

**Draft Amendment
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.