

E2SSB 6194 - H AMD
By Representative Springer

ADOPTED AND ENGROSSED 3/9/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I
4 CHARTER PUBLIC SCHOOLS

5 **Sec. 101.** RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Applicant" means a nonprofit corporation that has submitted
10 an application to an authorizer. The nonprofit corporation must be
11 either a public benefit nonprofit corporation as defined in RCW
12 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005
13 that has applied for tax exempt status under section 501(c)(3) of the
14 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The
15 nonprofit corporation may not be a sectarian or religious
16 organization and must meet all of the requirements for a public
17 benefit nonprofit corporation before receiving any funding under RCW
18 28A.710.220.

19 (2) "At-risk student" means a student who has an academic or
20 economic disadvantage that requires assistance or special services to
21 succeed in educational programs. The term includes, but is not
22 limited to, students who do not meet minimum standards of academic
23 proficiency, students who are at risk of dropping out of high school,
24 students in chronically low-performing schools, students with higher
25 than average disciplinary sanctions, students with lower
26 participation rates in advanced or gifted programs, students who are
27 limited in English proficiency, students who are members of
28 economically disadvantaged families, and students who are identified
29 as having special educational needs.

30 (3) "Authorizer" means (~~(an entity)~~) the commission established
31 in RCW 28A.710.070 or a school district approved under RCW

1 28A.710.090 to review, approve, or reject charter school
2 applications; enter into, renew, or revoke charter contracts with
3 applicants; and oversee the charter schools the entity has
4 authorized.

5 (4) "Charter contract" means a fixed term, renewable contract
6 between a charter school and an authorizer that outlines the roles,
7 powers, responsibilities, and performance expectations for each party
8 to the contract.

9 (5) "Charter school" or "~~(public)~~ charter public school" means
10 a public school that is established in accordance with this chapter,
11 governed by a charter school board, and operated according to the
12 terms of a charter contract executed under this chapter ~~((and~~
13 ~~includes a new charter school and a conversion charter school))~~.

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

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

19 ~~((("Conversion charter school" means a charter school created~~
20 ~~by converting an existing noncharter public school in its entirety to~~
21 ~~a charter school under this chapter.~~

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

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

26 ~~((11))~~ (9) "Student" means ~~((any))~~ a child eligible ~~((under RCW~~
27 ~~28A.225.160))~~ to attend a public school in the state.

28 **Sec. 102.** RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted
29 and amended to read as follows:

30 A charter school established under this chapter:

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

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

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

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

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

4 (~~(Is a public school to which parents choose to send their~~
5 ~~children;~~

6 ~~(5))~~) Functions as a local education agency under applicable
7 federal laws and regulations and is responsible for meeting the
8 requirements of local education agencies and public schools under
9 those federal laws and regulations, including but not limited to
10 compliance with the individuals with disabilities education
11 improvement act (20 U.S.C. Sec. 1401 et seq.), the federal
12 educational rights and privacy act (20 U.S.C. Sec. 1232g), the
13 McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431
14 et seq.), and the elementary and secondary education act (20 U.S.C.
15 Sec. 6301 et seq.).

16 **Sec. 103.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted
17 and amended to read as follows:

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

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

24 (b) Receive and disburse funds for the purposes of the charter
25 school;

26 (c) Enter into contracts with any school district, educational
27 service district, or other public or private entity for the provision
28 of real property, equipment, goods, supplies, and services, including
29 educational instructional services (~~and including~~), pupil
30 transportation services, and for the management and operation of the
31 charter school (~~to the same extent as other noncharter public~~
32 ~~schools, as long as~~), provided the charter school board maintains
33 oversight authority over the charter school. Contracts for management
34 operation of the charter school may only be with nonprofit
35 organizations;

36 (d) Rent, lease, purchase, or own real property. All charter
37 contracts and contracts with other entities must include provisions
38 regarding the disposition of the property if the charter school fails

1 to open as planned or closes, or if the charter contract is revoked
2 or not renewed;

3 (e) Issue secured and unsecured debt, including pledging,
4 assigning, or encumbering its assets to be used as collateral for
5 loans or extensions of credit to manage cash flow, improve
6 operations, or finance the acquisition of real property or
7 equipment(~~(: PROVIDED, That))~~). However, the ((public)) charter public
8 school may not pledge, assign, or encumber any public funds received
9 or to be received pursuant to RCW 28A.710.220. ((The)) Debt issued
10 under this subsection (1)(e) is not a general, special, or moral
11 obligation of the state, the charter school authorizer, the school
12 district in which the charter school is located, or any other
13 political subdivision or agency of the state. Neither the full faith
14 and credit nor the taxing power of the state, or any political
15 subdivision or agency of the state, may be pledged for the payment of
16 the debt;

17 (f) Solicit, accept, and administer for the benefit of the
18 charter school and its students, gifts, grants, and donations from
19 individuals, or public or private entities, excluding ((~~from~~))
20 sectarian or religious organizations. A charter school((s)) board may
21 not accept any gifts or donations ((~~the conditions of which~~)) that
22 violate this chapter or other state laws; and

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

26 (2) A charter school board must contract for an independent
27 performance audit of the school to be conducted: (a) The second year
28 immediately following the school's first full school year of
29 operation; and (b) every three years thereafter. The performance
30 audit must be conducted in accordance with United States general
31 accounting office government auditing standards. A performance audit
32 in compliance with this section does not inhibit the state auditor's
33 office from conducting a performance audit of the school.

34 (3) A charter school board may not levy taxes or issue tax-backed
35 bonds.

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

38 (5) A charter school board, through web site postings and written
39 notice with receipt acknowledged by signature of the recipient, must
40 advise families of new, ongoing, and prospective students of any

1 ongoing litigation challenging the constitutionality of charter
2 schools or that may require charter schools to cease operations.

3 **Sec. 104.** RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted
4 and amended to read as follows:

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

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

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

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

18 (c) Employ certificated instructional staff as required in RCW
19 28A.410.025~~((: PROVIDED, That))~~. Charter schools, however, may hire
20 noncertificated instructional staff of unusual competence and in
21 exceptional cases as specified in RCW 28A.150.203(7);

22 (d) Comply with the employee record check requirements in RCW
23 28A.400.303;

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

28 (f) Comply with the annual performance report under RCW
29 28A.655.110;

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

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

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

37 (3) ~~((Public))~~ Charter public schools must comply with all state
38 statutes and rules made applicable to the charter school in the
39 school's charter contract, and are subject to the specific state

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

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

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

22 **Sec. 105.** RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted
23 and amended to read as follows:

24 (1) Except as provided in subsection (3) of this section, a
25 charter school may not limit admission on any basis other than age
26 group, grade level, or enrollment capacity (~~(and must enroll all~~
27 ~~students who apply within these bases)~~). A charter school is open to
28 any student regardless of his or her location of residence.

