

CONCISE EXPLANATORY STATEMENT
New WAC 180-19-210

This document has been prepared in compliance with RCW 34.05.325, the concise explanatory statement requirement of the Administrative Procedure Act. Included are: (1) The reasons for adopting the rules; (2) A description of any differences between the text of the proposed rules as published in the Register and the text of the final rules, and (3) A summary of all comments received, and (4) Responses to the comments by subject matter.

1. Reasons for Adopting the Rules

RCW 28A.710.100(4) requires each authorizer of charter schools, as defined in RCW 28A.710.080, to submit an annual report to the State Board of Education, according to a timeline, content and format specified by the Board. WAC 180-19-210 is adopted to meet that statutory requirement. The rule provides adds specificity and clarification to the information that must be provided, under RCW 28A.710.100(4)(a) through (e), about each charter school overseen by the authorizer and the performance of the charter school. It also (a) sets the date by which the authorizer must submit the annual report to the State Board of Education; (2) provides that the SBE must develop and post, by a date specified, a standard form to be used for the annual report and instructions to authorizers on its use; (3) prescribes the means through which to submit the report to the SBE, and (4) requires the SBE to post each annual report received on its public web site.

2. Differences between Proposed and Final Rules

There are five differences between the proposed and final rules:

1. Inserts new (2)(c) requiring the authorizer to report the names and job titles of any employees or contractors to whom the school district has delegated responsibilities under RCW 28A.710.100, with contact information for each.
2. In (2)(f)(ii), strikes “at-risk students served” and inserts language requiring each authorizer to report, for each charter school, enrollment for each student subgroup as defined in RCW 28A.300.042.
3. Strikes, in (2)(f)(i), “relation” and (ii), “statistical relation ” and substitutes “comparison.”
4. Inserts, in (2)(g), language requiring the authorizer to report the financial performance of the charter school in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170.
5. Inserts (2)(h), requiring the authorizer to report the organizational performance of the governing board of each operating charter school overseen by the authorizer.

The WAC is re-lettered for the insertions.

3. Summary of All Comments and Responses

The State Board of Education received two written comments on proposed WAC 180-19-210. One person who submitted written comment also offered oral testimony at the public hearing held on the rule, in accordance with RCW 34.05.325, at the State Board meeting on July 10, 2013. The comments concerned additional information to be included in the annual reports by authorizers, as well as technical improvements. The comments are categorized as follows, with SBE response:

Comment	Response
The rules should require authorizing school districts to report the names of “anyone employed by the district having principal authorizing responsibility or input to decision-makers.”	The Board agrees with this comment. The adopted rules as amended require authorizing district to report the names of any employees or contractors to whom the district has delegated authorizing responsibilities under RCW 28A.710.100, with contact information.

<p>The rule should require the authorizer to name any schools that are conversion charter schools along with information about the numbers of students enrolled in the previous public school who enrolled in the conversion charter school.</p>	<p>The Board did not incorporate this suggestion in the rules as adopted. The information proposed could be solicited and obtained by the Board from the authorizing district, as needed, in the event of establishment of conversion schools. The Board will keep this suggestion under advisement when it conducts its intended review of all adopted rules in 2014.</p>
<p>Charter schools should be asked to provide data on special education enrollments and types of special students, ELL enrollment, highly capable students and homeless students.</p>	<p>The Board agrees with the policy of this suggestion. The amended rule as adopted requires charter authorizers to report, for each charter school, overseen enrollment by student subgroup as defined in RCW 28A.300.042.</p> <p>The Board also notes that RCW 28A.710.220(1) provides that "Charter schools must report student enrollment in the same manner and based on the same definitions of enrolled students . . . as other public schools" and "must comply with applicable reporting requirements to receive state or federal funding that is allocated based on student characteristics." The Board therefore finds that the specific suggestion made is already addressed by the statute.</p>
<p>The Board should include reporting by each authorizer on the organizational performance and compliance of each charter school it oversees.</p>	<p>The adopted rule as amended incorporates this suggestion. RCW 28A.710.100 does not specifically call out reporting on the organizational performance of a charter school, in addition to academic and financial performance. The Board finds, however, that such a requirement is within the scope of this section, and consistent with the intent of Chapter 28A.710 RCW. The rule as adopted therefore adds a new (h) to Section 2, requiring that the annual report include the organizational performance of the governing board of each operating charter school overseen by the authorizer, based on the indicators and measures in the authorizer's performance framework, including compliance with all applicable laws, rules and terms of the charter contract.</p>
<p>The phrase "in statistical relation to" as used in the proposed WAC may be confusing. The Board should consider substituting for it the phrase "in comparison to."</p>	<p>The Board agrees. The suggestion is incorporated in the adopted rule as amended.</p>