



THE WASHINGTON STATE BOARD OF EDUCATION

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

Title:	Draft Amendments to Adopted Rules on Charter Schools	
As Related To:	<input checked="" 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
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	<ol style="list-style-type: none"> 1. Do the draft amendments clarify provisions for authorizer applications, for evaluation of authorizer applications, and for certification of approved charters? 2. Do the recommended changes in timelines conduce to higher quality in authorizer applications, better deliberation by authorizers on charter applications, and better preparation by approved charter schools? 3. Are there changes that should be made to the draft rules for approval for publication and scheduling of a public hearing? 	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input type="checkbox"/> Memo <input checked="" type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>Since voter approval of Initiative Measure No. 1240 in November 2012, the SBE has adopted sixteen sections of rule to eight sections of Washington’s charter school law. The first five sections of rule were required by RCW 28A.710.090 (Charter school authorizers – Approval process) to be adopted within 90 days of enactment of the initiative. Other parts of the law on the SBE has adopted rules concern the authorizer oversight fee; timelines for requests for proposals and charter applications; certification of charter approvals as within the limits on the number of schools; annual reports by authorizers, and SBE oversight of district authorizers.</p> <p>At the direction of the Board, staff have reviewed the adopted rules and prepared amendments for consideration for board approval for public hearing. The draft amendments:</p> <ul style="list-style-type: none"> • Alter dates in rule to provide sufficient time for each party in a charter cycle to carry out its work in a high-quality way. • Bring the SBE’s process for evaluation of authorizer applications into rule as amended WAC 180-19-040. • Clarify the use of a lottery to determine certification of approved charter schools as within the limits on the maximum number of schools that may be established. • Clean up obsolete language and make corrections and technical improvements. <p>In your packet you will find:</p> <ul style="list-style-type: none"> • A table summarizing the draft amendments to each WAC. • A table comparing dates in current rule to those recommended in the amendments. • A chart showing the timeline for a complete charter cycle under the draft amendments. • Draft rules amending WACs 180-19-010 through 180-19-040 and WACs 180-19-070 through 180-19-090. • A table showing the history of rule adoption by the SBE to the charter school law. 	