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

32 (~~(A conversion charter school must provide sufficient~~
33 ~~capacity to enroll all students who wish to remain enrolled in the~~
34 ~~school after its conversion to a charter school, and may not displace~~
35 ~~students enrolled before the chartering process.~~

36 (~~4~~)) If capacity is insufficient to enroll all students who
37 apply to a charter school, the charter school must (~~(select students~~
38 ~~through a lottery to ensure fairness. However, a charter school must~~
39 ~~give an enrollment preference to siblings of already enrolled~~

1 students)) grant an enrollment preference to siblings of enrolled
2 students, with any remaining enrollments allocated through a lottery.
3 A charter school may offer, pursuant to an admissions policy approved
4 by the commission, a weighted enrollment preference for at-risk
5 students or to children of full-time employees of the school if the
6 employees' children reside within the state.

7 ((+5)) (4) The enrollment capacity of a charter school must be
8 determined annually by the charter school board in consultation with
9 the charter authorizer and with consideration of the charter school's
10 ability to facilitate the academic success of its students, achieve
11 the objectives specified in the charter contract, and assure that its
12 student enrollment does not exceed the capacity of its facility. An
13 authorizer may not restrict the number of students a charter school
14 may enroll.

15 ((+6)) (5) Nothing in this section prevents formation of a
16 charter school whose mission is to offer a specialized learning
17 environment and services for particular groups of students, such as
18 at-risk students, students with disabilities, or students who pose
19 such severe disciplinary problems that they warrant a specific
20 educational program. Nothing in this section prevents formation of a
21 charter school organized around a special emphasis, theme, or concept
22 as stated in the school's application and charter contract.

23 **Sec. 106.** RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted
24 and amended to read as follows:

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

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

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

36 **Sec. 107.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted
37 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 or the chair's
21 designee.

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

35 ~~((+3))~~ (4) Members appointed to the commission shall
36 collectively possess strong experience and expertise in public and
37 nonprofit governance; management and finance; public school
38 leadership, assessment, curriculum, and instruction; and public
39 education law. All appointed members shall have demonstrated an

1 understanding of and commitment to charter schooling as a strategy
2 for strengthening public education.

3 ~~((4))~~ (5) Appointed members shall ~~((be appointed to))~~ serve
4 four-year, staggered terms~~((, with))~~. The initial appointments from
5 each of the appointing authorities ~~((consisting))~~ must consist of one
6 member appointed to a one-year term, one member appointed to a
7 two-year term, and one member appointed to a three-year term, all of
8 whom thereafter may be reappointed for a four-year term. No appointed
9 member may serve more than two consecutive terms. Initial
10 appointments must be made ~~((no later than ninety days after December~~
11 ~~6, 2012))~~ by July 1, 2016.

12 ~~((5))~~ (6) Whenever a vacancy on the commission exists among its
13 appointed membership, the original appointing authority must appoint
14 a member for the remaining portion of the term within no more than
15 thirty days.

16 ~~((6))~~ (7) Commission members shall serve without compensation
17 but may be reimbursed for travel expenses as authorized in RCW
18 43.03.050 and 43.03.060.

19 ~~((7) Operational and staff support for the commission shall be~~
20 ~~provided by the office of the governor until the commission has~~
21 ~~sufficient resources to hire or contract for separate staff support,~~
22 ~~who))~~

23 (8) The commission shall reside within the office of the
24 ~~((governor))~~ superintendent of public instruction for administrative
25 purposes only.

26 ~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the
27 commission.

28 **Sec. 108.** RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted
29 and amended to read as follows:

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

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

35 (2) A school district board~~((s))~~ of directors ~~((that have been~~
36 approved by the state board of education under RCW 28A.710.090 before
37 authorizing a charter school,)) may exercise the authority granted
38 under this section only after receiving approval from the state board

1 of education under RCW 28A.710.090, and only for charter schools
2 located within the school district's (~~own~~) boundaries.

3 **Sec. 109.** RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted
4 and amended to read as follows:

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

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

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

13 (b) A plan to support the vision presented, including explanation
14 and evidence of the applicant's budget and personnel capacity and
15 commitment to execute the responsibilities of quality charter
16 authorizing;

17 (c) A draft or preliminary outline of the (~~request for~~
18 ~~proposals~~) annual charter school application process that the
19 applicant would, if approved as an authorizer, issue to solicit
20 charter school applicants;

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

25 (e) A draft of the applicant's proposed renewal, revocation, and
26 nonrenewal processes, consistent with RCW 28A.710.190 and
27 28A.710.200;

28 (f) A statement of assurance that the applicant seeks to serve as
29 an authorizer in fulfillment of the expectations, spirit, and intent
30 of this chapter, and that, if approved as an authorizer, the
31 applicant will fully participate in any authorizer training provided
32 or required by the state; and

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

36 (3) The state board of education shall consider the merits of
37 each application and make its decision within the timelines
38 established by the state board of education.

1 (4) Within thirty days of making a decision to approve an
2 application under this section, the state board of education must
3 execute a renewable authorizing contract with the ((entity))
4 applicant district. The initial term of an authorizing contract
5 ((shall)) must be six years. The authorizing contract must specify
6 each approved ((entity's)) applicant district's agreement to serve as
7 an authorizer in accordance with the expectations of this chapter,
8 and may specify additional performance terms based on the applicant's
9 proposal and plan for chartering.

10 (5) No approved ((entity)) school district may commence charter
11 authorizing without an authorizing contract in effect.

12 **Sec. 110.** RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted
13 and amended to read as follows:

14 (1) Authorizers are responsible for:

15 (a) Soliciting and evaluating charter applications;

16 (b) Approving ((quality)) charter applications that meet
17 identified educational needs and promote a diversity of educational
18 choices;

19 (c) Denying ((weak or inadequate)) charter applications that fail
20 to meet statutory requirements, requirements of the authorizer, or
21 both;

22 (d) Negotiating and executing ((sound)) charter contracts with
23 each authorized charter school;

24 (e) Monitoring, in accordance with charter contract terms, the
25 performance and legal compliance of charter schools including,
26 without limitation, education and academic performance goals and
27 student achievement; and

28 (f) Determining whether each charter contract merits renewal,
29 nonrenewal, or revocation.

