

Washington State's Charter Public School Renewal Guidance Handbook

For use by the Washington State Charter School
Commission (CSC) and Spokane Public Schools (SPS)*

*This process is intended to provide guidance for CSC and SPS to utilize in 2020-2021, and may be modified in future years by CSC, SPS, and/or any other school districts that become authorizers of charter public schools in the future.

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Introduction and Overview of the Process Timeline

The inaugural group of charter public schools in Washington State is approaching the end of their initial charter contracts. Thus, these schools and the entities that authorize them – the Washington State Charter School Commission (CSC) and Spokane Public Schools (SPS) – are preparing to undergo the “charter school renewal process” for the first time.

Washington’s current federal Charter School Program grant, administered by the Washington State Charter Schools Association (WA Charters), has four objectives; one is to develop, review, and iterate an authorization renewal process that aligns with the [National Association of Charter School Authorizer’s Principles and Standards for Quality Charter School Authorizing](#), and to do so collaboratively with Washington authorizers and school operators. This Charter Public School Renewal Guidance Handbook is a chief element of this critical objective; it provides guidance to authorizers and schools. Developing this Handbook has entailed:

- analyzing applicable state and federal statutes and rules;
- reviewing current authorizer policies and practices pertinent to charter school renewal;
- analyzing the performance frameworks developed by both authorizers with input from charter operators and various stakeholders on indicators, metrics, and targets;
- examining NACSA’s Principles and Standards for Quality Authorizing, Renewal Application and Guidance, Annual Report Toolkit, and numerous renewal-related materials from annual NACSA leadership conferences;
- researching best practices in charter school renewal across the country;
- developing a renewal process in partnership with authorizers; and
- obtaining input from charter school leaders and other stakeholders.

The “renewal process,” which includes the basis on which authorizers must make the renewal decision, is addressed thoroughly within the state’s Charter School Act, Chapter 28A.710 of the Revised Code of Washington (RCW). [RCW 28A.710.190](#) and [28A.710.200](#) provide distinct legal guidelines for the renewal of charter schools. This Guidance Handbook aligns with these statutes. Additionally, the CSC has enacted three sections of state rules, [Washington Administrative Code \(WAC\) Chapter 108-40](#) sections 060-090, which govern the CSC’s renewal process (note: CSC intends to amend some of the timelines in these WACs in the near future). SPS, as a school district, is not subject to these WACs. That said, both current authorizers have expressed a desire for consistency; therefore, the guidance and process within this handbook incorporates these WACs so that all authorizing entities may utilize them.

RCW 28A.710.190(1) states: A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

The renewal process begins during the school year preceding a charter school's final year of operation under an existing charter school contract. This is a rigorous process designed to

enable the school to fully exhibit its efficacy and enable the authorizer to make an informed decision about whether it will authorize a charter school to continue operating for a subsequent contract term.

An overview of the “renewal process timeline” outlined in statute (RCW 28A.710.190) and WAC 108-40-070 and 090), with a presumption of renewal, is as follows:

Date	Timeframe	Activity
March - April of School's 4 th Year of Operation (2020)	March - April	Authorizer staff meets with each charter school to discuss the school's charter contract renewal, including the school's performance in comparison to the expectations established in the authorizer's performance frameworks
May 1	May 1 of charter school's 4 th year of operation	renewal application guidance to charter school and posts performance report to authorizer's website OR Authorizer notifies charter school that it is ineligible for renewal based on reason(s) outlined in WAC 108-40-090; school may appeal this decision within 20 days of notice issuance; a public proceeding and authorizer action (per WAC 108-40-100) would replace the remainder of this timeline.
June 1	Within 30 days of receipt of authorizer issued performance report	Charter school may submit a response to the performance report
June 1	June 1 - October 30	Public comment period opens
June 15	June 15 of charter school's 4 th year of operation	Charter school deadline to notify authorizer of intent to apply for renewal of charter contract or cease operations at the expiration of charter contract term
July 1	July 1	Charter school renewal application deadline
October 1	October 1	Charter school renewal inspection deadline
October 15	Within 14 days of renewal inspection	Authorizer issues renewal inspection report
October 25	Within 10 days of receipt of renewal inspection report	Charter School may submit to the authorizer a written response to the renewal inspection report
October 30	October 30	Public comment deadline
November 1	November 1	Authorizer staff recommendation reports released to authorizing body (CSC or district board)
November 21	Within 20 Days of receipt of recommendation report	Charter school request to respond to recommendation report deadline
December 2020	December authorizer meeting	Authorizer resolution meeting
June 2021	January 1 – June 30	Establish the terms for the next charter contract; authorizing board and charter board both vote in public meetings to ratify new contract

