

4SHB 1541 - H AMD

By Representative Magendanz

SCOPED 01/25/2016

1 On page 1, line 17, after "success" insert "in a diverse array of
2 educational environments"

3 On page 2, line 35, after "students," insert "including charter
4 public schools,"

5 On page 3, line 1, after "(4)" insert "The legislature finds that
6 Washington students benefit from diverse and individually tailored
7 educational opportunities and environments. When the most
8 disadvantaged youth have been left behind by traditional schools,
9 charter public schools provide these students with the opportunity to
10 receive a personalized and high quality education.

11 (5)"

12 Correct any internal references accordingly.

13 On page 3, line 4, after "students." insert "The legislature
14 further intends to establish charter public schools as a free, public
15 educational opportunity for Washington students."

16 On page 36, after line 2, insert the following:

17 **"PART IX**
18 **CHARTER PUBLIC SCHOOLS**

19 **Sec. 901.** RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted
20 and amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Applicant" means a nonprofit corporation that has submitted
24 an application to an authorizer. The nonprofit corporation must be
25 either a public benefit nonprofit corporation as defined in RCW
26 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005
27 that has applied for tax exempt status under section 501(c)(3) of the
28 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The

1 nonprofit corporation may not be a sectarian or religious
2 organization and must meet all of the requirements for a public
3 benefit nonprofit corporation before receiving any funding under RCW
4 28A.710.220.

5 (2) "At-risk student" means a student who has an academic or
6 economic disadvantage that requires assistance or special services to
7 succeed in educational programs. The term includes, but is not
8 limited to, students who do not meet minimum standards of academic
9 proficiency, students who are at risk of dropping out of high school,
10 students in chronically low-performing schools, students with higher
11 than average disciplinary sanctions, students with lower
12 participation rates in advanced or gifted programs, students who are
13 limited in English proficiency, students who are members of
14 economically disadvantaged families, and students who are identified
15 as having special educational needs.

16 (3) "Authorizer" means the commission established in RCW
17 28A.710.070 or an entity approved under RCW 28A.710.090 to review,
18 approve, or reject charter school applications; enter into, renew, or
19 revoke charter contracts with applicants; and oversee the charter
20 schools the entity has authorized.

21 (4) "Charter contract" means a fixed term, renewable contract
22 between a charter school and an authorizer that outlines the roles,
23 powers, responsibilities, and performance expectations for each party
24 to the contract.

25 (5) "Charter school" or "~~(public)~~ charter public school" means
26 a public school that is established in accordance with this chapter,
27 governed by a charter school board, and operated according to the
28 terms of a charter contract executed under this chapter (~~and~~
29 ~~includes~~). The term "charter school" or "charter public school" may
30 include a new charter school and a conversion charter school.

31 (6) "Charter school board" means the board of directors appointed
32 or selected under the terms of a charter application to manage and
33 operate the charter school.

34 (7) "Commission" means the Washington state charter school
35 commission established in RCW 28A.710.070.

36 (8) "Conversion charter school" means a charter school created by
37 converting an existing (~~noncharter~~) public school in its entirety
38 to a charter school under this chapter.

1 (9) "New charter school" means ~~((any))~~ a charter school
2 established under this chapter that is not a conversion charter
3 school.

4 (10) "Parent" means a parent, guardian, or other person or entity
5 having legal custody of a child.

6 (11) "Student" means ~~((any))~~ a child eligible under RCW
7 28A.225.160 to attend a public school in the state.

8 **Sec. 902.** RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted
9 and amended to read as follows:

10 A charter school established under this chapter:

11 (1) Is a public~~((, common))~~ school that is:

12 (a) Open to all children free of charge and by choice; and

13 (b) Operated separately from the common school system as an
14 alternative to traditional common schools;

15 (2) ~~((Is a public, common school offering))~~ May offer any program
16 or course of study that ~~((a noncharter))~~ any other public school may
17 offer, including one or more of grades kindergarten through twelve;

18 (3) Is governed by a charter school board according to the terms
19 of a renewable, five-year charter contract executed under RCW
20 28A.710.160;

21 ~~((Is a public school to which parents choose to send their~~
22 ~~children;~~

23 ~~(5))~~ Functions as a local education agency under applicable
24 federal laws and regulations and is responsible for meeting the
25 requirements of local education agencies and public schools under
26 those federal laws and regulations, including but not limited to
27 compliance with the individuals with disabilities education
28 improvement act (20 U.S.C. Sec. 1401 et seq.), the federal
29 educational rights and privacy act (20 U.S.C. Sec. 1232g), and the
30 elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

31 **Sec. 903.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted
32 and amended to read as follows:

33 (1) To ~~((carry out))~~ fulfill its duty to manage and operate the
34 charter school, and ~~((carry out))~~ to execute the terms of its charter
35 contract, a charter school board may:

36 (a) Hire, manage, and discharge ~~((any))~~ charter school employees
37 in accordance with the terms of this chapter and ~~((that))~~ the
38 school's charter contract;

1 (b) Receive and disburse funds for the purposes of the charter
2 school;

3 (c) Enter into contracts with any school district, educational
4 service district, or other public or private entity for the provision
5 of real property, equipment, goods, supplies, and services, including
6 educational instructional services ~~((and—including))~~, pupil
7 transportation services, and for the management and operation of the
8 charter school ~~((to the same extent as other noncharter public~~
9 ~~schools, as long as))~~, provided the charter school board maintains
10 oversight authority over the charter school. Contracts for management
11 operation of the charter school may only be with nonprofit
12 organizations;

13 (d) Rent, lease, purchase, or own real property. All charter
14 contracts and contracts with other entities must include provisions
15 regarding the disposition of the property if the charter school fails
16 to open as planned or closes, or if the charter contract is revoked
17 or not renewed;

18 (e) Issue secured and unsecured debt, including pledging,
19 assigning, or encumbering its assets to be used as collateral for
20 loans or extensions of credit to manage cash flow, improve
21 operations, or finance the acquisition of real property or
22 equipment ~~((: PROVIDED, That))~~. However, the ~~((public))~~ charter public
23 school may not pledge, assign, or encumber any public funds received
24 or to be received pursuant to RCW 28A.710.220. ~~((The))~~ Debt issued
25 under this subsection (1)(e) is not a general, special, or moral
26 obligation of the state, the charter school authorizer, the school
27 district in which the charter school is located, or any other
28 political subdivision or agency of the state. Neither the full faith
29 and credit nor the taxing power of the state, or any political
30 subdivision or agency of the state, may be pledged for the payment of
31 the debt;

32 (f) Solicit, accept, and administer for the benefit of the
33 charter school and its students, gifts, grants, and donations from
34 individuals, or public or private entities, excluding ~~((from))~~
35 sectarian or religious organizations. A charter school ~~((s))~~ board may
36 not accept any gifts or donations ~~((the conditions of which))~~ that
37 violate this chapter or other state laws; and

38 (g) Issue diplomas to students who meet state high school
39 graduation requirements established under RCW 28A.230.090. A charter
40 school board may establish additional graduation requirements.

1 (2) A charter school board may not levy taxes or issue tax-backed
2 bonds.

3 (3) A charter school board may not acquire property by eminent
4 domain.

5 **Sec. 904.** RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted
6 and amended to read as follows:

7 (1) A charter school must operate according to the terms of its
8 charter contract and the provisions of this chapter.

9 (2) ~~((All))~~ A charter school~~((s))~~ must:

10 (a) Comply with local, state, and federal health, safety,
11 parents' rights, civil rights, and nondiscrimination laws applicable
12 to school districts and to the same extent as school districts,
13 including but not limited to chapter 28A.642 RCW (discrimination
14 prohibition) and chapter 28A.640 RCW (sexual equality);

15 (b) Provide a program of basic education, ~~((as provided))~~ that
16 meets the goals in RCW 28A.150.210, including instruction in the
17 essential academic learning requirements, and participate in the
18 statewide student assessment system as developed under RCW
19 28A.655.070;

20 (c) Employ certificated instructional staff as required in RCW
21 28A.410.025~~((: PROVIDED, That))~~. Charter schools, however, may hire
22 noncertificated instructional staff of unusual competence and in
23 exceptional cases as specified in RCW 28A.150.203(7);

24 (d) Comply with the employee record check requirements in RCW
25 28A.400.303;

26 (e) Adhere to generally accepted accounting principles and be
27 subject to financial examinations and audits as determined by the
28 state auditor, including annual audits for legal and fiscal
29 compliance;

30 (f) Comply with the annual performance report under RCW
31 28A.655.110;

32 (g) Be subject to the performance improvement goals adopted by
33 the state board of education under RCW 28A.305.130;

34 (h) Comply with the open public meetings act in chapter 42.30 RCW
35 and public records requirements in chapter 42.56 RCW; and

36 (i) Be subject to and comply with legislation enacted after
37 December 6, 2012, ~~((governing))~~ that governs the operation and
38 management of charter schools.

1 (3) (~~Public~~) Charter public schools must comply with all state
2 statutes and rules made applicable to the charter school in the
3 school's charter contract, and are subject to the specific state
4 statutes and rules identified in subsection (2) of this section. For
5 the purpose of allowing flexibility to innovate in areas such as
6 scheduling, personnel, funding, and educational programs to improve
7 student outcomes and academic achievement, charter schools are not
8 subject to, and are exempt from, all other state statutes and rules
9 applicable to school districts and school district boards of
10 directors(~~(, for the purpose of allowing flexibility to innovate in~~
11 ~~areas such as scheduling, personnel, funding, and educational~~
12 ~~programs in order to improve student outcomes and academic~~
13 ~~achievement))~~). Except as provided otherwise by this chapter or a
14 charter contract, charter schools are exempt from all school district
15 policies (~~(except policies made applicable in the school's charter~~
16 ~~contract))~~).

17 (4) (~~No~~) A charter school may not engage in any sectarian
18 practices in its educational program, admissions or employment
19 policies, or operations.

20 (5) Charter schools are subject to the supervision of the
21 superintendent of public instruction and the state board of
22 education, including accountability measures, to the same extent as
23 other public schools, except as otherwise provided in this chapter
24 (~~(2, Laws of 2013)~~).

25 **Sec. 905.** RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted
26 and amended to read as follows:

27 (1) Except as provided in subsection (4) of this section, a
28 charter school may not limit admission on any basis other than age
29 group, grade level, or enrollment capacity (~~(and must enroll all~~
30 ~~students who apply within these bases)~~). A charter school is open to
31 any student regardless of his or her location of residence.

32 (2) A charter school may not charge tuition, but may charge fees
33 for participation in optional extracurricular events and activities
34 in the same manner and to the same extent as do other public schools.

