

180-19-010

Definitions.

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

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

(3) "*NACSA Principles and Standards*" means the "*Principles and Standards for Quality Charter Authorizing ~~((+2012+))~~2015 Edition or most current edition*" developed by the National Association of Charter School Authorizers.

[Statutory Authority: RCW [28A.710.090](#), [28A.710.130](#), [28A.710.140](#), and [28A.710.150](#). WSR 14-19-107, § 180-19-010, filed 9/16/14, effective 10/17/14. Statutory Authority: RCW [28A.710.090](#). WSR 13-07-065, § 180-19-010, filed 3/19/13, effective 4/19/13.]

180-19-020

Notice of intent to submit an authorizer application.

~~((Effective until May 15, 2015))~~

~~A school district intending to file an application during a calendar year to be approved as a charter school authorizer must submit to the state board of education a notice of intent to~~

~~file such application by October 1st of 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. A notice of intent shall not be construed as an obligation to submit an application under these rules. The board shall post on its public web site a form for use by districts in submitting notice of intent, and shall post all notices of intent upon receipt.~~

~~**(Effective May 15, 2015))**~~

A school district intending to file an application during a calendar year to be approved as a charter school authorizer must submit to the state board of education a notice of intent to file such application by June 15th 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. A notice of intent shall not be construed as an obligation to submit an application under these rules. The board shall post on its public web site a form for use by districts in submitting notice of intent, and shall post all notices of intent upon receipt.

[Statutory Authority: RCW [28A.710.090](#), [28A.710.130](#), [28A.710.140](#), and [28A.710.150](#). WSR 14-19-107, § 180-19-020, filed 9/16/14, effective

10/17/14. Statutory Authority: RCW [28A.710.090](#). WSR 13-07-065, § 180-19-020, filed 3/19/13, effective 4/19/13.]

180-19-030

Submission of authorizer application.

~~((Effective until May 15, 2015))~~

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

~~(2) A school district seeking approval to be a charter school authorizer must submit an "authorizer application" to the state board of education by December 31st of the year prior to the year the district seeks approval as an authorizer. The district's completed application must be submitted via electronic mail to sbc@k12.wa.us by the date specified in this section. 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 reference to the findings and intents set forth in RCW 28A.710.005, as well as any district-specific purposes that are a 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; 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 respect the autonomy and ensure the accountability of the charter schools it oversees.~~

~~(b) **A plan to support the vision presented,** including explanations and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing. "Budget and personnel capacity" means the district's capability of providing sufficient oversight, monitoring, and assistance to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under chapter 28A.710 RCW and comply with all applicable state and federal laws. A district's~~

~~evidence of budget and personnel capacity shall consist, at a minimum, of a detailed description of the following:~~

~~(i) Staff resources to be devoted to charter authorizing and oversight under chapter 28A.710 RCW, in full-time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW;~~

~~(ii) Job titles, job descriptions, and brief bios and resumes of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to expertise in all areas essential to charter school oversight including, but not limited to: School leadership; curriculum, instruction and assessment; special education, English language learners and other diverse learning needs; performance management and law, finance and facilities, through staff and any contractual relationships or partnerships with other public entities; and~~

~~(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection, to the extent feasible, of sufficient financial resources, supported by the authorizer oversight fee under RCW 28A.710.110 and any other resources, to carry out its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW.~~

~~(c) A draft or preliminary outline of the request for proposal that the district would, if approved as an authorizer, issue to solicit charter school applications. The draft or preliminary outline of the request for proposal(s) shall meet all of the requirements set forth in RCW [28A.710.130](#) (1)(b) and demonstrate that the district will implement a comprehensive charter application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of RCW [28A.710.170](#).~~

~~(d) A draft of the performance framework that the district would, if approved as an authorizer, use to guide the execution of a charter contract and for ongoing oversight and performance evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of RCW [28A.710.170](#)(2) including descriptions of each indicator, measure and metric enumerated therein, and shall provide that student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, graduation rates, and postsecondary readiness are measured and reported in conformance with the achievement index developed by the state board of education under RCW [28A.657.110](#).~~