Definitions of Key Renewal Components

Some of the major elements of this process entail greater specificity in terms of content and other details, specifically:

The Performance Report:

The performance report, issued by the authorizer, along with contract renewal application guidance, must summarize the charter school's performance record to date based on the data required by the charter contract. The school performance report will include, at a minimum, the following performance information:

1. Academic performance information such as student achievement data, comparative performance, student progress, postsecondary readiness, Washington School Improvement Framework, School Quality and Student Success Indicators and any other applicable state and federal accountability, and mission/school-specific accountability;
2. Financial performance information such as near-term indicators, sustainability indicators, and audit results; and
3. Organizational performance information such as education program, charter school law compliance, safety and welfare compliance, board performance and stewardship, student involvement and retention, and mission specific accountability.

The performance report also must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal. In other words, if the authorizer has reasons for which it may not renew the charter, the performance report will provide the school with notice of those reasons and the prospect for nonrenewal.

Charter public schools are presumed to be ineligible for renewal, pursuant to WAC 180-04-090, if they have:

- a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract, and failed to correct or remedy the violation to the authorizer's satisfaction;
- b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;
- c) Failed to meet generally accepted accounting principles (RCW 28A.710.040(2)(f) or standards of fiscal management set forth by the authorizer's financial performance framework or the State Auditor's Office;
- d) Substantially violated any material provision of law from which the charter school is not exempt;
- e) Fallen in the bottom quartile of schools on the State Board of Education's Washington School Improvement Framework at the time of the renewal application; and/or
- f) Are subject to an active corrective action plan for the failures or violations listed in (a) through (e) above.

Contract Renewal Application Guidance:

The renewal application guidance, issued by the authorizer along with the Performance Report, must include or refer explicitly to the criteria that each authorizer will use to guide its renewal decisions; this criteria must be based on the performance framework set forth in the charter contract. Further, the renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

1. Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;
2. Describe improvements undertaken or planned for the school; and
3. Detail the school's plans for the next charter contract term.

Response to the Performance Report:

The charter school may, but is not required to, submit a response to the authorizer's performance report that corrects or clarifies information contained in the report.

If the school is subject to the ineligibility presumptions enumerated in WAC 108-40-090, then the school must rebut those presumptions by demonstrating exceptional circumstances that justify renewal in the response to the performance report. The presumption of ineligibility can be rebutted if the school demonstrates exceptional circumstances that the authorizer finds justifiable. The school must satisfy this burden in its response to the performance report and its renewal application.

Notice of Intent:

The charter school must submit a simple letter that notifies its authorizer whether or not it intends to apply for renewal of charter contract or cease operations at the expiration of the charter contract term.

Contract Renewal Application:

The application, or document, a charter school will complete and submit to its authorizer for renewal consideration. A template is included in this handbook.

If the school is subject to the ineligibility presumptions enumerated in WAC 108-40-090, the presumption of ineligibility can be rebutted if the school demonstrates exceptional circumstances that the authorizer finds justifiable. The school must satisfy this burden in its renewal application and its response to the performance report.

Renewal Inspection:

Representatives of the authorizer will conduct a school site visit, i.e., renewal inspection, during the renewal applicant school's final school year under the existing charter contract. The renewal inspection will include a review of the school's performance and satisfaction of its obligations under the charter contract, with specific focus on any concerns identified in the performance report and information the authorizer does not already have on file. The renewal inspection will serve as one of the mechanisms for the authorizer to evaluate and document

the charter school's performance and representations to inform the authorizer's renewal decision.

Renewal Inspection Report:

The authorizer will issue a Renewal Inspection Report that contains any information gathered during the renewal inspection that the authorizer wishes to add to the body of information to be considered in the renewal decision. The charter school may respond to the Renewal Inspection Report to correct or clarify information contained in the report

CHARTER SCHOOL PERFORMANCE REPORT TEMPLATE

Cover Sheet

Section A: Key Parties	
Name of Authorizing Entity:	
School Name:	

Section B: Primary Report Author:			
Name:		Position:	
Address			
Mobile Phone:		Alternate Phone:	

Section C: Dates	
Date this Performance Report Issued:	

CHARTER SCHOOL PERFORMANCE REPORT TEMPLATE

Report Outline

I. Academic Performance

- a. Summary of school's academic performance to-date based on all annual Academic Performance Framework reports previously submitted/received and any other academic data required by the charter contract.
- b. Other key academic information not included in (a), such as student achievement data, comparative performance, student progress, postsecondary readiness, state and federal accountability, and mission-specific accountability

II. Financial Performance

- a. Summary of school's financial performance to-date based on all annual Financial Performance Framework reports previously submitted and any other financial data required by the charter contract.
- b. Other key financial information not included in (a), such as near-term indicators, sustainability indicators, and audit and accounting indicators.

