



WASHINGTON STATE
Charter School Commission
STUDENTS • INNOVATION • TRANSPARENCY

December 16, 2014

First Place Scholars Charter School
172 20th Street
Seattle, WA 98112

RE: Corrective Action, Required Elements,
Due Dates and Probationary Status

Dear First Place Scholars Charter School Board of Directors,

The Washington State Charter School Commission (Commission) has rejected all but one component of First Place Scholars Charter School's (the school) proposed Corrective Action Plan as untimely and deficient. Unfortunately, the school's proposed plan was submitted after the 5:00 pm deadline, and much of the supporting documentation was not provided until the following day. Additionally, many of the documents provided were incomplete, inaccurate, or lacking in key information, which corroborates the concerns identified in the Notices of Concern and the Notice of Corrective Action.

Most troubling, though, is that the school's proposed plan was almost entirely deficient. In most instances, the school's proposed plan did not address required components that were identified in the Commission's findings, there were inaccuracies in information that was provided, and the proposed plan failed to detail not only how the corrective action would be accomplished, but the steps that would be taken to identify and address other deficiencies associated with the corrective action, and what measures would be used to prevent future deficiencies.

Accordingly, the school is being placed on probation, which will result in increased monitoring, to include monthly visits by Commission staff that are designed to ensure the school's progress in addressing each component of the Corrective Action Plan. When the school is able to demonstrate compliance with all of the issues identified in the corrective action plan, the school may petition the Commission to be removed from probationary status.

In addition to probation, the school must comply with all components of the attached Corrective Action Plan by the identified deadlines. To ensure the school's success, the Commission has been explicit with its expectations in the Corrective Action Plan. The prescriptive nature of this Corrective Action Plan does not, in any way, relieve the school



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of its responsibilities under the law and its charter contract. Rather, it provides the school with requirements that must be satisfied in order to address the specifically identified deficiencies.

The Commission is hopeful that the school will be able to successfully satisfy its obligations under the Corrective Action Plan, as well as its obligations under the law and the school's contract. As a newly created state agency tasked with the sizable responsibility of implementing the Charter Schools Act, the Commission is sympathetic to the difficulties associated with opening and operating the state's first charter school. It is for this reason that the Commission has been rigorous in its screening of charter school applications; rigor is equally important in the Commission's role as an oversight agency because ultimately the Commission is responsible for holding schools accountable.

The Commission also recognizes that the school has made changes in the makeup of its board, welcoming seven (7) new board members including Dr. Linda Whitehead on October 28, 2014, who was subsequently appointed as school leader on December 1, 2014. We see in these changes of leadership an effort to right the course of the school. However, it is imperative to the future success of the school that its leadership and the board familiarize itself with its legal obligations, develop systems and methods for ensuring compliance, and satisfy all components of the law, contract and Corrective Action Plan. While the Commission has provided direction regarding how to satisfy the concerns addressed in the Corrective Action Plan, the school and its board are in the end responsible for successfully delivering the education required by law and the charter contract.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Halsey". The signature is fluid and cursive, with a large loop at the end.

Joshua Halsey
Executive Director
Washington State Charter School Commission

CORRECTIVE ACTION PLAN

All corrective action must be fully implemented and all noncompliance corrected as soon as possible. The school must submit its proposed corrective action plan to the Commission within 10 days of receiving this document.

Identified Deficiencies Requiring Corrective Action

Reference and Authority	Commission Findings; Issue(s) Requiring Corrective Action
Charter Contract Provision 4.2.1: Board Bylaws	<p>The board has not, since the school opened its doors, had the minimum number of board members required under Section 4.2 of its 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, has no legal authority to take action other than to appoint new board members and adjourn a meeting</p> <p>The Commission was told that the school would be amending its bylaws to adjust the minimum number of required board members but no amended bylaws have been submitted to the Commission, as required under Section 4.2.1 of the charter school contract.</p>
Charter Contract Provision 4.2.2: Composition	<p>Section 4.2.2 of the charter school contract requires the school to “notify the Commission of any changes to the Board Roster and Disclosures within five (5) business days of their taking effect and provide an amended Board Roster and Disclosures.” The board has changed its composition and did not notify the Commission within five (5) business days of this change. The board has failed to provide an updated board roster, resumes and associated disclosure forms for new board members.</p>
Charter Contract Provision 4.2: Governance	<p>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.</p>

