



# WASHINGTON CHARTER SCHOOL BOARD MEMBER GUIDE

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# Part 1: Overview of Charter Schools and What It Means to Serve as a Charter School Board Member

## **Serving as a Charter School Board Member**

Serving as a charter school board member is an important responsibility. Through your leadership and service, you have the opportunity to positively impact the lives of children, their families and your community. The charter school board of directors plays a vital role in ensuring that your school is able to implement its mission and reach its educational goals so that outstanding results can be achieved for and by students. An excellent education opens a door of opportunity in the lives of young people and helps them to fulfill their dreams and reach their full potential.

Thank you for being willing to embark on this journey of serving as a charter school board member. We hope this guide will help you as you prepare to serve and answer any questions about your role and responsibilities. Your new role will be challenging, but also rewarding.

## **The History of Charter Schools**

It is helpful to begin by understanding the history of the charter school movement. Access to high quality public education is the foundation of any successful society.

In 1988, a school administrator by the name of Ray Budde published a paper in which he introduced the idea of chartering schools. In 1991, Minnesota passed our nation's first charter school law and the following year, City Academy High School, located in St. Paul, Minnesota, opened and became the country's first charter school. Today, 44 states and the District of Columbia have adopted the charter idea and charter schools are serving over 3 million students nationwide.

## **What is a Charter School?**

So, you may be asking yourself, "What exactly is a charter school and how is it different from a traditional school?" Charter schools are publicly funded, independent schools of choice. They are non-religious and non-sectarian in their practices, are open to all students regardless of where they live, and they do not charge tuition. Charter schools are different because their legal basis for existence is a performance contract with an authorizer. Under the performance contracts, schools commit to meeting specific educational goals set by their authorizer, but are generally free to make their own decisions about how to achieve those goals. And if educational goals are not met, the charter may be revoked and the school closed. The exempting of charter schools from certain state laws in exchange for demonstrated student success is intended to allow the schools the opportunity to respond to community needs, try new approaches, and support student learning.

## **Charter Schools in Washington**

Washington's Charter School Act ([RCW 28A.710](#)) went into effect in April 2016. The focus of this law is to provide access to high quality educational opportunities for at-risk students. This law allows for the creation of up to 40 charter schools over five years. The law prohibits the opening of more than eight schools in a single year unless fewer than eight schools were opened in the previous year.

Washington's charter school law established the Washington State Charter School Commission (Commission) as the only statewide authorizer. Additionally, school districts, after approval from the Washington State Board of Education (State Board), may also authorize schools within their district boundaries. Both the Commission and Spokane Public Schools currently serve as charter school authorizers.

Charter school authorizers have the authority to issue contracts for new schools and the responsibility to provide school oversight for schools in their portfolio. Contracts given to charter schools in Washington are initially for a single five-year term and are renewed based on school performance. Charter schools must comply with state and federal laws and requirements as well as the requirements contained within their contract. Charter schools receive oversight from their authorizer as well as multiple state agencies, including the Office of Superintendent of Public Instruction (OSPI) and the State Auditor's Office.

Washington charter schools operate as independent Local Educational Agencies (LEA), which effectively means they operate as their own school district. Similar to a traditional public school district, charter schools are governed by a board of directors. Provisions related to the board of directors and their length of service are articulated in the charter school's bylaws and enforced through the charter contract.

## **Review and Approval**

Charter school authorizers review charter applications using a process that incorporates nationally recognized principles and standards for quality charter school authorizing. The National Association of Charter School Authorizers (NACSA) provides resources on best practices for the charter application and review process at <https://www.qualitycharters.org/for-authorizers/core-resources/>.

In addition to a comprehensive review of the application, the review process also includes an in-person interview with the applicant and the opportunity for the public to provide input on the application.

If a charter school application is not approved, the applicant receives written notification of their denial, including the reason for their denial. Applicants who are denied may reapply to the same authorizer. Applicants who are denied by Spokane Public Schools may apply to the Commission. However, applicants who are denied by the Commission may only apply to Spokane Public Schools if their school plans to physically reside in the Spokane district.

## **Opening a New Charter School**

There are numerous tasks associated with opening up a new school. Some of these tasks include making sure that a governing board is in place, hiring a high-quality administrator and staff, recruiting, and enrolling students and securing a facility. Authorizers are responsible for establishing the requirements a school must meet before it opens. These requirements include meeting building, health, safety, insurance, and other legal standards. The Commission provides resources for new schools preparing to open on their website at: <https://charterschool.wa.gov/starting/>.

# Part 2: Responsibilities of a Charter School Board

## Washington's Charter School Law

Washington's charter school law ([RCW 28A.710.030](#)) outlines the responsibilities of a charter school board:

- Hire, manage, and discharge charter school staff;
- Receive and disburse funds;
- Enter into contracts for services (contracts for management operations of the school may only be with nonprofit organizations);
- Rent, lease, purchase, or own real property;
- Issue secured and unsecured debt;
- Solicit, accept, and administer, for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding sectarian or religious organizations; and
- Issue diplomas to students who meet high school graduation requirements.