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

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

36 (a) Organizational capacity and infrastructure;

37 (b) Soliciting and evaluating charter applications;

38 (c) Performance contracting;

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

1 (e) Charter renewal decision making.

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

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

7 (b) The academic and financial performance of all operating
8 charter schools (~~(overseen by the authorizer))~~) under its
9 jurisdiction, including the progress of the charter schools based on
10 the authorizer's performance framework;

11 (c) The status of the authorizer's charter school portfolio,
12 identifying all charter schools in each of the following categories:
13 (i) Approved but not yet open(~~(τ))~~); (ii) operating(~~(τ))~~); (iii)
14 renewed(~~(τ))~~); (iv) transferred(~~(τ))~~); (v) revoked(~~(τ))~~); (vi) not
15 renewed(~~(τ))~~); (vii) voluntarily closed(~~(τ))~~); or (viii) never opened;

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

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

22 (5) Neither an authorizer, individuals who comprise the
23 membership of an authorizer in their official capacity, nor the
24 employees of an authorizer are liable for acts or omissions of a
25 charter school they authorize.

26 (6) No employee, trustee, agent, or representative of an
27 authorizer may simultaneously serve as an employee, trustee, agent,
28 representative, vendor, or contractor of a charter school under the
29 jurisdiction of that authorizer.

30 **Sec. 111.** RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted
31 and amended to read as follows:

32 (1) The state board of education shall establish a statewide
33 formula for an authorizer oversight fee, which (~~(shall))~~) must be
34 calculated as a percentage of the state operating funding
35 (~~(allocated))~~) distributed to charter schools under RCW 28A.710.220 to
36 each charter school under the jurisdiction of an authorizer, but may
37 not exceed four percent of each charter school's annual funding.
38 (~~(The office of the superintendent of public instruction shall deduct~~

1 ~~the oversight fee from each charter school's allocation under RCW~~
2 ~~28A.710.220 and transmit the fee to the appropriate authorizer.))~~

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

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

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

14 ((+4)) (5) An authorizer may provide contracted, fee-based
15 services to charter schools under its jurisdiction that are in
16 addition to the oversight duties under RCW 28A.710.100. An authorizer
17 may not charge more than market rates for the contracted services
18 provided. An authorizer may not require a charter school ((~~may not be~~
19 ~~required~~)) to purchase contracted services ((~~from~~)) provided by an
20 authorizer. Fees collected by the authorizer under this subsection
21 must be separately accounted for and reported annually to the state
22 board of education.

23 **Sec. 112.** RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted
24 and amended to read as follows:

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

28 (2) Persistently unsatisfactory performance of an authorizer's
29 portfolio of charter schools, a pattern of well-founded complaints
30 about the authorizer or its charter schools, or other objective
31 circumstances may trigger a special review by the state board of
32 education.

33 (3) In reviewing or evaluating the performance of authorizers,
34 the state board of education must apply nationally recognized
35 principles and standards for quality charter authorizing. Evidence of
36 material or persistent failure by an authorizer to carry out its
37 duties in accordance with ((~~the~~)) these principles and standards
38 constitutes grounds for revocation of the authorizing contract by the
39 state board of education, as provided under this section.

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

7 (5) If (~~an authorizer persists~~), after due notice from the
8 state board of education, an authorizer persists in violating a
9 material provision of a charter contract or its authorizing contract,
10 or fails to remedy other identified authorizing problems, the state
11 board of education shall notify the authorizer, within a reasonable
12 amount of time under the circumstances, that it intends to revoke the
13 authorizer's chartering authority unless the authorizer demonstrates
14 a timely and satisfactory remedy for the violation or deficiencies.

15 (6) In the event of revocation of any authorizer's chartering
16 authority, the state board of education shall manage the timely and
17 orderly transfer of each charter contract held by that authorizer to
18 another authorizer in the state, with the mutual agreement of each
19 affected charter school and proposed new authorizer. The new
20 authorizer shall assume the existing charter contract for the
21 remainder of the charter term.

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

25 **Sec. 113.** RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted
26 and amended to read as follows:

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

31 (b) Each authorizer's (~~request~~) solicitation for proposals
32 must:

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

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

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

3 (iv) State clear, appropriately detailed questions as well as
4 guidelines concerning the format and content essential for applicants
5 to demonstrate the capacities necessary to establish and operate a
6 successful charter school.

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

9 (a) An executive summary;

10 (b) The mission and vision of the proposed charter school,
11 including identification of the ((targeted)) student population and
12 ((the)) community the school hopes to serve;

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

15 (d) The grades to be served each year for the full term of the
16 charter contract;

17 (e) Minimum, planned, and maximum enrollment per grade per year
18 for the full term of the charter contract;

19 (f) Evidence of need and parent and community support for the
20 proposed charter school;

21 (g) Background information on the proposed founding ((governing))
22 charter school board members and, if identified, the proposed school
23 leadership and management team;

24 (h) The school's proposed calendar and sample daily schedule;

25 (i) A description of the academic program aligned with state
26 standards;

27 (j) A description of the school's proposed instructional design,
28 including the type of learning environment((+))_ class size and
29 structure((+))_ curriculum overview((+))_ and teaching methods;

30 (k) Evidence that the educational program is based on proven
31 methods;

32 (l) The school's plan for using internal and external assessments
33 to measure and report student progress on the performance framework
34 developed by the authorizer in accordance with RCW 28A.710.170;

35 (m) The school's plans for identifying, successfully serving, and
36 complying with applicable laws and regulations regarding students
37 with disabilities, students who are limited English proficient,
38 students who are struggling academically, and highly capable
39 students;

- 1 (n) A description of cocurricular or extracurricular programs and
2 how ((they)) those programs will be funded and delivered;
- 3 (o) Plans and timelines for student recruitment and enrollment,
4 including targeted plans for recruiting at-risk students and
5 including lottery procedures;
- 6 (p) The school's student discipline policies, including for
7 special education students;
- 8 (q) An organization chart that clearly presents the school's
9 organizational structure, including lines of authority and reporting
10 between the governing board, staff, any related bodies such as
11 advisory bodies or parent and teacher councils, and any external
12 organizations that will play a role in managing the school;
- 13 (r) A clear description of the roles and responsibilities for the
14 governing board, the school's leadership and management team, and any
15 other entities shown in the organization chart;
- 16 (s) A staffing plan for the school's first year and for the term
17 of the charter;
- 18 (t) Plans for recruiting and developing school leadership and
19 staff;
- 20 (u) The school's leadership and teacher employment policies,
21 including performance evaluation plans;
- 22 (v) Proposed governing bylaws;
- 23 (w) An explanation of proposed partnership agreement, if any,
24 between a charter school and its school district focused on
25 facilities, budgets, taking best practices to scale, and other items;
- 26 (x) Explanations of any other partnerships or contractual
27 relationships central to the school's operations or mission;
- 28 (y) Plans for providing transportation, food service, and all
29 other significant operational or ancillary services;
- 30 (z) Opportunities and expectations for parent involvement;
- 31 (aa) A detailed school start-up plan, identifying tasks,
32 timelines, and responsible individuals;
- 33 (bb) A description of the school's financial plan and policies,
34 including financial controls and audit requirements;
- 35 (cc) A description of the insurance coverage the school will
36 obtain;
- 37 (dd) Start-up and five-year cash flow projections and budgets
38 with clearly stated assumptions;
- 39 (ee) Evidence of anticipated fund-raising contributions, if
40 claimed in the application; and

