

# The Washington State Board of Education

Governance | Accountability | Achievement | Oversight | Career & College Readiness

<b>Title:</b>	<b>Public hearing on proposed WAC 180-19-210</b>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Effective and accountable P-13 governance. <input type="checkbox"/> Goal Two: Comprehensive statewide K-12 accountability. <input type="checkbox"/> Goal Three: Closing achievement gap.	<input checked="" type="checkbox"/> Goal Four: Strategic oversight of the K-12 system. <input type="checkbox"/> Goal Five: Career and college readiness for all students. <input type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	What amendment, if any, do members wish to proposed rules to RCW 28A.710.100(4), concerning annual reports by authorizers to the SBE, on the basis of testimony submitted in public hearing?	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>RCW 28A.710.100(4) requires each charter authorizer, whether a school district or the Washington Charter School Commission, to submit an annual report to the State Board of Education according to a timeline, content and format specified by the Board. Rule adoption is required to set the date by which the report must be submitted, specify the required information that must be submitted in the report, and establish the form and manner in which the report must be submitted.</p> <p>On July 11, 2013 the SBE approved draft rules for publication in the State Register and scheduling of public hearing, with three changes:</p> <ol style="list-style-type: none"> <li>1. Clarify that the first reports are due in 2014.</li> <li>2. Require that the standard form to be used by all authorizers for making their reports be posted on the SBE's public web site.</li> <li>3. Require that authorizers disaggregate student achievement on each indicator of academic performance by major student subgroup.</li> </ol> <p>The SBE has solicited public comment on the rules through its public web site, e-mail outreach to a broad list of interested parties including education organizations, and communication with the Washington Charter School Commission.</p> <p>The Office of Superintendent of Public Instruction has prepared a fiscal impact statement on the proposed rules as required by RCW 28A.305.135.</p>	

NEW SECTION

**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) 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;

(d) 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;

(e) 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 board, and the planned date for opening;

(ii) Operating, including, for each, location; grades operated; enrollment, in total and by grade, and at-risk students served, in total and as percent 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.

(f) 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 relation 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 statistical relation 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, pov-

erty status, special education status, English language learner status, and highly capable status as required of performance frameworks in RCW 28A.710.170.

(g) 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;

(h) 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;

(i) 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 and an itemized accounting of the revenue received from the schools for the services and the actual costs of these services to the authorizer.

## Chapter 28A.710 RCW Provisions for Rule-Making

RCW	Subject	Provision	Action	Recommendation
28A.710.090	Authorizers -- approval	<p>(1) The state board of education shall establish an annual application and approval process and timelines for school district boards of directors seeking approval to be charter school authorizers. The initial process and timelines must be established no later than ninety days after the effective date of this section.</p> <p>(2) At a minimum, each applicant must submit to the state board . . .</p> <p>(3) The state board of education shall consider the merits of each application and make its decision whether to grant approval within the timelines established by the board.</p> <p>(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the [school district board of directors] . . .</p>	<p>Public hearing 2/26/13</p> <p>Adopted 2/26/13</p>	
28A.710.100	Authorizers – Annual report	<p>(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board, which includes . . .</p>	<p>Draft rules for approve CR 102 7/10/13</p> <p>Public hearing scheduled 9/11/13</p>	Schedule for adoption 11/15/13
28A.710.110	Authorizers -- funding	<p>(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which shall be calculated as a percentage of the state operating funding allocated under section 223 of this act to each charter school, but may not exceed four percent of each charter school's annual funding.</p> <p>(2) The state board may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold . . .</p>	<p>Public hearing 5/8/13</p> <p>Adopted 5/9/13</p>	
28A.710.120	Authorizers -- oversight	<p>(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under section 210 of this act, the board must notify the authorizer in writing of the identified problems, and the authorizer shall have reasonable opportunity to respond and remedy the problems.</p> <p>(5) If an authorizer persists after due notice from the state board of education in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation.</p> <p>(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.</p>	<p>Discussion document for 9/11/2013</p>	<p>Draft rules for approve CR 102 11/15/13</p> <p>Public hearing 1/9/14</p>
28A.710.130	Charter applications	<p>(1) Each authorizer must annually issue and broadly publicize a request for proposals for charter school applications by the date established by the state board of education under section 214 of this act.</p>	<p>Public hearing 5/8/13</p> <p>Adopted 5/9/13</p>	

RCW	Subject	Provision	Action	Recommendation
28A.710.140	Charter applications	(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial, which must be followed by all authorizers.	Public hearing 5/8/13 Adopted 5/9/13	
28A.710.150	Number of charter schools	(2) The state board of education shall establish for each year in which charter schools may be authorized as part of the timeline to be established pursuant to section 214 of this Act, the last date by which the authorizer must submit [the report to the applicant and the SBE of the action to approve or deny a charter application.  (3) If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.	Public hearing 5/8/13 Adopted 5/9/13	
28A.710.210	Charter school termination or dissolution	(3) A charter contract may not be transferred from one authorizer to another or from one charter school applicant 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.		Draft rules for CR 102 1/9/14  Public hearing March 3/5/14

Notes

CR 101 filed for all sections.

July 1 – September 12. Evaluation of authorizer applications.

Can we make technical changes to adopted rules 180-19-010 – 050 in this cycle?

What specific assistance will NACSA be providing in rules development, particularly for .120?