

The Washington State Board of Education

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

Title:	Title Proposed Chapter 180-19 WAC, 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 proposed timelines for provide reasonable and sufficient time for both districts and SBE to complete their work in a way consistent with the intent of quality authorizing? 2. Do the proposed timelines, by extension, enable decisions on charter applications on a schedule conducive to the start-up of quality charter schools? 3. Are the required components of an authorizer application both clear and appropriate? 4. Are the proposed criteria for evaluation of authorizer applications appropriate? 	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input checked="" 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>SBE will receive public testimony on proposed rules to RCW 28A.710.090 (Charter School Authorizers – Approval Process). This provision of the law approved as Initiative 1240 in fall 2012 requires the SBE to establish an annual application and approval process and timelines for school districts seeking approval to be charter school authorizers. The initial process and timelines be established no later than 90 days after December 6, 2012, which is March 6, 2103.</p> <p>As reviewed by the SBE in January, the proposed rules:</p> <ul style="list-style-type: none"> • Set an initial timeline for submission of authorizer applications by school districts to the SBE, and for SBE decisions on the applications. • Clarify and supplement the required components of an authorizer application. • Establish a process and criteria for SBE decisions on authorizer applications. • Clarify terms of the authorizing contract between the approved school district and SBE. <p>A draft amendment, prepared in response to public comment and member review, makes the following changes:</p> <ul style="list-style-type: none"> • Establishes a temporary timeline for charter authorizer approvals in 2013 only, and an ongoing timeline for charter authorizer approvals taking place after 2013. • Provides that the SBE shall post authorizer applications on its web site. • Provides that the SBE may require a personal interview with district personnel to review an authorizer application. • Makes various clarifications, technical changes and corrections. • Replaces references to Initiative 1240 with references to codified law. <p>In your packet you will find (1) RCW 28A.710.090, (2) The proposed rules (180-19 WAC) as published in the State Register; (3) The CR 102 for the proposed rules; (4) The OSPI fiscal impact statement on the proposed rules; (5) A proposed draft amendment to the rules; (6) A table summarizing the changes made by the draft amendment; (7) A table summarizing the changes made to timelines by the draft amendment.</p>	

RCW 28A.710.090

Charter school authorizers — Approval process.

(1) The state board of education shall establish an annual application and approval process and timelines for entities seeking approval to be charter school authorizers. The initial process and timelines must be established no later than ninety days after December 6, 2012.

(2) At a minimum, each applicant must submit to the state board:

(a) The applicant's strategic vision for chartering;

(b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the request for proposals that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW [28A.710.190](#) and [28A.710.200](#);

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the board.

(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 entity. The initial term of an authorizing contract shall be six years. The authorizing contract must specify each approved entity's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering. No approved entity may commence charter authorizing without an authorizing contract in effect.

[2013 c 2 § 209 (Initiative Measure No. 1240, approved November 6, 2012).]



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Education

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 12-24-053 ; or	<input type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) RCW 28A.710.090. Charter school authorizers – Approval process. (Initiative Measure No. 1240, Sec. 209.)

Hearing location(s):

Brouillet Room
Old Capitol Building
600 Washington Street SE
Olympia, WA 98504

Date: February 26, 2013 Time: 1:00 PM

Submit written comments to:

Name: Jack Archer
Address: State Board of Education
Old Capitol Building, P.O. Box 47206
Olympia WA 98504-7206
e-mail jack.archer@k12.wa.us
fax 360-586-2357 by (date) February 25, 2013.