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

~~28A.710.200. The draft provided must, at a minimum, provide for the implementation of transparent and rigorous processes that:~~

~~(i) Establish clear standards for renewal, nonrenewal, and revocation of charters it may authorize under RCW 28A.710.100;~~

~~(ii) Set reasonable and effective timelines for actions that may be taken under RCW 28A.710.190 and 28A.710.200;~~

~~(iii) Describe how academic, financial and operational performance data will be used in making decisions under RCW 28A.710.190 and 28A.710.200;~~

~~(iv) Outline a plan to take appropriate corrective actions, or exercise sanctions short of revocation, in response to identified deficiencies in charter school performance or legal compliance, in accordance with the charter contract and the provisions of RCW 28A.710.180.~~

~~(4) A district must sign a statement of assurances submitted with its application, which 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 budgeting, personnel and instructional programming and design;~~

~~(e) Ensure that any contract it may execute with the governing board of an approved charter school under RCW 28A.710.160 provides that the school will provide educational services to students with disabilities, students who are limited English proficient, and any other special populations of students as required by state and federal laws;~~

~~(f) Include in any charter contract it may execute with the governing board of an approved charter school, in accordance with RCW 28A.710.160(2), educational services that at a minimum meet the basic education standards set forth in RCW 28A.150.220.~~

~~(Effective May 15, 2015))~~

(1) The state board of education shall develop and make available on its web site, no later than May 15th 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 October 15th of the year prior to the year the district seeks approval as an authorizer. The district's completed application must be submitted via electronic mail to sbe@k12.wa.us by the date specified in this section. 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 reference to the findings and interests set forth in RCW [28A.710.005](#), as well as any district-specific purposes that are a 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; 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 respect the autonomy and ensure the accountability of the charter schools it oversees.

(b) **A plan to support the vision presented**, including explanations and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing. "Budget and personnel capacity" means the district's capability of providing sufficient oversight, monitoring, and assistance to ensure that the charter schools it authorizes will meet all fiscal, academic and operational requirements under chapter [28A.710](#) RCW and comply with all applicable state and federal laws. A district's evidence of budget and personnel capacity shall consist, at a minimum, of a detailed description of the following:

(i) Staff resources to be devoted to charter authorizing and oversight under chapter [28A.710](#) RCW, in full-time equivalent employees, at a level sufficient to fulfill its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter [28A.710](#) RCW;

(ii) Job titles, job descriptions, and brief bios and resumes of district personnel with anticipated authorizing responsibilities under RCW 28A.710.030, demonstrating the district's access to expertise in all areas essential to charter school oversight including, but not limited to: School leadership; curriculum, instruction and assessment; special education, English language learners and other diverse learning needs; performance management and law, finance and facilities, through staff and any contractual relationships or partnerships with other public entities; and

(iii) An estimate, supported by verifiable data, of the financial needs of the authorizer and a projection, to the extent feasible, of sufficient financial resources, supported by the authorizer oversight fee under RCW 28A.710.110 and any other resources, to carry out its authorizing responsibilities in accordance with the *NACSA Principles and Standards* and the provisions of chapter 28A.710 RCW.

(c) **A draft or preliminary outline of the ((~~request for proposal~~)) annual charter school application process that the district would, if approved as an authorizer, issue to solicit charter school applications. The draft or preliminary outline of the ((~~request for proposal(s)~~)) charter school application process shall meet all of the requirements set forth in RCW 28A.710.130 (1)(b) for solicitation of charter applicants and**

demonstrate that the district will implement a comprehensive charter application process that follows fair procedures and rigorous criteria, and an evaluation and oversight process based on a performance framework meeting the requirements of RCW [28A.710.170](#).