35 (3) A conversion charter school must provide sufficient capacity
36 to enroll all students who wish to remain enrolled in the school
37 after its conversion to a charter school, and may not displace
38 students enrolled before the chartering process.

1 (4) If capacity is insufficient to enroll all students who apply
2 to a charter school, the charter school must (~~select students~~
3 ~~through a lottery to ensure fairness. However, a charter school must~~
4 ~~give an enrollment preference to siblings of already enrolled~~
5 ~~students~~) grant an enrollment preference to at-risk students and
6 siblings of enrolled students, with any remaining enrollments
7 allocated through a lottery.

8 (5) The enrollment capacity of a charter school must be
9 determined annually by the charter school board in consultation with
10 the charter authorizer and with consideration of the charter school's
11 ability to facilitate the academic success of its students, achieve
12 the objectives specified in the charter contract, and assure that its
13 student enrollment does not exceed the capacity of its facility. An
14 authorizer may not restrict the number of students a charter school
15 may enroll.

16 (6) Nothing in this section prevents formation of a charter
17 school whose mission is to offer a specialized learning environment
18 and services for particular groups of students, such as at-risk
19 students, students with disabilities, or students who pose such
20 severe disciplinary problems that they warrant a specific educational
21 program. Nothing in this section prevents formation of a charter
22 school organized around a special emphasis, theme, or concept as
23 stated in the school's application and charter contract.

24 **Sec. 906.** RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted
25 and amended to read as follows:

26 (1) School districts must provide information to parents and the
27 general public about charter schools located within the district as
28 an enrollment option for students.

29 (2) If a student who was previously enrolled in a charter school
30 enrolls in another public school in the state, the student's new
31 school must accept credits earned by the student in the charter
32 school in the same manner and according to the same criteria that
33 credits are accepted from other public schools.

34 (3) A charter school (~~is eligible for~~) may participate in state
35 or district-sponsored interscholastic programs, awards, scholarships,
36 or competitions to the same extent as other public schools.

37 **Sec. 907.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted
38 and amended to read as follows:

1 (1) The Washington state charter school commission is established
2 as an independent state agency whose mission is to authorize high
3 quality ~~((public))~~ charter public schools throughout the state,
4 ~~((particularly))~~ especially schools that are designed to expand
5 opportunities for at-risk students, and to ensure the highest
6 standards of accountability and oversight for these schools.

7 (2) The commission shall, through its management, supervision,
8 and enforcement of the charter contracts and pursuant to applicable
9 law, administer the ~~((portion of the public common school system~~
10 ~~consisting of the))~~ charter schools it authorizes ~~((as provided in~~
11 ~~this chapter,))~~ in the same manner as a school district board of
12 directors~~((, through its management, supervision, and enforcement of~~
13 ~~the charter contracts, and pursuant to applicable law, administers~~
14 ~~the charter schools it authorizes))~~ administers other schools.

15 ~~((+2))~~ (3)(a) The commission shall consist of:

16 (i) Nine appointed members, no more than five of whom shall be
17 members of the same political party;

18 (ii) The superintendent of public instruction or the
19 superintendent's designee; and

20 (iii) The chair of the state board of education.

21 (b) Appointments to the commission shall be as follows: Three
22 members shall be appointed by the governor; three members shall be
23 appointed by the president of the senate; and three members shall be
24 appointed by the speaker of the house of representatives. The
25 appointing authorities shall assure diversity among commission
26 members, including representation from various geographic areas of
27 the state, and shall assure that at least one member is ~~((a))~~ the
28 parent of a Washington public school student.

29 ~~((+3))~~ (4) Members appointed to the commission shall
30 collectively possess strong experience and expertise in public and
31 nonprofit governance; management and finance; public school
32 leadership, assessment, curriculum, and instruction; and public
33 education law. All appointed members shall have demonstrated an
34 understanding of and commitment to charter schooling as a strategy
35 for strengthening public education.

36 ~~((+4))~~ (5) Appointed members shall ~~((be appointed to))~~ serve
37 four-year, staggered terms~~((, with))~~. The initial appointments from
38 each of the appointing authorities ~~((consisting))~~ must consist of one
39 member appointed to a one-year term, one member appointed to a
40 two-year term, and one member appointed to a three-year term, all of

1 whom thereafter may be reappointed for a four-year term. No appointed
2 member may serve more than two consecutive terms. Initial
3 appointments must be made (~~(no later than ninety days after December~~
4 ~~6, 2012))~~ by July 1, 2016.

5 ~~((+5))~~ (6) Whenever a vacancy on the commission exists among its
6 appointed membership, the original appointing authority must appoint
7 a member for the remaining portion of the term within no more than
8 thirty days.

9 ~~((+6))~~ (7) Commission members shall serve without compensation
10 but may be reimbursed for travel expenses as authorized in RCW
11 43.03.050 and 43.03.060.

12 ~~((+7) Operational and staff support for the commission shall be~~
13 ~~provided by the office of the governor until the commission has~~
14 ~~sufficient resources to hire or contract for separate staff support,~~
15 ~~who))~~ (8) The commission shall reside within the office of the
16 governor for administrative purposes only.

17 ~~((+8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the
18 commission.

19 **Sec. 908.** RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted
20 and amended to read as follows:

21 The following entities (~~(are eligible to))~~ may be authorizers of
22 charter schools:

23 (1) The (~~(Washington charter school))~~ commission (~~(established~~
24 ~~under RCW 28A.710.070,))~~ may exercise the authority granted under
25 this section for charter schools located anywhere in the state; and

26 (2) A school district board(~~(s))~~ of directors (~~(that have been~~
27 ~~approved by the state board of education under RCW 28A.710.090 before~~
28 ~~authorizing a charter school,))~~ may exercise the authority granted
29 under this section only after receiving approval from the state board
30 of education under RCW 28A.710.090, and only for charter schools
31 located within the school district's (~~(own))~~ boundaries.

32 **Sec. 909.** RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted
33 and amended to read as follows:

34 (1) The state board of education shall establish an annual
35 application and approval process and timelines for (~~(entities))~~
36 school districts seeking approval to (~~(be))~~ become charter school
37 authorizers. The initial process and timelines must be established
38 (~~(no later than ninety days after December 6, 2012))~~ by July 1, 2016.

1 (2) At a minimum, each applicant district must submit to the
2 state board of education:

3 (a) The applicant's strategic vision for chartering;

4 (b) A plan to support the vision presented, including explanation
5 and evidence of the applicant's budget and personnel capacity and
6 commitment to execute the responsibilities of quality charter
7 authorizing;

8 (c) A draft or preliminary outline of the request for proposals
9 that the applicant would, if approved as an authorizer, issue to
10 solicit charter school applicants;

11 (d) A draft of the performance framework that the applicant
12 would, if approved as an authorizer, use to guide the establishment
13 of a charter contract and use for ongoing oversight and evaluation of
14 charter schools;

15 (e) A draft of the applicant's proposed renewal, revocation, and
16 nonrenewal processes, consistent with RCW 28A.710.190 and
17 28A.710.200;

18 (f) A statement of assurance that the applicant seeks to serve as
19 an authorizer in fulfillment of the expectations, spirit, and intent
20 of this chapter, and that, if approved as an authorizer, the
21 applicant will fully participate in any authorizer training provided
22 or required by the state; and

23 (g) A statement of assurance that the applicant will provide
24 public accountability and transparency in all matters concerning
25 charter authorizing practices, decisions, and expenditures.

26 (3) The state board of education shall consider the merits of
27 each application and make its decision within the timelines
28 established by the state board of education.

29 (4) Within thirty days of making a decision to approve an
30 application under this section, the state board of education must
31 execute a renewable authorizing contract with the ((entity))
32 applicant. The initial term of an authorizing contract ((shall)) must
33 be six years. The authorizing contract must specify each approved
34 entity's agreement to serve as an authorizer in accordance with the
35 expectations of this chapter, and may specify additional performance
36 terms based on the applicant's proposal and plan for chartering.

37 (5) No approved entity may commence charter authorizing without
38 an authorizing contract in effect.

1 **Sec. 910.** RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted
2 and amended to read as follows:

3 (1) Authorizers are responsible for:

4 (a) Soliciting and evaluating charter applications;

5 (b) Approving (~~(quality)~~) charter applications that meet
6 identified educational needs and promote a diversity of educational
7 choices;

8 (c) Denying (~~(weak or inadequate)~~) charter applications that fail
9 to meet statutory requirements, requirements of the authorizer, or
10 both;

11 (d) Negotiating and executing (~~(sound)~~) charter contracts with
12 each authorized charter school;

13 (e) Monitoring, in accordance with charter contract terms, the
14 performance and legal compliance of charter schools including,
15 without limitation, education and academic performance goals and
16 student achievement; and

17 (f) Determining whether each charter contract merits renewal,
18 nonrenewal, or revocation.

19 (2) An authorizer may delegate its responsibilities under this
20 section to employees or contractors.

21 (3) All authorizers must develop and follow chartering policies
22 and practices that are consistent with the principles and standards
23 for quality charter authorizing developed by the national association
24 of charter school authorizers in at least the following areas:

25 (a) Organizational capacity and infrastructure;

26 (b) Soliciting and evaluating charter applications;

27 (c) Performance contracting;

28 (d) Ongoing charter school oversight and evaluation; and

29 (e) Charter renewal decision making.

30 (4) Each authorizer must submit an annual report to the state
31 board of education, according to a timeline, content, and format
32 specified by the board(~~(, which)~~) that includes:

33 (a) The authorizer's strategic vision for chartering and progress
34 toward achieving that vision;

35 (b) The academic and financial performance of all operating
36 charter schools (~~(overseen by the authorizer)~~) under its
37 jurisdiction, including the progress of the charter schools based on
38 the authorizer's performance framework;

39 (c) The status of the authorizer's charter school portfolio,
40 identifying all charter schools in each of the following categories:

1 (i) Approved but not yet open((τ)); (ii) operating((τ)); (iii)
2 renewed((τ)); (iv) transferred((τ)); (v) revoked((τ)); (vi) not
3 renewed((τ)); (vii) voluntarily closed((τ)); or (viii) never opened;

4 (d) The authorizer's operating costs and expenses detailed in
5 annual audited financial statements that conform with generally
6 accepted accounting principles; and

7 (e) The services purchased from the authorizer by the charter
8 schools under its jurisdiction under RCW 28A.710.110, including an
9 itemized accounting of the actual costs of these services.

10 (5) Neither an authorizer, individuals who comprise the
11 membership of an authorizer in their official capacity, nor the
12 employees of an authorizer are liable for acts or omissions of a
13 charter school they authorize.