Assistance for persons with disabilities: Contact

Jack Archer by February 25, 2013

TTY 360-725-6025 or 360-725-6035

Date of intended adoption: February 26, 2013

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to establish an annual application approval process and timelines for entities seeking to be charter school authorizers, as required by subsection (1) of RCW 28A.710.090. Under RCW 28A.710.080, entities seeking to be charter school authorizers that must be approved by the State Board of Education (SBE) are school district boards of directors. RCW 28A.710.090 (1) stipulates that the initial process and timelines must be established no later than ninety days after the effective date of this section. That requires that the SBE establish the initial process and timelines by March 6, 2013. RCW 28A.710.090 (2) specifies a minimum set of information, documentation and statements that each applicant to be an authorizer must submit to the SBE. A second purpose of the proposal is to provide specificity and clarity in the materials that must be submitted to the SBE, and to require, as enabled by this section, the submission of additional materials deemed necessary and appropriate by the SBE in evaluating applications. A third purpose is to establish standards and criteria by which the SBE will, as required by RCW 28A.710.090 (3), consider the merits of each application and make its decision whether to approve or disapprove. Last, the proposal will establish requirements for the authorizing contract to be executed pursuant to RCW 28A.710.090 (4), with specific reference to the applicant school district's proposal and plan for chartering. Adoption of these rules will provide clarity to school districts on the requirements of the statute and the expectations of the SBE for applications to be charter authorizers, and a clear and accountable basis for decisions by the SBE on the applications.

Statutory authority for adoption: RCW 28A.710.090

Statute being implemented: RCW 28A.710 (Initiative 1240)

Is rule necessary because of a:

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

CODE REVISER USE ONLY

DATE

January 22, 2013

NAME (type or print)

Ben Rarick

SIGNATURE

TITLE

Executive Director

(COMPLETE REVERSE SIDE)

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

None

Name of proponent: (person or organization) SBE, governmental

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jack Archer	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6035
Implementation.... Ben Rarick	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6025
Enforcement..... Ben Rarick	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6025

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

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

A copy of the statement may be obtained by contacting:

Name: Lorrell Noahr

Address: Old Capitol Building, 600 Washington Street S.E., Olympia WA

phone (360) 725-6019

fax () _____

e-mail lorrell.noahr@k12.wa.us

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

Chapter 180-19 WAC

CHARTER SCHOOLS

Original

As Filed 1/23/13

NEW SECTION

WAC 180-19-010 Definitions. (1) "Act" means Initiative 1240, as passed by the voters on November 6, 2012, and as codified in the Revised Code of Washington.

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

(3) "Authorizer" shall have the same meaning as set forth in section 201(3) of the act.

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

(5) "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.

NEW SECTION

WAC 180-19-020 Notice of intent to submit an authorizer application. 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 April 1st of that same year. A district may not file an authorizer application in a calendar year unless it has filed a timely notice of intent as provided for herein.

NEW SECTION

WAC 180-19-030 Submission of authorizer application. (1) The state board of education shall develop and make available on its web site, no later than April 1st of each year, an "authorizer application" that must be used by school districts seeking to be approved as a charter school authorizer. The application may include such attachments as deemed required by the board to support and complete the application.

(2) A school district seeking approval to be a charter school authorizer must submit an "authorizer application" to the state board of education by June 15th of the year in which the district seeks approval as an authorizer. The district's completed application must be sent via electronic mail to sbe@sbe.wa.gov 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 June 15th of the year in which the district submits its application.

(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 set forth in section 101 of the act, 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 would differ from the schools the district currently operates with regard to leadership, staffing, schedule, curriculum, community engagement, or other features; the educational goals it wishes to achieve; how it will give priority to serving at-risk students, as defined in section 201 of the act, or students from low-performing schools; and how it will protect the autonomy and promote 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 to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under the act 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 the act, in full-time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the "Principles and Standards for Quality Charter Authorizing" developed by the National Association of Charter School Authorizers and the provision of this act;

(ii) Job descriptions and professional qualifications of authorizing personnel, 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; law, finance and facilities, through staff and any contractual relationships or interagency collaborations; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection of sufficient financial resources, supported by the authorizer oversight fee under section 211 of this act and any other resources, to carry out its authorizing responsibilities in accordance with National Principles and Standards developed by the National Association of Charter School Authorizers and the provisions of the act.

(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. The draft or preliminary outline of the request for proposal(s) shall meet all of the requirements set forth in section 213(1)(b), as codified, of the act and demonstrate that the applicant intends to implement a comprehensive application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of this act.

(d) A draft of the performance framework that the district would, if approved as an authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of section 217(2) of the act including specific 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 sections 219 and 220 of the act. 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 section 210 of the act;

(ii) Set reasonable and effective timelines for actions that may be taken under sections 219 and 220 of the act;

(iii) Describe how performance data will be used in making decisions under sections 219 and 220 of the act;

(iv) Outline a plan to take appropriate 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 this act.