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DRAFT AMENDMENTS TO CHAPTER 180-19 WAC CHARTER SCHOOLS

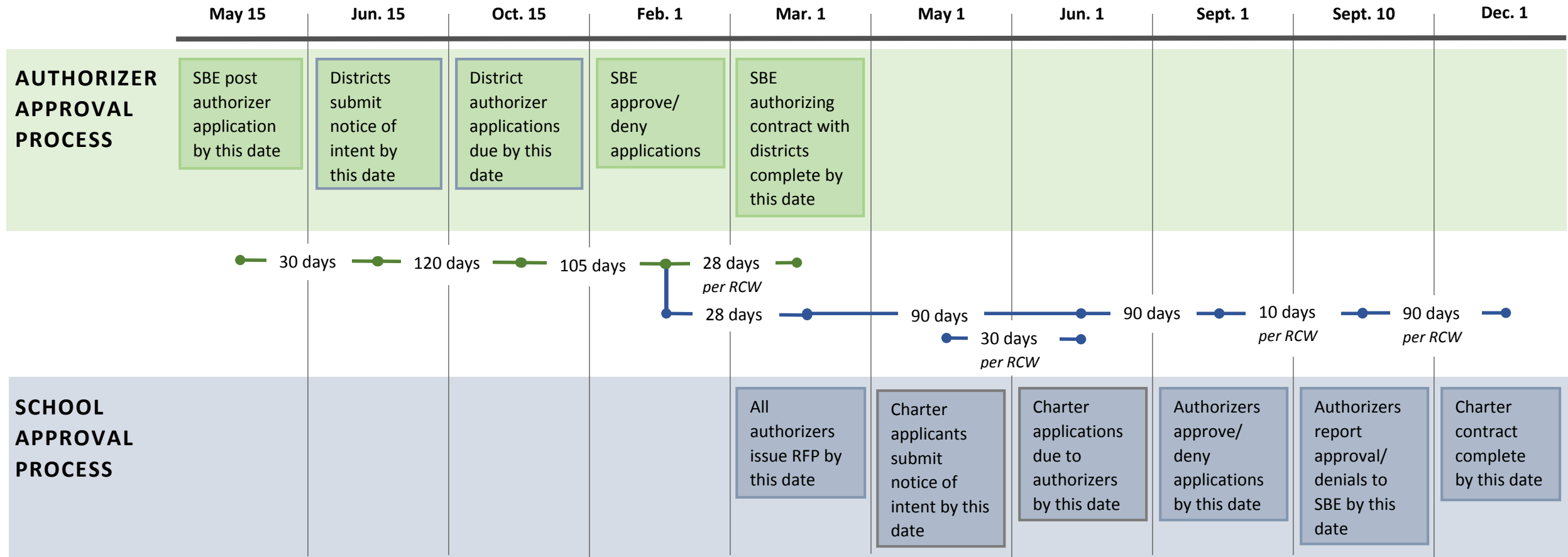
WAC	Title	Amendment
180-19-010	Definitions	Strikes unneeded definitions. Adds definition of "NACSA Principles and Standards."
180-19-020	Notice of intent to submit authorizer application	Changes due date. Strikes obsolete language related to first application cycle .
180-19-030	Submission of authorizer application	Changes due date. Strikes obsolete language related to first application cycle. Eliminates requirement that application be delivered in hard copy. Makes literary and technical improvements.
180-90-040	Evaluation and approval or denial of authorizer applications	Changes due date. Strikes obsolete language related to first application cycle. Incorporates SBE evaluation process in rule. Makes literary and technical improvements. Restructures for clarity.
180-19-070	Charter school – Request for proposals	Changes due date. Strikes obsolete language related to first application cycle.
180-19-080	Charter school applications – Submission, approval or denial	Changes due dates. Strikes obsolete language related to first application cycle.
180-19-090	Board certification of charter schools -- lottery	Clarifies that the lottery applies to charters approved for operation in any single year that are in excess of the maximum number of schools that may be established for operation in any single year.



**Dates in the Charter Cycle
Chapter 180-19 WAC**

Action	WAC	Current	Proposed
Last date for posting of authorizer application by SBE	180-19-030	October 1	May 15
Last date for school district notice of intent to submit authorizer application	180-19-020	October 1	June 15
Last date for district to submit authorizer application	180-19-030	December 31	October 15
Last date for SBE to approve or deny authorizer application	180-19-040	April 1	February 1
Last date for all authorizers to issue RFPs for charter applicants	180-19-070	April 15	March 1
Last date for SBE authorizing contract with approved district	180-19-050	April 30	March 1
Last date to submit charter applications to authorizers	180-19-080	July 15	June 1
Last date for authorizers to approve or deny charter applications	180-19-080	October 15	September 1
Last date for authorizers to report approval or denial of charter applications to SBE	189-19-080	October 25	None. ¹

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



WAC 180-19-010 Definitions. ~~(1) "Authorizer" shall have the same meaning as set forth in RCW 28A.710.010(3).~~

~~(2) "Authorizer application" or "application" means the form developed by the state board of education that must be completed and timely filed as set forth in these rules with the state board of education by a school district seeking approval to be a charter school authorizer.~~

(31) "Board" means the state board of education.

(42) "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 Edition) developed by the National Association of Charter School Authorizers.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-010, filed 3/19/13, effective 4/19/13.]

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 ~~the prior~~ that same

~~year; provided, however, that a district seeking approval as an authorizer in 2013 must provide such notice of intent to submit an application by April 1, 2013.~~ 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 ~~on its web site~~ all notices of intent upon receipt.

WAC 180-19-020 Notice of intent to submit an authorizer application. (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 ~~October 1st~~ June 15 of ~~the prior that same~~ year; ~~provided, however, that a district seeking approval as an authorizer in 2013 must provide such notice of intent to submit an application by April 1, 2013.~~ 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 ~~on its web site~~ all notices of intent upon receipt.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-020, filed 3/19/13, effective 4/19/13.]