III. Organizational Performance

- a. Summary of school's organizational performance to-date based on all Organizational Performance Framework reports previously submitted and any other organizational data required by the charter contract.
- b. Other key organizational information not included in (a), such as education program, charter school law compliance, safety and welfare compliance, board performance and stewardship, student involvement and retention, and mission specific accountability.

IV. Authorizer Concerns

- a. Specification and explanation of any concerns the authorizer has and/or weaknesses the authorizer perceives that could jeopardize the school's position in seeking renewal.
- b. Deadline for school to rectify concerns or perceived weaknesses specified in (a).

V. Presumption of Non-Renewal

If an Authorizer presumes the charter school is ineligible for renewal pursuant to WAC 180-04-090, the Authorizer must explicitly state that and specify the basis for the presumption, and subsequently follow the process and requirements outlined in RCW 28A.710.200.

CHARTER SCHOOL CONTRACT RENEWAL APPLICATION GUIDANCE (Attach to Performance Report)

The charter school must complete the Charter School Renewal Application Template (see pages 10-18).

In terms of the criteria by which the authorizer will make its renewal decisions, in accordance with RCW 28A.710.190(5), the authorizer will base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance frameworks set forth in the charter contract; this encompasses information contained in annual performance reports, information provided by the school to the authorizer in the charter school renewal application, information gathered by the authorizer during the renewal inspection, public comment provided during the renewal process, and any/all other information that pertains to a charter school's compliance with charter contract provisions.

The authorizer will ensure that data used in making renewal decisions are available to the school and the public and will provide a public report summarizing the evidence basis for its decision.

CHARTER SCHOOL RENEWAL APPLICATION

Application Submission Requirements

- **Due Date:** The school's Renewal Application must be received no later than 5 p.m. **Tuesday, July 1, 2020.**
- **Length:** The completed Application may not exceed 25 pages, excluding the cover sheet and exhibit required in the application template.
- **Formatting:** The Application must include a table of contents. The text and attachments must use standard one-inch margins, be clearly paginated, and use a clearly readable font no smaller in type size than 11 point.
- **Data:** Tables, graphs, and other data, including student achievement data, provided in the Application must be clearly presented, clearly explained, and directly relevant to the text. In addition, the Application must not include any photographs, pictures, graphics, or news clips that are not directly relevant to performance expectations.
- **Renewal Application Cover:** Application must include the required Renewal Application Cover and must be signed by both the School Leader/Director and the Board Chair.
- **Renewal Application Sections *Looking Back, Looking to the Future, and Addressing Special Issues*:** These sections must be completed in entirety as specified.
- **Appendices:** Only one exhibit is required. A charter school may opt to include attachments that substantiate key data or information provided within the application; any additional attachments must be clearly labeled. Please do not include any photographs, pictures, graphics, or news clips that are not directly relevant to the school's performance.

The school's completed Application must be submitted to the _____ (authorizing entity) in printed and electronic form. Please submit one, unbound original version with required signatures, including all appendices, in printed form, and an electronic version of the Application.

Both the printed version and the electronic version of the school's Application must be delivered to:

Authorizer Mailing address Email address

CHARTER SCHOOL RENEWAL APPLICATION TEMPLATE

Renewal Application Cover

Section A: School Information			
Name of School:			
Current Grades Enrolled:		Proposed Grades Service for Second Charter Term:	
School District:		Neighborhood/Community	
Phone Number:	<i>day</i>	<i>evening</i>	
Email:			
Website Address:			
Street Address:			
Name of Non-Profit that holds the charter:			
School's Initial Open Date:		Contracted Education Service Provider (EMO, CMO, Other):	

Section B: Primary Contact Person			
Name:		Position:	
Address			
Mobile Phone:		Alternate Phone:	
Email:		Current Employer:	

Section C: Dates			
Date this Application approved by school's governing board		Date Application submitted to authorizer	

Board Chair's Signature

School Director's Signature

CHARTER SCHOOL RENEWAL APPLICATION
Application Content

- I. **Cover Sheet** (see page 11 above)
- II. **Table of Contents** Provide a clearly labeled Table of Contents naming all major sections, appendices, and page numbers.
- III. **Executive Summary**
Provide the enrollment and demographic information for the current school year (2019-2020) in Table A below. Then provide a brief (one to two page) description of the school, including an overview of the mission and vision, educational program, community and local connections, leadership, and governance.

