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**ENGROSSED SUBSTITUTE SENATE BILL 5012**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Johnson, Finkbeiner, Esser and Oke)

READ FIRST TIME 02/04/03.

1       AN ACT Relating to charter schools; amending RCW 41.59.080; adding  
2 a new section to chapter 41.56 RCW; adding a new section to chapter  
3 41.59 RCW; adding a new chapter to Title 28A RCW; and providing  
4 contingent effective dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION. **Sec. 1.** INTENT.     The legislature intends to  
7 authorize the establishment of charter schools for the purpose of  
8 providing more, high quality public school choices for families,  
9 students, and teachers. High quality public school choices are those  
10 proven and promising learning environments that are likely to result in  
11 improved student achievement.

12       NEW SECTION. **Sec. 2.** DEFINITIONS.   Unless the context clearly  
13 requires otherwise, the definitions in this section apply throughout  
14 this chapter.

15       (1) "Applicant" means a nonprofit corporation that has submitted an  
16 application to a sponsor to obtain approval to operate a charter

1 school. The nonprofit corporation must either be a public benefit  
2 nonprofit corporation as defined in RCW 24.03.490, or a nonprofit  
3 corporation as defined in RCW 24.03.005 that has applied for tax-exempt  
4 status under section 501(c)(3) of the internal revenue code of 1986 (26  
5 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a  
6 sectarian or religious organization and must meet all of the  
7 requirements for a public benefit nonprofit corporation before  
8 receiving any funding under section 12 of this act.

9 (2) "Charter" means a contract between an applicant and a sponsor.  
10 The charter establishes, in accordance with this chapter, the terms and  
11 conditions for the management, operation, and educational program of  
12 the charter school.

13 (3) "Charter school" means a public school managed by an  
14 applicant's board of directors and operating independently of any  
15 school district board under a charter approved in accordance with this  
16 chapter.

17 (4) "Board of directors" means the board of directors of the public  
18 benefit nonprofit corporation that manages and operates the charter  
19 school.

20 (5) "Sponsor" means: (a) The school district in which the charter  
21 school is located; (b) the state and regional universities as defined  
22 in RCW 28B.10.016; or (c) The Evergreen State College. Charter schools  
23 sponsored under (b) or (c) of this subsection shall be approved by the  
24 governing board of the sponsoring institution or by an official or  
25 agency designated by and accountable to the governing board.

26 NEW SECTION. **Sec. 3.** CHARTER SCHOOLS--POWERS. (1) The charter  
27 school's board of directors may hire, manage, and discharge any charter  
28 school employee in accordance with the terms of this chapter and that  
29 school's charter.

30 (2) The charter school's board of directors may enter into a  
31 contract with any school district, or any other public or private  
32 entity, also empowered to enter into contracts, for any and all real  
33 property, equipment, goods, supplies, and services, including  
34 educational instructional services.

35 (3) Charter schools may rent, lease, or own property, but may not  
36 acquire property by eminent domain. All charters and charter school  
37 contracts with other public and private entities must include

1 provisions regarding the disposition of the property if the charter  
2 school fails to open as planned, closes, or the charter is revoked or  
3 not renewed. Charter schools may accept gifts and donations from other  
4 governmental and private entities, excluding sectarian or religious  
5 organizations. Charter schools may not accept any gifts or donations  
6 the conditions of which violate this chapter.

7 (4) Neither a charter school sponsor nor the school district in  
8 which the charter school is located is liable for acts or omissions of  
9 a charter school, including acts or omissions related to the  
10 application, the charter, the operation, and the performance of the  
11 charter school.

12 (5) Charter schools may not charge tuition, levy taxes, or issue  
13 bonds, however they may charge fees for optional noncredit  
14 extracurricular events.

15 (6) Charter schools may issue secured and unsecured debt to manage  
16 cash flow, improve operations, or finance the acquisition of real  
17 property or equipment. Such an issuance does not constitute an  
18 obligation, either general, special, or moral of the state, the charter  
19 school sponsor, the school district in which the charter school is  
20 located or any other political subdivision or agency of the state.  
21 Neither the full faith and credit nor the taxing power of the state,  
22 the charter school sponsor, the school district in which the charter  
23 school is located, or any other political subdivision or agency of the  
24 state may be pledged for the payment of such debt.

