

**E2SSB 6194 - H AMD 945**

By Representative Springer

ADOPTED 03/09/2016

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 ~~(8) ("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 (~~(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), and the  
13 elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

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

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

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

22 (b) Receive and disburse funds for the purposes of the charter  
23 school;

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

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

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

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

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

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

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

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

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

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

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

38 (b) Provide a program of basic education, (~~(as provided)~~) that  
39 meets the goals in RCW 28A.150.210, including instruction in the

1 essential academic learning requirements, and participate in the  
2 statewide student assessment system as developed under RCW  
3 28A.655.070;

4 (c) Employ certificated instructional staff as required in RCW  
5 28A.410.025(~~(; PROVIDED, That)~~). Charter schools, however, may hire  
6 noncertificated instructional staff of unusual competence and in  
7 exceptional cases as specified in RCW 28A.150.203(7);

8 (d) Comply with the employee record check requirements in RCW  
9 28A.400.303;

10 (e) Adhere to generally accepted accounting principles and be  
11 subject to financial examinations and audits as determined by the  
12 state auditor, including annual audits for legal and fiscal  
13 compliance;

14 (f) Comply with the annual performance report under RCW  
15 28A.655.110;

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

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

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

23 (3) (~~(Public)~~) Charter public schools must comply with all state  
24 statutes and rules made applicable to the charter school in the  
25 school's charter contract, and are subject to the specific state  
26 statutes and rules identified in subsection (2) of this section. For  
27 the purpose of allowing flexibility to innovate in areas such as  
28 scheduling, personnel, funding, and educational programs to improve  
29 student outcomes and academic achievement, charter schools are not  
30 subject to, and are exempt from, all other state statutes and rules  
31 applicable to school districts and school district boards of  
32 directors(~~(, for the purpose of allowing flexibility to innovate in~~  
33 ~~areas such as scheduling, personnel, funding, and educational~~  
34 ~~programs in order to improve student outcomes and academic~~  
35 ~~achievement)~~). Except as provided otherwise by this chapter or a  
36 charter contract, charter schools are exempt from all school district  
37 policies (~~(except policies made applicable in the school's charter~~  
38 ~~contract)~~).

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

4 (5) Charter schools are subject to the supervision of the  
5 superintendent of public instruction and the state board of  
6 education, including accountability measures, to the same extent as  
7 other public schools, except as otherwise provided in this chapter  
8 ~~((2, Laws of 2013))~~.

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

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

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

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

23 ~~(4))~~ If capacity is insufficient to enroll all students who  
24 apply to a charter school, the charter school must ~~((select students~~  
25 ~~through a lottery to ensure fairness. However, a charter school must~~  
26 ~~give an enrollment preference to siblings of already enrolled~~  
27 ~~students))~~ grant an enrollment preference to siblings of enrolled  
28 students, with any remaining enrollments allocated through a lottery.  
29 A charter school may offer, pursuant to an admissions policy approved  
30 by the commission, a weighted enrollment preference for at-risk  
31 students or to children of full-time employees of the school if the  
32 employees' children reside within the state.

33 ~~((5))~~ (4) The enrollment capacity of a charter school must be  
34 determined annually by the charter school board in consultation with  
35 the charter authorizer and with consideration of the charter school's  
36 ability to facilitate the academic success of its students, achieve  
37 the objectives specified in the charter contract, and assure that its  
38 student enrollment does not exceed the capacity of its facility. An

1 authorizer may not restrict the number of students a charter school  
2 may enroll.

3 ~~((+6))~~ (5) Nothing in this section prevents formation of a  
4 charter school whose mission is to offer a specialized learning  
5 environment and services for particular groups of students, such as  
6 at-risk students, students with disabilities, or students who pose  
7 such severe disciplinary problems that they warrant a specific  
8 educational program. Nothing in this section prevents formation of a  
9 charter school organized around a special emphasis, theme, or concept  
10 as stated in the school's application and charter contract.

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

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

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

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

24 **Sec. 107.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted  
25 and amended to read as follows:

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

32 (2) The commission shall, through its management, supervision,  
33 and enforcement of the charter contracts and pursuant to applicable  
34 law, administer the ~~((portion of the public common school system~~  
35 ~~consisting of the))~~ charter schools it authorizes ~~((as provided in~~  
36 ~~this chapter,))~~ in the same manner as a school district board of  
37 directors ~~((, through its management, supervision, and enforcement of~~

1 ~~the charter contracts, and pursuant to applicable law, administers~~  
2 ~~the charter schools it authorizes))~~ administers other schools.

