

CHARTER SCHOOL EXPANSION: A GUIDE FOR WASHINGTON AUTHORIZERS AND SCHOOLS

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I. INTRODUCTION

This resource provides guidance to Washington State charter school authorizers and charter schools for the substance and process of making charter school growth (expansion and new site) decisions consistent with Washington law and national best practice. It should serve as a resource and guide that Washington State authorizers revise, modify, and adapt as needed for their particular circumstances.

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II. BACKGROUND

In the first decade of the development of the charter school movement, advocates identified growth of successful schools as a significant opportunity for improving public education.¹ In the second decade, researchers recognized that laws in many states did not anticipate this opportunity and asserted the need for charter school policies to address the process and circumstances by which a charter holder should have the opportunity to grow through expansion and/or creation of new sites.² Washington state's charter law expressly contemplates that an operator may grow by adding new sites,³ but the law provides little guidance regarding how authorizers should make decisions about an operator's proposal to serve more students than are approved in the existing charter contract.

DEFINITIONS

This guidance uses the following terms:

Growth is used as an umbrella term referring to an operator's plan or decision to serve students beyond the maximum number contemplated in the current charter contract regardless of whether that growth occurs by expansion at the existing site or by addition of new site(s).

¹ Haft, W. (1998), *Charter Schools and the Nineteenth Century Corporation: a Match Made in the Public Interest*, 30 Ariz. St. L. J. 1028 (recommending that operators of successful schools be eligible and encouraged to receive additional charters).

² Rhim, L. (2009). *Policy Guide: Charter School Replication*, (National Association of Charter School Authorizers).

³ See R.C.W. § 28A.710.160(4) (addressing the operation of multiple schools under a single charter contract).



Material means a change to the terms of the school’s operation that is significant enough to require authorizer approval through a contract amendment. With respect to increased enrollment in grades that a school currently serves, the charter contract may specify a range of enrollment variance that is considered non-material and, therefore, permissible. Any increase (or reduction) outside of that range constitutes a material change that requires the authorizer to approve a contract amendment.

The following scenarios assume that the school’s charter contract is for a K-5 school with 240 students and allows for enrollment variance of up to 20%.

Current		Proposed Change		Contract Impact
Grades	Enrollment	Grades	Enrollment	
K-5	300	K-5	350	Non-material (< 20% enrollment change); no amendment required
K-5	300	K-8	450	Material (grade configuration change <i>and</i> > 20% enrollment change; authorizer-approved charter amendment required
K-5	300	K-5	375	Material (> 20% enrollment change); authorizer-approved charter amendment required
K-5	300	K-6	350	Material (grade configuration change); authorizer-approved charter amendment required even with non-material enrollment change

Site Expansion means a material increase in the number of students and/or grades that an operator serves either at or physically proximate to the location where the operator currently serves students under the existing charter contract. The increase may be through enrollment of more students in grades that are already approved under the current contract (e.g., adding sections for grades currently served) or expansion of the grades served (e.g., a K-8 school adding a high school). A site expansion should be treated as a change to the existing school -- rather than establishment of a new school -- and should be approved through amendment of the existing charter contract.

New Site Establishment means establishing a new school in a location that is not physically proximate to where the operator currently serves students. The new site may serve the same or different grades from ones the operator currently serves. Similarly, the educational program at the new site may be the same as or different from that of the existing school. The distinguishing



factor is that the new site is neither physically part of nor proximate to where the operator currently serves students. Currently, the authorizer may approve a new site under the existing charter contract or under a separate charter contract. In either case, the establishment of the new site is subject to charter law restrictions on establishment of new charter schools.⁴