14 (6) No employee, trustee, agent, or representative of an
15 authorizer may simultaneously serve as an employee, trustee, agent,
16 representative, vendor, or contractor of a charter school under the
17 jurisdiction of that authorizer.

18 **Sec. 911.** RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted
19 and amended to read as follows:

20 (1) The state board of education shall establish a statewide
21 formula for an authorizer oversight fee, which ~~((shall))~~ must be
22 calculated as a percentage of the state operating funding
23 ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to
24 each charter school under the jurisdiction of an authorizer, but may
25 not exceed four percent of each charter school's annual funding.
26 ~~((The office of the superintendent of public instruction shall deduct~~
27 ~~the oversight fee from each charter school's allocation under RCW~~
28 ~~28A.710.220 and transmit the fee to the appropriate authorizer.))~~

29 (2) The state board of education may establish a sliding scale
30 for the authorizer oversight fee, with the funding percentage
31 decreasing after the authorizer has achieved a certain threshold,
32 such as after a certain number of years of authorizing or after a
33 certain number of charter schools have been authorized.

34 (3) The office of the superintendent of public instruction shall
35 deduct the oversight fee from each charter school's distribution
36 under RCW 28A.710.220 and transmit the fee to the appropriate
37 authorizer.

38 (4) An authorizer must use its oversight fee exclusively for the
39 purpose of fulfilling its duties under RCW 28A.710.100.

1 ~~((4))~~ (5) An authorizer may provide contracted, fee-based
2 services to charter schools under its jurisdiction that are in
3 addition to the oversight duties under RCW 28A.710.100. An authorizer
4 may not charge more than market rates for the contracted services
5 provided. An authorizer may not require a charter school ~~((may not be
6 required))~~ to purchase contracted services ~~((from))~~ provided by an
7 authorizer. Fees collected by the authorizer under this subsection
8 must be separately accounted for and reported annually to the state
9 board of education.

10 **Sec. 912.** RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted
11 and amended to read as follows:

12 (1) The state board of education is responsible for overseeing
13 the performance and effectiveness of all authorizers approved under
14 RCW 28A.710.090.

15 (2) Persistently unsatisfactory performance of an authorizer's
16 portfolio of charter schools, a pattern of well-founded complaints
17 about the authorizer or its charter schools, or other objective
18 circumstances may trigger a special review by the state board of
19 education.

20 (3) In reviewing or evaluating the performance of authorizers,
21 the state board of education must apply nationally recognized
22 principles and standards for quality charter authorizing. Evidence of
23 material or persistent failure by an authorizer to carry out its
24 duties in accordance with ~~((the))~~ these principles and standards
25 constitutes grounds for revocation of the authorizing contract by the
26 state board of education, as provided under this section.

27 (4) If at any time the state board of education finds that an
28 authorizer is not in compliance with a charter contract, its
29 authorizing contract, or the authorizer duties under RCW 28A.710.100,
30 the board must notify the authorizer in writing of the identified
31 problems, and the authorizer ~~((shall))~~ must have reasonable
32 opportunity to respond and remedy the problems.

33 (5) If ~~((an authorizer persists))~~, after due notice from the
34 state board of education, an authorizer persists in violating a
35 material provision of a charter contract or its authorizing contract,
36 or fails to remedy other identified authorizing problems, the state
37 board of education shall notify the authorizer, within a reasonable
38 amount of time under the circumstances, that it intends to revoke the

1 authorizer's chartering authority unless the authorizer demonstrates
2 a timely and satisfactory remedy for the violation or deficiencies.

3 (6) In the event of revocation of any authorizer's chartering
4 authority, the state board of education shall manage the timely and
5 orderly transfer of each charter contract held by that authorizer to
6 another authorizer in the state, with the mutual agreement of each
7 affected charter school and proposed new authorizer. The new
8 authorizer shall assume the existing charter contract for the
9 remainder of the charter term.

10 (7) The state board of education must establish timelines and a
11 process for taking actions under this section in response to
12 performance deficiencies by an authorizer.

13 **Sec. 913.** RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted
14 and amended to read as follows:

15 (1)(a) Each authorizer must annually issue and broadly publicize
16 a request for proposals for charter school applicants by the date
17 established by the state board of education under RCW 28A.710.140.

18 (b) Each authorizer's request for proposals must:

19 (i) Present the authorizer's strategic vision for chartering,
20 including a clear statement of any preferences the authorizer wishes
21 to grant to applications that employ proven methods for educating at-
22 risk students or students with special needs;

23 (ii) Include or otherwise direct applicants to the performance
24 framework that the authorizer has developed for charter school
25 oversight and evaluation in accordance with RCW 28A.710.170;

26 (iii) Provide the criteria that will guide the authorizer's
27 decision to approve or deny a charter application; and

28 (iv) State clear, appropriately detailed questions as well as
29 guidelines concerning the format and content essential for applicants
30 to demonstrate the capacities necessary to establish and operate a
31 successful charter school.

32 (2) A charter school application must provide or describe
33 thoroughly all of the following elements of the proposed school plan:

34 (a) An executive summary;

35 (b) The mission and vision of the proposed charter school,
36 including identification of the ((targeted)) student population and
37 ((the)) community the school hopes to serve;

38 (c) The location or geographic area proposed for the school and
39 the school district within which the school will be located;

- 1 (d) The grades to be served each year for the full term of the
2 charter contract;
- 3 (e) Minimum, planned, and maximum enrollment per grade per year
4 for the full term of the charter contract;
- 5 (f) Evidence of need and parent and community support for the
6 proposed charter school;
- 7 (g) Background information on the proposed founding (~~governing~~)
8 charter school board members and, if identified, the proposed school
9 leadership and management team;
- 10 (h) The school's proposed calendar and sample daily schedule;
- 11 (i) A description of the academic program aligned with state
12 standards;
- 13 (j) A description of the school's proposed instructional design,
14 including the type of learning environment(+) , class size and
15 structure(+) , curriculum overview(+) , and teaching methods;
- 16 (k) Evidence that the educational program is based on proven
17 methods;
- 18 (l) The school's plan for using internal and external assessments
19 to measure and report student progress on the performance framework
20 developed by the authorizer in accordance with RCW 28A.710.170;
- 21 (m) The school's plans for identifying, successfully serving, and
22 complying with applicable laws and regulations regarding students
23 with disabilities, students who are limited English proficient,
24 students who are struggling academically, and highly capable
25 students;
- 26 (n) A description of cocurricular or extracurricular programs and
27 how (~~they~~) those programs will be funded and delivered;
- 28 (o) Plans and timelines for student recruitment and enrollment,
29 including targeted plans for recruiting at-risk students and
30 including lottery procedures;
- 31 (p) The school's student discipline policies, including for
32 special education students;
- 33 (q) An organization chart that clearly presents the school's
34 organizational structure, including lines of authority and reporting
35 between the governing board, staff, any related bodies such as
36 advisory bodies or parent and teacher councils, and any external
37 organizations that will play a role in managing the school;
- 38 (r) A clear description of the roles and responsibilities for the
39 governing board, the school's leadership and management team, and any
40 other entities shown in the organization chart;

- 1 (s) A staffing plan for the school's first year and for the term
2 of the charter;
- 3 (t) Plans for recruiting and developing school leadership and
4 staff;
- 5 (u) The school's leadership and teacher employment policies,
6 including performance evaluation plans;
- 7 (v) Proposed governing bylaws;
- 8 (w) An explanation of proposed partnership agreement, if any,
9 between a charter school and its school district focused on
10 facilities, budgets, taking best practices to scale, and other items;
- 11 (x) Explanations of any other partnerships or contractual
12 relationships central to the school's operations or mission;
- 13 (y) Plans for providing transportation, food service, and all
14 other significant operational or ancillary services;
- 15 (z) Opportunities and expectations for parent involvement;
- 16 (aa) A detailed school start-up plan, identifying tasks,
17 timelines, and responsible individuals;
- 18 (bb) A description of the school's financial plan and policies,
19 including financial controls and audit requirements;
- 20 (cc) A description of the insurance coverage the school will
21 obtain;
- 22 (dd) Start-up and five-year cash flow projections and budgets
23 with clearly stated assumptions;
- 24 (ee) Evidence of anticipated fund-raising contributions, if
25 claimed in the application; and
- 26 (ff) A sound facilities plan, including backup or contingency
27 plans if appropriate.
- 28 (3) In the case of (~~an application to establish~~) a conversion
29 charter school, the applicant must also demonstrate support for the
30 proposed conversion (~~by~~) through a petition signed by either a
31 majority of teachers assigned to the school or (~~a petition signed~~
32 ~~by~~) a majority of parents of students in the school.
- 33 (4) (~~In the case of an application where the proposed charter~~
34 ~~school~~) If an applicant intends to contract with a nonprofit
35 education service provider for substantial educational services,
36 management services, or both, the applicant must:
- 37 (a) Provide evidence of the nonprofit education service
38 provider's success in serving student populations similar to the
39 targeted population, including demonstrated academic achievement as

1 well as successful management of nonacademic school functions if
2 applicable;

3 (b) Provide a term sheet setting forth: (i) The proposed duration
4 of the service contract; (ii) the roles and responsibilities of the
5 governing board, the school staff, and the service provider; (iii)
6 the scope of services and resources to be provided by the service
7 provider; (iv) performance evaluation measures and timelines; (v) the
8 compensation structure, including clear identification of all fees to
9 be paid to the service provider; (vi) methods of contract oversight
10 and enforcement; (vii) investment disclosure; and (viii) conditions
11 for renewal and termination of the contract; and

12 (c) Disclose and explain any existing or potential conflicts of
13 interest between the charter school board and proposed service
14 provider or any affiliated business entities.

15 (5) (~~In the case of an application from~~) If an applicant
16 (~~that~~) operates one or more schools in any state or nation, the
17 applicant must provide evidence of (~~past~~) the performance of those
18 schools, including evidence of the applicant's success in serving at-
19 risk students, and capacity for growth.

20 (6) Applicants may submit a proposal for a particular (~~public~~)
21 charter public school to no more than one authorizer at a time.

22 **Sec. 914.** RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted
23 and amended to read as follows:

24 (1) The state board of education must establish an annual
25 statewide timeline for charter application submission and approval or
26 denial(~~(, which))~~ that must be followed by all authorizers.