3 ((+2)) (3) The commission shall consist of nine members, no more  
4 than five of whom shall be members of the same political party. Three  
5 members shall be appointed by the governor; three members shall be  
6 appointed by the president of the senate; and three members shall be  
7 appointed by the speaker of the house of representatives. The  
8 appointing authorities shall assure diversity among commission  
9 members, including representation from various geographic areas of  
10 the state and shall assure that at least one member is a parent of a  
11 Washington public school student.

12 ((+3)) (4) Members appointed to the commission shall  
13 collectively possess strong experience and expertise in public and  
14 nonprofit governance; management and finance; public school  
15 leadership, assessment, curriculum, and instruction; and public  
16 education law. All members shall have demonstrated an understanding  
17 of and commitment to charter schooling as a strategy for  
18 strengthening public education.

19 ((+4)) (5) Members shall be appointed to serve four-year,  
20 staggered terms(~~(, with))~~). The initial appointments from each of the  
21 appointing authorities (~~(consisting))~~ must consist of one member  
22 appointed to a one-year term, one member appointed to a two-year  
23 term, and one member appointed to a three-year term, all of whom  
24 thereafter may be reappointed for a four-year term. No member may  
25 serve more than two consecutive terms. Initial appointments must be  
26 made (~~(no later than ninety days after December 6, 2012))~~) by July 1,  
27 2016.

28 ((+5)) (6) Whenever a vacancy on the commission exists, the  
29 original appointing authority must appoint a member for the remaining  
30 portion of the term within no more than thirty days.

31 ((+6)) (7) Commission members shall serve without compensation  
32 but may be reimbursed for travel expenses as authorized in RCW  
33 43.03.050 and 43.03.060.

34 (~~(7) Operational and staff support for the commission shall be~~  
35 ~~provided by the office of the governor until the commission has~~  
36 ~~sufficient resources to hire or contract for separate staff support,~~  
37 ~~who))~~ (8) The commission shall reside within the office of the  
38 (~~(governor))~~ superintendent of public instruction for administrative  
39 purposes only.



1       (~~(8)~~) (9) RCW 28A.710.090 and 28A.710.120 do not apply to the  
2 commission.

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

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

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

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

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

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

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

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

26       (b) A plan to support the vision presented, including explanation  
27 and evidence of the applicant's budget and personnel capacity and  
28 commitment to execute the responsibilities of quality charter  
29 authorizing;

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

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

1 (e) A draft of the applicant's proposed renewal, revocation, and  
2 nonrenewal processes, consistent with RCW 28A.710.190 and  
3 28A.710.200;

4 (f) A statement of assurance that the applicant seeks to serve as  
5 an authorizer in fulfillment of the expectations, spirit, and intent  
6 of this chapter, and that, if approved as an authorizer, the  
7 applicant will fully participate in any authorizer training provided  
8 or required by the state; and

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

12 (3) The state board of education shall consider the merits of  
13 each application and make its decision within the timelines  
14 established by the state board of education.

15 (4) Within thirty days of making a decision to approve an  
16 application under this section, the state board of education must  
17 execute a renewable authorizing contract with the ((entity))  
18 applicant district. The initial term of an authorizing contract  
19 ((shall)) must be six years. The authorizing contract must specify  
20 each approved ((entity's)) applicant district's agreement to serve as  
21 an authorizer in accordance with the expectations of this chapter,  
22 and may specify additional performance terms based on the applicant's  
23 proposal and plan for chartering.

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

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

28 (1) Authorizers are responsible for:

29 (a) Soliciting and evaluating charter applications;

30 (b) Approving ((quality)) charter applications that meet  
31 identified educational needs and promote a diversity of educational  
32 choices;

33 (c) Denying ((weak or inadequate)) charter applications that fail  
34 to meet statutory requirements, requirements of the authorizer, or  
35 both;

36 (d) Negotiating and executing ((sound)) charter contracts with  
37 each authorized charter school;

38 (e) Monitoring, in accordance with charter contract terms, the  
39 performance and legal compliance of charter schools including,

1 without limitation, education and academic performance goals and  
2 student achievement; and

3 (f) Determining whether each charter contract merits renewal,  
4 nonrenewal, or revocation.