## Washington School Board Standards

In June of 2009, the Washington State School Directors' Association (WSSDA) adopted a set of standards, based on best practices and current research, which serve as a common framework for school board governance. The first set of standards provide direction for the school board while the second set focuses on individual school board members. These standards provide key benchmarks and indicators to help put them into action. A complete copy of the WSSDA standards can be found at:

<https://www.wssda.org/LeadershipDevelopment/WashingtonSchoolBoardStandards.aspx>.

The five core principles found in the standards include:

- Responsible school district governance;
- Communication of and commitment to high expectations for student learning;
- Creating conditions district-wide for student and staff success;
- Holding the district accountable for student learning; and
- Engagement of the community in education.

The board of directors plays a critical role in making sure your school succeeds for students. Based on the WSSDA board standards, here are some of the important responsibilities of the board:

- Knowing and supporting your school's mission and contract;
- Governing effectively through careful planning;
- Developing and adopting policy;
- Ensuring high expectations for student learning;
- Creating conditions for staff success;
- Effectively managing fiscal resources;
- Providing school facilities; and
- Effectively communicating with school staff and the community.

Let's take a moment to look at each of these important responsibilities in greater detail.

### **Knowing And Supporting Your School's Mission and Contract**

Charter school governance is centered on a board's alignment to the school's mission and an understanding of the charter contract. The school's mission defines why it exists and what it hopes to accomplish. Your school's mission is the heart of its charter contract and whether the mission is met will influence your authorizer's decision about whether to renew your school's contract.

The charter contract is a legal agreement between the board and its authorizer. It contains your mission, founding documents such as articles of incorporation, bylaws, operational structure, educational program and other important foundational documents. The contract also sets clear expectations regarding your school's academic, operational and financial performance goals.

### **Governing Effectively through Careful Planning**

Through effective planning, the board helps ensure that the school's mission is reinforced and that appropriate resources are allocated to implement the school's vision. The first step in strategic planning is to clearly define what the school is trying to accomplish. The board needs to ask the question, "What are the educational outcomes that we want to achieve?" This question is answered by understanding the school's mission statement and educational goals found in the contract.

Once the board clearly understands its mission and goals, it is valuable to research best-practices. The board should identify and learn from successful schools that have a similar mission and are serving similar student populations. By dialoguing with the board or leadership of high-performing schools, your board has the opportunity to learn about successful educational strategies that can be replicated at your school.

Once the board understands its mission, has researched best-practices, and is aware of external factors, it is ready to begin the process of developing a plan. A multi-year strategic plan will guide school leadership as they work to fulfill the school's mission and should be what all other annual plans are aligned to. The board articulates the vision and goals of the strategic plan. With the board's vision and goals in mind, the school leader writes out the details of the strategic plan. The board then plays an important role in reviewing the plan, providing recommendations for improvement, and approving the plan.

Once the board has adopted the strategic plan, it's time for the plan to be implemented. The board needs to be careful that the development and adoption phase doesn't take too long so that the plan's strategies can be put into action. The power of the plan can only be realized once it is put into motion.

Once the strategic plan is finalized, the school leader is responsible for implementing the details of the plan and reporting progress to the board. Monitoring and measuring the results of the plan is one of the most critical steps in the strategic planning process. Are the student outcomes that were defined in the plan actually being accomplished? By reviewing the outcomes of the plan on a regular basis, the board has a tool for holding school leadership accountable and for ensuring that good outcomes for kids are being achieved.

### **Developing and Adopting Policy**

One of the key functions of your board is to establish board and school policies. Through policy, your board determines what needs to be accomplished. Policies need to be developed and adopted for important areas like board governance, staff employment, student discipline, educational programming, financial operations and support services.

Once the expectations are articulated through policies, it is the responsibility of school leadership to ensure that the adopted policies are implemented. It is important that your board communicates with school leadership to determine which policies are working and are being successfully implemented and which may need to be adjusted. It is also important to know what policies are required by the charter contract and whether or not the school needs to notify its authorizer if policies change. The board and the school's leadership should be working hand-in-hand to ensure great things are happening for kids.

## **Ensuring High Expectations for Student Learning**

Your charter school's ultimate goal is to deliver a high-quality education for the students that it serves. Ensuring high expectations begins with holding your school's leadership accountable for meeting the educational goals found in the performance framework portion of the contract. In addition, you will want to review other sources of information on your school's performance such as state assessment scores, state report card indicators and standardized assessments scores. On a regular basis, your board of directors will want to evaluate and discuss the academic progress of your school. When evaluating educational progress, it is important to review performance data for specific subgroups. You will want to address any performance gaps based on gender, ethnicity or other special characteristics. A plan of improvement should be developed for any areas in which academic targets are not being met.

## **Creating Conditions for Staff Success**

Your board of directors is responsible for evaluating the school leader's performance. School leadership should know how they're doing, what's working, and what they need to adjust. School leadership evaluations should be based on specific and measurable goals that leadership has already reviewed and understands. Formal evaluations are normally conducted annually but informal evaluations and feedback should be provided on an on-going basis so there are no surprises or misunderstandings about performance expectations. Feedback should be provided in the spirit of helping staff continuously improve so they can get better results for kids.