27 (2) In reviewing and evaluating charter applications, authorizers
28 shall employ procedures, practices, and criteria consistent with
29 nationally recognized principles and standards for quality charter
30 authorizing. Authorizers shall give preference to applications for
31 charter schools that are designed to enroll and serve at-risk student
32 populations(~~(: PROVIDED, That))~~. However, nothing in this chapter may
33 be construed as intended to limit the establishment of charter
34 schools to those that serve a substantial portion of at-risk
35 students, or to in any manner restrict, limit, or discourage the
36 establishment of charter schools that enroll and serve other pupil
37 populations under a nonexclusive, nondiscriminatory admissions
38 policy. The application review process must include thorough
39 evaluation of each application, an in-person interview with the

1 applicant group, and an opportunity to learn about and provide input
2 on each application in a public forum including, without limitation,
3 parents, community members, local residents, and school district
4 board members and staff(~~(, to learn about and provide input on each~~
5 ~~application))~~).

6 (3) In deciding whether to approve an application, authorizers
7 must:

8 (a) Grant charters only to applicants that have demonstrated
9 competence in each element of the authorizer's published approval
10 criteria and are likely to open and operate a successful ~~((public))~~
11 charter public school;

12 (b) Base decisions on documented evidence collected through the
13 application review process;

14 (c) Follow charter-granting policies and practices that are
15 transparent and based on merit; and

16 (d) Avoid any conflicts of interest, whether real or apparent.

17 (4) An approval decision may include, if appropriate, reasonable
18 conditions that the charter applicant must meet before a charter
19 contract may be executed.

20 (5) For any denial of an application, the authorizer shall
21 clearly state in writing its reasons for denial. A denied applicant
22 may subsequently reapply to that authorizer or apply to another
23 authorizer in the state.

24 **Sec. 915.** RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted
25 and amended to read as follows:

26 (1) A maximum of forty ~~((public))~~ charter public schools may be
27 established under this chapter(~~(7)~~) over ~~((a))~~ the five-year period
28 commencing with the effective date of this section. No more than
29 eight charter schools may be established in any ~~((single))~~ year
30 during the five-year period, except that if in any ~~((single))~~ year
31 fewer than eight charter schools are established, ~~((then))~~ additional
32 charter schools, equal in number to the difference between the number
33 established in that year and eight, may be established in subsequent
34 years during the five-year period.

35 (2)(a) To ensure compliance with the limits for establishing new
36 charter schools, certification from the state board of education must
37 be obtained before final authorization of a charter school.

38 (b) Within ten days of taking action to approve or deny an
39 application under RCW 28A.710.140, an authorizer must submit a report

1 of the action to the applicant and ~~((to))~~ the state board of
2 education(~~(, which))~~). The report must include a copy of the
3 authorizer's resolution setting forth the action taken, the reasons
4 for the decision, and assurances of compliance with the procedural
5 requirements and application elements under RCW 28A.710.130 and
6 28A.710.140. The authorizer must also indicate whether the charter
7 school is designed to enroll and serve at-risk student populations.
8 The state board of education must establish, for each year in which
9 charter schools may be authorized as part of the timeline to be
10 established pursuant to RCW 28A.710.140, the ~~((last))~~ latest annual
11 date by which the authorizer ~~((must))~~ may submit the report. The
12 state board of education must send to each authorizer notice of the
13 date ~~((to each authorizer no later than))~~ by which a report must be
14 submitted at least six months before the date established by the
15 board.

16 (3) Upon the receipt of notice from an authorizer that a charter
17 school has been approved, the state board of education shall certify
18 whether the approval is in compliance with the limits on the maximum
19 number of charters allowed under subsection (1) of this section. If
20 the board receives simultaneous notification of approved charters
21 that exceed the annual allowable limits in subsection (1) of this
22 section, the board must select approved charters for implementation
23 through a lottery process, and must assign implementation dates
24 accordingly.

25 (4) The state board of education must notify authorizers when the
26 maximum allowable number of charter schools has been reached.

27 **Sec. 916.** RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted
28 and amended to read as follows:

29 (1) The purposes of the charter application submitted under RCW
30 28A.710.130 are to present the proposed charter school's academic and
31 operational vision and plans, and to demonstrate and provide the
32 authorizer with a clear basis for evaluating the applicant's
33 capacities to execute the proposed vision and plans. An approved
34 charter application does not serve as the school's charter contract.

35 (2) Within ninety days of approval of a charter application, the
36 authorizer and the governing board of the approved charter school
37 must execute a charter contract. The contract must establish the
38 terms by which ~~(, fundamentally,)~~ the ~~((public))~~ charter school
39 agrees to provide educational services that, at a minimum, meet basic

1 education standards, in return for (~~an allocation~~) a distribution
2 of public funds (~~to~~) that will be used for (~~such~~) the purposes
3 (~~all as set forth~~) established in the contract and in this and
4 other applicable statutes (~~and in the charter contract~~). The
5 charter contract must clearly set forth the academic and operational
6 performance expectations and measures by which the charter school
7 will be (~~judged~~) evaluated and the administrative relationship
8 between the authorizer and charter school, including each party's
9 rights and duties. The performance expectations and measures set
10 forth in the charter contract must include, but need not be limited
11 to, applicable federal and state accountability requirements. The
12 performance provisions may be refined or amended by mutual agreement
13 after the charter school is operating and has collected baseline
14 achievement data for its enrolled students.

15 (3) If the charter school is authorized by a school district
16 board of directors, the charter contract must be signed by the
17 president of the applicable school district board of directors (~~if~~
18 ~~the school district board of directors is the authorizer or the chair~~
19 ~~of the commission if the commission is the authorizer and by~~) and
20 the president of the charter school board. If the charter school is
21 authorized by the commission, the charter contract must be signed by
22 the chair of the commission and the president of the charter school
23 board. Within ten days of executing a charter contract, the
24 authorizer must submit to the state board of education written
25 notification of the charter contract execution, including a copy of
26 the executed charter contract and any attachments.

27 (4) A charter contract may govern one or more charter schools to
28 the extent approved by the authorizer. A single charter school board
29 may hold one or more charter contracts. However, each charter school
30 that is part of a charter contract must be separate and distinct from
31 any others and, for purposes of calculating the maximum number of
32 charter schools that may be established under this chapter, each
33 charter school must be considered a single charter school regardless
34 of how many charter schools are governed under a particular charter
35 contract.

36 (5) An initial charter contract must be granted for a term of
37 five operating years. The contract term must commence on the charter
38 school's first day of operation. An approved charter school may delay
39 its opening for one school year in order to plan and prepare for the
40 school's opening. If the school requires an opening delay of more

1 than one school year, the school must request an extension from its
2 authorizer. The authorizer may grant or deny the contract extension
3 depending on the school's circumstances.

4 (6) Authorizers may establish reasonable preopening requirements
5 or conditions to monitor the start-up progress of newly approved
6 charter schools ~~((and))~~, ensure that they are prepared to open
7 smoothly on the date agreed, and ~~((to))~~ ensure that each school meets
8 all building, health, safety, insurance, and other legal requirements
9 for school opening.

10 (7) No charter school may commence operations without a charter
11 contract executed in accordance with this section.

12 (8) In accordance with section 938(4) of this act:

13 (a) The state board of education must take all reasonable and
14 necessary steps to provide parties to contracts entered into under or
15 in accordance with chapter 2, Laws of 2013 that were in effect on
16 December 1, 2015, with an opportunity to reexecute the contracts with
17 the same terms and duration or substantially the same terms and
18 duration as were in effect on December 1, 2015; and

19 (b) Each authorizer must take all reasonable and necessary steps
20 to provide parties to contracts entered into under or in accordance
21 with chapter 2, Laws of 2013 that were in effect on December 1, 2015,
22 with an opportunity to reexecute the contracts with the same terms
23 and duration or substantially the same terms and duration as were in
24 effect on December 1, 2015.

25 (9) Contracts executed pursuant to subsection (8) of this section
26 do not count against the annual cap established in RCW
27 28A.710.150(1).

28 (10) For purposes of this section, "substantially the same terms
29 and duration" includes contract modifications necessary to comply
30 with the provisions of this chapter or other applicable law.

31 **Sec. 917.** RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted
32 and amended to read as follows:

33 (1) The performance provisions within a charter contract must be
34 based on a performance framework that clearly sets forth the academic
35 and operational performance indicators, measures, and metrics that
36 will guide an authorizer's evaluations of ~~((each))~~ a charter school
37 within its jurisdiction.

38 (2) At a minimum, the performance framework must include
39 indicators, measures, and metrics for:

- 1 (a) Student academic proficiency;
2 (b) Student academic growth;
3 (c) Achievement gaps in both proficiency and growth between major
4 student subgroups;
5 (d) Attendance;
6 (e) Recurrent enrollment from year to year;
7 (f) High school graduation rates and student postsecondary
8 readiness(~~(, for high schools)~~);
9 (g) Financial performance and sustainability; and
10 (h) Charter school board performance and stewardship, including
11 compliance with all applicable laws, rules, and terms of the charter
12 contract.

13 (3) Annual performance targets must be set by each charter school
14 in conjunction with its authorizer and must be designed to help each
15 school meet applicable federal, state, and authorizer expectations.

16 (4) The authorizer and charter school may also include additional
17 rigorous, valid, and reliable indicators in the performance framework
18 to augment external evaluations of the charter school's performance.

19 (5) The performance framework must require the disaggregation of
20 all student performance data by major student subgroups, including
21 gender, race and ethnicity, poverty status, special education status,
22 English language learner status, and highly capable status.

23 (6) Multiple schools operating under a single charter contract or
24 overseen by a single charter school board must report their
25 performance as separate schools, and each school shall be held
26 independently accountable for its performance.

27 **Sec. 918.** RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted
28 and amended to read as follows:

29 (1) Each authorizer must continually monitor the performance and
30 legal compliance of the charter schools (~~(it oversees)~~) under its
31 jurisdiction, including collecting and analyzing data to support
32 ongoing evaluation according to the performance framework in the
33 charter contract.

34 (2) An authorizer may conduct or require oversight activities
35 that enable the authorizer to fulfill its responsibilities under this
36 chapter, including conducting appropriate inquiries and
37 investigations, (~~(so long as)~~) if those activities are consistent
38 with the intent of this chapter, adhere to the terms of the charter

1 contract, and do not unduly inhibit the autonomy granted to charter
2 schools.

3 (3) In the event that a charter school's performance or legal
4 compliance appears unsatisfactory, the authorizer must promptly
5 notify the school of the perceived problem and provide reasonable
6 opportunity for the school to remedy the problem(~~(, unless)~~).
7 However, if the problem warrants revocation ((in which case)) of the
8 charter contract, the revocation procedures under RCW 28A.710.200
9 apply.