<p>Contract Provision 4.4.5: Staff Qualifications; 4.4.9: Students with Disabilities; Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1973; chapter 28A.155 RCW</p>	<p>The school does not have an employee or contractor who is State-certified or possesses an endorsement in special education.</p>
<p>Charter Contract Provision 4.7.10: Student Welfare and Safety; RCW 28A.320.125</p>	<p>Section 4.7.10 of the charter school contract requires the school to “comply with all applicable federal, state, county and city health and safety laws..” The school’s safety plan (emergency plan) is 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.</p> <p>Additionally, the school has no evidence it has conducted any school wide related safety drills or trained staff on the safety plan</p>
<p>Charter Contract Provision 4.8: School Calendar; 4.4.2 Content Standards; and RCW 28A.150.220</p>	<p>School calendar is deficient. It does not demonstrate satisfaction of the minimum instructional day and hour requirements.</p>
<p>Charter Contract Provision 4.14.4: Background Checks</p>	<p>Proof of compliance with Section 4.14.4 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.” This is key matter that concerns the safety and wellbeing of the school’s students, and is of utmost importance to ensure the safety of children, particularly given that the school is intentionally designed for those students already experiencing multiple traumas.</p> <p>Based upon information provided to the Commission the following individuals have not received the required background checks: all board members; instructional aides; contractors; the business manager; nurse; receptionist; and food service manager</p>

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.2.1: Board Bylaws

Commission Findings:

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 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.

Corrective Action Plan Must:

- Bring the school into compliance with its bylaws and the charter school contract
- Demonstrate how the school will maintain compliance with its bylaws and the charter school contract in the future

SCHOOL’S PROPOSED PLAN (To Be Completed By The School)

Description of Corrective Action

Accountability begins with the approved charter school contract, approved by the Board of Directors. Importantly, policy development and procedure must revolve around the approved contract. Compliance will be met through monthly school board meetings, the purpose of which is to set in place policy, procedure, and practice, and to guarantee that these measures align with both the bylaws and charter school contract.

On December 9th, 2014, Amendment Number 2 was approved, reducing the Board of Directors from a minimum of 15 members to 11. This action was taken and approved by the Board. Action was taken with a quorum of eight Board Members, plus one (nine) additional Member. Those present included: Sabiha Dawn Mason – President; Evelyn Thomas Allen - Vice President; Hannah Getachen – Secretary; Edward Jefferson, Cordell Carter, Rob VanTassell, Amisa Mason, Harriett Walden, and Linda Whitehead.

Corrective Action Amendment 2 approved on December 9th, 2014 and signed by President Dawn Mason.

Title/Role(s) of Responsible Persons:

Board President/Board of Directors; School Leader and Executive Director

Expected Date of Completion:

School Leader named –
December 9th, 2014
Bylaws revised – December 9th,
2014

Evidence of Completion of the Corrective Action:

Board of Directors named; Bylaws approved; School Leader named.

Description of Internal Monitoring Procedures:

Monthly Board meetings where policy is developed, after which practice and procedure are incorporated into daily operation. Individual responsible is the School Leader.

CORRECTIVE ACTION PLAN APPROVAL SECTION

(To Be Completed By The Commission)

Reference, Authority and Issue:

Charter Contract Provision 4.2.1: Board Bylaws

Corrective Action Plan Status:

Not approved (Untimely and Deficient)

Status Date:

December 15, 2014

Basis for Decision:

A corrective plan must “(a) Address how the corrective action will be accomplished; (b) Address how the school will identify and address other deficiencies associated with the corrective action;(c) Address what measure(s) will be put in place to prevent future occurrence of defect;(d) Indicate how the school will monitor compliance to assure that solutions are sustained;(e) Identify person(s) responsible for corrections and sustaining change;(f) Give the date by which correction will be made; and (g) Include steps that will be taken to accomplish correction with steps, dates, and supporting evidence that the plan will be carried out as scheduled.” WAC 108-40-050(1). Additionally, as stated in the Commission findings, the school was required to:

- Bring the school into compliance with its bylaws and the charter school contract
- Demonstrate how the school will maintain compliance with its bylaws and the charter school contract in the future

Neither of these two requirements was satisfactorily addressed in the school’s proposed plan. While the school’s proposed plan provides some evidence of a move towards compliance with bylaws and the charter contract, the proposed plan was incomplete, the board has not yet brought itself into compliance with its legal obligations nor did the proposed plan concretely demonstrate how the school would ensure compliance with its bylaws and charter contract in the future.

The second required element of the proposed corrective action plan (demonstrate how the school will maintain compliance with its bylaws and the charter school contract in the future) contained broad, aspirational statements, without concrete information and steps demonstrating a method and ability to comply with legal obligations moving forward. There is no evidence that the school has reviewed and has implemented processes or procedures that assure the Commission that they are able to remain in compliance with the charter contract. For example, provisions 4.2.1 and 4.2.2 of the charter contract require the school to notify the Commission within five (5) days of approval by the school board any changes or modifications to with the school’s bylaws or the composition of the board. The school does not provide descriptions of any internal processes or procedures that have been developed to ensure that this will occur in the future.