(4) A district must sign a statement of assurances submitted with its application, that shall be included as an attachment to the authorizing contract executed between the approved board and the state board of education, stating that it seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of the act, 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 this act, in such areas as budget, personnel and educational programs;

(e) Ensure that the schools it authorizes will deliver appropriate services to students with disabilities, and will provide access to, and appropriately serve, other special populations of students as required by state and federal law;

(f) Include in any charter contract it may execute with the governing board of an approved charter school, in accordance with section 216(2) of this act, educational services that at a minimum meet the basic education standards set forth in RCW 28A.150.220.

NEW SECTION

WAC 180-19-040 Evaluation and approval or denial of authorizer applications. (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 August 15th of each year. The state board may utilize the services of external reviewers with expertise in educational, organizational and financial matters in evaluating applications.

(2) 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. The board will also consider whether the district's proposed policies and practices are consistent with the principles and standards for quality charter school authorizing developed by the National Association of Charter School Authorizers, as required by section 210(3) of the act, 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 this act; 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.

A determination that an application does not provide the required information, or does not meet standards of quality authorizing in any component, shall constitute grounds for disapproval.

(3) The state board of education shall post on its 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 the charter rules.

NEW SECTION

WAC 180-19-050 Authorizing contract. (1) If the board approves a district's application, it shall execute a renewable authorizing contract with the school district within thirty days of its decision. The contract shall specify the district's agreement to serve as an authorizer in accordance with the expectations of

the act and specify additional performance terms based on the district's proposal and plan for chartering as set forth in its application.

(2) The statement of assurances submitted with an authorizer application shall be incorporated as an attachment to the authorizing contract and incorporated by reference as if fully set forth therein.



STATE BOARD OF EDUCATION RULE CHANGE SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR:	Title of Rule: I-1240 Section 209 Charter Schools Authorizer Approval Process	Agency: SDF - School District Fiscal Impact - SPI
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

No Estimated Cash Receipts

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

Estimated Expenditures From:

No Estimated Expenditures

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
001-01				95,000	
Total \$				95,000	

Estimated Capital Impact:

No Estimated Capital Impact

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

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

Check applicable boxes and follow corresponding instructions:

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note from Parts I-IV.

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

Capital budget impact, complete Part IV.

Agency Preparation: T.J. Kelly	Phone: 360-725-6301	Date: 01/23/2013
Agency Approval: Name Here	Phone: 360-725-0000	Date: 08/16/2012

Part II: Narrative Explanation

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

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

School districts who seek to become authorizers of charter schools will incur costs to obtain this approval through the application process. These costs were estimated based on projected total hours needed to complete the application process.

II. B – Cash Receipts Impact

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

None.

II. C – Expenditures

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

Each school district who seeks to become an authorizer would incur \$95,000 of expense in the application process.

Part III: Expenditure Detail

III. A – Expenditures by Object or Purpose

Total FTE	0.6
Salaries and Wages	60,123
Employee Benefits	12,600
Personal Service Contracts	17,000
Goods and Services	2,639
Travel	2,638
Total	95,000

Part IV: Capital Budget Impact

None

**Draft Amendment. Staff Recommendation for Review
Chapter 180-19 WAC**

CHARTER SCHOOLS

NEW SECTION

WAC 180-19-010 Definitions.

- (1) "School district" or "district" means a school district board of directors.
- (2) "Authorizer" shall have the same meaning as set forth in RCW 28A.710.010(3).
- (3) "Board" means the state board of education.
- (4) "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.

NEW SECTION

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

NEW SECTION

WAC 180-19-030 Submission of authorizer application. (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 website 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 January 1 of the year in which 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 sent via electronic mail to sbe@sbe.wa.gov 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 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 the autonomy and promote 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 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 "Principles and Standards for Quality Charter Authorizing" developed by the National Association of Charter School Authorizers and the provision of chapter 28A.710.RCW;

(ii) Job descriptions and 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; law, finance and facilities, through staff and any contractual relationships or interagency collaborations; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection 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 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. 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 applicant intends to implement a comprehensive application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of chapter 28A.710.RCW.

(d) A draft of the performance framework that the district would, if approved as an authorizer, use to guide the establishment of a charter contract and for ongoing oversight and 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 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 28A.710.RCW.

