

BACK-UP DOCUMENTATION YOU COULD PROVIDE UPON REQUEST OF SBE:

Spokane International Academy submitted a comprehensive transfer document to the Washington State Charter School Commission on February 17, 2017. This document outlines the current program as well as any programmatic changes requested under the new transfer.

This document and its attachments include information around our ability to continue to fully enroll the school, the impact to our long-term financial stability and the community support we have received to this date.

February 23, 2017

Washington State Board of Education
600 Washington Street SE
PO Box 47206
Olympia, WA 98504

RE: Spokane International Academy Charter Contract Transfer

Dear Washington State Board of Education,

Spokane International Academy (SIA), a Spokane Public Schools (SPS) authorized charter public school, has requested to transfer its current charter contract from SPS to the Washington State Charter School Commission (Commission). SPS has provided the Commission with a letter of support regarding the charter contract transfer. Additionally, SIA has provided the Commission with information and documentation that will allow the Commission to fully assess the extent to which SIA request is in the best interest of its students and the extent to which SIA is capable of meeting its contractual obligations under a Commission charter contract. The Commission is in the midst of reviewing the submitted information and documentation in accordance with our policies and processes.

This charter contract transfer request is due to school facility challenges SIA is experiencing. SIA's facility needs compared to facility availability within the boundaries of SPS have forced SIA to look outside of SPS boundaries. As a result, SIA has requested that the Commission consider its charter contract transfer request.

On Thursday, February 16, 2017, the Commission met in an open public meeting and passed the following motion, with the Washington State Board of Education (SBE) designee, Commissioner Kaaren Heikes abstaining:

- Support SIA's interest in transferring its charter contract from SPS to the Commission; and
- Commission staff give SIA charter contract transfer request a thorough review and vetting.

As noted above, we have begun the review and vetting. The Commission should be in a position to determine whether SIA has the financial, organizational and academic capacity to warrant the Commission's acceptance of the transfer request and to ascertain whether the proposed transfer is in the best interests of SIA's students. Given the meeting schedule of the SBE and the Commission, the Commission requests that the SBE grant SIA's request to transfer its charter contract from SPS to the Commission. This will enable the Commission and SIA to move forward with our respective processes.

The Commission's Chair, Steve Sundquist, and I will be present at the SBE's meeting in March to support SIA's charter contract transfer petition. We are available before and during the meeting to answer any questions you may have.

Sincerely,



Joshua Halsey
Executive Director

Washington State Charter School Commission

Innovative Programs
200 North Bernard Street
Spokane, WA 99201-0282

phone (509) 354-5966
fax (509) 354-5965
www.spokaneschools.org



February 22, 2017

To: State Board of Education

From: Jeannette Vaughn, Spokane Public Schools

Re: Petition Transfer Request

Spokane Public Schools authorized Spokane International Academy (SIA) on December 3, 2014 and they are currently in their second year of operation. Due to statewide charter school litigation, and the Supreme Court ruling, they operated as an ALE school under Mary Walker School District for approximately seven months during the 2015/2016 school year.

In each area, financial/academic/organizational health, Spokane International Academy meet all standards for a high-quality charter school. From the beginning we have had a collaborative and constructive relationship with their leader and organization. We have found them to be pleasant to work with and agreeable in every way. We support SIA's decision to request the transfer of their contract to the Commission as they have not been able to find an adequate facility for their growing organization within our district's boundaries.

If there are questions or concerns that you would like to discuss please feel free to contact me.

Thank you.



Jeannette Vaughn

Director of Innovative Programs and Charter Schools