25 NEW SECTION. **Sec. 4.** LEGAL STATUS. A charter school is a public  
26 school including one or more of grades kindergarten through twelve,  
27 operated by a public benefit nonprofit corporation, according to the  
28 terms of a renewable five-year contract granted by a sponsor.

29 NEW SECTION. **Sec. 5.** CHARTER SCHOOLS--EXEMPTIONS. (1) A charter  
30 school shall operate independently of any school district board, under  
31 a charter approved by a sponsor under this chapter.

32 (2) Charter schools are exempt from all state statutes and rules  
33 applicable to school districts and school district boards of directors  
34 except as provided in this chapter and in the school's approved  
35 charter.

1 (3) A charter school's board of directors may elect to comply with  
2 one or more provisions of the statutes or rules that are applicable to  
3 school districts and school district board of directors.

4 (4) All approved charter schools shall:

5 (a) Comply with state and federal health, safety, parents' rights,  
6 and civil rights laws, including chapter 28A.640 RCW (sexual equality)  
7 and Title IX of the education amendments of 1972 (20 U.S.C. Sec. 1681  
8 et seq.) applicable to school districts;

9 (b) Participate in nationally normed standardized achievement tests  
10 as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the  
11 elementary, middle school, and high school standards and assessment  
12 examinations as required in RCW 28A.655.060;

13 (c) Employ certificated instructional staff as required in RCW  
14 28A.410.010, however charter schools may hire noncertificated  
15 instructional staff of unusual competence and in exceptional cases as  
16 specified in RCW 28A.150.260;

17 (d) Comply with the employee record check requirements in RCW  
18 28A.400.303;

19 (e) Be subject to the same financial and audit requirements as a  
20 school district;

21 (f) Comply with the annual performance report under RCW  
22 28A.655.110;

23 (g) Follow the performance improvement goals and requirements  
24 adopted by the academic achievement and accountability commission by  
25 rule under RCW 28A.655.030;

26 (h) Report at least annually to its sponsor, the school district in  
27 which the charter school is located, and to parents of children  
28 enrolled at the charter school on progress toward the student  
29 performance goals specified in the charter; and

30 (i) Comply with the open public meetings act in chapter 42.30 RCW  
31 and open public records requirements in RCW 42.17.250.

32 NEW SECTION. **Sec. 6. ADMISSION REQUIREMENTS.** (1) A charter  
33 school must enroll all students who submit a timely application. If  
34 capacity is insufficient to enroll all students who submit a timely  
35 application, the charter school must give enrollment priority to  
36 students who reside within the school district boundaries in which the  
37 charter school is physically located. Priority also must be given to

1 siblings of students who are currently enrolled in the school.  
2 Students must be selected through an equitable selection process, such  
3 as a lottery, to fill any remaining spaces. Schools that convert to  
4 charter schools must also give priority to the students who are  
5 currently enrolled in school.

6 (2) A charter school may not limit admission based on race,  
7 religion, ethnicity, national origin, gender, income level,  
8 intellectual ability, disabling condition, proficiency in the English  
9 language, or athletic ability. A charter school may limit admission to  
10 students within a given age group or grade level.

11 NEW SECTION. **Sec. 7.** CHARTER APPLICATION--CHARTERING PROCESS.

12 (1) An applicant may apply to a sponsor to establish a charter school  
13 as provided in this section.

14 (2) An application for a charter school may be submitted to any  
15 qualified sponsor.

16 (3) The school district board of directors must elect whether to  
17 hold a public hearing in the school district on the application within  
18 twenty days of receipt of the application. If the school board is  
19 going to accept the application, a public hearing must be held before  
20 the granting of a charter. The school board must either accept or  
21 reject the application within sixty days after the receipt of the  
22 application. The sixty-day deadline for acceptance or rejection of the  
23 charter school application may be extended for an additional thirty  
24 days if both parties agree in writing.