1 (ff) A sound facilities plan, including backup or contingency
2 plans if appropriate.

3 ~~(3) ((In the case of an application to establish a conversion~~
4 ~~charter school, the applicant must also demonstrate support for the~~
5 ~~proposed conversion by a petition signed by a majority of teachers~~
6 ~~assigned to the school or a petition signed by a majority of parents~~
7 ~~of students in the school.~~

8 ~~(4) In the case of an application where the proposed charter~~
9 ~~school)) If an applicant intends to contract with a nonprofit~~
10 ~~education service provider for substantial educational services,~~
11 ~~management services, or both, the applicant must:~~

12 (a) Provide evidence of the nonprofit education service
13 provider's success in serving student populations similar to the
14 targeted population, including demonstrated academic achievement as
15 well as successful management of nonacademic school functions if
16 applicable;

17 (b) Provide a term sheet setting forth: (i) The proposed duration
18 of the service contract; (ii) the roles and responsibilities of the
19 governing board, the school staff, and the service provider; (iii)
20 the scope of services and resources to be provided by the service
21 provider; (iv) performance evaluation measures and timelines; (v) the
22 compensation structure, including clear identification of all fees to
23 be paid to the service provider; (vi) methods of contract oversight
24 and enforcement; (vii) investment disclosure; and (viii) conditions
25 for renewal and termination of the contract; and

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

29 ~~((5) In the case of an application from)) (4) If an applicant~~
30 ~~((that)) operates one or more schools in any state or nation, the~~
31 ~~applicant must provide evidence of ((past)) the performance of those~~
32 ~~schools, including evidence of the applicant's success in serving at-~~
33 ~~risk students, and capacity for growth.~~

34 ~~((6)) (5) Applicants may submit a proposal for a particular~~
35 ~~((public)) charter public school to no more than one authorizer at a~~
36 ~~time.~~

37 **Sec. 114.** RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted
38 and amended to read as follows:

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

4 (2) In reviewing and evaluating charter applications, authorizers
5 shall employ procedures, practices, and criteria consistent with
6 nationally recognized principles and standards for quality charter
7 authorizing. Authorizers shall give preference to applications for
8 charter schools that are designed to enroll and serve at-risk student
9 populations(~~(, PROVIDED, That))~~. However, nothing in this chapter may
10 be construed as intended to limit the establishment of charter
11 schools to those that serve a substantial portion of at-risk
12 students, or to in any manner restrict, limit, or discourage the
13 establishment of charter schools that enroll and serve other pupil
14 populations under a nonexclusive, nondiscriminatory admissions
15 policy. The application review process must include thorough
16 evaluation of each application, an in-person interview with the
17 applicant group, and an opportunity to learn about and provide input
18 on each application in a public forum including, without limitation,
19 parents, community members, local residents, and school district
20 board members and staff(~~(, to learn about and provide input on each~~
21 ~~application))~~.

22 (3) In deciding whether to approve an application, authorizers
23 must:

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

28 (b) Base decisions on documented evidence collected through the
29 application review process;

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

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

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

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

1 **Sec. 115.** RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted
2 and amended to read as follows:

3 (1) A maximum of forty (~~public~~) charter public schools may be
4 established under this chapter(~~(7)~~) over (~~(a)~~) the five-year period
5 commencing with the effective date of this section. No more than
6 eight charter schools may be established in any (~~(single)~~) year
7 during the five-year period, except that if in any (~~(single)~~) year
8 fewer than eight charter schools are established, (~~(then)~~) additional
9 charter schools, equal in number to the difference between the number
10 established in that year and eight, may be established in subsequent
11 years during the five-year period.

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

15 (b) Within ten days of taking action to approve or deny an
16 application under RCW 28A.710.140, an authorizer must submit a report
17 of the action to the applicant and (~~(to)~~) the state board of
18 education(~~(, which)~~). The report must include a copy of the
19 authorizer's resolution setting forth the action taken, the reasons
20 for the decision, and assurances of compliance with the procedural
21 requirements and application elements under RCW 28A.710.130 and
22 28A.710.140. The authorizer must also indicate whether the charter
23 school is designed to enroll and serve at-risk student populations.
24 The state board of education must establish, for each year in which
25 charter schools may be authorized as part of the timeline to be
26 established pursuant to RCW 28A.710.140, the (~~(last)~~) latest annual
27 date by which the authorizer (~~(must)~~) may submit the report. The
28 state board of education must send to each authorizer notice of the
29 date (~~(to each authorizer no later than)~~) by which a report must be
30 submitted at least six months before the date established by the
31 board.

32 (3) Upon the receipt of notice from an authorizer that a charter
33 school has been approved, the state board of education shall certify
34 whether the approval is in compliance with the limits on the maximum
35 number of charters allowed under subsection (1) of this section. If
36 the board receives simultaneous notification of approved charters
37 that exceed the annual allowable limits in subsection (1) of this
38 section, the board must select approved charters for implementation
39 through a lottery process, and must assign implementation dates
40 accordingly.

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

3 **Sec. 116.** RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted
4 and amended to read as follows:

5 (1) The purposes of the charter application submitted under RCW
6 28A.710.130 are to present the proposed charter school's academic and
7 operational vision and plans, and to demonstrate and provide the
8 authorizer with a clear basis for evaluating the applicant's
9 capacities to execute the proposed vision and plans. An approved
10 charter application does not serve as the school's charter contract.