Washington has developed a Teacher/Principal Evaluation Program (TPEP). While charter schools are not legally required to use this framework, it does provide a good example of the type of criteria and indicators that can be used when evaluating school personnel. Information on this framework can be found at: <http://www.k12.wa.us/tpep/> and includes the following principles:

- Instruction is centered on high expectations for student achievement;
- Demonstration of effective teaching practices;
- Recognizes individual student learning needs and develops strategies to address those needs;
- Provides clear and intentional focus on subject matter content and curriculum;
- Fosters and manages a safe, positive learning environment;
- Uses multiple student data elements to modify instruction and improve student learning;
- Communicates and collaborates with parents and the school community; and
- Exhibits collaborative and collegial practices focused on improving instructional practice and student learning.

## **Ensuring and Carefully Managing Fiscal Resources**

Charter school boards are responsible for the financial management of their school. Charter schools in Washington receive funding from OSPI, including general apportionment, special education, categorical, and other non-basic education monies in the same manner and based on the same funding formulas as school districts in the state. Funding for charter schools comes from a mix of state and federal funds. Charter schools are ineligible to receive local levy funds in Washington.

The amount of state funding a Washington charter school receives is based primarily on student enrollment. Charter schools are responsible for accurately reporting their enrollment data on a monthly basis. The manner in which this data is reported affects a charter school's funding and can result in audit findings if data is reported incorrectly.

Another important financial responsibility of the board is reviewing and approving the school's annual budget. Charter schools are required to prepare an annual budget for public review and comment by July 10 of each school year. Budgets must be formally adopted by the board, in a public meeting, before the beginning of the school year.

Upon adoption, the budgets are submitted to OSPI. Once budgets are adopted, your board, on a monthly basis, needs to review the budget's status and approve public fund expenditures. At each monthly board meeting, your school leader should provide a budget status report (F-198) which includes a statement of revenues, expenditures, and changes in fund balance along with any other pertinent financial information.

The board is also responsible for developing and adopting financial policies and procedures that will ensure school funds are handled with integrity and in compliance with all legal requirements. The board may contract with entities to help in the administration of financial functions like accounting, purchasing and payroll but any service provider the board contracts with must be a non-profit organization. On an annual basis, charter school boards are required to contract with an independent third-party financial auditor to conduct a financial audit ([RCW 28A.710.040](#)).

## **Providing School Facilities**

Securing high-quality and affordable facilities is an important responsibility of the board. Your board will want to research possible options and then develop a plan for securing a facility that will best meet the needs of your school.

Washington's charter school law ([RCW 28A.710.230](#)) allows charter schools first priority to purchase or lease a school building from a school district in which the charter school is located. In addition, charter schools may rent or use space from a college, university or another public or private entity so long as it meets all local and state health and safety requirements and is fully accessible.

It is also important that your school has a plan for dealing with emergency situations. On the OSPI website (<https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/emergency-preparedness-and-response>), you can find a list of resources to address specific emergency situations such as earthquakes, floods and windstorms. This site also includes an emergency plan checklist and an emergency preparedness guide.

### **Effectively Communicating with the School Staff and Community**

One of the important responsibilities of the board is to ensure it clearly communicates its progress and success with its stakeholders. Your community needs to hear about the good things your school is accomplishing as well as the challenges it is experiencing. Excitement for your school will grow when you take the time to share your achievements with students, parents, your authorizer, financial contributors, legislators and the media. Being transparent about your school's challenges is a way to invite your school community help find solutions. Communication may take many forms, from social media postings to glossy annual reports. Whatever the form, ensure it is current and regular.

# Part 3: Conducting Board Business

## Overview of Washington's Open Public Meetings Act (OPMA)

Public board meetings are how boards get their work done. Board meetings that are run effectively and in compliance with state law help to build the trust of your school community. When conducting business, it is important that the charter school board understands and follows [Washington's Open Public Meetings Act \(OPMA\)](#). Anytime a quorum of board members is present and is discussing or making decisions on board business, it is considered a board meeting and must be open to the public. This includes events like a board dinner, retreat or workshop. Board members do not have to be physically present for it to be considered a board meeting. For example, if a majority of board members are discussing business in an e-mail exchange, this would likely be considered a meeting. It's also important to be careful in situations where multiple board members are discussing business in small groups and then discussing issues between multiple groups. Business done in this manner could be in violation of the OPMA. If a quorum of board members is not present, it is not considered a meeting; but as a board, you need to carefully think through situations in which members are gathering (examples include graduation or student showcases). You will want to ensure that a majority of members are not present and that board business is not being discussed among members in large or small groups.

Your charter school board needs to clearly understand and abide by the requirements found in the OPMA. The key aspects of the OPMA are covered below. WSSDA has also developed a [guide](#) to help school boards with the administration of the OPMA. You should consult with your legal counsel if you have any additional compliance questions.