Table A – Current Year Enrollment and Demographic Information

Enrollment	
# of Students Enrolled	
# of Students on Waiting List	
Sex	
# Male	
# Female	
Ethnicity/Race	
# American Indian/Alaskan Native	
# Asian	
# Black	
# Hispanic	
# Native Hawaiian/Other Pacific Islander	
# White	
# Two or More Races	
Special Populations	
# Students with Disabilities	
# English Language Learners	
# Eligible for Free/Reduced Lunch	
# Highly Capable Students	

IV. Looking Back: The Record of Performance

This section provides an opportunity to supplement the performance record. Schools should use the Performance Report as a guide for their responses and *submit only evidence of performance related to the Performance Frameworks that is not included in the Renewal Performance Report and/or that the authorizer may not have*. Responses should reference the specific criteria and benchmarks in the Performance Framework to which the information applies. Responses may include, but are not limited to, information about interim assessments or progress reports; evidence of performance on school-specific goals; and describe improvements undertaken at the school; and evidence of progress for any areas in which the school has not previously met or is not currently meeting the performance standard.

1. Academic Performance

- a. Using the results contained in the Academic Performance Framework, explain whether or not the school has met its performance expectations.
- b. Provide any academic performance-related evidence, supplemental data or contextual information *that may not be captured in authorizer records*. Submissions may include supplements related to the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.
- c. Provide evidence of outcomes related to any mission-specific academic goals and measures established in the charter contract (*if not already captured in Renewal Performance Report*).

2. Financial Performance

- a. Provide an assurance that the school is current in meeting its liabilities, including but not limited to payroll taxes, debt service payments, and employee benefits.
- b. Provide any financial performance-related evidence, supplemental data or contextual information *that may not be captured in authorizer records*. Submissions may include, but are not limited to, updated financial records and other updates regarding the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.

3. Organizational Performance

- a. Provide any organizational performance-related evidence, supplemental data or contextual information *that may not be captured in authorizer records*. Submissions may include evidence of current compliance in areas for which the school was found previously to be non-compliant or other updates relevant to the Renewal Performance

Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.

b. Provide evidence of outcomes related to any school-established organizational goals, as appropriate.

4. Other

Any evidence – in addition to annual performance framework reports and the above summaries – that the school believes support its charter contract renewal.

V. Looking to the Future

This section provides the opportunity to detail the school’s plans for the next charter term. Schools should identify any anticipated changes to the school’s educational program, governance model, and financial outlook and must identify any proposed changes that would require modification of a material provision in the school’s charter contract or that are likely to impact the school’s academic or organizational success or its financial sustainability. As a general rule, the school should identify any changes that are relevant or significant with respect to the performance outcomes that the school has agreed to meet or are otherwise relevant to the school’s renewal and continued authorization and operation as a public charter school. The authorizer reserves the right to request additional information so that it may sufficiently assess the impact and planning for such changes. Even if proposed changes would occur several years into the next charter term, the authorizer strongly encourages applicants to outline them here.

1. Adjustments to the Performance Frameworks, if any.

Describe and state the rationale for any proposed changes in targets for the performance indicators as stated in the existing contract.

2. Describe, if applicable, plans to change the school’s current model as it relates to the topics below. Include a timetable for plan implementation.

Substantive changes desired by the school, including, but not limited to, grade span served, program delivery, or target population may require additional data analysis and research-based evidence after the initial charter is renewed and before the new contract is finalized.

a. Education Plan

- i. Mission, Vision, Identification of targeted student population and the community the school hopes to serve
- ii. Academic Program
- iii. Special Student Populations
- iv. Assessment
- v. School Climate and Discipline

- b. Organizational Plan
 - i. School Calendar and Daily Schedule
 - ii. Student Recruitment and Enrollment
 - iii. Staffing and Human Resources
 - iv. Management and Operation
 - v. Parent and Community Development

 - c. Governance Plan
 - i. Governing Body
 - ii. Governing Board Composition

 - d. Business and Financial Services
 - i. Budget
 - ii. Financial Management
 - iii. Facilities
 - iv. Transportation
 - v. Insurance
 - vi. Food Service

 - e. Education Service Providers
- 3. Other**
Address any special issues and/or any other improvements undertaken or planned for the school not yet addressed in this renewal application.