11 (2) Within ninety days of approval of a charter application, the
12 authorizer and the governing board of the approved charter school
13 must execute a charter contract. The contract must establish the
14 terms by which ~~((, fundamentally,))~~ the ~~((public))~~ charter school
15 agrees to provide educational services that, at a minimum, meet basic
16 education standards, in return for ~~((an allocation))~~ a distribution
17 of public funds ~~((to))~~ that will be used for ~~((such))~~ the purposes
18 ~~((all as set forth))~~ established in the contract and in this and
19 other applicable statutes ~~((and in the charter contract))~~. The
20 charter contract must clearly set forth the academic and operational
21 performance expectations and measures by which the charter school
22 will be ~~((judged))~~ evaluated and the administrative relationship
23 between the authorizer and charter school, including each party's
24 rights and duties. The performance expectations and measures set
25 forth in the charter contract must include, but need not be limited
26 to, applicable federal and state accountability requirements. The
27 performance provisions may be refined or amended by mutual agreement
28 after the charter school is operating and has collected baseline
29 achievement data for its enrolled students.

30 (3) If the charter school is authorized by a school district
31 board of directors, the charter contract must be signed by the
32 president of the applicable school district board of directors ~~((if~~
33 ~~the school district board of directors is the authorizer or the chair~~
34 ~~of the commission if the commission is the authorizer and by))~~ and
35 the president of the charter school board. If the charter school is
36 authorized by the commission, the charter contract must be signed by
37 the chair of the commission and the president of the charter school
38 board. Within ten days of executing a charter contract, the
39 authorizer must submit to the state board of education written

1 notification of the charter contract execution, including a copy of
2 the executed charter contract and any attachments.

3 (4) A charter contract may govern one or more charter schools to
4 the extent approved by the authorizer. A single charter school board
5 may hold one or more charter contracts. However, each charter school
6 that is part of a charter contract must be separate and distinct from
7 any others and, for purposes of calculating the maximum number of
8 charter schools that may be established under this chapter, each
9 charter school must be considered a single charter school regardless
10 of how many charter schools are governed under a particular charter
11 contract.

12 (5) An initial charter contract must be granted for a term of
13 five operating years. The contract term must commence on the charter
14 school's first day of operation. An approved charter school may delay
15 its opening for one school year in order to plan and prepare for the
16 school's opening. If the school requires an opening delay of more
17 than one school year, the school must request an extension from its
18 authorizer. The authorizer may grant or deny the contract extension
19 depending on the school's circumstances.

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

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

28 (8) In accordance with section 140(3) of this act:

29 (a) The state board of education must take reasonable and
30 necessary steps to provide parties to contracts entered into under or
31 in accordance with chapter 2, Laws of 2013 that were in effect or
32 that had been executed on or before December 1, 2015, with an
33 opportunity to execute new contracts with the same terms and duration
34 or substantially the same terms and duration as were in effect on
35 December 1, 2015; and

36 (b) Each authorizer must take reasonable and necessary steps to
37 provide parties to contracts entered into under or in accordance with
38 chapter 2, Laws of 2013 that were in effect or that had been executed
39 on or before December 1, 2015, with an opportunity to execute new

1 contracts with the same terms and duration or substantially the same
2 terms and duration as were in effect on December 1, 2015.

3 (9) Contracts executed pursuant to subsection (8) of this section
4 do not count against the annual cap established in RCW
5 28A.710.150(1).

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

9 **Sec. 117.** RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted
10 and amended to read as follows:

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

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

18 (a) Student academic proficiency;

19 (b) Student academic growth;

20 (c) Achievement gaps in both proficiency and growth between major
21 student subgroups;

22 (d) Attendance;

23 (e) Recurrent enrollment from year to year;

24 (f) High school graduation rates and student postsecondary
25 readiness(~~(, for high schools)~~);

26 (g) Financial performance and sustainability; and

27 (h) Charter school board performance and stewardship, including
28 compliance with all applicable laws, rules, and terms of the charter
29 contract.

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

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

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

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

5 **Sec. 118.** RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted
6 and amended to read as follows:

7 (1) Each authorizer must continually monitor the performance and
8 legal compliance of the charter schools (~~(it oversees)~~) under its
9 jurisdiction, including collecting and analyzing data to support
10 ongoing evaluation according to the performance framework in the
11 charter contract.

12 (2) An authorizer may conduct or require oversight activities
13 that enable the authorizer to fulfill its responsibilities under this
14 chapter, including conducting appropriate inquiries and
15 investigations, (~~so long as~~) if those activities are consistent
16 with the intent of this chapter, adhere to the terms of the charter
17 contract, and do not unduly inhibit the autonomy granted to charter
18 schools.

19 (3) In the event that a charter school's performance or legal
20 compliance appears unsatisfactory, the authorizer must promptly
21 notify the school of the perceived problem and provide reasonable
22 opportunity for the school to remedy the problem(~~(, unless)~~).
23 However, if the problem warrants revocation (~~(in which case)~~) of the
24 charter contract, the revocation procedures under RCW 28A.710.200
25 apply.

26 (4) An authorizer may take appropriate corrective actions or
27 exercise sanctions short of revocation in response to apparent
28 deficiencies in charter school performance or legal compliance.
29 (~~Such~~) These actions or sanctions may include, if warranted,
30 requiring a school to develop and execute a corrective action plan
31 within a specified time frame.

32 **Sec. 119.** RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted
33 and amended to read as follows:

34 (1) A charter contract may be renewed by the authorizer, at the
35 request of the charter school, for successive five-year terms(~~(, although)~~).
36 The authorizer, however, may vary the term based on the
37 performance, demonstrated capacities, and particular circumstances of

1 a charter school, and may grant renewal with specific conditions for
2 necessary improvements to a charter school.

3 (2) No later than six months before the expiration of a charter
4 contract, the authorizer must issue a performance report and charter
5 contract renewal application guidance to ~~((that))~~ the charter school.
6 The performance report must summarize the charter school's
7 performance record to date based on the data required by the charter
8 contract, and must provide notice of any weaknesses or concerns
9 perceived by the authorizer concerning the charter school that may,
10 if not timely rectified, jeopardize its position in seeking renewal
11 ~~((if not timely rectified))~~. The charter school has thirty days to
12 respond to the performance report and submit any corrections or
13 clarifications for the report.

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

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

18 (b) Describe improvements undertaken or planned for the school;
19 and

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

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

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

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

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

31 (c) Provide a public report summarizing the evidence basis for
32 its decision.