Additionally, the school’s bylaws are an appendix to the charter contract and therefore, any changes to the bylaws are an amendment to the charter contract. Provision 7.1.2 of the charter contract states that no amendment to the contract will be valid unless ratified in writing by the Commission and the School’s governing body and executed by authorized representatives of the Parties. The plan the school submitted does not indicate that the school understands this provision of the contract; the school did not submit any information and has not taken steps to comply with this obligation.

While the school did take some steps to address the first required element of the proposed corrective action (bring the school into compliance with its bylaws and the charter school contract) by amending its bylaws, confirming that the action was taken by a quorum, and increasing the number of board members, there are still a number of deficiencies. The documentation submitted is inaccurate. In the school's description of corrective action, the board's bylaws were amended by the school's board on December 9, 2014; however, the amendment number listed, 2, should be modified to reflect the fact that the contract has already been amended twice (once on May 22, 2014 and again on July 29, 2014). If the school is requesting another amendment to the charter contract, then the amendment should be identified as number 3. While the school amending its bylaws does address a component of the corrective action, additional information is required in order for the corrective action to be fully addressed.

Documentation submitted does not reflect accurate dates that board members will be serving. The updated charter school board roster must include the correct end date for board members. As currently written, some board member's end dates occur before their start dates. The following board member's end dates must be updated:

- Allen
- Getachew
- Mason, A.
- Carter
- McKeague

Required Elements of Progress Report(s):

NOTE – the compliance obligations identified below are linked not only to the corrective action for deficiencies identified in Charter Contract Provision 4.2.1: Board Bylaws deficiency, but also to Charter Contract Provision 4.2.2: Composition and Charter Contract Provision 4.2: Governance.

Based on the school's submitted corrective action plan and subsequent Commission review, the school is required to submit the following documents and implement the following processes and procedures. The documents have specific deadlines for completion and submission to the Commission. The processes and procedures must be immediately implemented by the board. Commission staff or a designated representative will attend all of the school's remaining monthly meetings through September 2015 to assure compliance.

1. The school must update its board roster with accurate end dates for all board members. This update must be received by the Commission by **5pm December 18, 2014**.
2. The school's requested amendment to the charter contract must be revised to accurately reflect that it would be the third amendment of the charter contract. This update must be received by the Commission by **5pm December 18, 2014**.
3. The school's board, and school leader, must provide evidence to the Commission that all board members have read the charter contract, Charter Schools Act (chapter 28A.710 RCW), and Commission rules (Title 108 WAC). The evidence of review must be in the form of an affidavit signed by board members and received by the Commission by **5pm December 19, 2014**.
4. The school board must identify at least one board member who will assume former board president Dan Seydel's role under provision 8.1.1 of the charter contract. This individual must also be responsible for notifying the Commission in accordance with provision of the charter contract when the school board considers making changes to its bylaws, its composition or wants to request any other amendments to the contract. The school must notify the Commission in writing, the contact information of the identified individual(s) by **5pm December 19, 2014**.
5. The school board must include a standing agenda item on all regularly scheduled, special and emergency meetings to review legal and charter contract compliance. Any changes in the

school's circumstances and/or board membership that are identified must be communicated in writing to the Commission. Delivery of meeting minutes that note any such changes will satisfy the written communication component of this corrective action plan.

Progress Report Due Date(s):

The school must provide the Commission with the above documents listed by the stated deadlines.

The school must provide the Commission all board meeting agendas and minutes within 72 hours of the conclusion of all regularly scheduled board meetings, special board meeting or emergency board meetings until **October 1, 2015** or until otherwise determined by the Commission.

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.2.2: Composition

Commission Findings:

Section 4.2.2 of the charter school contract also requires you to “notify the Commission of any changes to the Board Roster and Disclosures within five (5) business days of their taking effect and provide an amended Board Roster and Disclosures.” The board has changed its composition and did not notify the Commission within five (5) business days of this change. The board has failed to provide an updated board roster, resumes and associated disclosure forms for new board members. Specifically,

- Resumes are missing from current board members Yasutake and Getachew
- Board termination dates are incorrect for Allen, Carter, Getachew, and Mason
- No Board Member Certification Forms are on file from current board members

Corrective Action Plan Must:

- Bring the school into compliance with board roster and disclosure obligations
- Demonstrate how the school will maintain compliance with these obligations in the future

SCHOOL’S PROPOSED PLAN (To Be Completed By The School)

Description of Corrective Action

The Board membership, and resume of all Board Members (as identified on December 9th, 2014), is to be submitted in this corrective action plan.

The Board Members that were terminated or resigned include:

- Jana Carlisle (resigned - 10/01/2014)
- Larry Crim (resigned - 10/01/2014)
- Isabel Landsberg (resigned - 10/01/2014)
- Sarah Scott (resigned - 10/02/2014)
- Dan Seydel (terminated - 10/28/2014)
- Uti Cleveland (resigned - 10/6/2014)

We will maintain compliance in the future by adhering to the approved charter school contract.