## Regular Meetings

Washington law requires that school boards meet at least once a month but they can meet more frequently if needed. Board meetings must be open to the public and the charter school board must have a policy for when and where it will regularly hold its meetings, as well as a plan for announcing that schedule to the public. When determining the time and location of board meetings, the board should carefully consider the needs of its school constituency. The board should pick a time and location that is convenient for its members, but also consider the needs of the families it is serving. The charter school board must be diligent about following the meeting schedule as determined by board policy. In addition, a copy of your board's annual meeting schedule must be filed with the Washington Office of the Code Reviser so that it can be published in the Washington State Register.

Prior to conducting the board meeting, it is good practice to develop a meeting agenda and board packet. State law ([RCW 42.30.77](#)) requires board meeting agendas be posted on-line at least 24 hours in advance of the meeting. This requirement is waived if an agency does not have a website or employs less than ten full-time employees.

The agenda and board packets are usually developed by the school leader in consultation with the board president and provide a listing of specific topics that will be addressed during the meeting along with any supporting documentation that is needed to further explain important issues. It works best when board members suggest to the school leader and board president specific topics that should be placed on the agenda prior to the meeting. However, a board member may, during the meeting, move to have an item for discussion added to the agenda.

All board meetings should be conducted pursuant to Robert's Rules of Order and captured in meeting minutes. State law requires that minutes be kept of each board meeting.

## **Executive Session**

There are times when a charter school board needs to discuss topics, which are sensitive in nature. In these circumstances, a board may enter into an executive session. Before members enter into an executive session, the board president must announce to the public the purpose of the session and how long the session will last. State law only provides eight circumstances ([RCW 42.30.110](#)) in which a board may enter into an executive session. These eight circumstances include:

- Matters affecting national security;
- The selection of a site or the acquisition of real estate if public knowledge of the matter might increase the price;
- The minimum selling price of real estate if public knowledge of the matter might depress the price, but final action selling or leasing real estate must be taken in a public meeting;
- Negotiations on the performance of a publicly bid contract if public knowledge might increase costs;
- Complaints or charges against an employee or board member, however, the person complained against may open the meeting to the public;
- Qualifications of an applicant for public employment or review of the performance of a public employee, but final actions must be taken in public and discussions affecting employees generally must be held in public;
- To evaluate the qualifications of a candidate for appointment to elective of office, but interviews and the final appointment must be held in public; and
- Discussion with legal counsel of enforcement actions, litigation or potential litigation, if public discussion might result in an adverse legal or financial consequence.

Except for these eight specific situations, all other board business must be publicly discussed. In addition, all business action in which a final decision is voted upon must be done in a public meeting format. While the eight topics above may be discussed in an executive session, action on the discussed item(s) must be done in a public format.

## **Special Meetings**

Any meeting a charter school board schedules that is at a different time or place than what is outlined in the board's meeting policy is considered a special meeting. Special meetings may be called by the board president or by a majority of the board members. All board members and the public must be given notice at least 24 hours in advance of the special meeting. In addition, to the meeting date, time, and location, the notification must include a meeting agenda with a list of items that will be discussed. A board may not take action on any item that is not included on the original public notice and agenda.

## **Emergency Meetings**

Emergency meetings can be held in serious situations where there has been injury or there is likely to be injury to people or property. These situations are rare and should only be used when a true emergency is at hand. Under these circumstances, the requirement to notify the public of the meeting is suspended.

## **Meeting Minutes**

Washington law requires that minutes be kept of each board meeting and that minutes are available to the public for review. It is the responsibility of the charter school board to ensure that minutes are recorded and available to the public. Minutes of an executive session are not required but the regular board meeting minutes should indicate an executive session was held and state the reason for the session. Board minutes must include the following items:

- Date, time and location of the meeting;
- Name of the presiding officer and the other members in attendance;
- Agenda items that were discussed;
- Any motions that were made and whether they passed or failed;
- Any action to adjourn an executive session and statement of why the session was held; and
- Time the meeting was adjourned.

## **Public Records Act (PRA)**

Charter school board records—which include items like paper, e-mails, text messages, overheads, photographs, CDs, etc.—are considered open to the public. Unless a record is specifically exempted by the law, it must be provided to members of the public upon request. Therefore, it is best practice for board members to have a separate e-mail account for board business. It is important that charter schools and charter school boards comply with PRA requests. Policies for handling PRA requests should be developed and reviewed on a regular basis. Additional information on Washington's PRA can be found at: <https://www.atg.wa.gov/open-government-ombuds-function>.

# Part 4: Tips for Governing Effectively

## Habits of High Effectively Boards

The ability of your board to govern well is vital to the success of your charter school. There are many factors that go into ensuring that your board is able to make good decisions and effectively lead. Boards that govern successfully have developed some important habits.

Effective boards develop the habit of self-reflection and growth. They take the time to evaluate how effectively they are governing and continually look for ways to improve. Effective boards are on a constant quest to learn and grow. They take advantage of opportunities to read and participate in trainings that will increase their knowledge of important topics related to charter school governance.

They recognize that each individual member must act with integrity and put the needs of the school and its students before their own personal or political gain. They also recognize that, although the board is comprised of multiple members, it must act with a unified voice. The power of the board comes from collective voices moving in the same direction.

Effective boards clearly communicate their vision, goals and direction to students, staff, parents and the community. They understand that it is important to carefully listen to the concerns of their constituents and then clearly articulate how they plan to address problems. They are also committed to communicating the great things their school is doing within their community.