25 (4) If the school board elects not to hold a hearing or rejects the  
26 application, the school board must notify the applicant in writing of  
27 the reasons for that decision. The applicant may submit a revised  
28 application for the school board's reconsideration. The school board  
29 may provide assistance to improve the application. If the school board  
30 rejects the application after submission of a revised application, the  
31 school board must notify the applicant in writing of the reasons for  
32 the rejection.

33 (5) Sponsors other than school districts must comply with the  
34 procedures in subsections (1) through (4) of this section for  
35 consideration of the charter application. A sponsor is not bound by  
36 another sponsor's findings or decision to deny the application.

1 (6) The superintendent of public instruction shall maintain copies  
2 of all approved charter applications. An applicant may obtain copies  
3 of those applications from the office of the superintendent of public  
4 instruction.

5 NEW SECTION. **Sec. 8.** APPLICATION REQUIREMENTS. The charter  
6 school application is a proposed contract and must include:

7 (1) The identification and description of the nonprofit corporation  
8 submitting the application, including the names and descriptions of the  
9 individuals who will operate the school;

10 (2) The nonprofit corporation's proposed articles of incorporation,  
11 bylaws, and most recent financial statement and balance sheet;

12 (3) A mission statement for the proposed school, consistent with  
13 the description of legislative intent in this chapter;

14 (4) A description of the school's educational program, including  
15 curriculum and instructional strategies;

16 (5) A description of the school's admissions policy and marketing  
17 program, including deadlines for applications or admission;

18 (6) A description of student performance standards that must meet  
19 those determined under RCW 28A.655.060, and be measured according to  
20 the assessment system determined under RCW 28A.655.060;

21 (7) A description of the plan for evaluating student performance  
22 and the procedures for taking corrective action in the event that  
23 student performance at the charter school falls below standards  
24 established in its charter;

25 (8) A description of the financial plan for the school. The plan  
26 shall include: (a) A proposed five-year budget of projected revenues  
27 and expenditures; (b) a plan for starting the school; (c) a five-year  
28 facilities plan; (d) evidence supporting student enrollment projections  
29 of at least twenty students; and (e) a description of major contracts  
30 planned for equipment and services, leases, improvements, purchases of  
31 real property, and insurance;

32 (9) A description of the proposed financial management procedures,  
33 including annual audits of the school's financial and administrative  
34 operations, which shall meet or exceed generally accepted standards of  
35 management and public accounting;

36 (10) An assessment of the school's potential legal liability and a  
37 description of the types and limits of insurance coverage the nonprofit

1 corporation plans to obtain that are adequate. For purposes of this  
2 subsection, a liability policy of between one million and five million  
3 dollars is required;

4 (11) A description of the procedures to discipline and dismiss  
5 students; and

6 (12) A description of procedures to assure the health and safety of  
7 students, employees, and guests of the school and to comply with  
8 applicable federal and state health and safety laws and regulations.

9 NEW SECTION. **Sec. 9.** APPROVAL CRITERIA. A sponsor may approve an  
10 application for a charter school, if in the sponsor's reasonable  
11 judgment, after exercising due diligence and good faith, the sponsor  
12 finds:

13 (1) The applicant is a public benefit nonprofit corporation and the  
14 individuals it proposes to manage the school are qualified to operate  
15 a charter school and implement the proposed educational program;

16 (2) The mission statement is consistent with the description of  
17 legislative intent and restrictions on charter school operations in  
18 this chapter;

19 (3) The school's proposed educational program is free from  
20 religious or sectarian influence;

21 (4) The school's proposed educational program includes student  
22 academic performance standards that meet those determined under RCW  
23 28A.655.060 and are measured according to the assessment system  
24 determined under RCW 28A.655.060;

25 (5) The application includes a viable plan for evaluating pupil  
26 performance and procedures for taking appropriate corrective action in  
27 the event that pupil performance at the charter school falls below  
28 standards established in its charter;

29 (6) The school's educational program, including curriculum and  
30 instructional strategies, has the potential to improve student  
31 performance as measured under section 5 of this act;

