

The Washington State Board of Education

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

Title:	I-1240 CR 101 for Rules on Sec. 209	
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 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:	<ol style="list-style-type: none"> 1. What are the responsibilities of the State Board of Education under Section 1240, Initiative 1240, relating to charter schools? 2. How must these responsibilities be met through rule adoption? 3. Why is it necessary, should the measure be approved, to initiate rule-making through approval of the filing of a CR 101 at the November Board meeting. 	
Possible Board Action:	<input 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:	<p>Sec. 209 of Initiative 1240 requires the State Board of Education to establish an annual application and approval process and timelines for entities seeking approval to be charter school authorizers. Eligible authorizers are school district boards of directors and the Washington Charter School Commission established by the act. The initial process and timelines must be established no later than 90 days after the effective date of Sec. 209. This must be implemented through rule adoption. Ninety days after the effective date of this section is March 6, 2013. In order to adopt rules by this date, as required by this section, SBE would need to initiate rule-making through approval of the filing of a CR 101, Preproposal Statement of Inquiry, at its November 2012 meeting.</p>	

I-1240

Relating to Public Charter Schools Rule-Making on Authorizer Approval

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State Board of Education
November 8, 2012

I-1240: State Board of Education Role

- I-1240, Relating to public charter schools, assigns major responsibilities to SBE for oversight and administration of the new law.
- These include:
 - Approval of charter school authorizers.
 - Oversight of the performance of authorizers.
 - Annual reporting on charter schools.

Sec. 209: Approval of Authorizers

- SBE “shall establish an annual application and approval process and timelines for entities seeking to be charter school authorizers.”
- “Authorizer”: Entity approved by SBE to
 - Review, approve, or reject charter school applications.
 - Enter into, renew, or revoke charter contracts.
 - Oversee the charter schools the entity has authorized.

Eligible Charter School Authorizers

- ü Washington Charter School Commission – Not subject to SBE approval and oversight.
- ü School district boards of directors – Subject to SBE approval and oversight.

-- Sections 207 and 208.

Sec. Approval of Authorizers -- Requirements

An entity seeking approval to be a charter school authorizer must submit to SBE:

- Strategic vision for chartering.
- Plan to support the vision, including evidence of budget and personnel capacity.
- RFP it would issue to solicit charter school applicants.
- Performance framework it would use.
- Proposed renewal, revocation and renewal processes.

Why the need for a CR 101 now?

- The provisions of Sec. 209 must be implemented through rules adopted by SBE.
- Initial process and timelines for approval of authorizers must be established by SBE no later than 90 days from effective date – March 6.
- Statutory requirements, Code Reviser dates, SBE meeting schedule mean that rule-making must be started now.

Timeline for Rules to Implement Section 209

- November 8-9 – Approve filing of CR 101.
- January 9-10 – Approve filing of CR 102 with proposed rules.
- Feb. 26 -- March 6 – Public hearing on proposed rules.
- By March 6 – File CR 103 with adopted rules.

Next Steps and Considerations

For Staff

- ü I-1240 FAQ on web site.
- ü Communications plan.
- ü Research statutes and rules in other states.
- ü Agenda item on charters for January meeting.

For Members

- ü Lead members for review of draft rules.
- ü Key question: What do we need to know for approval of a charter school authorizer?

2012

November 8-9 Approve filing of CR 101 at regular board meeting.

- Discuss compliance with Sec. 209, which requires SBE to establish an application and approval process for entities seeking approval to be charter school authorizers.
- Receive public comment on CR 101.
- Approve filing of CR 101.

November 21 Code Reviser deadline to file CR 101.

The CR 101 can be filed with the Code Reviser any time after the Board's approval of the filing at its November meeting but no later than noon on November 21.

December 6 Effective date of I-1240.

In order to comply with the requirements of I-1240, the CR 103 must be filed with the Code Reviser within 90 days of the effective date, which is March 6.

2013

January 9-10 Approve filing of CR 102 at regular board meeting.

SBE Staff will present the CR 102 draft rules for the Board's approval for filing of CR 102.

January 23 Code Reviser deadline to file CR 102.

The CR 102 can be filed with the Code Reviser any time after the Board's approval of the filing at its January meeting but no later than noon on January 23.

February 26 – March 6 Public hearing and possible approval of proposed rules at special meeting(s).

Will include public hearing on proposed rules and OSPI's presentation and public testimony on the FIS required by RCW 28A.305.135. The board can elect to adopt the final rules at the first special meeting, or it can schedule another special meeting on or before March 6 for the purpose of adopting the final rules.

March 6 I-1240 deadline to file CR 103.

The CR 103 must be filed on or before March 6 in order for the rules to be adopted as required by I-1240. Note, the regular board meeting in March is scheduled for 3/13 – 3/14, which is more than 90 days from the effective date of the act.

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



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: State Board of Education

Subject of possible rule making:

Section 209 of Initiative Measure No. 1240 (An Act Relating to Public Charter Schools) filed May 31, 2012.

Statutes authorizing the agency to adopt rules on this subject:

Initiative Measure No. 1240, as codified, if approved by the voters during the Washington State General Election on November 6, 2012.

Reasons why rules on this subject may be needed and what they might accomplish: Initiative Measure No. 1240 assigns specific responsibilities to the State Board of Education for administration and oversight of the operation of the law. The section of the initiative requiring action first by SBE is Sec. 209. This section provides that SBE "shall establish an annual application and approval process and timelines for entities seeking approval to be charter school authorizers." It further provides that the initial process and timelines must be established no later than ninety days after the effective date of the section. These provisions are required to be implemented through rules adopted by the SBE.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other federal and state agencies regulate this subject.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The State Board of Education will solicit comment on rules to implement this section from the Office of the Superintendent of Public Instruction, education organizations, and other interested parties. Provision will be made for public comment on the CR 101 at the Board's November meeting. Information about the SBE's duties under this section will be posted on the agency's public web site. The CR 101 is prepared on a contingent basis in order that the SBE can take the action required by the deadline specified in this section. If Initiative No. 1240 is not approved, no action will be taken on the CR 101.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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All parties are encouraged to submit comments in writing to jack.archer@k12.wa.us

DATE

NAME (TYPE OR PRINT)

SIGNATURE

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