33 **Sec. 120.** RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted
34 and amended to read as follows:

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

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

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

6 (c) Failed to meet generally accepted standards of fiscal
7 management; or

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

10 (2) Except as provided otherwise by this subsection (2), an
11 authorizer may not renew a charter contract (~~may not be renewed~~)
12 if, at the time of the renewal application, the charter school's
13 performance falls in the bottom quartile of schools on the
14 (~~accountability~~) Washington achievement index developed by the
15 state board of education under RCW 28A.657.110(~~(, unless)~~). A
16 contract may be renewed without violating this subsection (2),
17 however, if the charter school demonstrates exceptional circumstances
18 that the authorizer finds justifiable.

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

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

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

25 (c) Provide the charter school board with an opportunity, at a
26 recorded public proceeding held for that purpose, to submit documents
27 and give testimony challenging the rationale for closure and in
28 support of the continuation of the school (~~at a recorded public~~
29 ~~proceeding held for that purpose~~);

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

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

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

38 (5) Within ten days of taking action to renew, not renew, or
39 revoke a charter contract, an authorizer must submit a report of the
40 action to the (~~applicant~~) charter school and (~~to~~) the state board

1 of education(~~(, which)~~). The report must include a copy of the
2 authorizer's resolution setting forth the action taken, the reasons
3 for the decision, and assurances of compliance with the procedural
4 requirements established by the authorizer under this section.

5 **Sec. 121.** RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted
6 and amended to read as follows:

7 (1) Before making a decision to not renew or to revoke a charter
8 contract, an authorizer(~~(s)~~) must develop a charter school
9 termination protocol to ensure timely notification to parents,
10 orderly transition of students and student records to new schools, as
11 necessary, and proper disposition of public school funds, property,
12 and assets. The protocol must specify tasks, timelines, and
13 responsible parties, including delineating the respective duties of
14 the charter school and the authorizer.

15 (2) (~~In the event that~~) If the nonprofit corporation
16 (~~(applicant)~~) operator of a charter school should dissolve for any
17 reason including, without limitation, because of the termination of
18 the charter contract, the public school funds of the charter school
19 that have been provided pursuant to RCW 28A.710.220 must be returned
20 to the state or local account from which the public funds originated.
21 If the charter school has commingled the funds, the funds must be
22 returned in proportion to the proportion of those funds received by
23 the charter school from the public accounts in the last year
24 preceding the dissolution. The dissolution of (~~(an applicant)~~) a
25 nonprofit corporation shall otherwise proceed as provided by law.

26 (3) A charter contract may not be transferred from one authorizer
27 to another or from one charter school (~~(applicant)~~) to another before
28 the expiration of the charter contract term except by petition to the
29 state board of education by the charter school or its authorizer. The
30 state board of education must review such petitions on a case-by-case
31 basis and may grant transfer requests in response to special
32 circumstances and evidence that such a transfer would serve the best
33 interests of the charter school's students.

34 **Sec. 122.** RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted
35 and amended to read as follows:

36 (1) Charter schools must report student enrollment in the same
37 manner, and based on the same definitions of enrolled students and
38 annual average full-time equivalent enrollment, as other public

1 schools. Charter schools must comply with applicable reporting
2 requirements to receive state or federal funding that is
3 ((allocated)) distributed based on student characteristics.

4 ~~(2) ((According to the schedule established under RCW
5 28A.510.250, the superintendent of public instruction shall allocate
6 funding for a charter school including general apportionment, special
7 education, categorical, and other nonbasic education moneys.
8 Allocations must be based on the statewide average staff mix ratio of
9 all noncharter public schools from the prior school year and the
10 school's actual full-time equivalent enrollment. Categorical funding
11 must be allocated to a charter school based on the same funding
12 criteria used for noncharter public schools and the funds must be
13 expended as provided in the charter contract. A charter school is
14 eligible to apply for state grants on the same basis as a school
15 district)) In accordance with appropriations made under sections 127
16 and 128 of this act, the superintendent of public instruction shall
17 distribute state funding to charter schools according to the schedule
18 established in RCW 28A.510.250.~~

19 ~~(3) ((Allocations for pupil transportation must be calculated on
20 a per student basis based on the allocation for the previous school
21 year to the school district in which the charter school is located. A
22 charter school may enter into a contract with a school district or
23 other public or private entity to provide transportation for the
24 students of the school.~~

25 ~~(4))~~ Amounts ~~((payable))~~ distributed to a charter school under
26 ~~((this))~~ section 128 of this act in the school's first year of
27 operation must be based on the projections of first-year student
28 enrollment established in the charter contract. The office of the
29 superintendent of public instruction must reconcile the amounts
30 ~~((paid))~~ distributed in the first year of operation to the amounts
31 that would have been ~~((paid))~~ distributed based on actual student
32 enrollment and make adjustments to the charter school's
33 ~~((allocations))~~ distributions over the course of the second year of
34 operation.

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

1 ~~(6) Conversion charter schools are eligible for local levy moneys~~
2 ~~approved by the voters before the conversion start-up date of the~~
3 ~~school as determined by the authorizer, and the school district must~~
4 ~~allocate levy moneys to a conversion charter school.~~

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

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

12 ~~(9))~~ (4) Any moneys received by a charter school from any source
13 and remaining in the school's accounts at the end of ((any)) a budget
14 year ((shall)) must remain in the school's accounts for use by the
15 school during subsequent budget years.

16 **Sec. 123.** RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted
17 and amended to read as follows:

18 (1) Charter schools are eligible for state ((matching funds))
19 funding for ((common)) school construction. However, such
20 appropriations may not be made from the common school construction
21 fund.

22 (2) ((A)) If a school district decides to sell or lease the
23 public school facility or property pursuant to RCW 28A.335.040 or
24 28A.335.120, a charter school ((has)) located within the boundaries
25 of the district has a right of first refusal to purchase or lease at
26 ((or below)) fair market value a closed public school facility or
27 property or unused portions of a public school facility or property
28 ((located in a school district from which it draws its students if
29 the school district decides to sell or lease the public school
30 facility or property pursuant to RCW 28A.335.040 or 28A.335.120)) by
31 negotiated agreement with mutual consideration. The consideration may
32 include the provision of educational services by the charter school.

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

37 (4) Public libraries, community service organizations, museums,
38 performing arts venues, theaters, and public or private colleges and

1 universities may provide space to charter schools within their
2 facilities under their preexisting zoning and land use designations.