Exhibit A: Projected Budget

Complete the linked budget template and attach to the report as Exhibit A.

Exhibit A

Projected Budget

Please complete the following budget template, created and utilized by the Washington Charter School Commission and the charter schools it authorizes, or a different template if provided by your authorizer.

Follow [this link](#), then click on: **Budget and Quarterly Report Financial Template**.

CHARTER SCHOOL RENEWAL INSPECTION

Checklist of information for schools to make available to authorizer to review:

TBD by each authorizer, customized for each school.

Statutes and Rules applicable to charter school renewal

RCW [28A.710.190](#)

Charter contracts—Renewal.

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision.

RCW [28A.710.200](#)

Charter contracts—Revocation or refusal to renew.

(1) An authorizer may revoke a charter contract at any time, or may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the Washington achievement index developed by the state board of education under RCW [28A.657.110](#). A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school;

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the charter school and the state board of education. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section.

WAC 108-40-060 Renewal policy statement.

The renewal process begins at the end of the school year preceding a charter school's final year of operation under an existing charter school contract. This is a rigorous process designed to enable the commission to make an informed decision about whether or not a charter school should be allowed to continue to operate for an additional contract term.

WAC 108-40-070 Renewal process.

(1) No later than May 1st, one school year before the expiration of the charter school contract, the charter school must notify the commission in writing of its decision to either:

(a) Apply for renewal of the contract; or

(b) Cease operation at the expiration of the contract term.

(2) If the school has decided to cease operation at the expiration of the contract term, a termination protocol shall be implemented.

(3) If the school is requesting renewal under the existing contract, it must submit a renewal application before the final school year begins. The renewal application must be submitted no later than June 1st and must be received by the commission by 5:00 p.m.; if June 1st falls on a weekend, the renewal application must be received by the commission no later than 5:00 p.m. on the Monday following June 1st.

(4) Within ninety days of receiving a renewal application, the commission will issue a written performance report addressing the information outlined in WAC [108-40-080](#). The performance report will be sent to the school seeking renewal and posted on the commission's web site.

(5) The school may submit a response to the performance report that corrects or clarifies information contained in the report. If the school is subject to the ineligibility presumptions enumerated in WAC [108-40-090](#), then the school must rebut those presumptions by demonstrating exceptional circumstances that justify renewal in the response to the performance report. If the school submits a response, it must be received by the commission within thirty days of issuance of the performance report.

(6) In conjunction with the performance report, the commission will issue renewal application guidance. The renewal application guidance will, at a minimum, provide the charter school with an opportunity to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term. The renewal application guidance will also contain the criteria that will guide the commission's renewal decisions.

(7) For those renewal applications deemed eligible for renewal consideration, individuals designated by the commission may conduct a school site visit (renewal inspection) during the renewal applicant school's final school year under the existing charter contract. The renewal inspection may serve as one of the mechanisms for the commission to evaluate and document the charter school's performance and representations to inform the commission's renewal decision. The renewal inspection will include a review of the school's performance and satisfaction of its obligations under the charter contract, with specific focus on any concerns identified in the performance report. Within fourteen days following the renewal inspection, a renewal inspection report will be issued. The school will have ten days to submit a written response to the renewal inspection report.

(8) Those renewal applications deemed ineligible for renewal consideration may appeal this determination in accordance with the procedures outlined in WAC [108-40-100](#).

(9) Interested parties, including members of the public, may submit written comments to the commission regarding the potential renewal of a school's charter contract. The deadline for submitting comments will be posted on the commission's web site.

(10) For applications deemed eligible for renewal consideration, commission staff will review renewal applications, the renewal inspection report, and other relevant information, and make a recommendation, based on the renewal criteria, to approve, deny, or conditionally approve the renewal application. This recommendation will be

provided to the school and commissioners. This recommendation shall serve as notice of the prospect of and reasons for nonrenewal. Within twenty days of issuance of this recommendation, the school may request an opportunity to respond to the recommendation in accordance with the procedures outlined in WAC [108-40-100](#); failure to make such a request shall constitute a waiver of the school's right to respond.

(11) The commission will pass a resolution approving, denying, or conditionally approving the renewal application. Renewal may be for a term of up to five years. This term may be shorter depending on the school's performance, demonstrated capacities and particular circumstances.