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 "authorizer application" that must be used by school districts seeking to be approved as a charter school authorizer; ~~provided, however, that the board shall make available on its web site the authorizer application for those districts seeking approval in 2013 by April 1, 2013.~~ 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 ~~in which~~ prior to the year the district seeks approval as an authorizer; ~~provided, however, that a district application for approval to be a charter school authorizer in 2013 must be submitted to the board, as provided herein, no later than~~

~~July 1, 2013.~~ The district's completed application must be submitted
~~sent~~ via electronic mail to sbe@k12.wa.us by the date specified in this
section. ~~with the original hand delivered or mailed to the board at the~~
~~following address:~~

~~Washington State Board of Education~~

~~600 Washington St. S.E.~~

~~Olympia, WA 98504~~

~~The original and electronic version of the application must be~~
~~received by the board no later than the date provided above.~~ The board
shall post on its web site each application received from a school
district.

(3) A school district must provide sufficient and detailed infor-
mation 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 specific reference to the statutory purposes
findings and intents set forth in RCW 28A.710.005, as well as any dis-
trict-specific purposes that are a particular 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; ~~how the school or schools it wishes to authorize might differ from the schools the district currently operates with regard to such features as staffing, schedule, curriculum, and community engagement;~~ 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 ~~protect~~ respect the autonomy and ~~promote~~ 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 ~~assistance, oversight, and 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 for Quality Charter Authorizing" 2012 Edition developed by the National Association of Charter School Authorizers and the provisions of chapter 28A.710 RCW;

(ii) Job titles, job descriptions, and brief bios and resumes qualifications of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to competent and necessary 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 interagency collaborations; 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 National the NACSA Principles and Standards developed by the National Association of Charter School Authorizers and the provisions of chapter 28A.710 RCW.

(c) **A draft or preliminary outline of the request for proposal(s)** that the district would, if approved as an authorizer, issue to solicit charter school ~~applicants~~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 ap-~~plicant intends to~~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 chapter~~28A.710.170~~RCW.

(d) **A draft of the performance framework** that the district would, if approved as an authorizer, use to guide the execution~~establishment~~ 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 chapter—RCW 28A.710.180—RCW.

(4) A district must sign a statement of assurances submitted with its application, which that 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 ~~budget~~budgeting, personnel and instructional ~~educational~~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.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-030, filed 3/19/13, effective 4/19/13.]

WAC 180-19-030 Submission of authorizer application. (Effective May 15, 2015) (1) The state board of education shall develop and make available on its web site, no later than ~~October 1st~~ May 15 of each year, an "authorizer application" that must be used by school districts seeking to be approved as a charter school authorizer; ~~provided, however, that the board shall make available on its web site the authorizer application for those districts seeking approval in 2013 by April 1, 2013.~~ 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~~ October 15 of the year ~~in which~~ prior to the year the district seeks approval as an authorizer; ~~provided, however,~~

~~that a district application for approval to be a charter school authorizer in 2013 must be submitted to the board, as provided herein, no later than July 1, 2013.~~ The district's completed application must be submitted via electronic mail to sbe@k12.wa.us by the date specified in this section ~~with the original hand delivered or mailed to the board at the following address:~~

~~Washington State Board of Education~~

~~600 Washington St. S.E.~~

~~Olympia, WA 98504~~

~~The original and electronic version of the application must be received by the board no later than the date provided above.~~ 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 ~~specific~~ reference to the ~~statutory purposes~~ findings and interests set forth in RCW 28A.710.005, as well as any

district-specific purposes that are a ~~particular~~ 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; ~~how the school or schools it wishes to authorize might differ from the schools the district currently operates with regard to such features as staffing, schedule, curriculum, and community engagement;~~ 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 ~~protect~~ respect the autonomy and ~~promote~~ 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 ~~assistance, oversight, and 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 for Quality Charter Authorizing" ~~developed by the National Association of Charter School Authorizers~~ and the provisions of chapter 28A.710 RCW;

(ii) Job titles, job descriptions, and brief bios and resumes ~~qualifications~~ of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to ~~competent and necessary~~ 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 ~~interagency collaborations~~; 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 ~~for Quality Charter School Authorizing developed by the National Association of Charter School Authorizers~~ and the provisions of chapter 28A.710 RCW.