(d) **A draft of the performance framework** that the district would, if approved as an authorizer, use to guide the execution of a charter contract and for ongoing oversight and performance evaluation of charter schools. The draft of the performance framework shall, at a minimum, meet the requirements of RCW [28A.710.170](#)(2) including descriptions of each indicator, measure and metric enumerated therein, and shall provide that student academic proficiency, student academic growth, achievement gaps in both proficiency and growth, graduation rates, and postsecondary readiness are measured and reported in conformance with the achievement index developed by the state board of education under RCW [28A.657.110](#).

(e) **A draft of the district's proposed renewal, revocation, and nonrenewal processes**, consistent with RCW [28A.710.190](#) and [28A.710.200](#). The draft provided must, at a minimum, provide for the implementation of transparent and rigorous processes that:

(i) Establish clear standards for renewal, nonrenewal, and revocation of charters it may authorize under RCW [28A.710.100](#);

(ii) Set reasonable and effective timelines for actions that may be taken under RCW [28A.710.190](#) and [28A.710.200](#);

(iii) Describe how academic, financial and operational performance data will be used in making decisions under RCW [28A.710.190](#) and [28A.710.200](#);

(iv) Outline a plan to take appropriate corrective actions, or exercise sanctions short of revocation, in response to identified deficiencies in charter school performance or legal compliance, in accordance with the charter contract and the provisions of RCW [28A.710.180](#).

(4) A district must sign a statement of assurances submitted with its application, which 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))~~(c) 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 budgeting, personnel and instructional programming and design;

~~((e))~~(d) 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))~~(e) Include in any charter contract it may execute with the ~~((governing))~~ charter school board of an approved charter school, in accordance with RCW ~~((28A.710.160(2))~~28A.710.040(2)(b), that the charter school must provide a program of basic education ~~((educational services))~~ that at a minimum meets the requirements of RCW 28A.150.200 and RCW 28A.150.220,

and meets the goals in RCW 28A.150.210, including instruction in the essential learning requirements and participation in the statewide student assessment system as developed under RCW 28A.665.070 ((basic education standards set forth in RCW 28A.150.220)).

[Statutory Authority: RCW 28A.710.090, 28A.710.130, 28A.710.140, and 28A.710.150. WSR 14-19-107, § 180-19-030, filed 9/16/14, effective 10/17/14. Statutory Authority: RCW 28A.710.090. WSR 13-07-065, § 180-19-030, filed 3/19/13, effective 4/19/13.]

180-19-040

Evaluation and approval or denial of authorizer applications.

~~((Effective until May 15, 2015))~~

~~(1) The board shall evaluate an application submitted by a school district seeking to be an authorizer and issue a decision approving or denying the application by April 1st of each year.~~

~~(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180 19 030 (3)(a) through (e) as well developed, partially developed, or undeveloped, based on criteria for evaluation included in~~

~~the authorizer application developed and made publicly available pursuant to WAC 180-19-030(1).~~

~~(a) "Well developed" shall mean that the application response meets the expectations established by the board and the *NACSA Principles and Standards* in material respects and warrants approval subject to execution of an authorizing contract with the board.~~

~~(b) "Partially developed" shall mean that the application response contains some aspects of a well developed practice, is limited in its execution, or otherwise falls short of satisfying the expectations established by the board and the *NACSA Principles and Standards*.~~

~~(c) "Undeveloped" shall mean that the application response is wholly inadequate in that the applicant district has not considered or anticipated the well developed practice at all, or proposes to carry out its authorizing duties in a way that is not recognizably connected to the expectations established by the board and the *NACSA Principles and Standards*.~~

~~(3) In its evaluation the board will consider whether the district's proposed policies and practices are consistent with the *NACSA Principles and Standards*, as required by RCW 28A.710.100(3), in at least the following areas:~~

~~(a) Organizational capacity: Commit human and financial resources necessary to conduct authorizing duties effectively and efficiently;~~

~~(b) Solicitation and evaluation of charter applications: Implement a comprehensive application process that includes clear application questions and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school;~~