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

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

11 (a) Organizational capacity and infrastructure;

12 (b) Soliciting and evaluating charter applications;

13 (c) Performance contracting;

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

15 (e) Charter renewal decision making.

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

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

21 (b) The academic and financial performance of all operating  
22 charter schools (~~(overseen by the authorizer)~~) under its  
23 jurisdiction, including the progress of the charter schools based on  
24 the authorizer's performance framework;

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

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

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

36 (5) Neither an authorizer, individuals who comprise the  
37 membership of an authorizer in their official capacity, nor the  
38 employees of an authorizer are liable for acts or omissions of a  
39 charter school they authorize.

1 (6) No employee, trustee, agent, or representative of an  
2 authorizer may simultaneously serve as an employee, trustee, agent,  
3 representative, vendor, or contractor of a charter school under the  
4 jurisdiction of that authorizer.

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

7 (1) The state board of education shall establish a statewide  
8 formula for an authorizer oversight fee, which ~~((shall))~~ must be  
9 calculated as a percentage of the state operating funding  
10 ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to  
11 each charter school under the jurisdiction of an authorizer, but may  
12 not exceed four percent of each charter school's annual funding.  
13 ~~((The office of the superintendent of public instruction shall deduct  
14 the oversight fee from each charter school's allocation under RCW  
15 28A.710.220 and transmit the fee to the appropriate authorizer.))~~

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

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

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

27 ~~((4))~~ (5) An authorizer may provide contracted, fee-based  
28 services to charter schools under its jurisdiction that are in  
29 addition to the oversight duties under RCW 28A.710.100. An authorizer  
30 may not charge more than market rates for the contracted services  
31 provided. An authorizer may not require a charter school ~~((may not be  
32 required))~~ to purchase contracted services ~~((from))~~ provided by an  
33 authorizer. Fees collected by the authorizer under this subsection  
34 must be separately accounted for and reported annually to the state  
35 board of education.

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

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

4 (2) Persistently unsatisfactory performance of an authorizer's  
5 portfolio of charter schools, a pattern of well-founded complaints  
6 about the authorizer or its charter schools, or other objective  
7 circumstances may trigger a special review by the state board of  
8 education.

9 (3) In reviewing or evaluating the performance of authorizers,  
10 the state board of education must apply nationally recognized  
11 principles and standards for quality charter authorizing. Evidence of  
12 material or persistent failure by an authorizer to carry out its  
13 duties in accordance with ((the)) these principles and standards  
14 constitutes grounds for revocation of the authorizing contract by the  
15 state board of education, as provided under this section.

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

22 (5) If ((an authorizer persists)), an authorizer persists after due notice from the  
23 state board of education, an authorizer persists in violating a  
24 material provision of a charter contract or its authorizing contract,  
25 or fails to remedy other identified authorizing problems, the state  
26 board of education shall notify the authorizer, within a reasonable  
27 amount of time under the circumstances, that it intends to revoke the  
28 authorizer's chartering authority unless the authorizer demonstrates  
29 a timely and satisfactory remedy for the violation or deficiencies.

30 (6) In the event of revocation of any authorizer's chartering  
31 authority, the state board of education shall manage the timely and  
32 orderly transfer of each charter contract held by that authorizer to  
33 another authorizer in the state, with the mutual agreement of each  
34 affected charter school and proposed new authorizer. The new  
35 authorizer shall assume the existing charter contract for the  
36 remainder of the charter term.

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

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

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

7       (b) Each authorizer's ~~((request))~~ solicitation for proposals  
8 must:

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

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

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

18       (iv) State clear, appropriately detailed questions as well as  
19 guidelines concerning the format and content essential for applicants  
20 to demonstrate the capacities necessary to establish and operate a  
21 successful charter school.

