

Charter Schools Rule-making

Authorizer Oversight Fee Charter Applications

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Rule-Making on Charter Schools

Chapter 28A.710 RCW

Rules to:

- RCW 28A.710.110 -- Authorizer Oversight Fee
- RCW 28A.710.140 -- Charter Applications
- RCW 28A.710.150 -- Maximum Number of Charter Schools

Authorizer Oversight Fee

RCW 28A.710.110

“The state board of education shall establish a statewide formula for an authorizer oversight fee”

- Applies to all authorizers – districts and Commission.
- Calculated as a percentage of the state operating funding allocated to each charter school.
- Deducted from the state allocation by OSPI and transmitted to the authorizer.

Authorizer Oversight Fee -- Amount

- Capped at 4 percent of each charter school's annual funding.
- May be on a sliding scale, with the fee percentage decreasing for:
 - ❑ Number of years authorizing, or
 - ❑ Number of schools authorized.

Authorizer Oversight Fee -- Uses

- May be used exclusively for fulfilling purposes of charter school authorizers under RCW 28A.710.100
 - ✓ Soliciting and evaluating charter applications
 - ✓ Approving and denying applications
 - ✓ Executing charter contracts
 - ✓ Monitoring performance and legal compliance of charter schools
- Must be separately accounted for and annually reported to the State Board of Education.

Setting the Oversight Fee -- Considerations

- Should be at sufficient to support quality authorizing.
- Has to work for both school district authorizers and the Commission.
- Wide variety in state practices for authorizer funding. No single formula that is “best.”
- Difficulty in identifying reasonable authorizer costs.

Setting the Oversight Fee – Considerations, cont.

- High expectations for authorizers in Washington's charter law.
- Up-front costs to authorizers.
- The learning curve.

Authorizer Oversight Fee -- Proposed Rules

- 4 percent oversight fee – maximum allowed by law.
- Sliding scale – 3 percent fee after authorizer has authorized 10 charter schools.
- Periodic review of fee, using data required in annual reports by authorizers to SBE.

Charter Applications Timeline

RCW 28A.710.140

“The state board of education must establish an annual statewide timeline for charter application submission and approval, which must be followed by all authorizers.”

- Includes two dates called out in other sections:
 - Date by which each authorizer must issue and publicize RFP (28A.710.130)
 - Last date by which authorizers must report action to approve or deny charter applications to SBE (28A.710.150)

Charter Applications – Two Timelines

- As for authorizer approval process, recognition of the need for *two timelines* in initial rules:
 - ✓ A shorter timeline, for 2013 applications only.
 - ✓ A longer timeline, for applications in 2014 and all following years.

Charter Applications Timeline – Considerations

- Adequate time for preparation of charter applications.
- Adequate time for authorizer evaluation and decisions on charter applications.
- Adequate time for school startup between charter approvals and school openings.

Charter Applications Timeline – “A well planned process”

- No standard timelines to be found in other state practices – requirements vary too much.
- “A well-planned process might include minimum timeframes such as:
 - Three months from release of the RFP to the application deadline;
 - Three months for evaluation of the applications;
 - Nine months, but preferably 12-18 months, from approval to school opening.”

-- National Association of Charter School Authorizers

Charter Applications Timeline – Proposed Rules

Action	Applications in 2013 Only	Applications in 2014 and Ongoing
Last date for all authorizers to issue RFPs (28A.710.130)	September 22, 2013	April 15, 2014
Closing date for charter application submissions	November 22, 2013 (60 days)	July 15, 2014 (90 days)
Closing date for authorizer approval or denial of charter applications	January 22, 2014 (60 days)	October 15, 2014 (90 days)
Last date for authorizer to submit report of action to approve or deny application (28A.710.150)	February 1, 2014 (10 days, per law)	October 25, 2014 (10 days, per law)

Maximum Number of Charter Schools Lottery Process

- On receipt of notice that a charter school has been approved, SBE must certify whether it is within the limits on the maximum number of schools allowed.
- *“If the board receives simultaneous notification of approved charters that exceed the annual allowable limits . . . , the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.”*
-- RCW 28A.710.150(3)

Maximum Number -- Lottery Process Proposed Rules

- “Simultaneous notification” means on the same day.
- Charter schools that are not certified go into a lottery.
- Lottery to be held at a public meeting, within 30 days of determination the limit has been exceeded.
- Schools not selected through the lottery are certified for operation in the subsequent year.

A Schedule For Rule Making

- ❖ March 13-14 -- Approve proposed rules for CR 102 and public hearing.
- ❖ After March meeting – Second solicitation for public comment.
- ❖ May 8-9 -- Public hearing on proposed rules.
- ❖ July 10-11 – Rule adoption.