~~(c) Performance contracting: Execute contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms;~~

~~(d) Ongoing charter school oversight and evaluation: Conduct contract oversight that competently evaluates performance and monitors compliance, ensures schools' legally entitled autonomy, protects student rights, informs intervention, revocation and renewal decisions, and provides annual reports as required by chapter 28A.710 RCW; and~~

~~(e) Charter renewal and revocation processes: Design and implement a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.~~

~~(4) The board shall develop and post on its public web site rubrics for determination of the extent to which each criterion for evaluation has been met.~~

~~(5) The board may utilize the services of external reviewers with expertise in educational, organizational or financial matters in evaluating applications.~~

~~(6) Prior to approving any application, the board shall require an in-person interview with district leadership for the purpose of reviewing and evaluating the application. The in-person interview will be used to supplement or clarify information provided by the district in the written application. The information received in the in person interview shall be considered in formulating the overall ratings of the application under subsection (2) of this section.~~

~~(7) For an application to be approved, the board must find it to be well developed in each part of the application as set forth in WAC 180 19 030(3). A determination that an application does not meet standards of quality authorizing in any part, shall constitute grounds for disapproval. If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria included in the authorizer application.~~

~~(8) The board shall post on its public web site the applications of all school districts approved as authorizers. A~~

~~school district approved as an authorizer shall post its application on a public web site.~~

~~(Effective May 15, 2015))~~

(1) The board shall evaluate an application submitted by a school district seeking to be an authorizer and issue a decision approving or denying the application by February 1st of each year.

(2) In evaluating each application, the board will rate each part of the application as set forth in WAC 180-19-030 (3)(a) through (e) as well-developed, partially developed, or undeveloped, based on criteria for evaluation included in the authorizer application developed and made publicly available pursuant to WAC 180-19-030(1).

(a) "Well-developed" shall mean that the application response meets the expectations established by the board and the *NACSA Principles and Standards* in material respects and warrants approval subject to execution of an authorizing contract with the board.

(b) "Partially developed" shall mean that the application response contains some aspects of a well-developed practice, is limited in its execution, or otherwise falls short of satisfying the expectations established by the board and the *NACSA Principles and Standards*.

(c) "Undeveloped" shall mean that the application response is wholly inadequate in that the applicant district has not considered or anticipated the well-developed practice at all, or proposes to carry out its authorizing duties in a way that is not recognizably connected to the expectations established by the board and the *NACSA Principles and Standards*.

(3) In its evaluation the board will consider whether the district's proposed policies and practices are consistent with the *NACSA Principles and Standards* as required by RCW [28A.710.100\(3\)](#), in at least the following areas:

(a) Organizational capacity: Commit human and financial resources necessary to conduct authorizing duties effectively and efficiently;

(b) Solicitation and evaluation of charter applications: Implement a comprehensive application process that includes clear application questions and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a charter school;

(c) Performance contracting: Execute contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(d) Ongoing charter school oversight and evaluation: Conduct contract oversight that competently evaluates performance and monitors compliance, ensures schools' legally entitled autonomy, protects student rights, informs intervention, revocation and renewal decisions, and provides annual reports as required by chapter 28A.710 RCW; and

(e) Charter renewal and revocation processes: Design and implement a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.

(4) The board shall develop and post on its public web site rubrics for determination of the extent to which each criterion for evaluation has been met.

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

(6) Prior to approving any application, the board shall require an in-person interview with district leadership for the purpose of reviewing and evaluating the application. The in-person interview will be used to supplement or clarify information provided by the district in the written application. The information received in the in-person interview shall be

considered in formulating the overall ratings of the application under subsection (2) of this section.

(7) For an application to be approved, the board must find it to be well developed in each part of the application as set forth in WAC [180-19-030](#)(3). A determination that an application does not meet standards of quality authorizing in any part shall constitute grounds for disapproval. If the state board disapproves an application, it shall state in writing the reasons for the disapproval, with specific reference to the criteria included in the authorizer application.