Title/Role(s) of Responsible Persons:

Board President/Board of Directors; School Leader and Executive Director

Expected Date of Completion:

Tentative date of completion – December 10th, 2014

Evidence of Completion of the Corrective Action:

Required information will be submitted on December 10th, 2014 with corrective action plan.

Description of Internal Monitoring Procedures:

All Board policy, as proposed and set at monthly meetings, is legally binding, and practice and procedure follows from policy.

CORRECTIVE ACTION PLAN APPROVAL SECTION
(To Be Completed By The Commission)

Reference, Authority and Issue: Charter Contract Provision 4.2.2: Composition	Corrective Action Plan Status: Not approved (Untimely and Deficient)
	Status Date: December 15, 2014

Basis for Decision:

As stated in the Commission findings, the corrective action plan must describe and provide evidence supporting how the school will come into compliance with board roster and disclosure obligations and demonstrate how the school will maintain compliance with these obligations in the future. While the school provides some evidence regarding compliance with board roster and disclosure obligations, it does not concretely demonstrate how the school will maintain compliance. The school’s description of corrective action, evidence of completion of the corrective action and description of internal monitoring procedures are inadequate in providing details and concrete actions the board is/has developed to assure compliance.

In responding to the evidence of completion of corrective action, the school stated that required information would be submitted on December 10, 2014, with corrective action plan; however, the school’s untimely submission at 5:16 pm on December 10, 2014, did not include any of the following:

- Resumes from current board members Yasutake and Getachew
- Correct board termination dates for board members Allen, Carter, Getachew, and Mason
- Board Member Certification Forms from current board members

During the Commission’s regularly scheduled monthly meeting on December 11, 2014, the school leader and school board president provided hard copies of the following documents to the Commission.

- Resumes from current board members Yasutake and Getachew
- Board Member Certification Forms from current board members

The school’s description of its internal monitoring procedures, “All Board policy, as proposed and set at monthly meetings, is legally binding, and practice and procedure follows from policy,” is a conclusory statement that contains no concrete information about how the school will meet its legal obligations, bring itself into compliance, ensure future compliance, identify and address other deficiencies, or identify discrete steps to be taken to accomplish and maintain compliance.

Required Elements of Progress Report(s):

As stated in the Commission’s findings and the associated corrective action components, the school must submit and/or correct the following:

- Correct board termination dates for board members Allen, Carter, Getachew, and Mason

This must occur no later than **5 pm on December 17, 2014.**

The school must also comply with all Required Elements and Due Dates identified in conjunction with Corrective Action, Charter Contract Provision 4.2.2: Composition (above) in order to satisfy its obligations under this corrective action finding.

Progress Report Due Date(s):

The school must comply with all deadlines identified above and in Corrective Action, Charter Contract Provision 4.2.2: Composition (above).

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.2: Governance

Commission Findings:

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 identified deficiencies, each of which requires its own corrective action, 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.

Corrective Action Plan Must:

- Identify the controls or safeguards that will be used or implemented in order to ensure contractual and legal compliance
- Demonstrate how those controls will ensure compliance with the school's contractual and legal obligations in the future

SCHOOL'S PROPOSED PLAN (To Be Completed By The School)

Description of Corrective Action

For governance, the controls to be used will be adherence to school bylaws and the approved charter school contract; and the definition and implementation of policy, procedure and practice.

We will ensure compliance via monthly Board meetings and standard day-to-day operations.

Provision 4.2 (Governance) Step 1 concerns board assurance and accountability. On December 9th, 2014 Board Members approved the FPSCS organization chart structure. The chart simplifies board communication, increases engagement and streamlines administration procedure. Future Board development and training sessions include: principles of effective governance in adherence of the code of conduct.

Time Frame:

February 2015: School Board Member roles and expectations

March: Code of conduct training

Spring: Washington Charter School State Conference

June: National Charter School Conference

Title/Role(s) of Responsible Persons:

Board President/Board of Directors; School Leader and Executive Director

Expected Date of Completion:

December 10th, 2014

Evidence of Completion of the Corrective Action:

Includes the definition of Board Members and identifying the School Leader.

Description of Internal Monitoring Procedures:

Ongoing development and implementation of Board policy, procedure, and practice.

