

February 26, 2013 Special Board Meeting
Charter Schools
Office of Superintendent of Public Instruction
Olympia, Washington

MEETING MINUTES

February 26, 2013

Members Attending: Ms. Kris Mayer, Mr. Randy Dorn, Ms. Connie Fletcher, Mr. Bob Hughes, Ms. Judy Jennings, Mr. Kevin Laverty, Mr. Tre' Maxie (via telephone), Ms. Cindy McMullen (via K-20 Network), Ms. Mary Jean Ryan (via telephone), Ms. Phyllis Bunker Frank (via telephone) (10)

Members Excused: Chair Jeff Vincent, Mr. Eli Ulmer, Mr. Matthew Spencer (3)

Staff Attending: Mr. Ben Rarick, Ms. Sarah Rich, Mr. Aaron Wyatt, Mr. Jack Archer, Ms. Denise Ross, Ms. Linda Drake, Ms. Colleen Warren (7)

The meeting was called to order at 1:02 p.m. by Kris Mayer.

OSPI FISCAL IMPACT

Ms. JoLynn Berge, Director of Agency Financial Services for the Office of Superintendent of Public Instruction, addressed the fiscal impact of the proposed charter school rules. The OSPI fiscal impact statement shows the estimated cost of the section of law to which the rules are written.

School districts who seek to become authorizers of charter schools will incur costs to obtain this approval through the application process. These costs were estimated based on projected total hours needed to complete the application process, and can be reviewed in the published fiscal estimate.

Ms. Berge noted that although the original law may have created some costs for districts which apply to be authorizers, the proposed rules themselves create no additional fiscal impact.

PROPOSED CHAPTER 180-19 WAC, CHARTER SCHOOLS

This provision of the law approved as Section 209 of Initiative 1240 in fall 2012 requires the SBE to establish an annual application and approval process and timelines for school districts seeking approval to be charter school authorizers. The initial process and timelines must be established no later than March 6, 2103.

A motion was adopted by SBE board members at the November 2012 SBE meeting to file a CR101, Preproposal Statement of Inquiry, on rules to the proposed section. On January 10, 2013, a motion was adopted to file a CR 102, Notice of Proposed Rule Making and the February 26, 2013 public hearing on draft rules to this section.

APPLICATION PROCESS

RCW 28A.710.090 directs the State Board of Education to 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 90 days after December 6, 2012.

The proposed rules as published in January:

- Set an initial timeline for applications by districts to be charter school authorizers.
 - On April 1 2013, SBE will post the authorizers applications and districts on its web site.
 - June 15, 2013 is the closing date for authorizer applications
 - August 15, 2013 is the closing date for SBE decisions on the applications.
- Clarify and supplement the required components of an authorizer application.
 - Provide some definition of the strategic vision for chartering that applicants must submit, as well as the plan to support the vision to help the districts in their application
 - As allowed by the statute, prescribe additional statements of assurance that districts must provide with their applications. Applicants would need to assure that the charter contracts executed include educational services meeting basic education requirements and that students with disabilities are appropriately served by the schools the district authorizes.
- Establish criteria by which authorizer applications will be evaluated, linking to the National Association of Charter Schools Authorizers' Principles and Standards for Quality Charter School Authorizing. Conformance with the NACSA Principles and Standards is cited elsewhere in the law as a duty of all authorizers.
- Clarify the terms of the authorizing contract between the approved school district and the SBE.

A SBE solicited public comment on rules to this section through the filing of the CR 101, through our public web site and through a LISTSERVE message to interested parties in January requesting input.

CHANGES IN DRAFT AMENDMENT

At the direction of the board members at the January 2013 SBE board meeting, two sets of timelines are provided:

- Authorizer approvals in calendar year 2013 only, for prospective school openings in Fall 2014
- Ongoing timeline for authorizer approvals in calendar year 2014 and beyond.

The timeline would apply for prospective charter school openings in fall 2015. The principle behind this ongoing timeline is to enable charter approvals by a date that gives approved schools adequate lead time ahead of planned openings.

In response to feedback received, the amendment provides an additional half month for school districts to submit authorizer applications in 2013. The date is changed from June 15 to July 1, 2013 and the closing date for SBE decisions is extended accordingly.

In addition to the requirement of SBE posting authorizer applications on its web site, SBE may require personal interviews with district personnel for review of authorizer applications.

Public Testimony

Jim Kowalkowski – Superintendent of Davenport SD via K20

The rules need to ensure that nonprofit organizations do not run charter schools. They should further hold charter schools accountable for serving low income students. Mr. Kowalkowski recommends the rule requirement for charter school applications indicate commitment to ensure special education and low-income students will be represented and served. First round of applicants should be successful in meeting the needs of the students they serve.

Matt Elisara – Public Citizen

Mr. Elisara inquired whether school districts are the exclusive authorizer. Charter schools do not have accountability to local schools. Mr. Elisara inquired if non-school entities are eligible to be approved as a charter school authorizer and if it was required to apply through a school district.

Catherin Ahl-League of Women Voters of Washington

Ms. Ahl stated there was no clear definition of the WAC language of “likelihood of success.” Likelihood of success should be based on data evident of historical successful. Providing public education accountability and transparently should be clarified. As SBE is required to post applications on its web site, Ms. Ahl inquired if the rules reflect school districts being held accountable to posting all charter school authorizer applications from their local district schools and where it will be published. Furthermore, the rules regarding conversion schools, definition of independent school board members and who has authority to appoint board of directors need to be clarified.

Dora Shardelman–Public Citizen

Ms. Shardelman inquired who will be counsel for the rules and the responsible fiscal entity. People should understand that charter schools cannot contract with nonprofit entities.

STAFF RESPONSE TO QUESTIONS IN PUBLIC TESTIMONY

Amendments were revised to reflect public feedback as of January 2013. Rules have been public since December 31, 2012. Two amendments are included in the motion language for today’s hearing. The amended timeline for the first year reflects the April 1 date and September 1 date. The September 2013 SBE board meeting will approve applications for that deadline.

There is language in the law that charter schools will serve special education students and low income students. Language in the contract will hold charter schools accountable and authorizer applicants must ensure that the contracts they execute with charter schools provide for to serving those needs. In response to a question, staff said that charter school applicants must

also demonstrate support for converting an existing school to a conversion school, through a petition and signed by a majority of teachers and students, in addition to meeting all other requirements for establishing a charter school.

Eligible authorizers of charter schools are the Washington Charter School Commissions and school district boards of directors approved by SBE to be authorizers.

Board discussion followed.

Business Items

Charter Rules Adoption

Motion was made to adopt WAC's 180-19-010 through 180-19-050, as amended on pages 12 through 16 of the Board's materials, and with the following additional amendments to the rules at today's meeting:

- 1. In WAC 180-19-020 add the following: "*The Board shall post on its website all notices of intent upon receipt.*"**
- 2. In WAC 180-19-040 change "*September 1*" to "*September 12*"**
- 3. In WAC 180-19-030 change "*January 1*" to "*December 31*"**

Motion seconded

Motion carried

The meeting was adjourned at 2:49 p.m. by Kris Mayer.