

**ESSB 5012** - H AMD TO H AMD (H3107.4) **562**  
By Representative Schual-Berke

1 On page 2, beginning on line 29 of the amendment, strike all of  
2 subsection (6)

3 Renumber the remaining subsections consecutively and correct any  
4 internal references accordingly.

5 On page 7, beginning on line 20 of the amendment, after  
6 "Applications" strike all material through "school" on line 21

7 On page 11, line 24 of the amendment, after "A charter" strike "for  
8 the conversion of a public school"

9 On page 15, line 20 of the amendment, after "a" strike "new"

10 On page 15, beginning on line 20 of the amendment, after "charter  
11 school" strike all material through "school" on line 21

12 On page 16, line 21 of the amendment, after "A" strike "conversion"

13 On page 16, at the beginning of line 23 of the amendment, strike  
14 "conversion"

15 Beginning on page 17, line 28 of the amendment, strike all of  
16 sections 16, 17, 18, and 19 and insert the following:

17 "NEW SECTION. **Sec. 16.** IMPLEMENTATION OF CHARTER SCHOOLS. (1)  
18 Applications for charter schools may begin on the effective date of  
19 this section.

20 (2) Sponsors and alternate sponsors shall promptly notify the  
21 superintendent of public instruction when a charter is approved, and  
22 shall indicate whether the charter school's primary purpose is to serve  
23 educationally disadvantaged students.

1        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 41.56 RCW  
2 to read as follows:

3        This section applies to charter schools as defined in section 2 of  
4 this act and the charter school's employees included in the bargaining  
5 unit.    The employees of charter schools shall remain members of the  
6 bargaining units in the school district.

7        This section, designating charter schools as employers and charter  
8 school employees as members under the teachers' retirement systems, the  
9 school employees' retirement systems, and the public employees'  
10 retirement systems, applies only if the department of retirement  
11 systems receives determinations from the internal revenue service and  
12 the United States department of labor that such participation does not  
13 jeopardize the status of these retirement systems as governmental plans  
14 under the federal employees' retirement income security act and the  
15 internal revenue code.

16        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 41.59 RCW  
17 to read as follows:

18        (1) This section applies to collective bargaining agreements  
19 between charter schools and the employees of charter schools included  
20 in the bargaining unit.    The bargaining unit of employees of charter  
21 schools must be limited to the employees of the charter school and must  
22 be separate from other bargaining units in the school district or  
23 educational service district for at least the first five years of  
24 operation of the school, after which the employees of a charter school  
25 may indicate by a majority vote they desire to become members of the  
26 bargaining unit in the school district in which the charter school is  
27 located.

28        (2) This section, designating charter schools as employers and  
29 charter school employees as members under the teachers' retirement  
30 systems, the school employees' retirement systems, and the public  
31 employees' retirement systems, takes effect only if the department of  
32 retirement systems receives determinations from the internal revenue  
33 service and the United States department of labor that such  
34 participation does not jeopardize the status of these retirement  
35 systems as governmental plans under the federal employees' retirement  
36 income security act and the internal revenue code.

1       **Sec. 19.** RCW 41.59.080 and 1998 c 244 s 11 are each amended to  
2 read as follows:

3       The commission, upon proper application for certification as an  
4 exclusive bargaining representative or upon petition for change of unit  
5 definition by the employer or any employee organization within the time  
6 limits specified in RCW 41.59.070(3), and after hearing upon reasonable  
7 notice, shall determine the unit appropriate for the purpose of  
8 collective bargaining. In determining, modifying or combining the  
9 bargaining unit, the commission shall consider the duties, skills, and  
10 working conditions of the educational employees; the history of  
11 collective bargaining; the extent of organization among the educational  
12 employees; and the desire of the educational employees; except that:

13       (1) A unit including nonsupervisory educational employees shall not  
14 be considered appropriate unless it includes all such nonsupervisory  
15 educational employees of the employer; and

16       (2) A unit that includes only supervisors may be considered  
17 appropriate if a majority of the employees in such category indicate by  
18 vote that they desire to be included in such a unit; and

19       (3) A unit that includes only principals and assistant principals  
20 may be considered appropriate if a majority of such employees indicate  
21 by vote that they desire to be included in such a unit; and

22       (4) A unit that includes both principals and assistant principals  
23 and other supervisory employees may be considered appropriate if a  
24 majority of the employees in each category indicate by vote that they  
25 desire to be included in such a unit; and

26       (5) A unit that includes supervisors and/or principals and  
27 assistant principals and nonsupervisory educational employees may be  
28 considered appropriate if a majority of the employees in each category  
29 indicate by vote that they desire to be included in such a unit; and

30       (6) A unit that includes only employees in vocational-technical  
31 institutes or occupational skill centers may be considered to  
32 constitute an appropriate bargaining unit if the history of bargaining  
33 in any such school district so justifies; and

34       (7) Notwithstanding the definition of collective bargaining, a unit  
35 that contains only supervisors and/or principals and assistant  
36 principals shall be limited in scope of bargaining to compensation,

1 hours of work, and the number of days of work in the annual employment  
2 contracts; and

3 (8) The bargaining unit of certificated employees of school  
4 districts, educational service districts, or institutions of higher  
5 education that are education providers under chapter 28A.193 RCW must  
6 be limited to the employees working as education providers to juveniles  
7 in each adult correctional facility maintained by the department of  
8 corrections and must be separate from other bargaining units in school  
9 districts, educational service districts, or institutions of higher  
10 education; and

11 (9) Except as provided in section 18 of this act, the employees of  
12 charter schools as defined in section 2 of this act shall be members of  
13 the bargaining units in the school district or educational service  
14 district."

EFFECT: No new charter schools may be established. Charter schools are limited only to the conversion of existing public schools to charter public schools.

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