III. SUMMARY OF RECOMMENDATIONS

Stage	Topic	Recommended Standard or Criteria
Threshold Eligibility to Grow	Years of Operation	Three years of operation
	Financial and Operational Performance	No outstanding deficiencies
	Academic performance	Tier 1 or Tier 2
Approval to Grow	Academic Performance	Tier 1: recommend approval Tier 2: Weigh trends and supplemental information
	Organizational Performance	Good standing; any prior deficiencies remedied timely
	Financial Performance	Good standing (no corrective action); any prior deficiencies remedied promptly
	Growth Plan	Plan demonstrates <ul style="list-style-type: none"> • Clarity • Viability • Capacity
Process	Requirements	Develop an expansion application
	Application Timing	For site expansion: January to April (may be for implementation the following school year)
		For new site creation: January to April with a planning year required on approval

⁴ See R.C.W. §§ 28A.710.150(1) (limiting authorization to 40 schools and prohibiting establishment of new schools after April 3, 2021), 28A.710.160(4) (contemplating the possibility of multiple sites operating under a single charter contract).



IV. GROWTH ENVIRONMENT

Policy and resource conditions can significantly facilitate or hinder opportunities for schools to grow. Following are current environmental conditions for charter school growth in Washington State:

Governance. The environment is favorable for growth if an operator’s governing board can propose amendments to existing charter contracts and can either operate multiple sites under a single contract or hold multiple charter contracts as pathways to serving more students. Washington’s charter school law contemplates all of these pathways to operator growth and is, therefore, favorable with respect to governance.

Authorization caps. There is currently a statutory cap (40 charters) on the total number of charter schools in Washington State, and on the time period until which authorizers may establish new schools (April 3, 2021).⁵ Under current law, although the numerical cap has not been reached, authorizers no longer have authority to establish new charter schools due to the time restriction.⁶ The statutory cap limits the environment for even high performing charter schools to serve more students. It does not, however, entirely preclude such opportunities. Authorizers may allow and encourage school growth through site expansions.⁷

Growth Funding. Whether starting a new school or expanding an existing school to serve additional students, growth requires planning that demands time and resources. For establishment of a new site, the operator must conduct school leader recruitment and development, recruit teachers, and secure and prepare a facility, among other things. Even for an existing school that is seeking to expand by adding grades, such expansion can require substantial preparation including for adequate staffing, facilities, and for design of the educational program and learning environment that may need to look substantially different at different grade levels. For example, addition of a high school to an existing K-8 school requires alignment of the program with graduation and postsecondary readiness standards and objectives.

The funding environment for charter school expansion is currently favorable in Washington. Federal Charter School Program (“CSP”) startup funding is available to support development and implementation of growth plans, and there are charter support organizations such as the Charter School Growth Fund that will support both expansion of existing sites and development of new sites by selected operators.

⁵ R.C.W. § 28A.710.150(1).

⁶ Policy options include extending the time period for establishing charters under the existing numerical cap and/or creating “smart caps” that exclude growth of high performing operators from the time and number restrictions. *See, e.g.,* Rhim, *Charter School Replication*, p. 2 (discussing smart cap options).

⁷ *See* R.C.W. § 28A.710.160(4).



V. THRESHOLD REQUIREMENTS

Not every operator of a charter school should be eligible to apply for expansion or replication. For example, an operator whose school is in its fifth year of operation and has been recommended for non-renewal due to poor performance should not be eligible either for expansion of the existing school or for establishment of a new site. The authorizer should establish threshold criteria that qualify an operator to apply for growth beyond the terms of the current charter contract. Meeting the threshold criteria does not guarantee that the operator will receive approval, it merely means that current performance qualifies the operator to be considered for growth.

A. ELIGIBILITY: YEARS OF OPERATION

In order to make a judgment about proposed growth, the authorizer must be able to assess the performance of the existing school(s). To do so, the authorizer should establish a minimum time that the existing school(s) is in operation.⁸ At least three years of operation is an appropriate default for the minimum time to qualify for material expansion. After three years, the authorizer has a baseline (year 1) set of performance information plus two additional years that can establish a pattern or trend for academic outcomes. Similarly, the authorizer will have three full years of compliance information. With respect to the independent audit, the financial information will likely be limited to two years, but the authorizer can consider leading indicators such as enrollment from the third year to the extent needed to supplement the audited financials. Thus, authorizers should ordinarily require that an operator have completed a minimum of three years of operation in order to be eligible to apply for expansion or replication.⁹

⁸ If an operator has a substantial network of schools in Washington State, it may not be appropriate for the requirement to apply to every school in the network. For example, a network of 10 sites might not be precluded from applying just because one of those 10 sites had opened the previous year. Currently, however, there are no operators in Washington with enough sites to require consideration of such an exception.

