



WASHINGTON STATE  
*Charter School Commission*  
STUDENTS • INNOVATION • TRANSPARENCY

December 1, 2014

First Place Scholars Charter School  
172 20<sup>th</sup> Street  
Seattle, WA 98112

RE: Notice of Corrective Action

Dear First Place Scholars Charter School Board of Directors,

The Washington State Charter School Commission (Commission) has considered the information and evidence obtained during its October 30, 2014, site visit along with the information and evidence submitted by First Place Scholars Public Charter School (the school) in response to the Commission's Notices of Concern issued on November 4, 2014 and November 7, 2014. Based on the information and evidence reviewed, the Commission has found the following deficiencies:

**Special Education and IDEA Compliance:** Sections 4.4.5 (Staff Qualifications) and 4.4.9 (Students with Disabilities) of the charter school contract require the school to employ qualified staff and provide students with disabilities with the education program described in the school's application and required by state and federal law. Based on information provided, the school does not have an employee or contractor who is State-certified or possesses an endorsement in special education. The school serves a student population of whom nearly 20% are identified as in need of, or receiving, special education services. Without qualified staff, these students will not be afforded the education services they require and are entitled to under the law. This deficiency implicates the school's contractual obligations and its legal obligations as a public school and local education agency.

**Student Welfare and Safety:** Section 4.7.10 (Student Welfare and Safety) of the charter school contract requires the school to "comply with all applicable federal, state, county and city health and safety laws." During the October 30, 2014 site visit, the school's safety plan (emergency plan) was reviewed and found to be incomplete. Staff roles and responsibilities are not identified, their contact information is not reflected, and there is no documentation demonstrating that staff has been trained on the plan.

The documents the school submitted on November 5 and 17, 2014, are identical to the documents reviewed during the October site visit. The plan continues to be deficient and incomplete: staff roles, contact information and training documentation is absent or outdated. Additionally, no evidence was provided to demonstrate that the school has conducted any school wide related safety drills.



WASHINGTON STATE  
*Charter School Commission*  
STUDENTS • INNOVATION • TRANSPARENCY

Moreover, proof of compliance with Section 4.14.4 (Background Checks) of the charter contract has not been provided. The school is required to “obtain and retain copies of fingerprint and background checks of all employees, contractors, volunteers and board members who may have unsupervised access to children or who may be allowed on School premises unaccompanied when children are present.” Proof of full compliance with this provision was not provided during the site visit. Because this concern impacts the health, safety and welfare of the school’s students, the school was directed to bring itself into compliance within 24 hours of the November 4<sup>th</sup> Notice of Concern. To date, the Commission has not received evidence of compliance with this provision; the school remains in violation and did not meet the 24 hour deadline.

**School Calendar/Minimum Instructional Days:** Sections 4.8 (School Calendar) and 4.4.2 (Content Standards) of the charter contract require the school to develop and submit a school calendar to the Commission by June 30<sup>th</sup> of each year; the calendar is one means of demonstrating compliance with the school’s instructional hour and school day requirements. When the calendar was reviewed in October, it did not provide sufficient information from which to confirm that students will be receiving the minimum number of instructional hours and days to which they are entitled. The calendar provided to Commission staff on November 17, 2014, is identical to the calendar reviewed during the site visit.

**Governance:** Section 4.2 (Governance) of the charter contract places responsibility for compliance with the charter school contract, and local, state and federal law on the charter school board. The charter school board is also responsible for making and implementing policy and operational decisions consistent with the terms of the school’s charter contract. The above listed deficiencies reveal a lack of adequate controls to ensure contractual and legal compliance. Some of these deficiencies may also be a product of the turmoil that the charter school board has experienced. Nevertheless, the lack of adequate oversight implicates the school’s fidelity to its educational model as outlined in the charter school application, contractual and legal compliance, as well as the health, safety and educational welfare of the school’s students.

The Commission also finds that the board is not in compliance with its own bylaws and associated reporting requirements under the charter school contract. The board has not, since the school opened its doors, had the minimum number of board members required under Section 4.2 of the school’s bylaws (minimum of 15 members of the Board of Directors); Section 4.7 of the school’s bylaws requires that a majority (8) of the board member constitutes a quorum. Absent a quorum, the board, under its own bylaws, lacks legal authority to take action other than to appoint new board members and adjourn a meeting. Section 4.2.2 (Composition) of the charter school contract requires the composition of the board to, “at all times be determined by and consistent with the [board’s] Articles and Bylaws.” While the Commission has received verbal assurances from a number of school representatives indicating that the school is aware of this noncompliance and is taking steps to address this deficiency, the Commission has not received documentation or evidence that the board is in compliance with its own bylaws. Nor has documentation been submitted to



WASHINGTON STATE  
*Charter School Commission*  
STUDENTS • INNOVATION • TRANSPARENCY

inform the Commission of any: change in bylaws ( as required under Section 4.2.1 (Bylaws) of the charter school contract; change in board composition and associated disclosures (board roster, resumes, disclosure forms) as required under Section 4.2.2 (Composition) of the charter school contract.

Within ten (10) days of receiving this letter, you must respond with a proposed corrective action plan detailing how and when you will correct the stated deficiencies. The proposed plan should be submitted on the enclosed form, which will also be made available to you electronically for your convenience. The school's plan will be reviewed and, if accepted, monitored to assure compliance with the plan you develop and implement.

The Commission and its staff recognize the immensity of the school's undertaking as the first charter school in Washington State. We look forward to working with you throughout the corrective action process so that the school can bring itself into compliance with its legal and contractual obligations and realize the vision that was presented in its application and approved by the Commission.

If you have any questions, please contact me directly.

Sincerely,  
Joshua Halsey, Executive Director  
Washington State Charter School Commission