



POLICY BRIEF

How to Open a Charter School in Washington State

by Liv Finne
Director, WPC's Center for Education

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Key Findings

1. Two organizations can approve charter school applications: the Washington State Charter School Commission and an approved local school district.
2. Eight new charter schools are allowed each year for five years. The first charter schools will likely open the fall of 2014.
3. Applicants must follow certain steps for approval of their charter school; preference will be given applications designed to serve at-risk students.
4. New charter schools cannot be religiously affiliated and must be tuition-free, open to all students and run by a nonprofit.
5. The 32 items required for a charter school application are listed in this study's appendix.

Introduction

In November 2012, voters passed Initiative 1240 allowing charter schools in Washington state.¹ The law provides that eight charter schools may open each year, for a total of 40 schools over five years. This Policy Brief presents the timeline for the opening of the first charter schools, describes the steps in the application process and summarizes the information that successful charter school applications must contain. The purpose of this study is to provide an overview of the process; full details of the legal requirements for opening a charter school are found in state law under Revised Code of Washington 28A.710.

Background

Charter schools are popular. Today, 2.1 million students in 41 states and the District of Columbia attend public charter schools, and the families of a further 610,000 students have asked to be placed on waiting lists, a nearly 50% increase in just two years.

Charter schools are generally smaller than conventional public schools. On average, a charter school enrolls 372 students, about 22% fewer than most other public schools. This allows charter schools to provide more personal attention to students, and promotes a feeling of community and security within the school.

Charter school attendance is voluntary, so parents have a real voice in the operation of their local school. Charter school leaders know they must educate students in order to attract families, or face financial pressures to close the school. Charter schools are effective at reaching hard-to-teach children and in closing the achievement gap, especially in communities where high dropout rates, restrictive union rules and misallocation of resources have led to public schools that fail to educate children adequately. The charter school structure provides a high level of accountability to students, to parents, to taxpayers and to the wider public.

¹ "Initiative 1240, Public Charter Schools," passed November 6, 2012, effective date December 6, 2012, at www.apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Initiatives/Initiatives/INITIATIVE%201240.SL.pdf.

Washington is the 42nd state to allow charters, and under Initiative 1240 Washington now has one of the best charter school laws in the country. Following is a brief timeline for the opening of the first charter schools in our state.

Charter School Approval Timeline

- November 6, 2012 – Initiative 1240 approved by Washington voters²
- December 5, 2012 – Results of November 6th election certified by the Secretary of State
- March 6, 2013 – The nine members of the new Washington Charter School Commission announced³
- March 6, 2013 – State Board of Education established annual application and approval process for school districts that wish to become charter school authorizers⁴
- April 1, 2013 – State Board of Education publishes application forms for school districts seeking permission to authorize charter schools in their areas; interested school districts submit letters of intent⁵
- May 1, 2013 – The Charter School Commission issues guidelines and criteria for receiving charter school applications
- July 1, 2013 – School districts interested in opening a charter school submit authorizer applications to the State Board of Education⁶
- Sept. 12, 2013 – State Board of Education announces the school districts that are approved to authorize charter schools⁷
- Nov. 22, 2013 – Charter school authorizers receive applications for schools seeking to open in 2014
- Jan. 22, 2014 – Charter school applications for fall are approved or denied
- Fall of 2014 – Likely opening of first charter schools
- December 1, 2020 – Five years after charter schools have been operating for a full school year (likely the 2014–15 school year), the state Board of Education and the Charter School Commission submit a recommendation to the legislature on whether to allow additional public charter schools⁸

² Added to state law as Revised Code of Washington 28A.710, “Charter Schools.”

³ Revised Code of Washington 28A.710.070 (4). Commission members are Doreen Cato, Trish Dziko, Kevin Jacka, Chris Martin, Margrit McGuire, Dave Quall, Steve Sundquist, Cindi Williams and Larry Wright.

⁴ Revised Code of Washington 28A.710.090.

⁵ Washington Administrative Code 180-19-020.

⁶ Washington Administrative Code 180-19-030.

⁷ Washington Administrative Code 180-19-040.

⁸ Revised Code of Washington 28A.710.250.

Steps in the Application Process

Education leaders and groups interested in opening a charter school in their community will take the following steps in the application process.