(8) The board shall post on its public web site the applications of all school districts approved as authorizers. A school district approved as an authorizer shall post its application on a public web site.

[Statutory Authority: RCW [28A.710.090](#), [28A.710.130](#), [28A.710.140](#), and [28A.710.150](#). WSR 14-19-107, § 180-19-040, filed 9/16/14, effective 10/17/14. Statutory Authority: RCW [28A.710.090](#). WSR 13-07-065, § 180-19-040, filed 3/19/13, effective 4/19/13.]

180-19-070

Charter school-Request for proposals.

~~((Effective until January 16, 2016))~~

~~No later than April 15th, each authorizer shall annually issue requests for proposals for charter schools meeting the requirements of RCW 28A.710.130.~~

~~(Effective January 16, 2016))~~

No later than March 1st, each authorizer shall annually issue ~~((requests))~~ solicitations for proposals for charter schools meeting the requirements of RCW 28A.710.130.

[Statutory Authority: RCW 28A.710.090, 28A.710.130, 28A.710.140, and 28A.710.150. WSR 14-19-107, § 180-19-070, filed 9/16/14, effective 10/17/14. Statutory Authority: Chapter 28A.710 RCW. WSR 13-12-055, § 180-19-070, filed 6/1/13, effective 7/2/13.]

180-19-080

Charter school applications—Submission, approval, or denial.

~~((Effective until January 16, 2016))~~

~~(1) An applicant, as defined in RCW 28A.710.010, seeking approval must:~~

~~(a) Submit a nonbinding notice of intent to be approved as a proposed charter school not less than thirty days before the~~

~~last date for submission of an application to an authorizer as provided in this section. An applicant may not submit a charter school application in a calendar year unless it has filed timely notice of intent as provided herein; and~~

~~(b) Submit an application for a proposed charter school to an authorizer by no later than July 15th of the year in which the applicant seeks approval.~~

~~(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than October 15th of the year in which the application is received.~~

~~(3) The authorizer must provide the state board of education with a written report of the approval or denial of an applicant's proposal for a charter school within ten days of such action. The notice must comply with the requirements set forth in RCW 28A.710.150(2). The report shall be sent to the board via electronic mail to ~~sbc@k12.wa.us~~.~~

~~**(Effective January 16, 2016))**~~

(1) An applicant, as defined in RCW 28A.710.010, seeking approval must:

(a) Submit a nonbinding notice of intent to be approved as a proposed charter school by May 1st of the year in which approval is sought. An applicant may not submit a charter school

application in a calendar year unless it has filed timely notice of intent as provided herein; and

(b) Submit an application for a proposed charter school to an authorizer by no later than June 1st of the year in which the applicant seeks approval.

(2) An authorizer receiving an application for a proposed charter school must either approve or deny the proposal by no later than September 1st of the year in which the application is received.

(3) The authorizer must provide the state board of education with a written report of the approval or denial of an applicant's proposal for a charter school within ten days of such action. The notice must comply with the requirements set forth in RCW [28A.710.150](#)(2). The report shall be sent to the board via electronic mail to sbe@k-12.wa.us.

[Statutory Authority: RCW [28A.710.090](#), [28A.710.130](#), [28A.710.140](#), and [28A.710.150](#). WSR 14-19-107, § 180-19-080, filed 9/16/14, effective 10/17/14. Statutory Authority: Chapter [28A.710](#) RCW. WSR 13-12-055, § 180-19-080, filed 6/1/13, effective 7/2/13.]

180-19-210

Annual report by authorizer.

(1) Each authorizer must, no later than November 1st of each year starting in 2014, submit an annual report to the state board of education meeting the requirements of RCW [28A.710.100](#)(4). The board shall develop and post on its web site by September 1st of each year a standard form which must be used, and instructions which must be followed by each authorizer in making its report. The completed report must be sent via electronic mail to sbe@k12.wa.us and shall be posted on the board's web site.