(c) **A draft or preliminary outline of the request for proposal(s)** that the district would, if approved as an authorizer, issue to solicit charter school ~~applicants~~ 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 ap-
plicant intends to 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 chapter 28A.710.170 ~~RCW~~.

(d) **A draft of the performance framework** that the district would, if approved as an authorizer, use to guide the execution establishment 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 ~~chapter~~ RCW 28A.710.180-~~RCW~~.

(4) A district must sign a statement of assurances submitted with its application, ~~which~~that 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 ~~budget~~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.

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-030, filed 3/19/13, effective 4/19/13.]

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.; ~~provided, however, that the board shall issue a decision approving or denying a district's application timely submitted for approval in 2013 by no later than September 12, 2013. The state board may utilize the services of external reviewers with expertise in educational, organizational and financial matters in evaluating applications. The board may, at its discretion, require personal interviews with district personnel for the purpose of reviewing an application.~~

(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180-19-030(3)(a)-(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.

~~For an application to be approved, the state board must find it to be satisfactory in providing all of the information required to be set forth in the application.~~

(3) In its evaluation the board will ~~also~~ consider whether the district's proposed policies and practices are consistent with the -NACSA ~~p~~Principles and ~~s~~Standards ~~for quality charter school authorizing developed by the National Association of Charter School Authorizers,~~ 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.

(34) 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.

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

(56) 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).

(67) For an application to be approved, the ~~state~~ 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 ~~provide the required information, or does not~~ meet standards of quality authorizing in any part ~~component~~, shall constitute grounds for disapproval. (4) 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.

(783) The ~~state~~ board ~~of education~~ 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.

~~(4) If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria established in these rules.~~

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-040, filed 3/19/13, effective 4/19/13.]

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

applications. (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 ~~April 1st~~ February 1 of each year.; ~~provided, however, that the board shall issue a decision approving or denying a district's application timely submitted for approval in 2013 by no later than September 12, 2013. The state board may utilize the services of external reviewers with expertise in educational, organizational and financial matters in evaluating applications. The board may, at its discretion, require personal interviews with district personnel for the purpose of reviewing an application.~~

(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180-19-030(3)(a)-(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.

~~For an application to be approved, the state board must find it to be satisfactory in providing all of the information required to be set forth in the application.~~

(3) In its evaluation the board will ~~also~~ consider whether the district's proposed policies and practices are consistent with the NACSA ~~p~~Principles and ~~s~~Standards ~~for quality charter school authorizing developed by the National Association of Charter School Authorizers,~~ 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.

(34) 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.

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

(56) 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).

(67) For an application to be approved, the ~~state~~ 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 ~~provide the required information, or does not~~ meet standards of quality authorizing in any part ~~component~~, shall constitute grounds for disapproval. ~~(4)~~ 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.

~~(783)~~ The ~~state board of education~~ 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.

~~_(4) If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria established in these rules.~~

[Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-040, filed 3/19/13, effective 4/19/13.]

WAC 180-19-070 Charter school-Request for proposals. (Effective until January 16, 2016) No later than April 15, ~~Each~~ authorizer shall annually issue requests for proposals for charter schools meeting the requirements of RCW 28A.710.130. ~~For the year 2013, a request for proposal must be issued by no later than September 22, 2013. Requests for proposals in all subsequent years must be issued no later than April 15th.~~

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-070, filed 6/1/13, effective 7/2/13.]

WAC 180-19-070 Charter school-Request for proposals. (Effective January 16, 2016) No later than March 1, ~~E~~each authorizer shall annually issue requests for proposals for charter schools meeting the requirements of RCW 28A.710.130. ~~For the year 2013, a request for proposal must be issued by no later than September 22, 2013. Requests for proposals in all subsequent years must be issued no later than April 15th.~~

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-070, filed 6/1/13, effective 7/2/13.]

