



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: **State Board of Education**

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

The purpose of the rules, adopted as WAC 180-19-010 through WAC 180-19-050, is to implement RCW 28A.710.090 (Authorizer oversight fee – Establishment – Use). This section, which codifies Section 209 of Initiative Measure No. 1240, requires the State Board of Education to establish an annual application and approval process and timelines for school district boards of directors seeking approval to be charter school authorizers. The section provides that the initial process and timelines must be established no later than ninety days after December 6, 2012. The adopted rules set timelines, clarify the requirements for authorizer applications, establish criteria for evaluation of applications, and specify terms of the authorizing contract.

Citation of existing rules affected by this order:

Repealed: None
Amended: None
Suspended: None

Statutory authority for adoption: RCW 28A.710.090.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 13-03-156 on January 23, 2013 (date).

Describe any changes other than editing from proposed to adopted version:

Please see Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone _____
Address: _____ fax () _____
e-mail _____

Date adopted: February 26, 2013

NAME (TYPE OR PRINT)

Ben Rarick

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 19, 2013

TIME: 11:53 AM

WSR 13-07-065

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>5</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Attachment A.
CR 103
WAC 180-19
Changes from Proposed to Adopted Version

Establishes an ongoing date of October 1 for a school district to submit a notice of intent to submit an authorizer application, except that a district seeking approval as an authorizer in 2013 must submit a notice of intent by April 1, 2013. In this and other provisions of rules to 28A.710.090 the SBE adopted two timelines for authorizer approval – one for the first year only, in recognition of the late start on implementation of RCW 28A.710 necessitated by the date of enactment of Initiative Measure No. 1240 and the time required by RCW 34.05 for SBE rule-making, and a second timeline for all subsequent years, starting at an earlier date and enabling more time for the entire cycle from authorizer approval through charter contracts. This change was requested by Board members and members of the public.

Provides that a notice of intent is not an obligation to submit an authorizer application.

Requires SBE to post notices of intent on its public web site. This addition was made in response to public comment, for the purpose of greater transparency and more notice to potential charter applicants.

Establishes an ongoing date of October 1 for the SBE to post an authorizer application, except that the authorizer application for districts seeking approval in 2013 must be posted by April 1, 2013.

Provides that a school district seeking to be a charter school authorizer must submit the application by December 31, except that a district seeking approval in 2013 must submit the application by July 1, 2013. The proposed rules provided that a district needing approval in 2013 must submit the application by June 15. The adopted rules extended the date to July 1, after public comment, to give school districts additional time for this activity.

Requires SBE to post authorizer applications on its public web site. This addition was made, in response to public comment, in order to provide timely information to the public about potential authorizers.

Changes requirement that a district explain how the charter schools it wishes to authorize “would differ” in specific features from the schools it currently operates, to how the charter schools “might differ,” and reduces the specificity as to features.

Strikes “specific” with reference to the description of each indicator, measure and metric to be used in the district’s draft performance framework. This change was made in response to public comment.

Clarifies that the performance data to be used for the district’s proposed renewal, revocation and nonrenewal processes are “academic, financial and operational.” This change was made in response to public comment.

Establishes an ongoing date of April 1 for the SBE to issue a decision on an authorizer application, except that for applications submitted for approval in 2013, the SBE shall issue a decision by September 12, 2013.

Provides that the SBE may require personal interviews for review of authorizer applications. This addition was made to increase the information available to the SBE in evaluating authorizer applications.

Replaces references to Initiative Measure No. 1240 with references to RCW 28A.710.