(2) The report must include:

(a) The date of authorizer approval by the board;

(b) The names and job titles of district personnel having principal authorizing responsibilities with contact information for each;

(c) The names and job titles of any employees or contractors to whom the district has delegated responsibilities under RCW [28A.710.100](#), with contact information for each;

(d) An executive summary including, but not limited to, an overview of authorizing activity during the prior year and the status and performance of the charter schools authorized;

(e) The authorizer's strategic vision for chartering, as submitted to the state board under WAC 180-19-030 (3)(a), and its assessment of progress toward achieving that vision;

(f) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories:

(i) Approved but not yet open, including for each, the targeted student population and the community the school hopes to serve; the location or geographic area proposed for the school; the projected enrollment; the grades to be operated each year of the term of the charter contract; the names of and contact information for the (~~governing~~) charter school board, and the planned date for opening;

(ii) Operating, including for each, location; grades operated; enrollment in total and by grade; and for each student subgroup as defined in RCW 28A.300.042 in totals and as percentages of enrollment;

(iii) Charter renewed with date of renewal;

(iv) Charter transferred to another authorizer during the prior year, with date of transfer;

(v) Charter revoked during the prior year with date of and reasons for revocation;

(vi) Voluntarily closed;

(vii) Never opened, with no planned date for opening.

(g) The academic performance of each operating charter school overseen by the authorizer, based on the authorizer's performance framework, including:

(i) Student achievement on each of the required indicators of academic performance in RCW [28A.710.170](#) (2)(a) through (f), as applicable by grade, in absolute values and in comparison to the annual performance targets set by the charter school under RCW [28A.710.170](#)(3). Student academic proficiency, student academic growth, achievement gaps, graduation rates and postsecondary readiness must be included as reported in the achievement index developed by the state board of education under RCW [28A.657.110](#).

(ii) Student achievement on each additional indicator of academic performance the authorizer has chosen to include in its performance framework to augment external evaluations of performance, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW [28A.710.170](#).

(iii) Student achievement on each indicator must be disaggregated by major student subgroups including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status as required of performance frameworks in RCW [28A.710.170](#).

(h) The financial performance of each operating charter school overseen by the authorizer, based on the indicators and measures of financial performance and sustainability in the authorizer's

performance framework, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW [28A.710.170](#);

(i) The organizational performance of the (~~governing~~) charter school board of each operating charter school overseen by the authorizer, based on the indicators and measures of organizational performance in the authorizer's performance framework, including compliance with all applicable laws, rules and terms of the charter contract;

(j) The authorizer's operating costs and expenses for the prior year for fulfilling the responsibilities of an authorizer as enumerated in RCW [28A.710.100](#)(1) and provided under the terms of each charter contract, detailed in annual financial statements that conform with generally accepted accounting principles and applicable reporting and accounting requirements of the office of the superintendent of public instruction;

(k) The contracted, fee-based services purchased from the authorizer by the charter schools under its jurisdiction under RCW [28A.710.110](#), including a brief description of each service purchased, an itemized accounting of the revenue received from the schools for the services, and the actual costs of these services to the authorizer.

[Statutory Authority: RCW [28A.710.100](#). WSR 14-02-060, § 180-19-210, filed 12/26/13, effective 1/26/14.]

180-19-250

Oversight of authorizers—Revocation of authorizing contract.

(1) Evidence of material or persistent failure by an authorizer to carry out its duties according to nationally recognized principles and standards for charter authorizing is grounds for revocation of an authorizer's chartering contract.

This may include:

(a) Failure to comply with the terms of the authorizing contract between the authorizer and the board;

(b) Violation of a term of the charter contract between the authorizer and a charter school board;

(c) Demonstrated failure to develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the National Association of Charter School Authorizers in any of the following areas, as required by RCW [28A.710.100](#):

(i) Organizational capacity;

(ii) Soliciting and evaluating charter applications;

(iii) Performance contracting;

- (iv) Ongoing charter school oversight and evaluation;
- (v) Charter renewal decision making.