Finally, highly effective boards have the ability to govern and not manage. Charter school boards are given the responsibility to govern by understanding the school's mission and then developing and adopting policy that will help make that mission a reality. Effective boards understand they define what needs to be accomplished but leave the details of how the work will be accomplished to school leadership. They do not get involved in the details of managing the school. Instead, they hold the school leadership accountable for implementing the vision and policies that they have defined.

## Important Board Member Values

Serving as a charter school board member is both a privilege and a responsibility. The decisions and actions your board takes will have a lasting educational impact on the children that attend your charter school. Therefore, it is important that you fulfill your board member obligations with integrity and excellence. Below is a description of five personal standards from the Washington State School Directors' Association (WSSDA) that school members should adopt.

**Values and Ethical Behavior:** Contained in this standard is the idea that board members put the needs of students first and that all individuals are treated with dignity and respect. Board members should place a high value on public education and high academic standards for all the students attending the charter school. The decisions and actions taken by the board should be based on high ethical standards.

The charter school law ([RCW 42.17.240](#)) requires that charter school board members file a personal financial affairs statement with the Public Disclosure Commission (PDC) within two weeks of their appointment. This statement provides the public with information on a board member's income, gifts, real estate holdings, investments, creditors, businesses owned and the major customers of those businesses. Board members must govern with integrity and make decisions that are in the best interest of their school. They should disclose any real or perceived conflicts of interest and abstain from voting on matters in which they may have a vested political or financial interest.

**Leadership:** As a member of the board, it's important that you attend and actively engage in all board meetings. Board authority rests with the entire board and not individual members. It is important to do your homework and understand the issues facing your school. Leadership is demonstrated by participating in discussion and dialogue, and working to implement the best solutions possible for your school.

**Communication:** One of your most important jobs as a board member is to build strong relationships with your fellow board members, school staff and the community. Your board is able to more effectively govern when relationships of trust and respect are fostered. Good communication includes carefully listening to issues and concerns and then responding with honesty and civility. It also includes maintaining confidentiality when appropriate.

**Professional Development:** It is important that you continue to grow and learn in your board member role. You will want to read articles, attend conferences or participate in training that will expand your knowledge base and help you in your role. Your authorizer can be a great resource in recommending literature, trainings and conferences that could be beneficial to your professional growth as a board member. You will want to work with your school leader to provide trainings regarding specific elements of the school's design or educational program terms. Information about how to interpret assessment results is also critical to understanding student academic performance.

**Accountability:** As a board member, you have the responsibility to wisely steward your school's resources. You should never use your position for personal or partisan gain. You should hold yourself to the same level of accountability that you expect from your school leadership and staff. This means governing with transparency and complying with board policies, procedures and the law. It also means abstaining from making decisions in which you have a vested personal or financial interest. It is important that you govern with integrity and avoid conflicts of interest. The WSSDA has a guide to help board members identify and avoid areas where there might be a conflict of interest. You can find a copy of this guide at: <https://www.wssda.org/Portals/0/Policy%20and%20Legal%20News/AvoidingConflictsOfInterest.pdf?ver=2017-02-06-135436-573>.

## Building Board Capacity

The ability of your board to govern passionately and effectively is essential to the success of your charter school. The first step in building your board's capacity is recruiting high-quality board members. High-quality board members will possess both passion that aligns with the mission and vision of your school and important skills related to school governance. Serving as a board member is hard work, but if board members are excited and passionate about the school's vision and what it wants to accomplish, serving will be a joy and not a burden.

Highly effective boards are made up of individuals that have a variety of expertise in areas such as education, fundraising, finance, law, human resources, non-profit management and facilities acquisition. The greater the knowledge and varied experience of your board members, the easier it will be to make sound decisions for your school. When looking for members to serve on the board, it is important that you are mindful of your school's community and the students it serves. Boards should be diverse and reflective of the community.

Once you have identified both passionate and skilled individuals that are willing to serve, you can build out committees. Committees develop a pipeline of qualified individuals to keep your board balanced and strong over time while allowing you to vet potential board members.

Boards are also strengthened when new board members are properly trained in their role. It is beneficial to ensure that new members participate in some sort of orientation or training program. The description of how new members will be oriented is often required during the charter application process. A new member orientation program should introduce board members to important documents and information. A list of the types of documents and information you will want to make sure your new board member is given include:

- A list of important contacts;
- Essential information on how the board conducts its business;
- A copy of Washington's charter school law;
- A copy of your school's charter contract including the school's mission statement;
- Documents explaining your school's financial status; and
- Educational performance information for your school.

In addition, Washington law requires school board members to receive initial training on the Open Public Meetings Act and Public Records Act no later than 90 days after they join the board and receive refresher training within four years. Information on these training requirements and training resources can be found on the Washington Attorney General's website at: <https://www.atg.wa.gov/opengovernmenttraining.aspx>.