10 (4) An authorizer may take appropriate corrective actions or
11 exercise sanctions short of revocation in response to apparent
12 deficiencies in charter school performance or legal compliance.
13 (~~Such~~) These actions or sanctions may include, if warranted,
14 requiring a school to develop and execute a corrective action plan
15 within a specified time frame.

16 **Sec. 919.** RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted
17 and amended to read as follows:

18 (1) A charter contract may be renewed by the authorizer, at the
19 request of the charter school, for successive five-year terms(~~(, although)~~).
20 The authorizer, however, may vary the term based on the
21 performance, demonstrated capacities, and particular circumstances of
22 a charter school, and may grant renewal with specific conditions for
23 necessary improvements to a charter school.

24 (2) No later than six months before the expiration of a charter
25 contract, the authorizer must issue a performance report and charter
26 contract renewal application guidance to (~~that~~) the charter school.
27 The performance report must summarize the charter school's
28 performance record to date based on the data required by the charter
29 contract, and must provide notice of any weaknesses or concerns
30 perceived by the authorizer concerning the charter school that may,
31 if not timely rectified, jeopardize its position in seeking renewal
32 (~~(if not timely rectified)~~). The charter school has thirty days to
33 respond to the performance report and submit any corrections or
34 clarifications for the report.

35 (3) The renewal application guidance must, at a minimum, provide
36 an opportunity for the charter school to:

37 (a) Present additional evidence, beyond the data contained in the
38 performance report, supporting its case for charter contract renewal;

1 (b) Describe improvements undertaken or planned for the school;
2 and

3 (c) Detail the school's plans for the next charter contract term.

4 (4) The renewal application guidance must include or refer
5 explicitly to the criteria that will guide the authorizer's renewal
6 decisions, ~~((which shall))~~ and this criteria must be based on the
7 performance framework set forth in the charter contract.

8 (5) In making charter renewal decisions, an authorizer must:

9 (a) ~~((Ground))~~ Base its decisions in evidence of the school's
10 performance over the term of the charter contract in accordance with
11 the performance framework set forth in the charter contract;

12 (b) Ensure that data used in making renewal decisions are
13 available to the school and the public; and

14 (c) Provide a public report summarizing the evidence basis for
15 its decision.

16 **Sec. 920.** RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted
17 and amended to read as follows:

18 (1) An authorizer may revoke a charter contract ~~((may be~~
19 ~~revoked))~~ at any time, or ~~((not renewed))~~ may refuse to renew it, if
20 the authorizer determines that the charter school did any of the
21 following or otherwise failed to comply with the provisions of this
22 chapter:

23 (a) Committed a material and substantial violation of any of the
24 terms, conditions, standards, or procedures required under this
25 chapter or the charter contract;

26 (b) Failed to meet or make sufficient progress toward the
27 performance expectations set forth in the charter contract;

28 (c) Failed to meet generally accepted standards of fiscal
29 management; or

30 (d) Substantially violated any material provision of law from
31 which the charter school is not exempt.

32 (2) Except as provided otherwise by this subsection (2), an
33 authorizer may not renew a charter contract ~~((may not be renewed))~~
34 if, at the time of the renewal application, the charter school's
35 performance falls in the bottom quartile of schools on the
36 ~~((accountability))~~ Washington achievement index developed by the
37 state board of education under RCW 28A.657.110~~((, unless))~~. A
38 contract may be renewed without violating this subsection (2),

1 however, if the charter school demonstrates exceptional circumstances
2 that the authorizer finds justifiable.

3 (3) Each authorizer must develop revocation and nonrenewal
4 processes that:

5 (a) Provide the charter school board with a timely notification
6 of the prospect of and reasons for revocation or nonrenewal;

7 (b) Allow the charter school board a reasonable amount of time in
8 which to prepare a response;

9 (c) Provide the charter school board with an opportunity, at a
10 recorded public proceeding held for that purpose, to submit documents
11 and give testimony challenging the rationale for closure and in
12 support of the continuation of the school (~~(at a recorded public~~
13 ~~proceeding held for that purpose)~~);

14 (d) Allow the charter school board to be represented by counsel
15 and to call witnesses on its behalf; and

16 (e) After a reasonable period for deliberation, require a final
17 determination to be made and conveyed in writing to the charter
18 school board.

19 (4) If an authorizer revokes or does not renew a charter
20 contract, the authorizer must clearly state in a resolution the
21 reasons for the revocation or nonrenewal.

22 (5) Within ten days of taking action to renew, not renew, or
23 revoke a charter contract, an authorizer must submit a report of the
24 action to the (~~(applicant)~~) charter school and (~~(to)~~) the state board
25 of education(~~(, which)~~). The report must include a copy of the
26 authorizer's resolution setting forth the action taken, the reasons
27 for the decision, and assurances of compliance with the procedural
28 requirements established by the authorizer under this section.

29 **Sec. 921.** RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted
30 and amended to read as follows:

31 (1) Before making a decision to not renew or to revoke a charter
32 contract, an authorizer(~~(s)~~) must develop a charter school
33 termination protocol to ensure timely notification to parents,
34 orderly transition of students and student records to new schools, as
35 necessary, and proper disposition of public school funds, property,
36 and assets. The protocol must specify tasks, timelines, and
37 responsible parties, including delineating the respective duties of
38 the charter school and the authorizer.

1 (2) (~~In the event that~~) If the nonprofit corporation
2 (~~applicant~~) operator of a charter school should dissolve for any
3 reason including, without limitation, because of the termination of
4 the charter contract, the public school funds of the charter school
5 that have been provided pursuant to RCW 28A.710.220 must be returned
6 to the state or local account from which the public funds originated.
7 If the charter school has commingled the funds, the funds must be
8 returned in proportion to the proportion of those funds received by
9 the charter school from the public accounts in the last year
10 preceding the dissolution. The dissolution of (~~an applicant~~) a
11 nonprofit corporation shall otherwise proceed as provided by law.

12 (3) A charter contract may not be transferred from one authorizer
13 to another or from one charter school (~~applicant~~) to another before
14 the expiration of the charter contract term except by petition to the
15 state board of education by the charter school or its authorizer. The
16 state board of education must review such petitions on a case-by-case
17 basis and may grant transfer requests in response to special
18 circumstances and evidence that such a transfer would serve the best
19 interests of the charter school's students.

20 **Sec. 922.** RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted
21 and amended to read as follows:

22 (1) Charter schools must report student enrollment in the same
23 manner, and based on the same definitions of enrolled students and
24 annual average full-time equivalent enrollment, as other public
25 schools. Charter schools must comply with applicable reporting
26 requirements to receive state or federal funding that is
27 (~~allocated~~) distributed based on student characteristics.

28 (2) (~~According to the schedule established under RCW~~
29 ~~28A.510.250, the superintendent of public instruction shall allocate~~
30 ~~funding for a charter school including general apportionment, special~~
31 ~~education, categorical, and other nonbasic education moneys.~~
32 ~~Allocations must be based on the statewide average staff mix ratio of~~
33 ~~all noncharter public schools from the prior school year and the~~
34 ~~school's actual full-time equivalent enrollment. Categorical funding~~
35 ~~must be allocated to a charter school based on the same funding~~
36 ~~criteria used for noncharter public schools and the funds must be~~
37 ~~expended as provided in the charter contract. A charter school is~~
38 ~~eligible to apply for state grants on the same basis as a school~~
39 ~~district~~) In accordance with appropriations made under sections 927

1 and 928 of this act, the superintendent of public instruction shall
2 distribute state funding to charter schools according to the schedule
3 established in RCW 28A.510.250.

4 ~~(3) ((Allocations for pupil transportation must be calculated on~~
5 ~~a per student basis based on the allocation for the previous school~~
6 ~~year to the school district in which the charter school is located. A~~
7 ~~charter school may enter into a contract with a school district or~~
8 ~~other public or private entity to provide transportation for the~~
9 ~~students of the school.~~

10 ~~(4))~~ Amounts ~~((payable))~~ distributed to a charter school under
11 this section in the school's first year of operation must be based on
12 the projections of first-year student enrollment established in the
13 charter contract. The office of the superintendent of public
14 instruction must reconcile the amounts ~~((paid))~~ distributed in the
15 first year of operation to the amounts that would have been ~~((paid))~~
16 distributed based on actual student enrollment and make adjustments
17 to the charter school's ~~((allocations))~~ distributions over the course
18 of the second year of operation.

19 ~~((5) For charter schools authorized by a school district board~~
20 ~~of directors, allocations to a charter school that are included in~~
21 ~~RCW 84.52.0531(3) (a) through (c) shall be included in the levy~~
22 ~~planning, budgets, and funding distribution in the same manner as~~
23 ~~other public schools in the district.~~

24 ~~(6) Conversion charter schools are eligible for local levy moneys~~
25 ~~approved by the voters before the conversion start up date of the~~
26 ~~school as determined by the authorizer, and the school district must~~
27 ~~allocate levy moneys to a conversion charter school.~~

28 ~~(7) New charter schools are not eligible for local levy moneys~~
29 ~~approved by the voters before the start up date of the school unless~~
30 ~~the local school district is the authorizer.~~

31 ~~(8) For levies submitted to voters after the start up date of a~~
32 ~~charter school authorized under this chapter, the charter school must~~
33 ~~be included in levy planning, budgets, and funding distribution in~~
34 ~~the same manner as other public schools in the district.~~

35 ~~(9))~~ (4) Any moneys received by a charter school from any source
36 and remaining in the school's accounts at the end of ~~((any))~~ a budget
37 year ~~((shall))~~ must remain in the school's accounts for use by the
38 school during subsequent budget years.

1 **Sec. 923.** RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted
2 and amended to read as follows:

3 (1) Charter schools are eligible for state ~~((matching funds))~~
4 funding for ~~((common))~~ school construction. However, such
5 appropriations may not be made from the common school construction
6 fund.

7 (2) ~~((A))~~ If a school district decides to sell or lease the
8 public school facility or property pursuant to RCW 28A.335.040 or
9 28A.335.120, a charter school ~~((has))~~ located within the boundaries
10 of the district has a right of first refusal to purchase or lease at
11 ~~((or below))~~ fair market value a closed public school facility or
12 property or unused portions of a public school facility or property
13 ~~((located in a school district from which it draws its students if~~
14 ~~the school district decides to sell or lease the public school~~
15 ~~facility or property pursuant to RCW 28A.335.040 or 28A.335.120))~~ by
16 negotiated agreement with mutual consideration. The consideration may
17 include the provision of educational services by the charter school.

18 (3) A charter school may negotiate and contract with a school
19 district, the governing body of a public college or university, or
20 any other public or private entity for the use of a facility for a
21 school building at ~~((or below))~~ fair market rent.

