

# Rules on Transfers of Charter Contracts

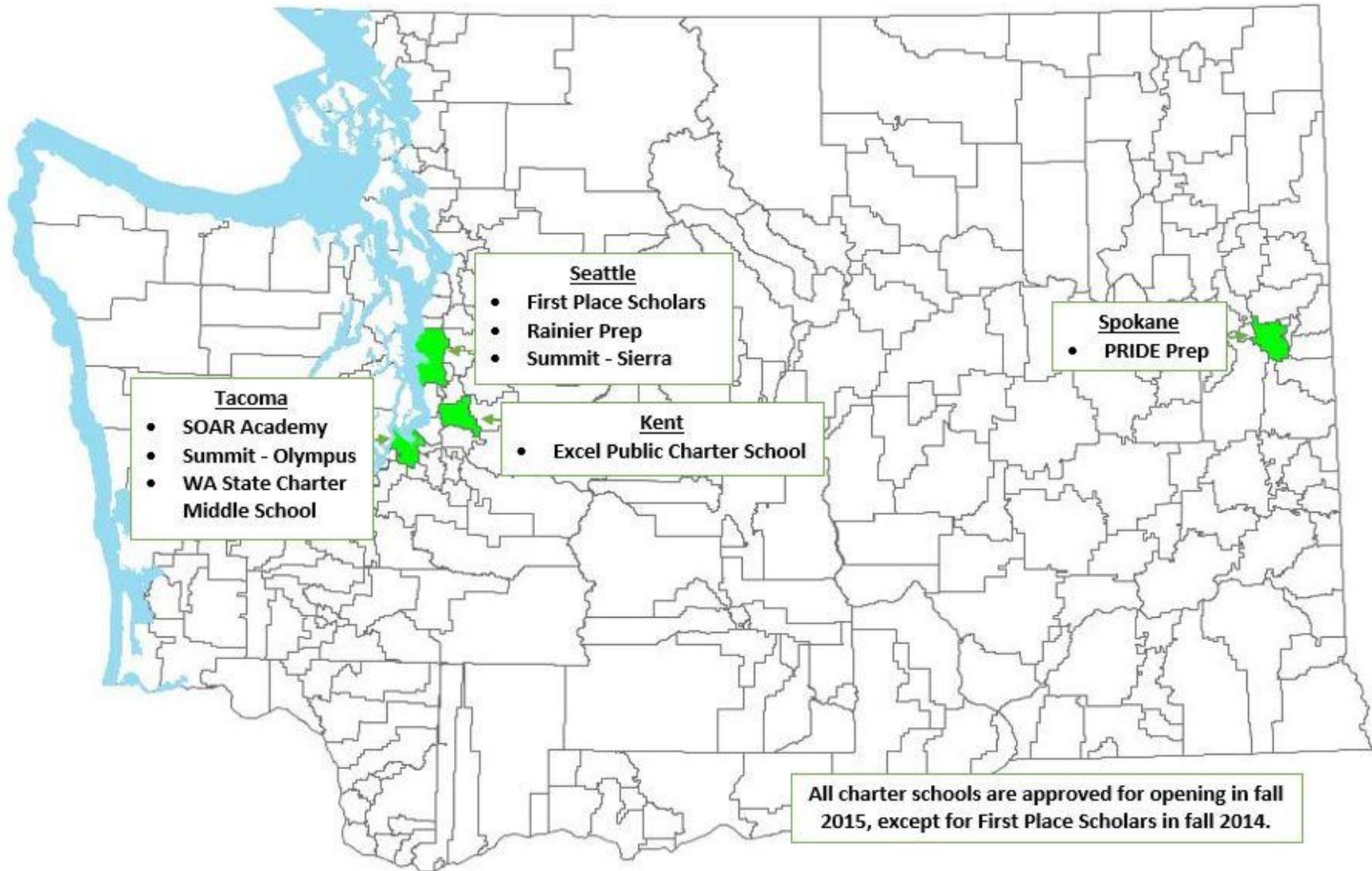


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# Charter School Certifications – February 2014



# RCW 28A.710.210



(3) A charter contract may not be transferred from one authorizer to another or from one charter school applicant to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.



# What kinds of transfers are authorized?



- The RCW authorizes two kinds of transfers of charter contracts by petition to the SBE:
  - ✦ From one charter authorizer to another.
  - ✦ From one non-profit charter school operator (“applicant”) to another.
- And authorizes petitions for transfers from:
  - ✦ A charter school, or
  - ✦ Its authorizer.



# Why provision for charter transfers?



- Authorizer determines it no longer has capacity or commitment to carry out its authorizing duties.
- Authorizer finds nonprofit operator not capable, believes school better served by another applicant.
- Charter school believes its vision and purposes are better fitted to another authorizer.



# Provisions in Other States



- Some states' laws provide for transfers of charter contracts, but no state has same provision as ours.
  - ✦ **Hawaii** authorizes transfers of contracts between authorizers, but not between nonprofit operators.
  - ✦ **Maine** authorizes transfers between authorizers “by mutual agreement of all parties.”
  - ✦ **Minnesota** permits transfers between authorizers, but not during a contract term.
  - ✦ **Colorado** has rules on transfer of charter contracts from school districts to the state's Charter School Institute.



# Issues for rules



- Required content of petitions to the Board.
- Timeline for Board actions on petitions for transfers.
- Process for Board review of petitions, including for public notice and comment.
- Criteria for decisions on transfers of contracts.
  - ✦ What are “special circumstances” warranting a transfer?
  - ✦ What would constitute evidence that a transfer would serve the best interests of the charter school’s students?



# Next Steps



- Continued research and consultation.
- Solicitation of public comment.
- Draft of proposed rules.
- Schedule for public hearing and adoption.



# Rule-Making on Charter Schools -- Update



<b>RCW</b>	<b>Subject</b>	<b>WAC</b>	<b>Status</b>
28A.710.090	Charter authorizers -- Approval process	180-19-010-050	Adopted 2/26/13
28A.710.100	Authorizer annual report	180-19-210	Adopted 9/15/13
28A.710.110	Authorizer oversight fee	180-19-060	Adopted 5/9/13
28A.710.120	Authorizer oversight	180-19-220-260	PH 1/8/14
28A.710.130	Charter applications – Requests for proposals	180-19-070	Adopted 5/9/13
28A.710.140	Charter applications – Submission. Approval or denial	180-19-080	Adopted 5/9/13
28A.710.150	Number of charter schools -- Certification	180-19-090	Adopted 5/19/13
28A.710.210	Transfer of charter contract	--	Discussion 3/5/14



# Resources



- Website: [www.SBE.wa.gov](http://www.SBE.wa.gov)
- Blog: [washingtonSBE.wordpress.com](http://washingtonSBE.wordpress.com)
- Facebook: [www.facebook.com/washingtonSBE](http://www.facebook.com/washingtonSBE)
- Twitter: [www.twitter.com/wa\\_SBE](http://www.twitter.com/wa_SBE)
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