## **Board Self-Evaluations**

Wise boards take the time to regularly evaluate their own performance. They want to understand the areas they are effectively governing and the areas in which they still need to improve. The most effective way to create accountability is to model the way. Therefore, it's important that the board evaluate its own performance on a regular basis. When you set aside time to evaluate your performance, some of the areas you will want to review include your success in implementing the mission and goals found in your charter contract, your process for strategic planning and communication, and your ability to govern effectively. An example of a board evaluation tool can be found on WSSDA's website at:

<https://www.wssda.org/LeadershipDevelopment/OnlineBoardSelf-Assessment.aspx>.

# Part 5: Understanding the Role of the Authorizer

## Authorizer and Board Relationship

It is important to clearly understand the role of the charter school authorizer and its relationship with the board of directors. State law allows the Commission and any public school district that has received approval from the State Board to authorize charter schools. The primary responsibilities of the authorizer are to authorize new schools and provide effective oversight. An authorizer's ability to provide effective oversight is based on the charter contract. It is the responsibility of the charter school board to ensure it follows the terms of the contract and is in compliance with all applicable state and federal laws and regulations. To support their work in issuing and overseeing charter contracts, authorizers receive an oversight fee of 3% if a charter school authorizes 10 or more schools and 4% if they authorize less than 10 schools, which is taken from the charter school's state operating funding. The responsibilities of charter school authorizer ([RCW 28A.710.100](#)) can be summarized into the four primary areas:

- Reviewing, approving or denying charter applications;
- Issuing charter contracts;
- Providing oversight; and
- Overseeing contract renewal decisions.

The relationship between your board and the charter school authorizer is a contractual relationship. The authorizer issues the board a contract so that you are able to legally operate a school. In return, the board agrees to abide by and meet the terms of your charter contract.

## Required/Important Notifications

Clear communication is one of the ways the board can ensure it maintains a positive relationship with its authorizer. There are certain situations in which your board must notify your authorizer. These situations include:

- Discipline of a school employee that results in their resignation or termination;
- Criminal allegations made against any board member or school employee;
- Any complaints filed or actions that have been taken against the school by a governmental agency;
- Any conditions that cause the school to be out of compliance with the terms of the contract, state or federal law;
- Any emergency situation that causes the school to be closed or causes damage to the school;
- Misappropriation of school funds;
- Any default on a financial obligation that is past due by more than sixty days; and
- Any change in the school's corporate status with the Washington Secretary of State's Office or status as a 501(c)(3) corporation.

Failure to notify your authorizer in the time specified in your charter contract could lead to corrective action or revocation of your charter contract.

## **Performance Frameworks**

Washington's charter school law ([RCW 28A.710.170](#)) requires that a charter school's contract be based upon a performance framework which provides clear academic, operational, and financial indicators, measures and metrics. Your board, in consultation with your authorizer, sets annual performance targets for the key indicators in the performance framework. Washington's charter school law specifically outlines the indicators, measures and metrics that must be used in the performance framework, which include:

- Student academic proficiency and growth;
- Achievement gaps in proficiency and growth for major subgroups;
- Attendance;
- Reenrollment from year-to-year;
- High school graduation rates and post-secondary readiness;
- Financial performance and stability; and
- Board performance, stewardship and compliance with applicable law.

The performance framework sets the basis by which your authorizer will evaluate the performance of your school and make decisions regarding reauthorization. Therefore, it is imperative that the board understands the framework and the performance goals that it lays out. On a regular basis, the board should discuss the school's progress on meeting performance framework goals. Additional information and examples of the performance framework can be found on the Washington Charter School Commission's website at:

<https://charterschool.wa.gov/operating/performance-framework/>.

# Part 6: The Charter Contract and Why it is so Important

As a charter school board member, it is essential that you read and understand your school's charter contract. The contract is a written legal agreement between the board and the authorizer. It articulates why your school exists, what it is expected to achieve and provides your school's organizational structure. Decisions about whether to renew your school's contract will be based on your school's performance and ability to meet the terms of the contract. If you haven't already, you will want to ensure you secure and review a copy of your school's contract. In this section, we will discuss how the contract is developed and review the important information contained in it.

## Contract Development

Charter contracts are based upon a charter school's application. Washington law ([RCW 28A.710.130](#)) provides a list of required elements that a charter school applicant must include in their application. Some of these required elements are: the school's mission and vision; proposed educational program and goals; and governance plan and budget.

Once a charter application is approved by an authorizer, it must execute a charter contract with the school's governing board within ninety days. Within ten days of a charter contract being executed, a copy of the contract must be sent to the State Board. Contracts are initially issued for a five-year term and begin on the first day the school is open.

## Key Contract Components

The contract sets out the school's vision and goals and it also describes how the school will deliver its educational services. It details what the school plans to accomplish educationally and operationally and how the school will measure its progress. While the layout of the charter contract may differ amongst authorizers, the information included in each contract is very similar. As a board member, it is important to familiarize yourself with all of the sections of your school's charter contract.

## Contract Term

This section of the contract is important because it states when the school became legally operational and when the school's current contract will expire. Knowing the terms of your contract helps you understand your school's position in the charter life-cycle and plan appropriately for renewal.

