

# LEGAL SUMMARY OF I-1240

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# KEY PROVISIONS OF I-1240

- Section 201: Definitions
- Section 202: a public charter school =
  - a Public School
  - a “Local Education Agency” (same as school district)
- Section 203: Charter School Boards
- Section 204: Charter School “Must Do’s”

# Charter School “Must Do’s”

- Health, safety, civil rights. Local, state, federal.
- Provide basic education
- Employ certificated teachers
- Background checks required on everyone
- Annual audits. Financial AND Legal
- State Board of Education improvement goals
- Open Public Meetings
- Supervised by State Sup’t of Public Instruction

# Sec. 205: Admission & Enrollment

- Must enroll all who apply.
- Residence in school district not relevant
- OK to limit admission by age or grade level
- If can't enroll everyone, must use Lottery
- But, siblings of students get preference
- Charter sets its maximum enrollment
- Authorizer may NOT limit max enrollment

# Sec. 206: Charter Students

- School Districts Must Notify Parents of Charter School Choices inside the school district
- School Districts Must Accept Course Credits Earned at Charter Schools
- Charter Schools cannot be excluded from state or district competitions, programs or awards.

# Sec. 207: Authorizers

- School Districts. BUT, must first apply and receive approval from the State Board of Education (SBE)
- Washington Charter School Commission (WCSC)

# Sec. 208: WCSC

- Independent State Agency
- Nine Members. Each must support charters.
- Governor, Lt. Gov., & Hs. Speaker each pick 3
- All appointments complete by Mar 6, 2013
- No salary or compensation for Commissioners
- Until independent staff hired, Governor staffs

# Sec. 209: State Board of Education

- By 3/6/2013 sets “initial” process and timelines for School Districts that want to become Charter School Authorizers.
- Detailed application process
- Approval lasts 6 years, but authorizing contract between SBE & District can be revoked by SBE.



# Sec. 210: Powers of Authorizers

- Applies to both WSCS & SBE-approved districts
- May delegate to employees or contractors
- Must comply with principles and standards of the National Association of Charter School Authorizers (NACSA)
- Can't work for both Authorizer and Charter School at same time.

# Sec. 211: Authorizer Funding

- SBE sets max fee paid to Authorizer by Charter Schools supervised by Authorizer.
- Cannot exceed 4%
- Authorizer may sell additional services to charters but CANNOT require charter to buy.

# Sec. 212: SBE Oversight of Districts

- Applies ONLY to School Districts that SBE has given permission to authorize charters

# Sec. 213: Charter Applications

- SBE sets uniform date for all applications, whether made to WCSC or school districts
- Each Authorizer must use “RFP” process (Request For Proposal)
- 32 separate requirements in Sec. 213(2), including
  - Evidence of parent and community support
  - Education program based on “proven” methods
  - Plan for disabled, ESL, at-risk, and gifted kids
  - Plan for recruiting at-risk kids & Lottery
  - Transportation plan
  - Start-up plan
  - Financial controls
  - Insurance coverage
  - Cash flow projections for start-up through year #5
  - Facilities plan
  - Charitable solicitation plan and fundraising expectations
  - Etc., etc., etc., etc.

# Sec. 213(3): Conversion Charters

- Conversion Charter Defined in Sec. 201(8)
- Only non-charter public schools may convert
- Must convert “in its entirety”
- Must meet all other requirements AND
  - Petition signed by majority of teachers, OR
  - Petition signed by majority of parents
- WCSC may approve a conversion, not just local school district.

# Sec. 213(4) Contracts with Independent Service Providers

- Only non-profit service providers may be used for “substantial education services” or “management services”
- If non-profit service provider runs charter school in other states, it must document:
  - past performance
  - Success serving at-risk kids, and
  - capacity to grow

# Sec. 204: Approval Process

- State Board of Education Sets Annual Timeline
- Authorizers must give preference for charters designed to serve at-risk kids
- PROVISO: other charters should be approved if qualified and annual quota isn't full.
- “Demonstrated competence” required.
- Approval may include “reasonable” conditions
- If denied, must be in writing. May re-apply.

# Sec. 215: Limited Number Allowed

- Max 40 over 5 years.
- Max 8 per year UNLESS not all used in prior years.
- “Race to the SBE”:
  - Authorizer sends approval report to SBE
  - First come, first served
  - If reports simultaneously arrive at SBE, use lottery.



# Sec. 216: Charter Contract

- “Approved” Charter not enough
- Must agree to “Charter Contract” in 90 days
- Authorizer must sign.
- Charter School Board must sign.
- Each separate school site requires separate Charter Contract.
- Each Charter Contract counts toward 40 max.
- 5 year contract. Begins day school opens.
- Can’t open school until Charter Contract signed.

# Sec. 217: Performance Framework

- Every Charter Contract Must Have One
- 8 “Indicators, Measures and Metrics”
  - Academic proficiency and growth
  - Achievement gaps
  - Attendance
  - Recurrent enrollment
  - Graduation rates
  - Financial Performance
- Performance Targets required
- Disaggregated student performance data required for all “major” student subgroups, including gender, race, poverty, special education, ESL, and highly capable.

# Sec. 218: Oversight of Charter Contracts

- Required of each charter Authorizer
- “Inquiries and investigations”
- Should “not unduly inhibit” charter autonomy
- Reasonable opportunity to cure deficiencies
- Authorizer may take “appropriate corrective action” or issue “sanctions” or “revocation.”

# Sec. 219: Renewal of Charters

- Renewal usually for another 5 years, but “authorizer may vary the term” based on circumstances.
- Renewal may be subject to meeting specific conditions
- Process must begin no later than 6 months before end of charter contract.

# Sec. 220: Revocation & Non-Renewal

- Revocation possible “at any time” for 4 specific reasons.
- Non-Renewal required if charter school is the bottom 25% of public schools under the SBE’s “accountability index” unless there are “exceptional” and “justifiable” circumstances.
- No administrative appeal.

# Sec. 221: Terminations & Dissolutions

- Authorizers must develop a “termination protocol.”
- State has claim on charter’s assets.
- Transfer of charter to a new authorizer requires a petition AND approval from SBE

# Sec. 222: FUNDING

- Based on enrollment and categories of students served
- Based on “statewide average staff mix ratio”
- Can’t discriminate against charter schools
- Charters get transportation funding
- First year allocations based on enrollment projections.
- No local levy money (about 25% of Funds) until voters approve next levy UNLESS:
  - Conversion charter school, OR
  - Local School District is the Authorizer
- THUS, if possible, get approval from Local School District. If not possible, likely year of next local levy vote is critical.
- OK to keep savings. Do NOT have to “use it or lose it.”

# Sec. 223: Facilities

- New Construction. Charters eligible for state matching funds for new construction. Schools in “property poor” districts get more money.
- Surplus Facilities. Operating charters get “right of first refusal” on any surplus facilities leased or sold by local school district.
- Must pay “fair market” rent or less.
- Conversion Charters get free rent, but must pay for “routine” maintenance.



# Collective Bargaining

- Sec. 307-308. Charter School Employees may unionize if they choose to do so.
- BUT, the “bargaining unit” must be “separate from other bargaining units in school districts, educational service districts, or higher education institutions.