(2) Notice of intent to revoke. If the board makes a determination, after due notice to the authorizer and reasonable opportunity to effect a remedy, that the authorizer continues to be in violation of a material provision of a charter contract or its authorizing contract, or has failed to remedy other identified authorizing problems:

(a) The board shall notify the authorizer in writing that it intends to revoke the authorizer's chartering authority under RCW [28A.710.120](#). The notification to the authorizer shall explain and document the reasons for the intent to revoke chartering authority.

(b) The authorizer shall, within thirty days of notification, submit a written response showing that the authorizer has implemented or will implement within sixty days of submitting the written response, a sufficient remedy for the violation or deficiencies that are the stated grounds for the intent to revoke chartering authority. The board shall within thirty days of receipt provide written notice to the authorizer whether it finds the proposed remedy sufficient to correct the violation or deficiencies.

(3) Notice of revocation. If the authorizer fails to provide a timely written response or if the response is found insufficient

by the board to meet the requirement set forth in subsection (1) of this section:

(a) The board shall provide the authorizer with written notice of revocation of the authorizer's chartering authority. The notice of revocation shall state the effective date of revocation, which shall not be sooner than twenty days from the date of receipt of the notice of revocation by the authorizer unless a timely notice of a request for an adjudicative proceeding is filed as set forth herein.

(b) The authorizer may request an adjudicative proceeding to contest the revocation. The request for an adjudicative proceeding must be submitted in writing by the authorizer to the board within twenty days of receipt of the notice of revocation at the following address:

Old Capitol Building

P.O. Box 47206

600 Washington St. S.E., Room 253

Olympia, Washington 98504

Any adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act (APA).

[Statutory Authority: RCW [28A.710.120](#) (1) and (7). WSR 14-08-033, § 180-19-250, filed 3/25/14, effective 4/25/14.]

180-19-260

Authorizer oversight—Transfer of charter contract.

(1) In the event that a notice of revocation is provided to the authorizer under WAC 180-19-250, any charter contract held by that authorizer shall be transferred, for the remaining portion of the charter term, to the Washington charter school commission on documentation of mutual agreement to the transfer by the charter school board and the commission.

(2) Documentation of mutual agreement shall consist of a written agreement between the charter school board and the commission, signed and dated by the chair or president of the charter school board and the chair of the commission. The agreement shall include any modification or amendment of the charter contract as may be mutually agreed upon by the charter school board and the commission.

(3) The commission shall submit the agreement to the state board of education. The board shall review the agreement and on a determination that the requirements of these rules have been met, issue written certification of the transfer of the charter contract to the charter school (~~governing~~) board and the commission.

(4) On certification by the board of the transfer of the charter contract, the prior authorizer shall transfer to the commission all student records and school performance data collected and maintained in the performance of its duties as an authorizer under RCW [28A.710.100](#) and [28A.710.170](#).

(5) The commission, in consultation with the charter school (~~governing~~) board, shall develop and implement a procedure for timely notification to parents of the transfer of the charter contract and any modifications or amendments to the charter included in the written agreement executed under subsection (2) of this section.

(6) If mutual agreement is not obtained on the transfer of the charter contract under RCW [28A.710.120](#)(6) and this section, the charter school shall be closed under the provisions of RCW [28A.710.210](#). The district shall develop and implement a termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must include, at a minimum, a plan for addressing the following:

(a) Adequate and timely communication with parents, school staff and the community regarding the closing of the charter school and the options for student transfer to another public school;

(b) Retention of student, personnel, governance and financial records in compliance with all applicable laws and policies;

(c) The transfer of all student records in accordance with privacy rules set forth in the Family Educational Rights and Privacy Act (FERPA) and any applicable state laws and school district policies;

(d) Resolution of all financial obligations associated with the closure of the charter school;

(e) Return of the public funds in the possession of the charter school as provided for in RCW [28A.710.201\(2\)](#), or as required by any other state law; and

(f) A plan for the disposition of all other assets, in compliance with applicable state and federal laws or district policies governing the assets.

