

The Washington State Board of Education

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

Title:	Proposed Rules, Sec. 209 I-1240	
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:	1. Are the timelines proposed for approval of charter school authorizers appropriate? Do they leave a reasonably sufficient amount of time for review and decisions on applications by SBE, and, moving forward, for evaluation and approval of charter applications by authorizers and school openings? 2. Are the criteria in the rules for SBE evaluation of authorizer applications appropriate?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	The memo states the requirements placed on the SBE by Section 209 of Initiative 1240, states why these requirements should be met through rule adoption, summarizes and explains the rationale for the rules, and provides background on requirements for approval of authorizers in state charter laws. You will also find in your materials the text of the proposed rules and separate SBE document summarizing the rules.	

PROPOSED RULES, I-1240 SEC. 209

Policy Consideration

Members will review and approve for filing of a CR 102 for public hearing, with any changes they may direct, proposed rules to implement Section 209, Authorizers – Approval.

Summary

Initiative 1240, Relating to Public Charter Schools, provides for two eligible authorizers of charter schools: (1) The Washington Charter School Commission established under Section 208 of the act, and (2) School district boards of directors that have been approved by the State Board of Education under Section 209.

Section 209 provides that the SBE shall establish an annual application and approval process and timelines for school districts seeking to be charter school authorizers. The initial process and timelines must be established no later than 90 days after the effective date of this section, which sets a deadline of March 6 for the SBE to complete this action.

The section specifies a list of information that applicants to be charter school authorizers must submit to the SBE in the application process. The text states that this list represents the minimum components of the application. This permits the SBE to require that additional materials be submitted as it may see fit to carry out its duties responsibly under this section.

Section 209 directs the SBE to “consider the merits of each application” and make its decision whether to approve or disapprove. It does not specify or require the establishment of criteria by which SBE would make that decision, except by implication in stating the minimum elements of an application.

SBE has determined that the annual application and approval process and timelines for school districts seeking to be charter authorizers should be established through rule adoption. This serves two important purposes: First, it provides clarity to school districts on the requirements of the statute and the expectations of the SBE for approved applications to be authorizers. Second, it establishes a sound basis for decisions by the SBE, consistent with the intent of the act to improve student outcomes by giving schools autonomy in such areas as budget, staffing, schedule and curriculum in return for accountability for results.

Timelines

The proposed rules set initial timelines for SBE approval of authorizers as follows:

- *No later than April 1:* SBE posts authorizer application, and school districts submit letter of intent to file an application.
- *No later than June 15:* School districts submit authorizer application to SBE.
- *No later than August 15:* SBE will approve or disapprove authorizer applications.

Date	Action	Timeframe
January 10	SBE approve filing CR 102.	
March 6	Last day for SBE rule adoption.	78 days
April 1	SBE posts application. Applicants submit letter of intent.	31 days
June 15	Last day for authorizer applications.	75 days
August 15	Last day for SBE decisions on applications.	60 days

The timelines take into account that best practices recommend minimum timeframes such as three months from release of the authorizer request for proposals to the charter application deadline; three months for evaluation of the applications, and nine months, but preferably longer, from approval of the applications to school opening. (National Association of Charter Authorizers, *Principles & Standards for Quality Charter School Authorizing*, 2012, p. 26). They also recognize, however, that because of the election calendar and the work involved in the law's startup, timelines will be less than ideal in the first cycle of charter applications and approvals. The rules are intended to leave time for authorizers to evaluate applications in a thorough way, and for school operators to go through the many steps in opening a school.

Authorizer applications

Sec. 209(2) sets out seven requirements that, at a minimum, must be met by districts applying to be charter authorizers. The rules (pp.3-6) add detail to these requirements, where needed, so that applicants have a clear idea of SBE expectations and a fair opportunity for approval. For example:

- The “strategic vision for chartering” that the applicant must submit is defined in terms of general goals of charter schools and the specific goals of this act.
- Where the act requires the district to provide evidence of its budget and personnel capacity to support its vision, the rules specify data elements that would demonstrate such capacity.
- The drafts of the request for proposals and performance framework that the applicant must submit are linked to the specific requirements for RFPs and performance frameworks in the act.
- Detail is added to the required draft of proposed charter renewal, revocation and nonrenewal processes.

As permitted by the act, the rules add some components of the application to those specified in the act. The district must provide “statements of assurance” that it will:

- Solicit applications under Sec. 210 for both new and conversion charter schools;
- Ensure that the charter schools it authorizes have an independent governing board and the autonomy intended by the act;
- Ensure that services are provided to students with disabilities and other special needs;
- Include in any charter contract it executes that the educational services provided will meet basic education requirements.