CORRECTIVE ACTION PLAN APPROVAL SECTION
(To Be Completed By The Commission)

<p>Reference, Authority and Issue:</p> <p>Charter Contract Provision 4.2: Governance</p>	<p>Corrective Action Plan Status:</p> <p>Not approved (Untimely and Deficient)</p> <hr/> <p>Status Date:</p> <p>December 15, 2014</p>
<p>Basis for Decision:</p> <p>As stated in the Commission findings, the corrective action plan must identify the controls or safeguards the school board will use or implement in order to ensure contractual and legal compliance and demonstrate how those controls will ensure compliance with the school's contractual and legal obligations in the future. While the school provides some information regarding a corrective action plan, it does not concretely demonstrate how the school will bring itself into or maintain compliance. The school's description of corrective action, evidence of completion of the corrective action and description of internal monitoring procedures are inadequate. The school does not provide details or identify concrete actions the board will take to bring itself into compliance and ensure compliance will occur in the future.</p>	
<p>Required Elements of Progress Report(s):</p> <p>The school must provide assurances that at least a quorum of board members and school leaders will attend the trainings identified in the school's proposed plan. An affidavit confirming compliance and attendance with the training schedule identified must be submitted to the Commission within 24 hours of the training.</p> <p>The school must also comply with all Required Elements and Due Dates identified in conjunction with Corrective Action, Charter Contract Provision 4.2.2: Composition (above) in order to satisfy its obligations under this corrective action finding.</p>	
<p>Progress Report Due Date(s):</p> <p>The school must provide the Commission with the above documents listed by the stated deadlines.</p>	

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Contract Provision 4.4.5: Staff Qualifications; 4.4.2 (Content Standards) Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1973; chapter 28A.155 RCW

Commission Findings:

The school does not have an employee or contractor who is State-certified or possesses an endorsement in special education. This is a major concern. First Place Scholars Public Charter 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 services they require and are entitled to under the law.

Corrective Action Plan Must:

- Address how the school will bring itself into compliance with its contractual and legal obligations relative to the education of students with disabilities in the context of hiring, contracting with, or otherwise obtaining the services of qualified individuals
- Demonstrate how the school will maintain compliance with these obligations in the future

SCHOOL'S PROPOSED PLAN (To Be Completed By The School)

Description of Corrective Action

Provision 4.4.5 - Hiring or contracting with a qualified individual. Time Frame - on or before January 12th, 2015.

Providing additional wrap around service for all students, including: YMCA mental health counseling; on-site clinical psychologist, school nurse, and case manager services provided on a weekly basis. Some of the services are conducted on a daily basis.

In order to maintain compliance, the Board adopted a Professional Staff Recruitment Policy on December 9th, 2014. The new policy and procedure is in partnership with: Puget Sound Educational Service District, ESD 112, colleges/universities, the National Association of Special Education, elementary education and secondary education.

Time Frame – Early identification of projected student enrollment, which forecasts teacher full-time equivalent need.

Title/Role(s) of Responsible Persons:

School Leader/Executive Director

Expected Date of Completion:

December 10th, 2014

Evidence of Completion of the Corrective Action:

Identification of recruitment policy, procedure and practice.
Hiring or contracting with a qualified individual.

Time Frame – on or before January 12th, 2015.

Description of Internal Monitoring Procedures:

The policy that was adopted by the Board of Directors on December 9th, 2014, sets future procedure and practice for subsequent hires. Policy mandates reporting to the Board on a set date.

Annual student enrollment projection, which drives staff hiring, is completed in the spring.

CORRECTIVE ACTION PLAN APPROVAL SECTION
(To Be Completed By The Commission)

<p>Reference, Authority and Issue:</p> <p>Contract Provision 4.4.5: Staff Qualifications; 4.4.2 (Content Standards) Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1973; chapter 28A.155 RCW</p>	<p>Corrective Action Plan Status:</p> <p>Not approved (Untimely and Deficient)</p> <hr/> <p>Status Date:</p> <p>December 15, 2014</p>
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Basis for Decision:

A corrective plan must “(a) Address how the corrective action will be accomplished; (b) Address how the school will identify and address other deficiencies associated with the corrective action;(c) Address what measure(s) will be put in place to prevent future occurrence of defect;(d) Indicate how the school will monitor compliance to assure that solutions are sustained;(e) Identify person(s) responsible for corrections and sustaining change;(f) Give the date by which correction will be made; and (g) Include steps that will be taken to accomplish correction with steps, dates, and supporting evidence that the plan will be carried out as scheduled.” WAC 108-40-050(1).

As stated in the Commission findings, the corrective action plan must address how the school will bring itself into compliance with its contractual and legal obligations relative to the education of students with disabilities in the context of hiring, contracting with, or otherwise obtaining the services of qualified individuals and demonstrate how the school will maintain compliance with these obligations in the future.

The school states that it plans to hire or contract with a qualified individual on or before January 12, 2015; however, the school does not provide information on how students with disabilities will be appropriately served in the interim. Additionally, the plan does not contain information that special education students have had their IEPs reviewed or that services as required in the IEPs are being provided.