⁹ For example, the Texas Education Agency's charter expansion regulations requiring a charter operator to have at least three full years of operation in Texas before being eligible to expand or replicate. See 19 Tex. Admin. Code § 100.1033(b)(9)(A)(i), (b)(10)(D)(i). Similarly, the D.C. Public Charter School Board, the independent authorizer in Washington, D.C., requires three years of operation or three completed years of a turnaround before considering proposals to increase enrollment whether at the same location or at an additional site. See D.C. Public Charter School Board, [Enrollment Ceiling Increase Policy](#) (updated 6/25/18).



B. ELIGIBILITY: OUTCOMES

In order to be eligible to apply to serve students beyond the limits of the current charter contract, an operator's school(s) should meet a minimum standard of quality. The authorizer may define this expectation as an operator's "good standing" to apply.

With respect to organizational and financial performance, good standing should mean that the authorizer does not have significant concerns about the operator's current status. For an operator of a school that has completed at least five years of operation, this standard can be articulated in terms of an unconditional (5-year) renewal of the charter contract. For schools with fewer than five years of operation, the authorizer can articulate the standard in relation to whether the authorizer has identified current deficiencies that require corrective action.¹⁰ If the operator does not have any outstanding deficiencies, then it should be eligible to apply.

With respect to academics, school performance can be defined by a school's standing in relation to renewal even if it has not yet gone through that process. For example, the Washington Charter School Commission rates academic performance according to four "Tiers."¹¹ Schools that are in Tier 1 or Tier 2 are on track for renewal of their charter contracts. A Tier 3 school is in question for renewal, and a Tier 4 school is on track for non-renewal. Applying this standard to eligibility for growth, operators with Tier 1 or Tier 2 status should be eligible to apply for growth to serve more students.¹²

VI. APPLICATION AND APPROVAL PROCESS

For those eligible to apply, the authorizer should establish a process by which operators may submit a formal application and receive a decision. The process may be similar in structure to that for a new school applicant but the substantive requirements should be tailored to the particular type of growth that the school is planning – whether expansion of the current site or establishment of a new site. The full process, from the operator's submission of the application to the authorizer's decision, will likely require 7-9 months -- a similar period of time as for new school applications and for charter contract renewal decisions.

A. APPLICATION CONTENT

1. Expansion of the Current Site

¹⁰ See R.C.W. § 28A.710.180.

¹¹ See Washington State Charter School Commission, [Academic Performance Framework: Methodology](#) (updated 8/23/21).

¹² As discussed in fn. 8, above, for an operator with a significant number of sites in operation, this standard may not be an absolute, and the authorizer should use judgment in how to apply it. Even the highest performing operators do not have a 100% record of success.



Statement of Need. The operator should have a statement of need for the proposed growth. By definition, growth is about serving more students in one form or another. To that end, the statement should include evidence to indicate that there is sufficient demand or potential demand. Evidence may include, among other things, statements of intent from current school families to keep their children enrolled at the school (for grade level expansion), demographic projections for increases in school-age children, and statements of interest or intent from prospective new families.

Community engagement. Schools should provide evidence that they have engaged and have support from community stakeholders. For expansion at an existing site, this engagement may focus primarily on the current school community. For proposals to establish a new site, community engagement should focus on stakeholders and prospective families for the community in which the new site will be located. The authorizer’s expectations for community engagement at a new site may be similar to the standards for demonstrating family and community engagement in a new school application.¹³ By contrast, for site expansions where the school will serve additional students at the same or a physically proximate location, the evidence may focus more specifically on support from the existing school community including based on wait lists or other evidence of interest from new families.