Evaluation and approval or denial of applications

For an authorizer application to be approved, the SBE must find that it is satisfactory in providing all the information required as summarized above. The rules provide that the SBE will also consider whether the district's proposed policies and practices for chartering are consistent with the principles and standards for quality charter school authorizing established by the National Association of Charter school Authorizers (NACSA). These have become the equivalent of an industry standard. The NACSA standards are called out in Sec. 210, on the powers and duties of authorizers, which requires all authorizers to develop and follow chartering policies and practices that are consistent with the NACSA principles and standards in at least the following areas:

- Organizational capacity;
- Soliciting and evaluating charter applications;
- Performance contracting;
- Ongoing charter school oversight and evaluation;
- Charter renewal decision making.

The proposed rules to Sec. 209 accordingly pull these requirements into the criteria for evaluation of the chartering plan provided in the district application, while providing some definition to each, drawn directly from the source, to provide needed clarity to the districts.

The rules affirm that a determination by the SBE that the application does not provide the required information or does not meet standards of quality authorizing in any component is grounds for disapproval. If the SBE disapproves an application it must provide a specific explanation in writing.

Authorizing contract

Sec. 209(4) requires that within 30 days of making a decision to approve an application, the SBE must execute a renewable, six-year contract with the authorizer district. The rules clarify the terms of that agreement, and that the statement of assurances made in the application are incorporated in the contract.

Sec. 212 of I-1240 (Authorizers – Oversight) directs the SBE to notify the district if it finds it not in compliance with the authorizing contract, and provides for consequences if the district fails to remedy the problems.

Background

In recent years there has been a movement toward strengthening the quality of authorizing in order to better protect the intended outcomes of charter schools for students. According to David Osborne of the Progressive Policy Institute,

In the first ten years, the charter community focused on *quantity*: getting charters open. Over the past ten years, it has focused increasingly on charter school *quality*. Today, it is time to open a third frontier: *authorizer quality*. The key to quality in the charter sector is *quality authorizing*. (*Improving Charter School Quality*, PPI, 2012, p. 7)

Groups such as the National Association of Charter School Authorizers and the National Governors Association, as well as the U.S. Department of Education, have led efforts to

improve the quality of authorizing through state laws and rules, federal guidelines, and the bully pulpit. NACSA notes a recent trend toward creating a state agency role for the vetting and oversight of authorizers. Section 209 of I-1240 places Washington in that trend. According to the National Alliance for Public Charter Schools, five states – Hawaii, Louisiana, Minnesota, Nevada and Ohio – either provide in law for approval of authorizers by a state board of education or other state education agency, or have recently required approval of all authorizers by the state for them retain their authorizing authority.

The model charter school legislation from which I-1240 is derived recommends approval of authorizers by a state education agency. The legislation in the 2012 legislative session that I-1240 follows, HB 2428 and SB 6202, included this requirement as well, applying it both to approval of school districts and higher education institutions seeking to be authorizers.

Action

The Board will review and consider approval of the proposed rules for public hearing.

Proposed Rules
Section 209, I-1240
Charter Authorizers Approval

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State Board of Education

January 9, 2013

I-1240, Relating to Public Charter Schools

- I-1240, approved in the 2012 General Election, allows for up to 40 public charter schools over five years.
- Charter school: A public school governed by a charter school board and operated according to a charter contract with an authorizer.
- Eligible authorizers:
 - Local school boards that obtain approval from the SBE.
 - The Washington Charter School Commission.

I-1240, State Board of Education Role

- SBE has major responsibilities, including:
 - Approval of school districts as authorizers.
 - Oversight of the performance of authorizers.
 - Annual reporting on charter schools.
- Six sections identified for rule adoption by SBE.
- The first rules that must be adopted are to Section 209, concerning approval of authorizers.

Sec. 209, Approval of Authorizers

- Requires SBE to establish an annual application and approval process and timelines for school districts seeking to be charter school authorizers.
- Initial process and timelines must be established by March 6 (90 days from effective date).

What the Proposed Rules Do

- Set timeline for authorizer applications.
- Clarify and supplement required components of authorizer applications.
- Establish process and criteria for SBE decisions on authorizer applications.
- Clarify terms of the authorizing contract between the school district and SBE.