The school’s description of corrective action also includes reference to a professional staff recruitment policy adopted by the school’s board on December 9, 2014; however, this policy was not provided for Commission review.

The expected date of completion regarding corrective action does not align to the school’s written plan. The written plan states that the school will hire or contract with a qualified individual on or before January 12, 2015, yet the school lists the expected date of completion regarding this corrective action is December 10, 2014. A component of this corrective action is the hiring of qualified staff/contract and therefore, the plan will not be complete until that hiring/contracting occurs.

In the school’s description of internal monitoring procedures, a school board policy is referenced regarding future procedures and practice for subsequent hires, yet this policy was not submitted to the Commission for review.

Required Elements of Progress Report(s):

Based on the school’s submitted corrective action plan and subsequent Commission review, the school is required to submit the following documents and implement the following processes and procedures. The documents have specific deadlines for completion and submission to the Commission. The processes and procedures must be immediately implemented by the board. Commission staff or a designated representative will conduct, at a minimum, monthly site visits through the end of the current school year to assure compliance.

1. By **5pm on January 5, 2015**, the school must retain the services of a qualified special education teacher until a full-time teacher or contract with the appropriate certifications can be retained.
2. By **5pm on December 19, 2014**, the school must describe in writing, how it is and has been satisfying the needs of all identified special education students enrolled at the school.
3. Beginning **January 5, 2015**, the school must review all current student IEPs and determine how the needs of these students have been met since the first day of school and provide evidence that all services as required by the IEP have been provided. If any components of a student's IEP have not been met, this must be documented and quantified so that compensatory services can be provided. Commission staff or a designee must be allowed to participate in this review alongside the school representative who is conducting the review.
4. By **5pm on January 19, 2015**, for students who have not received services as required in their IEP, the school must develop and submit to the Commission for review and approval a plan for how it will provide compensatory services. The plan must contain discrete steps, the method for completion, deadlines for completion, a method for monitoring the progress and verifying completion as well as identify a specific individual (with contact information) who is responsible for overseeing this process. The plan must contain all components of a corrective action plan as stated in WAC 108-40-050.

Progress Report Due Date(s):

The school must provide the Commission with the above documents listed by the stated deadlines.

The school must provide Commission staff or a designee access to all IEPs by **January 5, 2015**, and as requested until this corrective action plan has been fully completed.

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.7.10: Student Welfare and Safety; RCW 28A.320.125

Commission Findings:

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.

Corrective Action Plan Must:

- Address how the school will bring its safety plan into compliance with its contractual and legal obligations
- Address how the school will bring itself into compliance with its training and safety drill obligations
- Demonstrate how the school will maintain compliance with these obligations in the future

SCHOOL’S PROPOSED PLAN

(To Be Completed By The School)

Description of Corrective Action

To implement the school safety plan developed on December 9th, 2014. The newly adopted plan will help provide a climate of school-wide safety. Administrative staff will develop and annually revise its safe school plan, and present the data to the School Board for consultation. Student handbook will include new safe school plan, which is to be sent home to parents from December 18th, 2014. The safe school plan ensures that:

- a) Includes required school safety drills, policies and procedures;
- b) Addresses emergency mitigation, preparedness, response, and recovery;
- c) Includes provisions for assisting and communicating with students and staff, including those with special needs or disabilities;
- d) Uses the training guidance provided by the Washington State Office of the Superintendent of Public Instruction School Safety Center.

Title/Role(s) of Responsible Persons: School Leader/Executive Director		Expected Date of Completion: December 9 th , 2014
Evidence of Completion of the Corrective Action: The policy was adopted, and safety drills identified. January 2015 – School-wide fire drill; February – Earthquake drill; March – Fire drill, lockdown drill; April – Fire drill. May – Fire drill. May – Outdoor activity safety drill. Staff safety training Time Frame – Starting January 2015, throughout remainder of the school year.		
Description of Internal Monitoring Procedures: Daily procedure and practice, in alignment with Board-approved school safety policy.		
CORRECTIVE ACTION PLAN APPROVAL SECTION (To Be Completed By The Commission)		
Reference, Authority and Issue: Charter Contract Provision 4.7.10: Student Welfare and Safety; RCW 28A.320.125	Corrective Action Plan Status: Not approved (Untimely and Deficient) Status Date: December 15, 2014	
Basis for Decision: As stated in the Commission findings, the corrective action plan must address how the school will bring its safety plan into compliance with its contractual and legal obligations, address how the school will bring itself into compliance with its training and safety drill obligations, and demonstrate how the school will maintain compliance with these obligations in the future. While the school’s proposed plan states that a new school safety plan was adopted, it was not submitted to the Commission with the proposed corrective action plan or the additional materials submitted by the school on December 11, 2014. Without reviewing the updated safety plan, a determination regarding the extent to which the school is in compliance with its legal and contractual obligations cannot be determined. Additionally, the corrective action plan the school submitted indicates that a board policy was adopted pertaining to school safety, but this policy was not submitted as a part of the school’s corrective action plan. Additionally, the school’s evidence of completion of the corrective action and description of internal monitoring procedures are inadequate in providing details and concrete actions the board is/has developed to assure compliance. As stated in the Commission findings, the school’s proposed corrective action was required to: <ul style="list-style-type: none"> • Address how the school will bring its safety plan into compliance with its contractual and legal obligations • Address how the school will bring itself into compliance with its training and safety drill obligations • Demonstrate how the school will maintain compliance with these obligations in the future While, the school’s proposed corrective action plan does indicated that it will conduct drills during specific months, it does not adequately demonstrate how each of the above listed items will be accomplished. Nor does it satisfy the components of WAC 108-40-050.		