(4) A district must sign a statement of assurances submitted with its application, 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, personnel and educational programs;

(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.

NEW SECTION

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

(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 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 1, 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) 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. The board will also consider whether the district's proposed policies and practices are consistent with the principles and standards for quality charter school authorizing developed by the National Association of Charter School Authorizers, as required by RCW 28.710.100(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.

A determination that an application does not provide the required information, or does not meet standards of quality authorizing in any component, shall constitute grounds for disapproval.

(3) The state board of education shall post on its 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.

NEW SECTION

WAC 180-19-050 Authorizing contract. (1) If the board approves a district's application, it shall execute a renewable authorizing contract with the school district within thirty days of its decision. The contract shall specify the district's agreement to serve as an authorizer in accordance with the expectations of

chapter 28A.710.RCW and specify additional performance terms based on the district's proposal and plan for chartering as set forth in its application.

(2) The statement of assurances submitted with an authorizer application shall be incorporated as an attachment to the authorizing contract and incorporated by reference as if fully set forth therein.

DRAFT

**Proposed Chapter 180-19 WAC
RCW 28A.710.090. Charter school authorizers – Approval process**

Changes in Draft Amendment

Section	Change
180-19-020	<p>Establishes an ongoing date of October 1 for a school district to submit a notice of intent to file an authorizer application, except that a district seeking approval as an authorizer in 2013 must submit a notice of intent by April 1, 2013.</p> <p>Clarifies that a notice of intent by a school district is not an obligation to submit an authorizer application.</p>
180-19-030	<p>Establishes an ongoing date of October 1 for the SBE to post an authorizer application on its web site, except that the authorizer application for districts seeking approval in 2013 must be posted by April 1, 2013.</p> <p>Provides that a district seeking approval to be a charter school authorizer must submit the application to the SBE by January 1 of the year in which it seeks approval, except that a district seeking approval in 2013 must submit the application by July 1, 2013 (rather than June 15, 2013).</p> <p>Requires SBE to post authorizer applications on its web site.</p> <p>Changes requirement that a district explain how the charter schools it wishes to authorize "would differ" in specific features from schools it currently operates to how they "might differ," and reduces specificity.</p> <p>Changes requirement for "job descriptions and professional qualifications of authorizing personnel" to "job descriptions and qualifications of district personnel with anticipated authorizing responsibilities."</p> <p>Strikes "specific" in reference to the description of each indicator, measure and metric to be used in the district's performance framework.</p> <p>Specifies that the performance data to be used for proposed renewal, revocation and nonrenewal processes are academic, financial and operational.</p> <p>Clarifies that the statement of assurance that the charter schools the district will authorize appropriately serve children with disabilities and other special populations refers specifically to the contract to be executed between the district and the governing board of the charter school.</p>
180-19-040	<p>Establishes an ongoing date of April 1 for the SBE to issue a decision on an authorizer application, except that for applications submitted for approval in 2013, the SBE shall issue a decision by September 1, 2013 (rather than August 15, 2013).</p> <p>Provides that the SBE may require personal interviews for review of authorizer applications.</p>
Various	Makes technical corrections.
All sections	Replaces references to I-1240 with references to codified law.

**Proposed Rules, RCW 28A.710.090
Charter School Authorizers – Approval Process**

Timelines

Action	Proposed Rules As Filed 1/23/13	Draft Amendment, 2013 Approvals Only	Draft Amendment, 2014 Approvals and Ongoing
Notice of intent to submit authorizer application	April 1, 2013	No change.	October 1, 2013
SBE posts district authorizer application	April 1, 2013	No change.	October 1, 2013
Closing date for authorizer applications to SBE	June 15, 2013 (75 days)	July 1, 2013 (90 days)	January 1, 2014 (90 days)
Closing date for SBE decisions on authorizer applications	August 15, 2013 (60 days)	September 1, 2013 (60 days)	April 1, 2014 (90 days)

The draft amendment:

- Extends the closing date for districts to submit authorizer applications to the State Board of Education, *for authorizer approvals in calendar year 2013 only*, from June 15 to July 1, and extends the date by which the SBE must make decisions on those applications from August 15 to September 1.
- Establishes, at Board direction at the January meeting, a second timeline under this section for districts seeking approval as charter school authorizers in calendar year 2014 and all subsequent years.