## **Governance**

This section of the contract provides a description of how the school will be governed. This includes the Articles of Incorporation, which is a corporate document establishing the existence of the non-profit board. Washington law requires that an individual or group wishing to form a charter school must first become a non-profit corporation and file an application with the Washington Secretary of State's office. This document provides the legal basis by which your school is eligible to receive state and federal funding.

The governance section of the contract also describes the powers of the board of directors and provides a description of how they will conduct business. It references the board's Bylaws and the process for amending them. Also included in this section is a reference to the board's conflict of interest policy and public disclosure filing.

## **Mission**

The mission statement is the heart of the charter contract. It articulates the vision of what your school wants to accomplish for kids. It is important that the board revisit the mission on a regular basis and evaluate whether the school is making progress in accomplishing its vision.

## **Educational Program/Academic Accountability**

This section references the school's educational program, including educational goals and how progress towards those goals will be measured. Any substantial changes to the school's educational program must be approved by the school's authorizer, and the school's educational program must be aligned to state standards. Also included in this section of the contract are assessment requirements and graduation requirements for high schools and references to the school's responsibility to address the needs of special student populations, such as English language learners and students with disabilities.

## **Operational Requirements**

This section of the contract addresses items related to the daily operation of your school. Here you will find a description of the school's governance, management and staffing structure. Other important topics addressed in this section include:

- Access to school documents;
- Ethical standards that school employees and board members must follow;
- Public records and record keeping;
- Non-discrimination;
- Inventories and administrative records;
- Student welfare and safety;
- Transportation;
- Staff qualifications;
- Student conduct and discipline;
- Contracting for services;
- Authorizer notification requirements and how to handle complaints;
- School calendar; and
- Litigation.

## **Enrollment**

This section of the contract covers policies related to school enrollment. It includes information on maximum enrollment, annual enrollment reviews and student transfers and exits. It also includes information on how a school should proceed if it is experiencing a significant decrease in student enrollment.

## **Financial Accountability**

One of the most important responsibilities of the board is to ensure that the public funds that the school receives are properly stewarded. This section of the contract describes the school's plan for properly managing and allocating funds. In this section you will find:

- A description of the school's plan and process for financial planning and budgeting;
- A description of the school's systems, policies, and processes for accounting, purchasing and payroll;
- A description of how the school will maintain strong internal controls and ensure compliance with all financial reporting requirements;
- A description of the school's plan to conduct an annual audit of the school's financial systems; and
- A description of the school's plan for liability insurance to indemnify the school, its board, staff and teachers against tort claims.

## Renewal

At the end of your charter school's five-year term, your board may seek to renew the contract for an additional term. Six months prior to the contract expiring, your authorizer is responsible for providing the board with contract renewal information and resources. Included in this information will be a report outlining your charter school's performance and detailing what, if any, corrective actions must be taken before your school's contract can be renewed. After receiving the performance report, you have thirty days to respond to the authorizer's findings and address any areas that need improvement. Your authorizer is required to issue a public report which details their renewal decision, including the length of the new contract if your contract is being renewed.

Your authorizer will use the performance frameworks to help guide decisions about contract renewal. Performance frameworks are discussed in greater detail in the "Role of the Authorizer" section of this guide. During the renewal process, the charter school is also required to submit a charter renewal application. This application includes:

- The opportunity to submit additional performance data;
- A description of school improvement efforts;
- Plans for the school's next contract term; and
- The criteria the authorizer will use to make contract renewal decisions.

## Revocation

Your authorizer has the authority to revoke or refuse to renew your contract. Grounds for revocation of a charter school contract include:

- Not complying with the terms and conditions of Washington's charter school law or other state and federal laws;
- Not complying with the terms of the charter contract;
- Failure to make sufficient progress towards the performance goals stated in the contract;
- Falling in the bottom quartile of Washington schools (unless the school demonstrates it has encountered exceptional circumstances); and
- Poor fiscal management of the school.

Authorizers are required to develop a process for handling situations in which they intend to revoke or not renew a charter contract. This process must include timely notice to the board stating the reason for the revocation or non-renewal. After the board receives notice, they have an opportunity to respond, including providing testimony and evidence at a public proceeding as to why the school should not be closed. Boards also have the right to be represented by legal counsel and to call witnesses on their behalf.

A charter school authorized by Spokane Public Schools (or other approved school district authorizer) experiencing non-renewal or revocation may only transfer its contract to the Commission if the school petitions the State Board and receives approval to make the transfer. The State Board must review the transfer petition and determine if the school's move to another authorizer would be in the best educational interest of Washington's students.

After hearing the charter school's case, the authorizer must make a final decision on the school's fate within a reasonable amount of time. If the authorizer decides to revoke or not renew the school's contract, it must provide a resolution clearly stating the reason for its decision. Within ten days of making the decision to not renew or revoke the charter school's contract, the authorizer must notify the State Board and submit a report which includes a copy of the resolution to close the school and provides details on why the decision was made to close the charter school.

Charter school authorizers are required to have a school closure protocol. This protocol ensures that parents receive timely notification of the school's plans to close. It also includes a plan for transferring students and their records to another school and for the proper dissolution of public school funds, property and assets. An authorizer's school closure protocol includes a list of tasks that need to be completed within a specific timeline and a description of the individual responsible for completing each task.