RCW 28A.320.125 describes the required elements of a schools safety plan as well as the frequency of school safety drills. The school's proposed corrective action failed to demonstrate compliance with the legal obligations imposed under this law. For example, the school's corrective action plan lists a series of safety related drills to be conducted for the remainder of the school year but it does not align to the requisite frequency of safety related drills.

Required Elements of Progress Report(s):

Based on the school's submitted corrective action plan and subsequent Commission review, the school is required to submit the following documents and implement the following processes and procedures. The documents have specific deadlines for completion and submission to the Commission. The processes and procedures must be immediately implemented by the school.

1. By **5pm, December 17, 2014**, the school must submit an updated safety plan to the Commission for review.
2. By **5pm, December 17, 2014**, the school must submit an updated school safety drill schedule that adheres to requirements as listed in RCW 28A.320.125
3. By **5pm, December 18, 2014**, the school must submit a detailed proposed plan outlined how the school will provide the requisite training and information to its employees, staff, and administrators in order bring itself into compliance with RCW 28A.320.125 and ensure compliance in the future. This must include mechanisms for reporting progress towards compliance to the Commission. This proposed plan must satisfy all of the elements of a corrective action plan as required by WAC 108-40-050.
4. By the **5pm** on the last school day of each month beginning **January 30, 2015, and ending June 16, 2015**, the school must submit to the Commission verification of all safety related drills conducted for the corresponding month.

Progress Report Due Date(s):

The school must provide the Commission with the above documents listed by the stated deadlines.

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.8: School Calendar; 4.4.2 Content Standards; and RCW 28A.150.220

Commission Findings:

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 30th 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. The calendar provided contains only information concerning the start date and end date of the school year and holidays and breaks. Information is void of teacher in-service days and half-days. Without this information, the Commission cannot determine the total days and hours students will be receiving instruction.

Corrective Action Plan Must:

- Demonstrate how the school will bring itself into compliance with its legal obligations and provide the Commission with sufficient information with which to confirm that the school is satisfying its minimum instruction day and hour obligations
- Demonstrate how the school will maintain compliance with these obligations in the future

SCHOOL’S PROPOSED PLAN

(To Be Completed By The School)

Description of Corrective Action

The Board of Directors approved the 2014-15 school calendar on December 9th, 2014. The calendar confirms the start of school year, end of school year, holidays, and vacations (i.e. winter break, spring break, and early dismissal). Also approved was the Board policy mandating an annual review of the school calendar, to be done on or before June 30th of each school year.

The calendar cross-references RCW 28A, 150.230 (10) definition of school day and RCW 28A150.205 definition of instructional hours.

Title/Role(s) of Responsible Persons:

School Leader

Expected Date of Completion:

December 9th, 2014

Evidence of Completion of the Corrective Action:

The Board of Directors-approved calendar and policy sent with the corrective action plan to the Washington State Charter Commission.

Description of Internal Monitoring Procedures:

An annual review of the calendar, and releasing the calendar to students, staff, and school community.

CORRECTIVE ACTION PLAN APPROVAL SECTION
(To Be Completed By The Commission)

Reference, Authority and Issue:	Corrective Action Plan Status:
Charter Contract Provision 4.8: School Calendar; 4.4.2 Content Standards; and RCW 28A.150.220	Approved
	Status Date: December 15, 2014
Basis for Decision: As stated in the Commission findings, the corrective action plan must demonstrate how the school will bring itself into compliance with its legal obligations and provide the Commission with sufficient information with which to confirm that the school is satisfying its minimum instruction day and hour obligations and demonstrate how the school will maintain compliance with these obligations in the future. On December 11, 2014, the school provided a school calendar with sufficient information and details that allowed the Commission to determine that the school is in compliance with its contractual and legal obligations regarding the school's instructional hours and school days.	
Required Elements of Progress Report(s): No progress reports are required for this corrective action.	
Progress Report Due Date(s): N/A	

CORRECTIVE ACTION PLAN

Reference, Authority and Issue:

Charter Contract Provision 4.14.4: Background Checks

Commission Findings:

Proof of compliance with Section 4.14.4 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 or in response to the Notice of Concern. This is key matter that concerns the safety and wellbeing of the school’s students, and is of utmost importance to ensure the safety of children, particularly given that the school is intentionally designed for those students already experiencing multiple traumas.