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 to an authorizer 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 ~~file~~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. ~~Provided, however, that an applicant seeking approval~~

~~to operate a charter school in 2014 must submit an application to an authorizer by no later than November 22, 2013.~~

(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; ~~Provided, however, that for applications received in 2013, the authorizer must approve or deny the proposal by no later than February 24, 2014.~~

(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, ~~but no later than October 25th, whichever is sooner.~~ ~~Provided, however, that for proposals for charter schools received in 2013, the report must be received within ten days of the action, but no later than March 6, 2014, whichever is sooner.~~ 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.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-080, filed 6/1/13, effective 7/2/13.]

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

or denial. (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 ~~not less than thirty days before the last date for submission of an application to an authorizer as provided in this section by May 1 of the year in which approval is sought~~. An applicant may not ~~file~~ 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~~ June 1 of the year in which the applicant seeks approval. ~~Provided, however, that an applicant seeking approval to operate a charter school in 2014 must submit an application to an authorizer by no later than November 22, 2013.~~

(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than ~~October 15th~~ September 1 of the year in which the application is received. ~~Provided, however, that for applications received in 2013, the authorizer must approve or deny the proposal by no later than February 24, 2014.~~

(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, ~~but no later than October 25th, whichever is sooner.~~ ~~Provided, however, that for proposals for charter schools received in 2013, the report must be received within ten days of the action, but no later than March 6, 2014, whichever is sooner.~~ 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.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-080, filed 6/1/13, effective 7/2/13.]

WAC 180-19-090 Board certification of charter schools—Lottery. (1)

Upon receipt of notice from an authorizer that a charter school has been approved, the chair of the state board of education shall certify whether the approval is in compliance with the limits in RCW 28A.710.150 on the maximum number of charters ~~in RCW 28A.710.150~~ schools that may be established. Certification from the ~~state board of education~~ must be obtained before final authorization of a charter school. The certification of a charter school shall be posted on the board's web site.

(2) If the board receives notification of charter approvals under this section on the same day, and the total number of approvals exceeds the limits in RCW 28A.710.150(1) on the maximum number of charter schools that may be established for operation in any single year, the board will select approved charters for certification through a lottery process as follows:

(a) The board shall notify the authorizer that the approved charter school has not been certified by the board for operation and must be selected for certification through a lottery.

(b) Within thirty days after determining that the limit for charter schools has been exceeded, the board shall conduct a lottery, as required by RCW 28A.710.150(3), at a publicly noticed meeting to select and certify approved charters for implementation. The board shall randomly draw the names of charter schools from the available pool of approved charter schools that have not been certified until the maximum allowable total number of charter schools has been selected.

~~(i) A charter school shall be certified by the board for operation commencing in the following school year so long as the total number of charter schools that may be established in any single year under RCW 28A.710.150 is not exceeded.~~

(~~ci~~) Once the total number of charter schools that may be established in any single year under RCW 28A.710.150 is exceeded, the board shall certify a charter school for operation in a subsequent year in which a charter school may be established within the limits set forth in RCW 28A.710.150(1), based upon the charter's selection in the lottery.

[Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-090, filed 6/1/13, effective 7/2/13.]



THE WASHINGTON STATE BOARD OF EDUCATION

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Rules to Chapter 28A.710 RCW Charter Schools

RCW	Subject	Provision	Action
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>Adoption 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>(a) The authorizer’s strategic vision for chartering and progress toward achieving that vision;</p> <p>(b) The academic and financial performance of all operating charter schools overseen by the authorizer;</p> <p>(c) The status of the authorizer’s portfolio;</p> <p>(d) The authorizer’s operating costs and expenses;</p> <p>(e) The services purchased by the charter schools under its jurisdiction.</p>	<p>Public hearing 9/11/13</p> <p>Adoption 11/15/13</p>

RCW	Subject	Provision	Action
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>Adoption 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>Public hearing 1/9/14</p> <p>Adoption 3/6/14</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>Adoption 5/9/13</p>

RCW	Subject	Provision	Action
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 Adoption 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 Adoption 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.	Discussion document 1/9/2014