SBE Objectives for Rules

- ❖ Create a rigorous, fair and transparent process to ensure quality charter authorizing.
- ❖ Link rules closely to the text and intents of the law.
- ❖ Support SBE goals for achievement, accountability and basic education compliance.
- ❖ Allot adequate time for SBE and authorizers to carry out their duties.

Timelines for Authorizer Approval

(Projected school openings fall 2014)

Date	Action	Timeframe
March 6	Last day for SBE rule adoption on Sec. 209.	
April 1	SBE posts authorizer application. Districts submit letter of intent.	31 days
June 15	Last day for applications.	75 days
August 15	Last day for SBE decisions on applications.	60 days
<i>TBD</i>	<i>Submission of charter applications to all authorizers.</i>	

Applications – Clarifying Required Components

- Define “strategic vision for chartering.”
- Define “plan to support the vision,” including evidence of district capacity to execute responsibilities of quality charter authorizing.

Applications – Clarifying Required Components, cont.

- Link draft of RFP to requirements for RFPs in the law.
- Link draft of performance framework to requirements for performance frameworks in the law.
- Specify requirements for draft of proposed charter renewal, nonrenewal and revocation processes.

Applications – Additional Requirements

- Statements of assurance the district will:
 - Solicit applications for both new and conversion schools.
 - Ensure that the schools it authorizes will deliver appropriate services to students with disabilities.
 - Ensure that charter contracts include educational services meeting basic education requirements.

Evaluating authorizer applications – NACSA Standards

- SBE will consider whether proposed policies and practices are consistent with NACSA principles and standards for quality charter school authorizing in:
 - Organizational capacity
 - Soliciting and evaluating charter applications
 - Performance contracting
 - Ongoing charter school oversight and evaluation
 - Charter renewal decision making.

Approval of Authorizer Applications

- An approved application must be satisfactory in providing all required information.
- Not providing required information or meeting standards in any component of application is grounds for disapproval.

Authorizer Contract

- If application is approved, SBE must execute an authorizing contract within 30 days.
- The rules:
 - Specify terms of agreement between the approved authorizer and SBE.
 - Incorporate the district's "statements of assurance" in the contract.

Key Policy Questions

- Do the timelines allow sufficient time for districts to submit applications, and for SBE to review and approve or deny?
- Do the timelines leave sufficient time for the next steps in the charter school process?
- Is the proposed application and approval process clear, rigorous and fair?
- Do the rules support the goal of quality authorizing?

Next Steps

- Approve draft rules on Section 209 for CR 102 and public hearing.
- Tentatively scheduled for a special meeting in Olympia on February 26.
- *Section 209 rules must be adopted by March 6.*

Next Steps, cont.

Approve filing of CR 101 to start rule-making on other sections of I-1240:

- 211 – Authorizer oversight fee
- 212 – Authorizer oversight by SBE
- 214 – Timeline for charter applications
- 215 – Number of charter schools
- 221 – Charter school termination or dissolution

Initiative Measure 1240

NEW SECTION. **Sec. 209. AUTHORIZERS--APPROVAL.** (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 the effective date of this section.

(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 sections 219 and 220 of this act;

(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.

View the complete text of I-1240 at:

https://wei.sos.wa.gov/agency/osos/en/press_and_research/PreviousElections/2012/General-Election/Documents/I-1240_complete_text.pdf

DRAFT RULES

Section 209

I-1240, CHARTER SCHOOLS

WAC 180-XXX-XXX 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 Sec. 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.

WAC 180-XXX-XXX 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 1 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.

WAC 180-XXX-XXX Submission of authorizer application

(1) The state board of education shall develop and make available on its website, no later than April 1 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 15 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. SE, Olympia, Washington 98504. The original and electronic version of the application must be received by the Board no later than June 15 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 [*Italicized text indicates language in I-1240.*]:

(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 Sec. 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 inter-agency 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.

WAC 180-XXX-XXX 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 15 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 website 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.

WAC 150-XXX-XXX Authorizing contract

(1) If the board approves a district's application, it shall execute a renewable authorizing contract with the school district within 30 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.

Summary of Draft Rules I-1240 Sec. 209

Letter of intent. School district boards of directors intending to apply to be a charter school authorizer must submit a letter of intent by April 1. A district may not file an application if it has not submitted a letter of intent.

Timeline for authorizer applications. SBE must post an authorizer application no later than April 1. The completed application must be received by June 15 (75 days from posting date.)