32 (7) The school's admissions policy and marketing program is  
33 consistent with state and federal law;

34 (8) The financial plan for the school is designed to reasonably  
35 support the charter school's educational program based on a review of  
36 the proposed five-year budget of projected revenues, expenditures, and  
37 facilities;

1 (9) The school's financial and administrative operations, including  
2 its annual audits, meet or exceed generally accepted standards of  
3 accounting and management;

4 (10) The assessment of the school's potential legal liability, and  
5 the types and limits of insurance coverage the school plans to obtain,  
6 are adequate. For purposes of this subsection, a liability policy of  
7 between one million and five million dollars is required;

8 (11) The procedures the school plans to follow for discipline and  
9 dismissal of students are reasonable and comply with federal law;

10 (12) The procedures the school plans to follow to assure the health  
11 and safety of students, employees, and guests of the school comply with  
12 applicable state and federal health and safety laws and regulations;  
13 and

14 (13) The public benefit nonprofit corporation has been approved or  
15 conditionally approved by the internal revenue service for tax exempt  
16 status under section 501(c)(3) of the internal revenue code of 1986 (26  
17 U.S.C. Sec. 501(c)(3)).

18 NEW SECTION. **Sec. 10.** CHARTER AGREEMENT--AMENDMENT. (1) A  
19 charter application approved by a sponsor with any changes constitutes  
20 a charter.

21 (2) A charter may be amended during its term at the request of the  
22 charter school board of directors and on the approval of the sponsor.

23 NEW SECTION. **Sec. 11.** CHARTER RENEWAL AND REVOCATION. (1) An  
24 approved plan to establish a charter school is effective for five years  
25 from the first day of operation. At the conclusion of the first three  
26 years of operation, the charter school may apply to the sponsor for  
27 renewal. A request for renewal must be submitted no later than six  
28 months before the expiration of the charter.

29 (2) A charter school renewal application must include:

30 (a) A report on the progress of the charter school in achieving the  
31 goals; student performance standards, including the student performance  
32 standards adopted by rule by the academic achievement and  
33 accountability commission in accordance with RCW 28A.655.030; and other  
34 terms of the charter; and

35 (b) A financial statement that discloses the costs of



1 administration, instruction, and other expenditure objects and  
2 activities of the charter school.

3 (3) The sponsor may reject the application for renewal if any of  
4 the following occurred:

5 (a) The charter school materially violated its contract with the  
6 sponsor, as set forth in the charter;

7 (b) The students enrolled in the charter school failed to meet  
8 student performance standards identified in the charter, including the  
9 student performance standards adopted by rule by the academic  
10 achievement and accountability commission in accordance with RCW  
11 28A.655.030;

12 (c) The charter school failed to meet generally accepted standards  
13 of fiscal management; or

14 (d) The charter school violated provisions in law that have not  
15 been waived in accordance with this chapter.

16 (4) A sponsor shall give written notice of its intent not to renew  
17 the charter school's request for renewal to the charter school within  
18 three months of the request for renewal to allow the charter school an  
19 opportunity to correct identified deficiencies in its operation. At  
20 the request of the board of directors of the charter school, the  
21 sponsor shall review its decision for nonrenewal after the charter  
22 school has corrected any identified deficiencies.

23 (5) The sponsor may revoke a previously approved charter before the  
24 expiration of the term of the charter, and before application for  
25 renewal, for any of the reasons specified in subsection (3) of this  
26 section. Except in cases of emergency where the health and safety of  
27 children are at risk, a charter may not be revoked unless the sponsor  
28 first provides written notice of the specific violations alleged, a  
29 public hearing, and a reasonable opportunity for the charter school to  
30 correct the identified areas of concern. The sponsor of a charter  
31 school shall provide for an appeal process upon a determination by the  
32 sponsor that grounds exist to revoke a charter.