3 ~~((5) A conversion charter school as part of the consideration
4 for providing educational services under the charter contract may
5 continue to use its existing facility without paying rent to the
6 school district that owns the facility. The district remains
7 responsible for major repairs and safety upgrades that may be
8 required for the continued use of the facility as a public school.
9 The charter school is responsible for routine maintenance of the
10 facility including, but not limited to, cleaning, painting,
11 gardening, and landscaping. The charter contract of a conversion
12 charter school using existing facilities that are owned by its school
13 district must include reasonable and customary terms regarding the
14 use of the existing facility that are binding upon the school
15 district.))~~

16 **Sec. 124.** RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted
17 to read as follows:

18 Years of service in a charter school by certificated
19 instructional staff shall be included in the years of service
20 calculation for purposes of the statewide salary allocation schedule
21 under RCW 28A.150.410. This section does not require a charter school
22 to pay a particular salary to its staff while the staff is employed
23 by the charter school.

24 **Sec. 125.** RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted
25 and amended to read as follows:

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

32 (2) The annual report must be based on the reports submitted by
33 each authorizer as well as any additional relevant data compiled by
34 the state board of education. The report must include a comparison of
35 the performance of charter school students with the performance of
36 academically, ethnically, and economically comparable groups of
37 students in ~~((noncharter))~~ other public schools. In addition, the
38 annual report must include the state board of education's assessment

1 of the successes, challenges, and areas for improvement in meeting
2 the purposes of this chapter, including the board's assessment of the
3 sufficiency of funding for charter schools, the efficacy of the
4 formula for authorizer funding, and any suggested changes in state
5 law or policy necessary to strengthen the state's charter schools.

6 (3) Together with the issuance of the annual report following the
7 fifth year after there have been charter schools operating for a full
8 school year, the state board of education, in collaboration with the
9 commission, shall submit a recommendation regarding whether or not
10 the legislature should authorize the establishment of additional
11 (~~public~~) charter public schools.

12 **Sec. 126.** RCW 28A.710.260 and 2014 c 221 s 911 are each
13 reenacted to read as follows:

14 The charter schools oversight account is hereby created in the
15 state treasury. All moneys received by the commission under RCW
16 28A.710.110 must be deposited into the account. Moneys in the account
17 may be spent only after appropriation. Expenditures from the account
18 may be used only for the purposes of this chapter.

19 NEW SECTION. **Sec. 127.** A new section is added to chapter
20 28A.710 RCW to read as follows:

21 The state legislature shall, at each regular session in an odd-
22 numbered year, appropriate from the Washington opportunity pathways
23 account for the current use of charter public schools amounts as
24 determined in accordance with section 128 of this act, and amounts
25 authorized under RCW 28A.710.230(1), for state support to charter
26 schools during the ensuing biennium.

27 NEW SECTION. **Sec. 128.** A new section is added to chapter
28 28A.710 RCW to read as follows:

29 (1) The legislature intends that state funding for charter
30 schools be distributed equitably with state funding provided for
31 other public schools.

32 (2) For eligible students enrolled in a charter school
33 established and operating in accordance with this chapter, the
34 superintendent of public instruction shall transmit to each charter
35 school an amount calculated as provided in this section and based on
36 the statewide average staff mix factor for certificated instructional
37 staff, including any enrichment to those statutory formulae that is

1 specified in the omnibus appropriations act. The amount must be the
2 sum of (a) and (b) of this subsection, as applicable.

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

7 (b) The superintendent also shall, for purposes of making
8 distributions under this section, and in accordance with the
9 applicable formulae for categorical programs specified in (b)(i)
10 through (v) of this subsection (2) and any enrichment to those
11 statutory formulae that is specified in the omnibus appropriations
12 act, separately calculate and distribute moneys appropriated by the
13 legislature to charter schools for:

14 (i) Supplemental instruction and services for underachieving
15 students through the learning assistance program under RCW
16 28A.165.005 through 28A.165.065;

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

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

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

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

31 (3) The superintendent of public instruction must adopt rules
32 necessary for the distribution of funding required by this section
33 and to comply with federal reporting requirements.

34 NEW SECTION. **Sec. 129.** A new section is added to chapter
35 28A.710 RCW to read as follows:

36 (1) The eligibility of a charter school student to participate in
37 interschool athletic activities or other interschool extracurricular
38 activities governed by the Washington interscholastic activities
39 association is subject to rules adopted by the Washington

1 interscholastic activities association. The rules must provide that,
2 unless approved by a nonresident school district or the Washington
3 interscholastic activities association, a student attending a charter
4 school may only participate in interschool athletic activities or
5 other interschool extracurricular activities offered by the student's
6 resident school district.

7 (2) A proposal by a charter school to regulate the conduct of
8 interschool athletic activities or other interschool extracurricular
9 activities governed by the Washington interscholastic activities
10 association is subject to rules adopted by the Washington
11 interscholastic activities association.

12 (3) The rules adopted by the Washington interscholastic
13 activities association under this section must provide that it is the
14 responsibility of the charter school to pay the full cost, minus any
15 student participation fee, for any student who participates in
16 interschool athletic activities or other interschool extracurricular
17 activities governed by the Washington interscholastic activities
18 association.

19 NEW SECTION. **Sec. 130.** A new section is added to chapter
20 28A.710 RCW to read as follows:

21 (1) Members of the commission must file personal financial
22 affairs statements with the public disclosure commission.

23 (2) Members of a charter school board must file personal
24 financial affairs statements with the public disclosure commission.

25 **Sec. 131.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted
26 and amended to read as follows:

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

33 **Sec. 132.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted
34 and amended to read as follows:

35 (1) Under the constitutional framework and the laws of the state
36 of Washington, the governance structure for the state's public common
37 school system is comprised of the following bodies: The legislature,

1 the governor, the superintendent of public instruction, the state
2 board of education, (~~the Washington charter school commission,~~) the
3 educational service district boards of directors, and local school
4 district boards of directors. The respective policy and
5 administrative roles of each body are determined by the state
6 Constitution and statutes.

7 (2) Local school districts are political subdivisions of the
8 state and the organization of such districts, including the powers,
9 duties, and boundaries thereof, may be altered or abolished by laws
10 of the state of Washington.

11 **Sec. 133.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to
12 read as follows:

13 This section designates charter schools established under chapter
14 28A.710 RCW as employers and charter school employees as members, and
15 applies only if the department of retirement systems receives
16 determinations from the internal revenue service and the United
17 States department of labor that participation does not jeopardize the
18 status of these retirement systems as governmental plans under the
19 federal employees' retirement income security act and the internal
20 revenue code.

21 **Sec. 134.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to
22 read as follows:

23 This section designates charter schools established under chapter
24 28A.710 RCW as employers and charter school employees as members, and
25 applies only if the department of retirement systems receives
26 determinations from the internal revenue service and the United
27 States department of labor that participation does not jeopardize the
28 status of these retirement systems as governmental plans under the
29 federal employees' retirement income security act and the internal
30 revenue code.