# Part 7: Understanding Washington’s Academic Accountability System

## **An Overview of Washington’s Academic Accountability System**

Washington’s Academic Accountability System is designed to hold schools accountable for their academic performance and to comply with provisions of Washington’s Education Reform Act and the federal Every Student Succeeds Act (ESSA).

In 1993, Washington’s legislature adopted the Education Reform Act. The purpose of this Act was “to provide opportunities for students to become responsible citizens, contribute to their own economic well-being and to their families and communities, and enjoy productive and satisfying lives.” To this end, the Act laid out four goals:

- All students read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;
- All students know and apply the core concepts and principles of mathematics; social, physical and life sciences; civics and history; geography; arts; and health and fitness;
- All students think analytically, logically and creatively, and integrate experience and knowledge to form reasoned judgments and solve problems; and
- All students understand the importance of work and how performance, effort and decisions directly affect career and educational opportunities.

In order to make sure the goals of the Act were accomplished, Essential Academic Learning Requirements (EALRs) were established for each of the core academic areas of learning. These standards were developed so that students would have the skills and knowledge they need to live and work in the 21<sup>st</sup> century. These standards have been translated into expectations of what students should know and be able to do at each grade level from kindergarten through 12<sup>th</sup> grade. A description of the K-12 Learning Standards can be found at: <http://www.k12.wa.us/CurriculumInstruct/LearningStandards.aspx>.

In 2015, the U.S. Congress passed ESSA, which replaced the No Child Left Behind Act and was a reauthorization of the Elementary and Secondary Education Act. ESSA requires all states to develop a plan for how they will implement the provisions of ESSA. A copy of Washington’s plan can be found at: <http://www.k12.wa.us/ESEA/ESSA/default.aspx>.

## **State Assessments**

Washington developed a state assessment system to measure whether students were meeting learning standards. The State of Washington requires that students be tested regularly in the core academic subjects of English Language Arts (ELA), math and science. In grades 3-8 and 10, students are assessed annually in ELA and math using the [Smarter Balanced](#) assessment. In grades 5, 8 and 11 students are tested, in science, using the [Washington Comprehensive](#)

[Assessment of Science](#). Students with significant cognitive challenges are assessed in the core academic subjects using the Washington – Access to Instruction and Measurement (WA-AIM).

Students taking these assessments receive scores that indicate their level of proficiency as well as their level of student growth. Students taking the assessment receive a proficiency score that falls into one of the four categories listed below. Students are considered proficient if they receive a score in level 4 or level 3.

- Level 4: Exceeded Achievement Standard
- Level 3: Met Achievement Standard
- Level 2: Nearly Met Achievement Standard
- Level 1: Did Not Meet Achievement Standard

In addition to a proficiency score, the state also calculates [Student Growth Percentile \(SGP\)](#) scores for students that have two consecutive years of state assessment scores. SGPs help parents and educators understand how a student is growing in their academic learning compared to peers who scored at a similar proficiency level. A student's growth is categorized as "high growth," "typical growth," or "low growth." A school's overall student proficiency and SGP scores are provided on the Washington State Report Card.

In addition to summative assessments, it's important that your school uses interim assessments to gauge student learning. Smarter Balanced assessments provide some interim tests that can be used in the classroom. It is important to know if your contract includes additional student assessment requirements. Understanding the assessments that are being given and regularly reviewing the data from these assessments help your board to stay informed on the educational progress of your students.

## Washington State Report Card

Washington publishes report cards for each of its schools and school districts in order to inform the public about their educational progress. Included in this report card is information on how schools and districts performed on the state assessment, including proficiency and growth, attendance and graduation rates, information on teachers and financial information. You can access your charter school's report card by going to <http://washingtonstatereportcard.ospi.k12.wa.us>. Once schools have three years of performance data, they are issued an annual report card, which includes their data from the previous year. It is important for your school board to review and understand your school's report card.

A school's performance on the Washington School Improvement Framework (WSIF) is also included in the state report card. The WSIF uses a combination of academic indicators and school quality success indicators to determine which schools need additional school improvement support from OSPI. Additional information on the WSIF can be found at: <http://www.k12.wa.us/esea/essa/default.aspx>.

# Appendix

## List of Resources

1. National Association of Charter School Authorizers: <https://www.qualitycharters.org/>
2. National Charter Schools Institute: <https://nationalcharterschools.org/>
3. Office of the Washington State Auditor: <https://www.sao.wa.gov/>
4. Spokane Public Schools: <http://www.spokaneschools.org/>
5. United States Department of Education: <https://www.ed.gov/>
6. Washington Charter School Act: <http://leg.wa.gov/>
7. Washington Office of Superintendent of Public Instruction: <http://www.k12.wa.us/>
8. Washington State Board of Education: <https://www.sbe.wa.gov/>
9. Washington State Charter Schools Association: <http://wacharters.org/>
10. Washington State Charter School Commission: <https://charterschool.wa.gov/>
11. Washington State Office of the Attorney General: <https://www.atg.wa.gov>
12. Washington State School Directors' Association: <https://www.wssda.org>