22 (4) Public libraries, community service organizations, museums,
23 performing arts venues, theaters, and public or private colleges and
24 universities may provide space to charter schools within their
25 facilities under their preexisting zoning and land use designations.

26 (5) A conversion charter school, by negotiated agreement with
27 mutual consideration and as part of the consideration for providing
28 educational services under the charter contract, may continue to use
29 its existing school district facility ~~((without paying rent to the~~
30 ~~school district that owns the facility))~~. The district remains
31 responsible for major repairs and safety upgrades that may be
32 required for the continued use of the facility as a public school.
33 The charter school is responsible for routine maintenance of the
34 facility including, but not limited to, cleaning, painting,
35 gardening, and landscaping. The charter contract of a conversion
36 charter school using existing facilities that are owned by its school
37 district must include reasonable and customary terms regarding the
38 use of the existing facility that are binding upon the charter school
39 and the school district.

1 **Sec. 924.** RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted
2 to read as follows:

3 Years of service in a charter school by certificated
4 instructional staff shall be included in the years of service
5 calculation for purposes of the statewide salary allocation schedule
6 under RCW 28A.150.410. This section does not require a charter school
7 to pay a particular salary to its staff while the staff is employed
8 by the charter school.

9 **Sec. 925.** RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted
10 and amended to read as follows:

11 (1) By December 1st of each year beginning in the first year
12 after there have been charter schools operating for a full school
13 year, the state board of education, in collaboration with the
14 commission, must issue ~~((an annual))~~ a report on the performance of
15 the state's charter schools ~~((for))~~ during the preceding school year
16 to the governor, the legislature, and the public at large.

17 (2) The annual report must be based on the reports submitted by
18 each authorizer as well as any additional relevant data compiled by
19 the state board of education. The report must include a comparison of
20 the performance of charter school students with the performance of
21 academically, ethnically, and economically comparable groups of
22 students in ~~((noncharter))~~ other public schools. In addition, the
23 annual report must include the state board of education's assessment
24 of the successes, challenges, and areas for improvement in meeting
25 the purposes of this chapter, including the board's assessment of the
26 sufficiency of funding for charter schools, the efficacy of the
27 formula for authorizer funding, and any suggested changes in state
28 law or policy necessary to strengthen the state's charter schools.

29 (3) Together with the issuance of the annual report following the
30 fifth year after there have been charter schools operating for a full
31 school year, the state board of education, in collaboration with the
32 commission, shall submit a recommendation regarding whether or not
33 the legislature should authorize the establishment of additional
34 ~~((public))~~ charter public schools.

35 **Sec. 926.** RCW 28A.710.260 and 2014 c 221 s 911 are each
36 reenacted to read as follows:

37 The charter schools oversight account is hereby created in the
38 state treasury. All moneys received by the commission under RCW

1 28A.710.110 must be deposited into the account. Moneys in the account
2 may be spent only after appropriation. Expenditures from the account
3 may be used only for the purposes of this chapter.

4 NEW SECTION. **Sec. 927.** A new section is added to chapter
5 28A.710 RCW to read as follows:

6 The state legislature shall, at each regular session in an odd-
7 numbered year, appropriate for the current use of charter schools
8 amounts as determined in accordance with section 928 of this act, and
9 amounts authorized under RCW 28A.710.230(1), for state support to
10 charter schools during the ensuing biennium.

11 NEW SECTION. **Sec. 928.** A new section is added to chapter
12 28A.710 RCW to read as follows:

13 (1) The legislature intends that the state funding distributed
14 for charter schools should be equitable to the state funding received
15 by other public schools. For eligible students enrolled in a charter
16 school established and operating in accordance with this chapter, the
17 superintendent of public instruction shall transmit to each charter
18 school an amount per each full-time equivalent student at statewide
19 uniform rates. The calculations and distributions must be based upon
20 the estimated statewide annual average per full-time equivalent
21 student allocations under RCW 28A.150.260, including any enrichment
22 to those statutory formulae that is specified in the omnibus
23 appropriations act. The amount must be the sum of (a) and (b) of this
24 subsection, as applicable.

25 (a) The superintendent shall, for purposes of making
26 distributions under this section, separately calculate and distribute
27 to charter schools moneys appropriated for general apportionment
28 under the same ratios as in RCW 28A.150.260.

29 (b) The superintendent also shall, for purposes of making
30 distributions under this section, and in accordance with the
31 applicable formulae for categorical programs specified in (b)(i)
32 through (v) of this subsection (1) and any enrichment to those
33 statutory formulae that is specified in the omnibus appropriations
34 act, separately calculate and distribute moneys appropriated by the
35 legislature to charter schools for:

36 (i) Supplemental instruction and services for underachieving
37 students through the learning assistance program under RCW
38 28A.165.005 through 28A.165.065;

1 (ii) Supplemental instruction and services for eligible and
2 enrolled students and exited students whose primary language is other
3 than English through the transitional bilingual instruction program
4 under RCW 28A.180.010 through 28A.180.080;

5 (iii) The opportunity for an appropriate education at public
6 expense as defined by RCW 28A.155.020 for all eligible students with
7 disabilities as defined in RCW 28A.155.020;

8 (iv) Programs for highly capable students under RCW 28A.185.010
9 through 28A.185.030; and

10 (v) Pupil transportation services to and from school in
11 accordance with RCW 28A.160.150 through 28A.160.180. Distributions
12 for pupil transportation must be calculated on a per student basis
13 based on the allocation for the previous school year to the school
14 district in which the charter school is located.

15 (2) The superintendent of public instruction must adopt rules
16 necessary for the distribution of funding required by this section
17 and to comply with federal reporting requirements.

18 **Sec. 929.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted
19 and amended to read as follows:

20 Public schools means the common schools as referred to in Article
21 IX of the state Constitution, (~~including~~) charter schools
22 established under chapter 28A.710 RCW, and those schools and
23 institutions of learning having a curriculum below the college or
24 university level as now or may be established by law and maintained
25 at public expense.

26 **Sec. 930.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted
27 and amended to read as follows:

28 (1) Under the constitutional framework and the laws of the state
29 of Washington, the governance structure for the state's public common
30 school system is comprised of the following bodies: The legislature,
31 the governor, the superintendent of public instruction, the state
32 board of education, (~~the Washington charter school commission,~~) the
33 educational service district boards of directors, and local school
34 district boards of directors. The respective policy and
35 administrative roles of each body are determined by the state
36 Constitution and statutes.

37 (2) Local school districts are political subdivisions of the
38 state and the organization of such districts, including the powers,

1 duties, and boundaries thereof, may be altered or abolished by laws
2 of the state of Washington.

3 **Sec. 931.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to
4 read as follows:

5 This section designates charter schools established under chapter
6 28A.710 RCW as employers and charter school employees as members, and
7 applies only if the department of retirement systems receives
8 determinations from the internal revenue service and the United
9 States department of labor that participation does not jeopardize the
10 status of these retirement systems as governmental plans under the
11 federal employees' retirement income security act and the internal
12 revenue code.

13 **Sec. 932.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to
14 read as follows:

15 This section designates charter schools established under chapter
16 28A.710 RCW as employers and charter school employees as members, and
17 applies only if the department of retirement systems receives
18 determinations from the internal revenue service and the United
19 States department of labor that participation does not jeopardize the
20 status of these retirement systems as governmental plans under the
21 federal employees' retirement income security act and the internal
22 revenue code.

23 **Sec. 933.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to
24 read as follows:

25 This section designates charter schools established under chapter
26 28A.710 RCW as employers and charter school employees as members, and
27 applies only if the department of retirement systems receives
28 determinations from the internal revenue service and the United
29 States department of labor that participation does not jeopardize the
30 status of these retirement systems as governmental plans under the
31 federal employees' retirement income security act and the internal
32 revenue code.

33 **Sec. 934.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to
34 read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

- 1 (1) "Authority" means the Washington state health care authority.
- 2 (2) "Board" means the public employees' benefits board
3 established under RCW 41.05.055.
- 4 (3) "Dependent care assistance program" means a benefit plan
5 whereby state and public employees may pay for certain employment
6 related dependent care with pretax dollars as provided in the salary
7 reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or
8 other sections of the internal revenue code.
- 9 (4) "Director" means the director of the authority.
- 10 (5) "Emergency service personnel killed in the line of duty"
11 means law enforcement officers and firefighters as defined in RCW
12 41.26.030, members of the Washington state patrol retirement fund as
13 defined in RCW 43.43.120, and reserve officers and firefighters as
14 defined in RCW 41.24.010 who die as a result of injuries sustained in
15 the course of employment as determined consistent with Title 51 RCW
16 by the department of labor and industries.
- 17 (6) "Employee" includes all employees of the state, whether or
18 not covered by civil service; elected and appointed officials of the
19 executive branch of government, including full-time members of
20 boards, commissions, or committees; justices of the supreme court and
21 judges of the court of appeals and the superior courts; and members
22 of the state legislature. Pursuant to contractual agreement with the
23 authority, "employee" may also include: (a) Employees of a county,
24 municipality, or other political subdivision of the state and members
25 of the legislative authority of any county, city, or town who are
26 elected to office after February 20, 1970, if the legislative
27 authority of the county, municipality, or other political subdivision
28 of the state seeks and receives the approval of the authority to
29 provide any of its insurance programs by contract with the authority,
30 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of
31 employee organizations representing state civil service employees, at
32 the option of each such employee organization, and, effective October
33 1, 1995, employees of employee organizations currently pooled with
34 employees of school districts for the purpose of purchasing insurance
35 benefits, at the option of each such employee organization; (c)
36 employees of a school district if the authority agrees to provide any
37 of the school districts' insurance programs by contract with the
38 authority as provided in RCW 28A.400.350; (d) employees of a tribal
39 government, if the governing body of the tribal government seeks and
40 receives the approval of the authority to provide any of its

1 insurance programs by contract with the authority, as provided in RCW
2 41.05.021(1) (f) and (g); (e) employees of the Washington health
3 benefit exchange if the governing board of the exchange established
4 in RCW 43.71.020 seeks and receives approval of the authority to
5 provide any of its insurance programs by contract with the authority,
6 as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a
7 charter school established under chapter 28A.710 RCW. "Employee" does
8 not include: Adult family home providers; unpaid volunteers; patients
9 of state hospitals; inmates; employees of the Washington state
10 convention and trade center as provided in RCW 41.05.110; students of
11 institutions of higher education as determined by their institution;
12 and any others not expressly defined as employees under this chapter
13 or by the authority under this chapter.

14 (7) "Employer" means the state of Washington.