Required components of the authorizer application

- *Strategic vision for chartering* – The district’s statement of purposes, a description of the characteristics of the schools it is most interested in authorizing, the goals it wishes to achieve, how it will give priority to at-risk students or students from low-performing schools and how it will protect the autonomy and accountability of the charter schools it oversees.
- *Plan to support the vision presented, including budget and personnel capacity* – “Budget and personnel capacity” means the amount of staff to be devoted to chartering duties, the positions and qualifications of chartering staff, and the projected financial needs and resources of the authorizing office.
- *Draft of the request for proposals the district would use to solicit charter applications* – Must meet all the requirements for RFPs in Sec. 213 and demonstrate that the charter application process follows fair procedures and rigorous criteria.
- *Draft of the performance framework to guide the charter contract and for oversight and evaluation* – Must at a minimum meet all the requirements of Sec. 217. Measures of student performance must conform to the SBE Achievement Index.
- *Draft of charter renewal, revocation and nonrenewal processes* – Must establish clear standards, set effective timelines, describe how performance data will be used in making decisions, and have a plan for intervention in response to identified deficiencies.
- *A statement of assurance that the district will:*
 - Seek opportunities for authorizer professional development;
 - Provide public accountability and transparency in all authorizing functions;
 - Solicit applications for both new and conversion charter schools;
 - Ensure that that the charter schools it oversees has an independent governing board and exercises autonomy in all matters as authorized by the act.
 - Ensure that appropriate services are delivered to students with disabilities and other special populations;
 - Ensure that any charter contract it executes includes educational services that meet basic education standards in RCW 28A.150.220.

Evaluation and approval or denial of applications

- SBE must evaluate applications and approve or disapprove by August 15 (60 days from closing date for applications).

- An approved application must be found satisfactory in providing all information required.
- SBE will also consider whether proposed policies and practices are consistent with the Principles & Standards for Quality Charter School Authorizing established by the National Association of Charter School Authorizers in at least:
 - Organizational capacity;
 - Solicitation and evaluation of charter applications;
 - Performance contracting;
 - Ongoing charter school oversight and evaluation;
 - Charter renewal and revocation.
- A finding that an application does not provide the required information or does not meet standards of quality authorizing in any component is grounds for disapproval.
- The SBE must state in writing the specific reasons for disapproval of an application.

Authorizing contract

- The required contract between SBE and an approved authorizer will specify the district's agreement to serve as an authorizer in accordance with the act and specify additional performance terms based on the plan for chartering in the district's application.
- The statement of assurances is incorporated in the authorizing contract.

The Washington State Board of Education

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Title:	CR 101: I-1240 Rules	
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:	1. What provisions of I-1240, Relating to public charter schools, require rule-making by the SBE? 2. Why file a CR 101, Preposal Statement of Inquiry, for each of these provisions now? 3. What is an appropriate schedule for rule-making on these provisions?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>In November, SBE approved the filing of a CR 101 to provide notice of rule-making on Section 209 of I-1240, concerning an initial process and timelines for approval of school district boards of directors seeking to be authorizers of charter schools. Staff have identified nine additional sections or subsections of I-1240 that may require the adoption of rules by SBE. These are enumerated in the CR 101 and detailed in the document, "I-1240 Provisions for SBE Rule-Making," to be found in your packet. Unlike Sec. 209, these sections set no specific dates by which actions must be taken by SBE. Subsequent to approval of the CR 101, SBE will determine a necessary and appropriate schedule for rule-making for these sections.</p>	

I-1240 Provisions for SBE Rule-Making

Section	Subject	Provision	Timeline	Status
209	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>(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>Rule adoption required by 3/6/13.</p> <p>Rule adoption required by 3/6/13.</p>	<p>CR 101 filed 11/26/12.</p> <p>CR 102 scheduled for approval to file 1/10/13.</p>
211	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 of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold . . .</p>	None specified. TBD.	<p>CR 101 scheduled for approval to file 1/10/13.</p> <p>CR 101 scheduled for approval to file 1/10/13.</p>
212	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>	TBD.	<p>CR 101 scheduled for approval to file 1/10/13.</p> <p>CR 101 scheduled for approval to file 1/10/13.</p> <p>CR 101 scheduled for approval to file 1/10/13.</p>

Section	Subject	Provision	Timeline	Status
214	Charter applications – decision process	(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.	TBD.	CR 101 scheduled for approval to file 1/10/13.
215	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, as provided in this section.] (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.	TBD. Will be included in rules under Sec. 214(1).	CR 101 scheduled for approval to file 1/10/13. CR 101 scheduled for approval to file 1/10/13.
221	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.	TBD.	CR 101 scheduled for approval to file 1/10/13.