The school has already failed to bring itself into compliance with the background check requirement and did not meet the 24 hour deadline imposed in the Commission’s November 4th Notice of Concern.

Based upon information provided to the Commission the following individuals have not received the required background checks: all board members; instructional aides; contractors; the business manager; nurse; receptionist; and food service manager.

Corrective Action Plan Must:

- Demonstrate immediate compliance with the school’s background check obligations
- Demonstrate how the school will maintain compliance with these obligations in the future; this should include a plan for ensuring that future deadlines will also be met

SCHOOL’S PROPOSED PLAN

(To Be Completed By The School)

Description of Corrective Action

All Board Members, staff, and volunteers (i.e. those who are to be in the presence of students) will undergo fingerprinting with local law enforcement.

Data are to be submitted that shows a complete roster of all staff, demonstrating that some have completed the aforementioned process, and others are listed as “pending.”

Board of Directors Members and volunteers that are in contact with students in an unsupervised manner must also undergo fingerprinting with local law enforcement.

A roster will be kept of all Board Members and volunteers with current status of clearance.

In the future, compliance will be maintained by a constant review of the cohort of volunteers, new staff, and Board of Directors, ensuring that their clearance status information is audited.

Title/Role(s) of Responsible Persons:

School Leader

Expected Date of Completion:

Ongoing

Evidence of Completion of the Corrective Action:

The staff roster with clearance information will be sent out with the corrective action plan.

Description of Internal Monitoring Procedures:

To consist of monthly auditing by School Leader and administrative staff.

**CORRECTIVE ACTION PLAN APPROVAL SECTION
(To Be Completed By The Commission)**

Reference, Authority and Issue: Charter Contract Provision 4.14.4: Background Checks	Corrective Action Plan Status: Not approved (Untimely and Deficient)
	Status Date: December 15, 2014

Basis for Decision:

As stated in the Commission findings, the corrective action plan must demonstrate immediate compliance with the school’s background check obligations and demonstrate how the school will maintain compliance with these obligations in the future; this should include a plan for ensuring that future deadlines will also be met. While the school provides some evidence regarding compliance with the school’s background check obligations, the school does not provide adequate evidence that employees, volunteers, contractors and board members who may have unsupervised access to children or who may be allowed on school premises unaccompanied when children are present have been completed. Additionally, the school’s evidence of completion of the corrective action and description of internal monitoring procedures do not provide details and identify concrete actions the board has developed to assure compliance.

In the school’s description of corrective action, it states “all board members, staff volunteers (i.e. those who are to be in the presence of students) will undergo fingerprinting with local law enforcement” and “Board of Directors Members and volunteers that are in contact with students in an unsupervised manner must also undergo fingerprinting with local law enforcement.” Both of these statements suggest that the school understands that, charter contract provision 4.14.4 requires the school 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.” Specifically, it is not clear the school understands that background checks must be completed for employees, contractors, volunteers and board members who may be allowed on school premises unaccompanied when children are present.

Provision 4.14.4 of the charter contract begins with the statement, “the school will comply with the employee record check requirements in RCW 28A.400.303.” In the school’s response to corrective action, it failed to demonstrate compliance with the legal obligations imposed under this law. While the school provided documentation regarding the status of background checks of employees and board members, the documentation does not provide indications that fingerprints were taken from all those individuals listed or FBI background check occurred. Additionally, there are discrepancies regarding the school’s understanding of a “completed” background check and state law. For example, the school lists an individual’s background check as “complete” yet the documentation provided to the Commission on December 11, 2014, states that the FBI component of the background check is “pending.”

Required Elements of Progress Report(s):

Based on the school’s submitted corrective action plan and subsequent Commission review, the school is required to submit the following documents and implement the following processes and procedures. The documents have specific deadlines for completion and submission to the Commission. The processes and procedures must be immediately implemented by the school.

1. By **5pm, December 17, 2014**, the school must submit an assurance document, signed by the school leader and school’s Board President, describing how individuals who have not completed

a background check, as required under the charter contract, will be supervised while children are present.

2. By **5pm, December 18, 2014**, the school must submit an updated list of all Board Members and volunteers who may have unsupervised access to students or who are on campus unsupervised when students are present. This list must include the current status of each individual's background check in accordance with the charter contract and RCW 28A.400.303.

Progress Report Due Date(s):

The school must provide the Commission with the above documents listed by the stated deadlines.