- Step 1: Select a governing board of directors for the proposed charter school.
- Step 2: File with the IRS for nonprofit status.
- Step 3: Complete a charter school application (see appendix for the list of 32 items that must be provided on the application).

Note: Applications for charter schools that would serve at-risk students will be given preference.⁹ Charter schools may offer specialized learning environments and services for particular groups of students, and be organized around a special emphasis, theme or concept. However, a charter school cannot be a religious school.

- Step 4: Send the completed application to one of two authorizing entities, either the local school district or the state Charter School Commission.

Note: The local school district must first have received approval from the State Board of Education to become a charter school authorizer (see above).

Note: The amount of funding provided for students at the charter school will be affected by the choice of authorizer. Only new charter schools authorized by school districts and local public schools that convert to charters will receive a portion of existing local levy operating funds; new charter schools authorized by the Charter School Commission will not. All charter schools, however, no matter how they were authorized, will receive funds from local levies that are approved after the opening of the school.¹⁰

Note: Charter schools will receive state and federal funding on a per-student basis, based on the state's average staff costs and projections of first-year student enrollment. Four percent of this funding goes to the charter school's authorizer to cover administrative costs.¹¹

Note: Charter schools will also receive state and federal funding for special needs students and for student transportation.¹²

- Step 5: If the application is approved, the authorizing agency must submit a Report of Action to the State Board of Education within 10 days.
- Step 6: The state Board of Education issues a Certification of Charter School Approval. The Board cannot deny an approved application, but it must certify that the application falls within the limit of eight charter schools per year.¹³ A charter school cannot open without this final certification.

Note: If the State Board of Education receives more than eight approved charter school applications in one year, the schools that will be allowed to open that year will be chosen by lottery. If fewer than eight approved charter school applications are received, any unused charter school slots will carry over to the following year.

- Step 7: Once its application is approved and certified, the charter school board has 90 days to sign a contract with its authorizing agency.¹⁴

Note: Charter contracts are for a five-year term and set the academic and operational performance measures by which the charter school will be judged. The contract must

⁹ Revised Code of Washington 28A.710.040 (2).

¹⁰ Revised Code of Washington 28A.710.220.

¹¹ Revised Code of Washington 28A.710.220 (1) and 28A.710.110.

¹² 28A.710.220.

¹³ Revised Code of Washington 28A.710.150 (3).

¹⁴ Revised Code of Washington 28A.710.160 (5).

include federal and state accountability standards, set annual performance targets, and describe the respective performance obligations and administrative duties of the authorizer and the charter school.

- Step 8: The approved charter school opens its doors to students.

Charter School Applications

Education leaders and groups wishing to open a charter school must first decide whether the application they submit will open a new school or convert an existing public school to a charter school. This decision is noted on the application.

New charter schools can apply for state matching funds for construction of a school building and other facilities. New charter schools also have the right of first refusal to purchase or lease closed existing public school facilities or property at or below fair market value.

Applicants who wish to convert an existing public school must show community support by submitting a petition signed by a majority of teachers working at the existing school or by a majority of the parents whose children attend the existing school.

The purpose of the charter school application is to present the school's academic and operational vision and plans, and to give the authorizer a clear basis for judging the applicants' ability to execute the proposed vision and plans. The appendix describes the detailed information a successful charter school application must contain.

In addition, the charter school application must meet the following conditions:

1. The school will be operated by a nonprofit group
2. The school will not be religiously affiliated
3. The school's teachers will be certified according to state law; the law permits charter schools to hire teachers without certificates who have mastery of certain subject areas such as math, science or English¹⁵
4. The school must be tuition-free and open to all students — if more students apply than spaces available, a lottery will be held; preference will be given to siblings of enrolled students
5. The school must provide a basic education as defined in RCW 28A.150.210 and must participate in the statewide student assessment system
6. The school must comply with all applicable local, state and federal laws regarding health, safety, civil rights and nondiscrimination
7. The school must follow generally accepted accounting principles, annual performance reports, open meeting and public records rules, and is subject to state audits

¹⁵ Revised Code of Washington 28A.150.203 (7).

8. The school must provide information on any management organization that is hired to operate the school; the management organization may not be a for-profit entity
9. Employees of a charter school may form a union if they wish and negotiate directly with school management, but they are not required to join, or pay mandatory dues, to the local WEA union affiliate

Charter schools may not levy taxes or issue tax-backed bonds, or use eminent domain authority to buy property.