33 NEW SECTION. **Sec. 12.** FUNDING. (1) When the sponsor is a school  
34 district:

35 (a) For purposes of funding, students in charter schools shall be  
36 considered students of the sponsoring district for general fund  
37 apportionment purposes. Without violating section 13 of this act, the

1 sponsoring school district shall provide prompt and timely funding for  
2 charter schools on a per student basis in amounts the schools would  
3 have received if the students were enrolled in a noncharter public  
4 school in the district except that a charter school shall not generate  
5 eligibility for small school assistance. Funding for charter schools  
6 shall include regular apportionment, categorical, and nonbasic  
7 education funds, as appropriate and shall be based on enrollment and  
8 other financial information submitted by the charter school to the  
9 school district as is required to determine state apportionment  
10 amounts;

11 (b) Local levy moneys approved by the voters before the effective  
12 date of a charter between a school district and an applicant shall not  
13 be allocated to a charter school unless the sponsoring school district  
14 determines it has received sufficient authority from voters to allocate  
15 maintenance and operation excess tax levy money to the charter school.  
16 For levies approved after the effective date of a charter, charter  
17 schools shall be included in levy planning, budgets, and funding  
18 distribution in the same manner as other schools in the district only  
19 to the extent agreed to by the school district board of directors. In  
20 making the decision, the school district board of directors shall  
21 consult with the charter school board of directors; and

22 (c) A charter school is eligible for state matching funds for  
23 common school construction if a sponsoring school district determines  
24 it has received voter approval of local capital funds for the project.

25 (2) Public schools converting to charter schools shall receive  
26 funding in the same manner as other charter schools sponsored by school  
27 districts.

28 (3) If the sponsor is not a school district, students in the  
29 charter school shall still be considered students of the district in  
30 which the charter school is located for general fund apportionment  
31 purposes. Without violating section 13 of this act, the superintendent  
32 of public instruction shall provide prompt and timely funding for  
33 charter schools on a per student basis in amounts the schools would  
34 have received if the students were enrolled in a noncharter school in  
35 the district except that a charter school shall not generate  
36 eligibility for small school assistance. The funding shall include  
37 regular apportionment, categorical, and nonbasic education funds and  
38 shall be based on enrollment and other financial information submitted

1 by the charter school to the school district or the superintendent of  
2 public instruction, as is required to determine state apportionment  
3 amounts.

4 (4) No local levy money may be allocated to a charter school if the  
5 charter school is sponsored by a sponsor that is not a school district.

6 NEW SECTION. **Sec. 13.** ADMINISTRATION FEE. To offset costs of  
7 oversight and administering the charter, a sponsor may retain up to  
8 three percent of state funding and local excess levy funding, if  
9 applicable, that is being driven to the charter school. Except for the  
10 administration fee in this section, no other offsets or deductions are  
11 allowed, whether for central administration or other off-site support  
12 services, from a charter school's per-pupil share of state  
13 appropriations, local levies, or other funds, unless the charter school  
14 has contracted with a school district to obtain specific additional  
15 services.

16 NEW SECTION. **Sec. 14.** LEAVES OF ABSENCE. If a school district  
17 employee makes a written request for an extended leave of absence to  
18 work at a charter school, the school district shall grant the request.  
19 The school district may require that the request for a leave be made up  
20 to ninety days before the employee would otherwise have to report for  
21 duty. The leave shall be granted for up to three years. If the  
22 employee returns to the school district within the three-year period,  
23 the employee shall be hired before the district hires anyone else with  
24 fewer years of service, with respect to any position for which the  
25 returning employee is certificated or otherwise qualified.

26 NEW SECTION. **Sec. 15.** STUDY OF CHARTER SCHOOLS. The Washington  
27 institute for public policy shall study the implementation and  
28 effectiveness of this act. The institute shall make recommendations to  
29 the legislature about the effectiveness of charter schools and the  
30 impact of charter schools. The institute shall also recommend changes  
31 to this chapter including improvements that could be made to the  
32 application and approval process. A preliminary report of the study is  
33 due to the legislature by March 1, 2006, and a final report is due  
34 September 1, 2007.