Educational Program. If the expansion involves serving new grades, then the application should address how the operator intends to manifest the educational program in those grades. For example, an educational program may need to have a distinctly different structure in high school – for which the school must consider graduation and postsecondary readiness requirements – than for elementary and middle school where those requirements are relevant but less immediately applicable. If the expansion includes a distinctly different educational program, then the standards for review of that plan should be analogous to review of the educational program section of a new school application.

2. Establishment of New Site(s)

If the operator is proposing to establish a new site, the application should be more comprehensive than for a site expansion. Some components, such as the educational program description, may be streamlined if the operator will be offering essentially the same program as at the current site. Other aspects, such as staffing and financial plans, should have a level of

¹³ See [New Charter School Application](#), Washington State Charter School Commission (2020, p. 29. (Section 2: Family and Community Engagement).



detail akin to a new school application.¹⁴ A proposal to establish a new site should include, but not be limited to the following areas:

Educational Program. To what extent will the educational program be the same or different from that at the operator’s existing school(s)? If the same, the operator may provide an updated description based on what is currently in use at the existing site. If different, the operator should provide a full description of the proposed program. If the program will be substantially the same but will serve different grades from the existing school(s) then the expectations for the new site should be analogous to those for grade-level expansion at an existing site, as discussed, above.

Operational Capacity. The application should articulate the plan for meeting the school’s operational needs. One benefit of operating multiple sites can be the opportunity to share back office services and support between sites. Such plans should take into account the relative locations of the sites and how much of that work can be done virtually or must be executed on site.

Staffing Plan. Staffing plan expectations should be analogous to those for the staffing plan of a new school provided that new sites may be able to share some staffing resources with the existing school(s).

Location/Facilities Plan. Expectations for the description of a new site’s facilities plan should be analogous to those for a new school facilities plan.

Budget. Expectations for the budget should be analogous to those for a new school except that, to the extent that multiple sites will be sharing resources and staffing (including management) the operator should be prepared to provide both site-level and network-level budgets. It is important for the authorizer to have confidence that each site will be financially sustainable on a budget that aligns with that site’s dedicated funding.

Growth Plan. To the extent that the new site is part of a larger growth plan, the authorizer should review the operator’s multi-year plan including number of sites, allocation of network-level and site-level costs, and staffing plans.

Note on application requirements. For operators proposing new sites or new grade levels, the authorizer must review the application in the context of the operator’s overall plan, including for the existing school/grades. Authorizers should make reasonable efforts to compile programmatic and operational information that they already have about the school before

¹⁴ The Washington State Charter School Commission’s [new school application](#) and the Washington State Charter Schools Association Charter Schools Program startup grant application are useful resources for identifying additional areas to address in the application.



making application requests that are duplicative. In the event that the authorizer does need to request operational or programmatic documentation that is already applicable to the existing school, the authorizer should consider streamlining such requests and allowing schools to submit, as attachments, materials they have already developed -- or that they may be compiling for other purposes such as a grant application -- rather than requiring a duplicative repackaging of the same content.

B. PERFORMANCE STANDARDS

The authorizer should develop performance standards for an operator's approval to grow beyond the terms of the existing charter contract. These standards should balance specificity and transparency with the need for authorizers to use judgment and discretion in making decisions. They should also recognize that while schools need to be sound in their operations, the standard is not perfection. Indeed, if an operator has experienced challenges and has overcome those challenges successfully and effectively, that experience might increase an authorizer's confidence in the operator's capacity to grow successfully. On the other hand, if the operator is currently facing significant academic, operational, and/or financial challenges at an existing site, the public interest is better served by the authorizer's requiring the operator to remedy current performance problems before proceeding with growth plans.

Academic performance. Assuming that schools at Tier 1 or Tier 2 meet threshold eligibility to apply for growth, the authorizer should consider having a presumption of approval for Tier 1 schools. These schools are performing at the highest academic level and should have the opportunity to serve more students provided they meet the authorizer's organizational, financial, and planning requirements.