15 (8) "Employer group" means those counties, municipalities,
16 political subdivisions, the Washington health benefit exchange,
17 tribal governments, school districts, and educational service
18 districts, and employee organizations representing state civil
19 service employees, obtaining employee benefits through a contractual
20 agreement with the authority.

21 (9) "Employing agency" means a division, department, or separate
22 agency of state government, including an institution of higher
23 education; a county, municipality, school district, educational
24 service district, or other political subdivision; charter school; and
25 a tribal government covered by this chapter.

26 (10) "Faculty" means an academic employee of an institution of
27 higher education whose workload is not defined by work hours but
28 whose appointment, workload, and duties directly serve the
29 institution's academic mission, as determined under the authority of
30 its enabling statutes, its governing body, and any applicable
31 collective bargaining agreement.

32 (11) "Flexible benefit plan" means a benefit plan that allows
33 employees to choose the level of health care coverage provided and
34 the amount of employee contributions from among a range of choices
35 offered by the authority.

36 (12) "Insuring entity" means an insurer as defined in chapter
37 48.01 RCW, a health care service contractor as defined in chapter
38 48.44 RCW, or a health maintenance organization as defined in chapter
39 48.46 RCW.

1 (13) "Medical flexible spending arrangement" means a benefit plan
2 whereby state and public employees may reduce their salary before
3 taxes to pay for medical expenses not reimbursed by insurance as
4 provided in the salary reduction plan under this chapter pursuant to
5 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

6 (14) "Participant" means an individual who fulfills the
7 eligibility and enrollment requirements under the salary reduction
8 plan.

9 (15) "Plan year" means the time period established by the
10 authority.

11 (16) "Premium payment plan" means a benefit plan whereby state
12 and public employees may pay their share of group health plan
13 premiums with pretax dollars as provided in the salary reduction plan
14 under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections
15 of the internal revenue code.

16 (17) "Retired or disabled school employee" means:

17 (a) Persons who separated from employment with a school district
18 or educational service district and are receiving a retirement
19 allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

20 (b) Persons who separate from employment with a school district,
21 educational service district, or charter school on or after October
22 1, 1993, and immediately upon separation receive a retirement
23 allowance under chapter 41.32, 41.35, or 41.40 RCW;

24 (c) Persons who separate from employment with a school district,
25 educational service district, or charter school due to a total and
26 permanent disability, and are eligible to receive a deferred
27 retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

28 (18) "Salary" means a state employee's monthly salary or wages.

29 (19) "Salary reduction plan" means a benefit plan whereby state
30 and public employees may agree to a reduction of salary on a pretax
31 basis to participate in the dependent care assistance program,
32 medical flexible spending arrangement, or premium payment plan
33 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the
34 internal revenue code.

35 (20) "Seasonal employee" means an employee hired to work during a
36 recurring, annual season with a duration of three months or more, and
37 anticipated to return each season to perform similar work.

38 (21) "Separated employees" means persons who separate from
39 employment with an employer as defined in:

40 (a) RCW 41.32.010(17) on or after July 1, 1996; or

1 (b) RCW 41.35.010 on or after September 1, 2000; or

2 (c) RCW 41.40.010 on or after March 1, 2002;

3 and who are at least age fifty-five and have at least ten years of
4 service under the teachers' retirement system plan 3 as defined in
5 RCW 41.32.010(33), the Washington school employees' retirement system
6 plan 3 as defined in RCW 41.35.010, or the public employees'
7 retirement system plan 3 as defined in RCW 41.40.010.

8 (22) "State purchased health care" or "health care" means medical
9 and health care, pharmaceuticals, and medical equipment purchased
10 with state and federal funds by the department of social and health
11 services, the department of health, the basic health plan, the state
12 health care authority, the department of labor and industries, the
13 department of corrections, the department of veterans affairs, and
14 local school districts.

15 (23) "Tribal government" means an Indian tribal government as
16 defined in section 3(32) of the employee retirement income security
17 act of 1974, as amended, or an agency or instrumentality of the
18 tribal government, that has government offices principally located in
19 this state.

20 **Sec. 935.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted
21 to read as follows:

22 In addition to the entities listed in RCW 41.56.020, this chapter
23 applies to any charter school established under chapter 28A.710 RCW.
24 Any bargaining unit or units established at the charter school must
25 be limited to employees working in the charter school and must be
26 separate from other bargaining units in school districts, educational
27 service districts, or institutions of higher education. Any charter
28 school established under chapter 28A.710 RCW is a separate employer
29 from any school district, including the school district in which it
30 is located.

31 **Sec. 936.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to
32 read as follows:

33 This chapter applies to any charter school established under
34 chapter 28A.710 RCW. Any bargaining unit or units established at the
35 charter school must be limited to employees working in the charter
36 school and must be separate from other bargaining units in school
37 districts, educational service districts, or institutions of higher
38 education. Any charter school established under chapter 28A.710 RCW

1 is a separate employer from any school district, including the school
2 district in which it is located.

3 NEW SECTION. **Sec. 937.** RCW 28A.710.005 (Findings—2013 c 2) and
4 2013 c 2 s 101 are each repealed.

5 NEW SECTION. **Sec. 938.** (1) Sections 901 through 937 of this act
6 are remedial and curative in nature and apply to the Washington state
7 charter school commission, school district authorizers, and charter
8 schools established before the effective date of this section.

9 (2) Charter schools, and actions related to their establishment
10 and operation that were in compliance with the laws of the state of
11 Washington before the effective date of this section, or that
12 substantially complied with the provisions of this act before its
13 effective date, are declared to be valid.

14 (3) The Washington state charter school commission and school
15 district authorizers, and actions related to their establishment and
16 operation that were in compliance with the laws of the state of
17 Washington before the effective date of this section, or that
18 substantially complied with the provisions of this act before its
19 effective date, are declared to be valid.

20 (4) Contracts entered into under or in accordance with chapter 2,
21 Laws of 2013 that were in effect on December 1, 2015, may, with the
22 agreement of all parties and within sixty days after the effective
23 date of this section, be reexecuted with the same terms and duration
24 or substantially the same terms and duration as were in effect on
25 December 1, 2015. For purposes of this section, "substantially the
26 same terms and duration" includes contract modifications necessary to
27 comply with the provisions of chapter . . . , Laws of 2016 (this act)
28 or other applicable law.

29 **PART X**

30 **EDUCATIONAL PROGRAMS THAT ARE NOT IN COMMON SCHOOLS**

31 **Sec. 1001.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended
32 to read as follows:

33 An amount equal to basic and nonbasic education funding,
34 including applicable vocational entitlements and special education
35 program money, generated under this chapter and under state
36 appropriations acts shall be (~~allocated~~) distributed directly to

1 the military department for a national guard youth challenge program
2 for students earning high school graduation credit under RCW
3 (~~28A.305.170~~) 28A.300.165. Funding shall be provided based on
4 statewide average rates for basic education, special education,
5 categorical, and block grant programs as determined by the office of
6 the superintendent of public instruction. The state funds provided
7 shall be from the Washington opportunity pathways account created in
8 RCW 28B.76.526. The monthly full-time equivalent enrollment reported
9 for students enrolled in the national guard youth challenge program
10 shall be based on one full-time equivalent for every one hundred
11 student hours of scheduled instruction eligible for high school
12 graduation credit. The office of the superintendent of public
13 instruction, in consultation with the military department, shall
14 adopt such rules as are necessary to implement this section.

15 **Sec. 1002.** RCW 28A.185.040 and 1990 c 33 s 169 are each amended
16 to read as follows:

17 (1) The superintendent of public instruction shall contract with
18 the University of Washington for the education of highly capable
19 students below eighteen years of age who are admitted or enrolled at
20 such early entrance program or transition school as are now or
21 hereafter established and maintained by the University of Washington.

22 (2) The superintendent of public instruction shall (~~allocate~~)
23 distribute directly to the University of Washington an amount equal
24 to all of the state basic education allocation moneys, state
25 categorical moneys excepting categorical moneys provided for the
26 highly capable students program under RCW 28A.185.010 through
27 28A.185.030, any enrichment to those statutory formulae that is
28 specified in the omnibus appropriations act, and federal moneys
29 generated by a student while attending an early entrance program or
30 transition school at the University of Washington. The state funds
31 distributed under this subsection shall be from the Washington
32 opportunity pathways account created in RCW 28B.76.526. The
33 allocations shall be according to each student's school district of
34 residence. The expenditure of such moneys shall be limited to
35 selection of students, precollege instruction, special advising, and
36 related activities necessary for the support of students while
37 attending a transition school or early entrance program at the
38 University of Washington. Such allocations may be supplemented with

1 such additional payments by other parties as necessary to cover the
2 actual and full costs of such instruction and other activities.

3 (3) The provisions of subsections (1) and (2) of this section
4 shall apply during the first three years a student is attending a
5 transition school or early entrance program at the University of
6 Washington or through the academic school year in which the student
7 turns eighteen, whichever occurs first. No more than thirty students
8 shall be admitted and enrolled in the transition school at the
9 University of Washington in any one year.

10 (4) The superintendent of public instruction shall adopt or amend
11 rules pursuant to chapter 34.05 RCW implementing subsection (2) of
12 this section (~~(before August 31, 1989)~~).

13 **Sec. 1003.** RCW 28A.193.080 and 1998 c 244 s 9 are each amended
14 to read as follows:

15 The superintendent of public instruction shall:

16 (1) (~~Allocate~~) Distribute money appropriated by the legislature
17 to administer and provide education programs under this chapter to
18 school districts (~~(, educational service districts, and other~~
19 ~~education providers selected under RCW 28A.193.020)~~) that have
20 assumed the primary responsibility to administer and provide
21 education programs under this chapter (~~(-)~~);

22 (2) Distribute moneys from the Washington opportunity pathways
23 account created in RCW 28B.76.526 to educational school districts,
24 and other education providers selected under RCW 28A.193.020 that
25 have assumed the primary responsibility to administer and provide
26 education programs under this chapter. The allocation of moneys to
27 any private contractor is contingent upon and must be in accordance
28 with a contract between the private contractor and the department of
29 corrections; and

30 (~~(+2)~~) (3) Adopt rules in accordance with chapter 34.05 RCW that
31 establish reporting, program compliance, audit, and such other
32 accountability requirements as are reasonably necessary to implement
33 this chapter and related provisions of the biennial operating act
34 effectively.