1           NEW SECTION.   **Sec. 16.**   NUMBER OF CHARTER SCHOOLS.           (1)

2 Applications for charter schools may begin on the effective date of  
3 this section. The maximum number of charters that can be granted under  
4 this chapter is five in the first year commencing July 1, 2003, five in  
5 the second year, and fifteen in each of the next four years. These  
6 annual allocations shall be cumulative so that if the maximum is not  
7 reached in any given year the maximum shall be increased accordingly  
8 for the successive years.

9           (2) For purposes of monitoring compliance with this section and  
10 providing information to new charter school applicants, the  
11 superintendent of public instruction shall maintain a running total of  
12 the projected and actual enrollment at charter schools and the number  
13 of charters granted.

14           (3) For purposes of implementing this subsection, a sponsor shall  
15 notify the office of the superintendent of public instruction when it  
16 receives a charter school application, when it approves a charter  
17 school, and when a charter school is terminated.

18           (4) The maximum number of charter schools allowed under this  
19 section does not include public schools converting to charter schools.

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

22           This chapter applies to charter schools as defined in section 2 of  
23 this act and the charter school's employees included in the bargaining  
24 unit. The bargaining unit of employees of charter schools must be  
25 limited to the employees of the charter school and must be separate  
26 from other bargaining units in the school district or educational  
27 service district unless the charter school is a public school that has  
28 converted to a charter school. The employees of public schools that  
29 have converted to a charter school shall remain members of the  
30 bargaining units in the school district.

31           This section, designating charter schools as employers and charter  
32 schools as members under the teachers' retirement systems, the school  
33 employees' retirement systems, and the public employees' retirement  
34 systems, takes effect only if the department of retirement systems  
35 receives determinations from the internal revenue service and the  
36 United States department of labor that such participation does not

1 jeopardize the status of these retirement systems as governmental plans  
2 under the federal employees' retirement income security act and the  
3 internal revenue code.

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

6 This chapter applies to collective bargaining agreements between  
7 charter schools and the employees of charter schools included in the  
8 bargaining unit. The bargaining unit of employees of charter schools  
9 must be limited to the employees of the charter school and must be  
10 separate from other bargaining units in the school district or  
11 educational service district.

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

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

23 The commission, upon proper application for certification as an  
24 exclusive bargaining representative or upon petition for change of unit  
25 definition by the employer or any employee organization within the time  
26 limits specified in RCW 41.59.070(3), and after hearing upon reasonable  
27 notice, shall determine the unit appropriate for the purpose of  
28 collective bargaining. In determining, modifying or combining the  
29 bargaining unit, the commission shall consider the duties, skills, and  
30 working conditions of the educational employees; the history of  
31 collective bargaining; the extent of organization among the educational  
32 employees; and the desire of the educational employees; except that:

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

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

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

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

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

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

19 (7) Notwithstanding the definition of collective bargaining, a unit  
20 that contains only supervisors and/or principals and assistant  
21 principals shall be limited in scope of bargaining to compensation,  
22 hours of work, and the number of days of work in the annual employment  
23 contracts; and

24 (8) The bargaining unit of certificated employees of school  
25 districts, educational service districts, or institutions of higher  
26 education that are education providers under chapter 28A.193 RCW must  
27 be limited to the employees working as education providers to juveniles  
28 in each adult correctional facility maintained by the department of  
29 corrections and must be separate from other bargaining units in school  
30 districts, educational service districts, or institutions of higher  
31 education; and

32 (9) The bargaining unit for employees of charter schools as defined  
33 in section 2 of this act must be limited to the employees of the  
34 charter school and must be separate from other bargaining units in the  
35 school district or educational service district.

36 NEW SECTION. Sec. 20. CAPTIONS NOT LAW. Captions used in this  
37 chapter do not constitute any part of the law.

1        NEW SECTION.    **Sec.21.**    Sections 1 through 16 and 20 of this act  
2    constitute a new chapter in Title 28A RCW.

3        NEW SECTION.    **Sec. 22.**    If any provision of this act or its  
4    application to any person or circumstance is held invalid, the  
5    remainder of the act or the application of the provision to other  
6    persons or circumstances is not affected.

--- END ---