The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer. The district shall provide the board with a copy of the termination protocol. The board may review the protocol and request revisions for implementation.

[Statutory Authority: RCW [28A.710.120](#) (1) and (7). WSR 14-08-033, § 180-19-260, filed 3/25/14, effective 4/25/14.]



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

SUMMARY OF DRAFT AMENDMENT TO CHAPTER 180-19 WAC

The draft amendment to nine sections of Chapter 180-19 (Charter Schools) has two purposes:

1. Conform adopted SBE rules on charter schools to changes made to the original charter school law by Chapter 241, Laws of 2016 (E2SSB 6194).
2. Delete obsolete language left by amendments adopted in 2014 to change the due dates for various actions taken by parties under the law.

Section	Title	Change
180-19-010	Definitions.	Changes “2012 Edition” of “ <i>Principles and Standards for Quality Charter Authorizing</i> ” to “2015 Edition or most current edition” (p. 1).
180-19-020	Notice of intent to submit an authorizer application.	Strikes duplicated text with a superseded effective date.
180-19-030	Submission of authorizer application.	Strikes duplicated text with a superseded effective date. In (3)(c), replaces “request for proposal” with “annual charter school application process”. Makes other language changes to conform with new law (p. 11). In (4)(e), replaces “governing board” with “charter school board.” (p. 14). Clarifies, per a change in E2SSB 6194, that a district must include in any charter contract it executes with the board of a charter school that the school must provide a program of basic education meeting the definition in RCW 28A.150.200, the goals in RCW 28A.150.210, and the minimum instructional and program accessibility requirements in RCW 28A.150.220 (pp. 14-15).
180-19-040	Evaluation and approval or denial of authorizer applications.	Strikes duplicated text with a superseded effective date.
180-19-070	Charter school – Request for proposals.	Strikes duplicated text with a superseded effective date. Replaces “requests for proposals with “solicitations for proposals” to conform with new law (p. 23).
180-19-080	Charter school applications – Submission, approval, or denial.	Strikes duplicated text with a superseded effective date.

180-19-210	Annual report by authorizer.	Replaces “governing board” with “charter school board” to conform with new law (pp. 27, 29).
180-19-250	Oversight of authorizers – Revocation of authorizing contract.	Clarifies that a charter contract is between the authorizer and a charter school board.
180-19-260	Authorizer oversight – Transfer of charter contract.	Corrects obsolete references to charter school “governing” board (pp. 33-34).

If you have questions regarding this memo, please contact Jack Archer at jack.archer@k12.wa.us.

WSR 16-09-029
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
[Filed April 13, 2016, 9:36 a.m.]

Subject of Possible Rule Making: Amendments to chapter 180-19 WAC, Charter schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter [28A.710](#) RCW, Charter schools.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 6194, relating to public schools that are not common schools, made extensive amendments to chapter [28A.710](#) RCW, Charter schools. Technical amendments are needed to three sections of chapter 180-19 WAC to reconcile language in rule with language in chapter [28A.710](#) RCW as amended by E2SSB 6194. In addition, rule amendments would delete obsolete provisions in five sections of chapter 180-19 WAC related to due dates for certain actions by the state board of education (SBE), charter school authorizers, and charter applicants which were superseded, effective May 15, 2015, by provisions setting other due dates. This would be a cleanup, not affecting intent or effect, which would make these sections more understandable for readers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other state agencies that regulate this subject are the Washington state charter school commission, which is the statewide authorizer of charter public schools, and the superintendent of public instruction, who has certain rule-making authority for charter public schools and is a member of the commission. The SBE will consult with these agencies on the amendments to be proposed to chapter 180-19 WAC and solicit comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Archer, SBE, 600 Washington Street S.E., Olympia, WA, (360) 725-6035, jack.archer@k12.wa.us.

April 12, 2016
Ben Rarick
Executive Director