Gaps in the availability of state assessment data create challenges for schools and authorizers to document and evaluate educational outcomes. For Tier 2 schools, in particular, the authorizer should be open to considering supplemental educational measures and performance that it will use to determine whether results warrant the school's having an opportunity to serve more students. Additional considerations may include the following:

- The severity and scope of any missed targets
- Performance trends over time (weighting recent performance more heavily)
- Supplemental assessment data (e.g., WIDA, NWEA MAP, IEP goal mastery, etc.)
- Trends in leading indicators such as attendance and suspensions
- School-specific educational objectives and outcomes



Organizational performance. With respect to organizational performance, the authorizer may presume that the operator is organizationally sound if it has met the established expectations or has promptly remedies any identified deficiencies. Where there have been non-compliance issues, the authorizer should consider the number and duration of the issue(s), the severity of each issue, the timeliness of the remedy, and current standing.

Financial performance. With respect to financial management, a school is generally in good standing if its most recent financial performance report has no issues requiring corrective action. An authorizer might also specify that an operator meets the financial performance criteria for growth if it has had no financial performance issues for at least six months and has previously resolved any problems such as audit findings promptly.

With respect to financial viability of growth plans, the authorizer should consider the strength of the evidence supporting the operator’s Statement of Need discussed, above. In addition, with respect to site expansion, in particular, authorizers may also consider the operator’s track record of meeting enrollment projections and its re-enrollment rates.¹⁵

Growth Plans. Finally, the authorizer should evaluate the soundness and viability of the expansion plan itself. Some components of the plan such as the governance and leadership team may be substantially the same as or identical to that for the current site. Others may be new or modified and may require closer examination. Regardless, the authorizer should evaluate growth plans along three dimensions:

1. **Clarity:** How clearly developed is the overall expansion plan in terms of what the school intends to do and how it intends to do it?
2. **Viability:** Has the operator demonstrated the viability of the plan both financially (budget) and physically (facilities)?
3. **Capacity:** Has the operator planned for the staffing and management capacity needed to execute well?

Once the authorizer has made these assessments, it will be well positioned to make informed, well-reasoned decisions about an operator’s proposal to grow.

¹⁵ See, for example, D.C. Public Charter School Board, [Enrollment Ceiling Increase Policy](#), p.3 (setting an expectation for the operator to consistently be at or above 90% of enrollment projections and have a re-enrollment rate of 85% as benchmarks for the reliability of projections for enrollment growth).



C. APPLICATION PROCESS & TIMELINE

The authorizer should formalize an annual opportunity by which operators may propose growth plans that involve material changes to the charter contract. The following timeline anticipates that operators should be prepared to apply in spring of the calendar year prior to the year in which they intend to implement the plan, in other words, approximately 16 months prior to the start of the school year in which the expansion take place. For site expansions that do not involve a new facility, the authorizer should be open to considering approvals for implementation the following fall. For example, if a K-8 school proposes to materially increase enrollment by adding new sections of existing grades based on demand, and the school is able to accommodate the expansion at its current facility, then it may be reasonable for the school to begin serving those additional students in August following an April approval. By contrast, growth plans that depend on additional leadership and a new facility will generally require a full planning year for sound implementation.

Timing	Application to expand at current site	Application to add site(s)
December 1	Authorizer releases application requirements	
January (2 nd Monday)	Operator application deadline	
January-February	Authorizer review of application	
March	If necessary ¹⁶	Board/leadership interview
	N/A	Public Forum(s)
April (first week)	Authorizer recommendations released	
April (regularly scheduled meeting)	Authorizer decision	

¹⁶ The authorizer should conduct an operator interview at its discretion. A formal interview may not be necessary for evaluation of site expansion plans.



RELATED SOURCES

Rhim, L., Policy Guide: Charter School Replication (NACSA) (2015).

D.C. Public Charter School Board, [Enrollment Ceiling Increase Policy](#).

19 Tex Admin Code § 100.1033(b)(9) ([Expansion Amendment Standards](#)) and § 100.1033(b)(10) ([Expansion Amendments](#)).

Washington Charter School Commission, [Application Information](#).