35 **Sec. 1004.** RCW 28A.205.070 and 2006 c 263 s 409 are each amended
36 to read as follows:

37 In (~~allocating~~) distributing funds (~~(appropriated for)~~) to
38 education centers, the superintendent of public instruction shall

1 provide funds from the Washington opportunity pathways account
2 created in RCW 28B.76.526 and also:

3 (1) Place priority upon stability and adequacy of funding for
4 education centers that have demonstrated superior performance as
5 defined in RCW 28A.205.040(2).

6 (2) Initiate and maintain a competitive review process to select
7 new or expanded center programs in unserved or underserved areas. The
8 criteria for review of competitive proposals for new or expanded
9 education center services shall include but not be limited to:

10 (a) The proposing organization shall have obtained certification
11 from the superintendent of public instruction as provided in RCW
12 28A.205.010;

13 (b) The cost-effectiveness of the proposal; and

14 (c) The availability of committed nonstate funds to support,
15 enrich, or otherwise enhance the basic program.

16 (3) In selecting areas for new or expanded education center
17 programs, the superintendent of public instruction shall consider
18 factors including but not limited to:

19 (a) The proportion and total number of dropouts unserved by
20 existing center programs, if any;

21 (b) The availability within the geographic area of programs other
22 than education centers which address the basic educational needs of
23 dropouts; and

24 (c) Waiting lists or other evidence of demand for expanded
25 education center programs.

26 (4) In the event of any curtailment of services resulting from
27 lowered legislative appropriations, the superintendent of public
28 instruction shall issue pro rata reductions to all centers funded at
29 the time of the lowered appropriation. Individual centers may be
30 exempted from such pro rata reductions if the superintendent finds
31 that such reductions would impair the center's ability to operate at
32 minimally acceptable levels of service. In the event of such
33 exceptions, the superintendent shall determine an appropriate rate
34 for reduction to permit the center to continue operation.

35 (5) In the event that an additional center or centers become
36 certified and apply to the superintendent for funds to be
37 (~~allocated~~) distributed from a legislative appropriation which does
38 not increase from the immediately preceding biennium, or does not
39 increase sufficiently to allow such additional center or centers to
40 operate at minimally acceptable levels of service without reducing

1 the funds available to previously funded centers, the superintendent
2 shall not provide funding for such additional center or centers from
3 such appropriation.

4 **Sec. 1005.** RCW 28A.215.060 and 2008 c 169 s 1 are each amended
5 to read as follows:

6 (1) The Washington community learning center program is
7 established. The program shall be administered by the office of the
8 superintendent of public instruction. The purposes of the program
9 include:

10 (a) Supporting the creation or expansion of community learning
11 centers that provide students with tutoring and educational
12 enrichment when school is not in session;

13 (b) Providing training and professional development for community
14 learning center program staff;

15 (c) Increasing public awareness of the availability and benefits
16 of after-school programs; and

17 (d) Supporting statewide after-school intermediary organizations
18 in their efforts to provide leadership, coordination, technical
19 assistance, professional development, advocacy, and programmatic
20 support to the Washington community learning center programs and
21 after-school programs throughout the state.

22 (2)(a) Subject to funds appropriated for this purpose, the office
23 of the superintendent of public instruction may provide community
24 learning center grants to any public or private organization that
25 meets the eligibility criteria of the federal twenty-first century
26 community learning centers program. Grant funds provided to entities
27 other than school districts must be provided from the Washington
28 opportunity pathways account created in RCW 28B.76.526.

29 (b) Priority may be given to grant requests submitted jointly by
30 one or more schools or school districts and one or more community-
31 based organizations or other nonschool partners.

32 (c) Priority may also be given to grant requests for after-school
33 programs focusing on improving mathematics achievement, particularly
34 for middle and junior high school students.

35 (d) Priority shall be given to grant requests that:

36 (i) Focus on improving reading and mathematics proficiency for
37 students who attend schools that have been identified as being in
38 need of improvement under section 1116 of Title I of the federal no
39 child left behind act of 2001; and

1 (ii) Include a public/private partnership agreement or proposal
2 for how to provide free transportation for those students in need
3 that are involved in the program.

4 (3) Community learning center grant funds may be used to carry
5 out a broad array of out-of-school activities that support and
6 enhance academic achievement. The activities may include but need not
7 be limited to:

8 (a) Remedial and academic enrichment;

9 (b) Mathematics, reading, and science education;

10 (c) Arts and music education;

11 (d) Entrepreneurial education;

12 (e) Community service;

13 (f) Tutoring and mentoring programs;

14 (g) Programs enhancing the language skills and academic
15 achievement of limited English proficient students;

16 (h) Recreational and athletic activities;

17 (i) Telecommunications and technology education;

18 (j) Programs that promote parental involvement and family
19 literacy;

20 (k) Drug and violence prevention, counseling, and character
21 education programs; and

22 (l) Programs that assist students who have been truant,
23 suspended, or expelled, to improve their academic achievement.

24 (4) Each community learning center grant may be made for a
25 maximum of five years. Each grant recipient shall report annually to
26 the office of the superintendent of public instruction on what
27 transportation services are being used to assist students in
28 accessing the program and how those services are being funded. Based
29 on this information, the office of the superintendent of public
30 instruction shall compile a list of transportation service options
31 being used and make that list available to all after-school program
32 providers that were eligible for the community learning center
33 program grants.

34 (5) To the extent that funding is available for this purpose, the
35 office of the superintendent of public instruction may provide grants
36 or other support for the training and professional development of
37 community learning center staff, the activities of intermediary
38 after-school organizations, and efforts to increase public awareness
39 of the availability and benefits of after-school programs.

1 (6) Schools or school districts that receive a community learning
2 center grant under this section may seek approval from the office of
3 the superintendent of public instruction for flexibility to use a
4 portion of their state transportation funds for the costs of
5 transporting students to and from the community learning center
6 program.

7 (7) The office of the superintendent of public instruction shall
8 evaluate program outcomes and report to the governor and the
9 education committees of the legislature on the outcomes of the grants
10 and make recommendations related to program modification,
11 sustainability, and possible expansion. An interim report is due
12 November 1, 2008. A final report is due December 1, 2009.

13 **Sec. 1006.** RCW 28A.715.040 and 2013 c 242 s 5 are each amended
14 to read as follows:

15 (1) A school that is the subject of a state-tribal education
16 compact must report student enrollment. Reporting must be done in the
17 same manner and use the same definitions of enrolled students and
18 annual average full-time equivalent enrollment as is required of
19 school districts. The reporting requirements in this subsection are
20 required for a school to receive state or federal funding that is
21 ~~((allocated))~~ distributed based on student characteristics.

22 (2) Funding for a school that is the subject of a state-tribal
23 education compact shall be ~~((apportioned))~~ separately calculated and
24 distributed by the superintendent of public instruction according to
25 the schedule established under RCW 28A.510.250. The state funds
26 distributed by the superintendent shall come from the Washington
27 opportunity pathways account created in RCW 28B.76.526. The amount of
28 state funds to be provided shall be determined in accordance with the
29 state funding formulae, including general apportionment, special
30 education, categorical, any enrichment to those statutory formulae
31 that is specified in the omnibus appropriations act, and other
32 nonbasic education moneys. ~~((Allocations))~~ Distributions for
33 certificated instructional staff must be based on the average staff
34 mix ratio of the school, as separately calculated by the
35 superintendent of public instruction using the statewide salary
36 allocation schedule and related documents, conditions, and
37 limitations established by the omnibus appropriations act.
38 ~~((Allocations))~~ Distributions for classified staff and certificated
39 administrative staff must be based on the salary allocations of the

1 school district in which the school is located, subject to conditions
2 and limitations established by the omnibus appropriations act.
3 Nothing in this section requires a school that is the subject of a
4 state-tribal education compact to use the statewide salary allocation
5 schedule. Such a school is eligible to apply for state grants on the
6 same basis as a school district.

7 (3) Any moneys received by a school that is the subject of a
8 state-tribal education compact from any source that remain in the
9 school's accounts at the end of any budget year must remain in the
10 school's accounts for use by the school during subsequent budget
11 years.

12 NEW SECTION. **Sec. 1007.** A new section is added to chapter
13 28A.300 RCW to read as follows:

14 The legislature shall provide state funds to the superintendent
15 of public instruction from the Washington opportunity pathways
16 account created in RCW 28B.76.526 to cover the costs of the
17 following:

18 (1) Distributing state funds under RCW 28A.150.310, 28A.185.040,
19 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

20 (2) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080,
21 28A.205.050, and 28A.715.010.

22 **Sec. 1008.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each
23 amended to read as follows:

24 (1) The Washington opportunity pathways account is created in the
25 state treasury. Expenditures from the account shall be used to cover
26 the costs of the following:

27 (a) Distributing state funds under RCW 28A.150.310, 28A.185.040,
28 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

29 (b) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080,
30 28A.205.050, and 28A.715.010.

31 (2) Expenditures from the account may be used ((only)) for
32 programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW
33 (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW
34 28B.76.670 (Washington award for vocational excellence), chapter
35 28B.92 RCW (state need grant program), ((chapter 28B.101 RCW
36 (educational opportunity grant),)) chapter 28B.105 RCW (GET ready for
37 math and science scholarship), chapter 28B.117 RCW (passport to
38 college promise), chapter 28B.118 RCW (college bound scholarship),

1 and chapter 28B.119 RCW (Washington promise scholarship), and chapter
2 43.215 RCW (early childhood education and assistance program)((~~7—and~~
3 ~~RCW 43.330.280 (recruitment of entrepreneurial researchers,~~
4 ~~innovation partnership zones and research teams)~~)).

5 **PART XI**

6 **MISCELLANEOUS PROVISIONS**

7 NEW SECTION. **Sec. 1101.** The sum of eight hundred twenty-six
8 thousand dollars, or as much thereof as may be necessary, is
9 appropriated for the biennium ending June 30, 2019, from the
10 Washington opportunity pathways account to the charter school
11 commission to perform its duties under this act.

12 NEW SECTION. **Sec. 1102.** The sum of eighteen million dollars, or
13 as much thereof as may be necessary, is appropriated for the biennium
14 ending June 30, 2019, from the Washington opportunity pathways
15 account to the office of the superintendent of public instruction for
16 the purposes of funding charter schools.

17 NEW SECTION. **Sec. 1103.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 1104.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately."

25 Correct the title.

EFFECT: Adds to the intent section references to charter public schools being a different educational opportunity and environment for students. Reestablishes a charter school system framework in statute, with charter schools operated and funded separately from the common school system. Funds certain educational programs that are not in common schools (including the National Guard Youth Challenge Program, the Early Entrance Program at the University of Washington for highly capable students, the educational program for juveniles in detention

centers, and Tribal compact schools) with funds from the Washington Opportunity Pathways Account.

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