31 **Sec. 135.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to
32 read as follows:

33 This section designates charter schools established under chapter
34 28A.710 RCW as employers and charter school employees as members, and
35 applies only if the department of retirement systems receives
36 determinations from the internal revenue service and the United
37 States department of labor that participation does not jeopardize the

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

4 **Sec. 136.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Authority" means the Washington state health care authority.

9 (2) "Board" means the public employees' benefits board
10 established under RCW 41.05.055.

11 (3) "Dependent care assistance program" means a benefit plan
12 whereby state and public employees may pay for certain employment
13 related dependent care with pretax dollars as provided in the salary
14 reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or
15 other sections of the internal revenue code.

16 (4) "Director" means the director of the authority.

17 (5) "Emergency service personnel killed in the line of duty"
18 means law enforcement officers and firefighters as defined in RCW
19 41.26.030, members of the Washington state patrol retirement fund as
20 defined in RCW 43.43.120, and reserve officers and firefighters as
21 defined in RCW 41.24.010 who die as a result of injuries sustained in
22 the course of employment as determined consistent with Title 51 RCW
23 by the department of labor and industries.

24 (6) "Employee" includes all employees of the state, whether or
25 not covered by civil service; elected and appointed officials of the
26 executive branch of government, including full-time members of
27 boards, commissions, or committees; justices of the supreme court and
28 judges of the court of appeals and the superior courts; and members
29 of the state legislature. Pursuant to contractual agreement with the
30 authority, "employee" may also include: (a) Employees of a county,
31 municipality, or other political subdivision of the state and members
32 of the legislative authority of any county, city, or town who are
33 elected to office after February 20, 1970, if the legislative
34 authority of the county, municipality, or other political subdivision
35 of the state seeks and receives the approval of the authority to
36 provide any of its insurance programs by contract with the authority,
37 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of
38 employee organizations representing state civil service employees, at
39 the option of each such employee organization, and, effective October

1 1, 1995, employees of employee organizations currently pooled with
2 employees of school districts for the purpose of purchasing insurance
3 benefits, at the option of each such employee organization; (c)
4 employees of a school district if the authority agrees to provide any
5 of the school districts' insurance programs by contract with the
6 authority as provided in RCW 28A.400.350; (d) employees of a tribal
7 government, if the governing body of the tribal government seeks and
8 receives the approval of the authority to provide any of its
9 insurance programs by contract with the authority, as provided in RCW
10 41.05.021(1) (f) and (g); (e) employees of the Washington health
11 benefit exchange if the governing board of the exchange established
12 in RCW 43.71.020 seeks and receives approval of the authority to
13 provide any of its insurance programs by contract with the authority,
14 as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a
15 charter school established under chapter 28A.710 RCW. "Employee" does
16 not include: Adult family home providers; unpaid volunteers; patients
17 of state hospitals; inmates; employees of the Washington state
18 convention and trade center as provided in RCW 41.05.110; students of
19 institutions of higher education as determined by their institution;
20 and any others not expressly defined as employees under this chapter
21 or by the authority under this chapter.

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

23 (8) "Employer group" means those counties, municipalities,
24 political subdivisions, the Washington health benefit exchange,
25 tribal governments, school districts, and educational service
26 districts, and employee organizations representing state civil
27 service employees, obtaining employee benefits through a contractual
28 agreement with the authority.

29 (9) "Employing agency" means a division, department, or separate
30 agency of state government, including an institution of higher
31 education; a county, municipality, school district, educational
32 service district, or other political subdivision; charter school; and
33 a tribal government covered by this chapter.

34 (10) "Faculty" means an academic employee of an institution of
35 higher education whose workload is not defined by work hours but
36 whose appointment, workload, and duties directly serve the
37 institution's academic mission, as determined under the authority of
38 its enabling statutes, its governing body, and any applicable
39 collective bargaining agreement.

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

5 (12) "Insuring entity" means an insurer as defined in chapter
6 48.01 RCW, a health care service contractor as defined in chapter
7 48.44 RCW, or a health maintenance organization as defined in chapter
8 48.46 RCW.

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

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

17 (15) "Plan year" means the time period established by the
18 authority.

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

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

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

28 (b) Persons who separate from employment with a school district,
29 educational service district, or charter school on or after October
30 1, 1993, and immediately upon separation receive a retirement
31 allowance under chapter 41.32, 41.35, or 41.40 RCW;

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

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

37 (19) "Salary reduction plan" means a benefit plan whereby state
38 and public employees may agree to a reduction of salary on a pretax
39 basis to participate in the dependent care assistance program,
40 medical flexible spending arrangement, or premium payment plan

1 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the
2 internal revenue code.

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

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

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

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

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

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

16 (22) "State purchased health care" or "health care" means medical
17 and health care, pharmaceuticals, and medical equipment purchased
18 with state and federal funds by the department of social and health
19 services, the department of health, the basic health plan, the state
20 health care authority, the department of labor and industries, the
21 department of corrections, the department of veterans affairs, and
22 local school districts.

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

28 **Sec. 137.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted
29 to read as follows:

30 In addition to the entities listed in RCW 41.56.020, this chapter
31 applies to any charter school established under chapter 28A.710 RCW.
32 Any bargaining unit or units established at the charter school must
33 be limited to employees working in the charter school and must be
34 separate from other bargaining units in school districts, educational
35 service districts, or institutions of higher education. Any charter
36 school established under chapter 28A.710 RCW is a separate employer
37 from any school district, including the school district in which it
38 is located.

1 **WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT**

2 **Sec. 201.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each
3 amended to read as follows:

4 The Washington opportunity pathways account is created in the
5 state treasury. Expenditures from the account may be used only for
6 programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW
7 (state work-study), chapter 28B.50 RCW (opportunity grant), RCW
8 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington
9 award for vocational excellence), chapter 28B.92 RCW (state need
10 grant program), (~~chapter 28B.101 RCW (educational opportunity~~
11 ~~grant)~~), chapter 28B.105 RCW (GET ready for math and science
12 scholarship), chapter 28B.117 RCW (passport to college promise),
13 chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW
14 (Washington promise scholarship), and chapter 43.215 RCW (early
15 childhood education and assistance program)(~~(, and RCW 43.330.280~~
16 ~~(recruitment of entrepreneurial researchers, innovation partnership~~
17 ~~zones and research teams))~~)).

18 **PART III**

19 **MISCELLANEOUS PROVISIONS**

20 NEW SECTION. **Sec. 301.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 302.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately."

28 Correct the title.

--- END ---