(12) Upon approval of a school's renewal application, the school must execute a new charter contract within ninety days of the approval decision. The charter contract must include specific conditions that the commission determines are required for necessary improvements to the school; provided, however, if approval of the renewal application is conditional, the renewal conditions must be included in the charter contract.

WAC 108-40-080 Performance report.

(1) The performance report will summarize the school's performance record and provide notice of any weaknesses or concerns perceived by the commission that may jeopardize the school's renewal if not timely rectified.

(2) The commission's school performance report will include, but is not limited to, the following information:

(a) Academic information such as student achievement data, comparative performance, student progress, postsecondary readiness, state and federal accountability, and mission specific accountability;

(b) Financial information such as near term indicators, sustainability indicators, and audit and accounting indicators; and

(c) Organizational information such as education program, charter school law compliance, safety and welfare compliance, board performance and stewardship, student involvement and retention, and mission specific accountability.

(3) If there are reasons why the commission may not renew the charter, the performance report will provide the school with notice of those reasons and the prospect for nonrenewal.

WAC 108-40-090 Renewal decision and presumptions.

(1) In making charter contract renewal decisions, the commission will:

(a) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence that forms the basis for its decision. Specific criteria guiding the commission's renewal decisions will be set out in the commission's renewal application guidance.

(2) Schools are presumed to be ineligible for renewal if they have:

- (a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;
- (b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;
- (c) Failed to meet generally accepted standards of fiscal management;
- (d) Substantially violated any material provision of law from which the charter school is not exempt;
- (e) Fallen in the bottom quartile of schools on the state board of education's Washington achievement index at the time of the renewal application; and
- (f) Are subject to an active corrective action plan for the failures or violations listed in (a) through (f) of this subsection.

(3) The presumption of ineligibility can be rebutted if the school demonstrates exceptional circumstances that the authorizer finds justifiable. The school must satisfy this burden in its application and response to the performance report.

(4) A decision to renew, conditionally renew, or nonrenew a school's charter contract will be memorialized in a resolution that sets forth the action taken, the reasons for the decision, and assurances of compliance with the commission's procedural requirements. A report of action, with the resolution attached, must be submitted to the renewal applicant and the state board of education within ten days of the decision.

WAC 108-40-100 Procedures associated with possible nonrenewal decision.

(1) If a school is notified that it is considered ineligible for renewal, or that nonrenewal is recommended, within twenty days of that notice, the school may request an opportunity to respond and present evidence challenging the determination of ineligibility or recommendation for nonrenewal. This request must be sent to the commission's executive director or designee. Failure to make this request within twenty days acts as a waiver rendering the ineligibility determination or nonrenewal recommendation final.

(2) If a school requests an opportunity to respond, the commission will designate an individual, or individuals, to preside over a recorded public proceeding at which the school may:

- (a) Submit a written response explaining why it believes that its charter contract should be renewed;
- (b) Submit documents and give testimony supporting the renewal of the charter contract;
- (c) Call witnesses on its behalf; and
- (d) Be represented by counsel.

(3) The commission may also, through staff or counsel, present documents, witnesses, and/or testimony to support the ineligibility determination or nonrenewal recommendation at the public proceeding.

(4) The presiding officer(s) shall regulate the course of the public proceeding and, in the discretion of the presiding officer(s), may impose reasonable limits on the conduct of the public proceeding including, but not limited to, limitations on the length of time that the school and commission has to present documents and evidence. The presiding officer(s) may issue deadlines and other requirements that the presiding officer(s) deem necessary for the orderly conduct of the proceeding. Unless they conflict

with the Charter School Act and commission's rules, the provisions of chapter [34.05](#) RCW shall govern these proceedings.

(5) Within thirty days of the public proceeding, the presiding officer(s) shall make a written recommendation to the commission regarding whether the ineligibility or nonrenewal decision should stand or whether it should be altered in some manner. This recommendation will be transmitted to the commission, the school, and posted on the commission's web site.

(6) The commission will, after a reasonable period for deliberation, consider the recommendation of the presiding officer(s), as well as relevant evidence or documentation submitted during the application renewal process, and make a final determination. The commission's final determination shall be in the form of a resolution that, in the case of a nonrenewal, clearly states the reasons for the nonrenewal.

(7) Within ten days of issuing this resolution, the commission will submit a report of action to the school and the state board of education. The resolution will be attached to the report of action and will set forth the action taken, reasons for the decision, and assurances of compliance with the commission's renewal/nonrenewal procedures.