The superintendent of public instruction is responsible for the supervision of all public schools, including charter schools. This includes oversight of reporting requirements, the distribution of state and federal money, the measurement of student achievement, producing the Common School Manual, recording the certificates of teachers and other general functions.

Conclusion

Charter schools have been a part of public education in other states for 20 years, and millions of their graduates have received a good public education and gone on to lead successful, productive lives. This important education reform is now available to children in Washington state.

The key to the success of charter schools is local control. Principals at charter schools manage their own budgets, teaching staff and educational programs with minimal central bureaucratic interference or union restrictions. Administrators are held accountable for student performance, both to parents and to their charter authorizer. Charter schools are reviewed regularly and those that fail to educate students can be placed under new management by their authorizing entity.

As is the case in other states, opening a charter school in Washington will likely become a routine and noncontroversial part of providing children with a good public education. Charters will be part of the state's constitutional "paramount duty" to provide for the education of all children residing within its borders. As they open in the years ahead, charter schools' role in public education will become increasingly important, especially for low-income and minority students who are often underserved by the conventional public schools in their communities.

Appendix

According to the Initiative 1240 law, all charter school applications must include the following:¹⁶

1. An executive summary
2. A statement of the mission and vision of the proposed school, including identification of the student population and the community the school intends to serve
3. The location or geographic area proposed for the school and the school district within which the school will be located
4. The grades to be served each year for the full term of the charter contract
5. Minimum and maximum planned student enrollment per grade per year for the term of the charter contract
6. Evidence of need as well as parent and community support for the proposed charter school
7. Identity and background information on the school's board members and, if identified, of the school's leadership and management team
8. The school's proposed calendar and sample daily schedule
9. A description of the school's academic program aligned with state standards
10. A description of the school's proposed instructional design, including the type of learning environment, class size and structure, curriculum overview and teaching methods
11. Evidence that the educational program is based on proven methods
12. The school's plan for using internal and external assessments to measure and report on student academic progress
13. The school's plans for identifying and complying with applicable laws and regulations regarding students with disabilities, students with limited English proficiency, students who are struggling academically, and highly capable students
14. A description of extracurricular programs and how they will be funded and delivered
15. Plans and timelines for student recruitment and enrollment, including plans for recruiting at-risk students, and for lottery procedures
16. The school's student discipline policies, including those for special education students
17. A description of the organizational structure of school, including lines of authority and reporting among the board, principal and teaching staff, advisory committees, parent or teacher councils, and any nonprofit organization that will manage the school
18. A clear description of the roles and responsibilities for the governing

¹⁶ Revised Code of Washington 28A.710.130.

board, the school's leadership and management team, and any other entities shown in the organization chart

19. A staffing plan for the school's first year and for the term of the charter
20. Plans for recruiting and developing school leadership and staff
21. The school's leadership and teacher employment policies, including performance evaluation plans
22. Proposed governing bylaws
23. An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale and other items
24. Explanations of any other partnerships or contractual relationships central to the school's operations or mission
25. Plans for providing transportation, food services and all other significant operational or ancillary services
26. Opportunities and expectations for parent involvement
27. A detailed school startup plan, identifying tasks, timelines and responsible individuals
28. A description of the school's financial plan and policies, including financial controls and audit requirements
29. A description of the school's insurance coverage
30. Startup and five-year cash flow projections and budgets with clearly stated assumptions
31. Evidence of anticipated fundraising contributions, if claimed in the application
32. A sound facilities plan, including backup or contingency plans if appropriate

About the Author

Liv Finne is Director of the Center for Education at Washington Policy Center. She is the author of numerous studies on education reform, including “Washington Policy Center’s Education Reform Plan: Eight Practical Ways to Improve Public Schools,” “An Option for Learning: An Assessment of Student Achievement in Charter Public Schools,” “Guide to Major Charter Schools Studies,” and “Citizens’ Guide to Initiative 1240: To Allow Public Charter Schools.” Liv holds a law degree from Boston University School of Law and a Bachelor of Arts degree from Wellesley College. She retired from civil litigation practice to raise two children and work as the business partner for Finne Architects, a small business she owns with her husband.



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