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

24       (a) An executive summary;

25       (b) The mission and vision of the proposed charter school,  
26 including identification of the ~~((targeted))~~ student population and  
27 ~~((the))~~ community the school hopes to serve;

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

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

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

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

36       (g) Background information on the proposed founding ~~((governing))~~  
37 charter school board members and, if identified, the proposed school  
38 leadership and management team;

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

1 (i) A description of the academic program aligned with state  
2 standards;

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

6 (k) Evidence that the educational program is based on proven  
7 methods;

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

11 (m) The school's plans for identifying, successfully serving, and  
12 complying with applicable laws and regulations regarding students  
13 with disabilities, students who are limited English proficient,  
14 students who are struggling academically, and highly capable  
15 students;

16 (n) A description of cocurricular or extracurricular programs and  
17 how ((they)) those programs will be funded and delivered;

18 (o) Plans and timelines for student recruitment and enrollment,  
19 including targeted plans for recruiting at-risk students and  
20 including lottery procedures;

21 (p) The school's student discipline policies, including for  
22 special education students;

23 (q) An organization chart that clearly presents the school's  
24 organizational structure, including lines of authority and reporting  
25 between the governing board, staff, any related bodies such as  
26 advisory bodies or parent and teacher councils, and any external  
27 organizations that will play a role in managing the school;

28 (r) A clear description of the roles and responsibilities for the  
29 governing board, the school's leadership and management team, and any  
30 other entities shown in the organization chart;

31 (s) A staffing plan for the school's first year and for the term  
32 of the charter;

33 (t) Plans for recruiting and developing school leadership and  
34 staff;

35 (u) The school's leadership and teacher employment policies,  
36 including performance evaluation plans;

37 (v) Proposed governing bylaws;

38 (w) An explanation of proposed partnership agreement, if any,  
39 between a charter school and its school district focused on  
40 facilities, budgets, taking best practices to scale, and other items;

1 (x) Explanations of any other partnerships or contractual  
2 relationships central to the school's operations or mission;

3 (y) Plans for providing transportation, food service, and all  
4 other significant operational or ancillary services;

5 (z) Opportunities and expectations for parent involvement;

6 (aa) A detailed school start-up plan, identifying tasks,  
7 timelines, and responsible individuals;

8 (bb) A description of the school's financial plan and policies,  
9 including financial controls and audit requirements;

10 (cc) A description of the insurance coverage the school will  
11 obtain;

12 (dd) Start-up and five-year cash flow projections and budgets  
13 with clearly stated assumptions;

14 (ee) Evidence of anticipated fund-raising contributions, if  
15 claimed in the application; and

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

18 (3) ~~((In the case of an application to establish a conversion  
19 charter school, the applicant must also demonstrate support for the  
20 proposed conversion by a petition signed by a majority of teachers  
21 assigned to the school or a petition signed by a majority of parents  
22 of students in the school.~~

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

27 (a) Provide evidence of the nonprofit education service  
28 provider's success in serving student populations similar to the  
29 targeted population, including demonstrated academic achievement as  
30 well as successful management of nonacademic school functions if  
31 applicable;

32 (b) Provide a term sheet setting forth: (i) The proposed duration  
33 of the service contract; (ii) the roles and responsibilities of the  
34 governing board, the school staff, and the service provider; (iii)  
35 the scope of services and resources to be provided by the service  
36 provider; (iv) performance evaluation measures and timelines; (v) the  
37 compensation structure, including clear identification of all fees to  
38 be paid to the service provider; (vi) methods of contract oversight  
39 and enforcement; (vii) investment disclosure; and (viii) conditions  
40 for renewal and termination of the contract; and



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

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

9 (~~((6))~~) (5) Applicants may submit a proposal for a particular  
10 (~~(public)~~) charter public school to no more than one authorizer at a  
11 time.

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

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

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

35 (3) In deciding whether to approve an application, authorizers  
36 must:

37 (a) Grant charters only to applicants that have demonstrated  
38 competence in each element of the authorizer's published approval

1 criteria and are likely to open and operate a successful (~~public~~)  
2 charter public school;

3 (b) Base decisions on documented evidence collected through the  
4 application review process;

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

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

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

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

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

17 (1) A maximum of forty (~~public~~) charter public schools may be  
18 established under this chapter(~~7~~) over (~~a~~) the five-year period  
19 commencing with the effective date of this section. No more than  
20 eight charter schools may be established in any (~~single~~) year  
21 during the five-year period, except that if in any (~~single~~) year  
22 fewer than eight charter schools are established, (~~then~~) additional  
23 charter schools, equal in number to the difference between the number  
24 established in that year and eight, may be established in subsequent  
25 years during the five-year period.

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

29 (b) Within ten days of taking action to approve or deny an  
30 application under RCW 28A.710.140, an authorizer must submit a report  
31 of the action to the applicant and (~~to~~) the state board of  
32 education(~~7~~ which). The report must include a copy of the  
33 authorizer's resolution setting forth the action taken, the reasons  
34 for the decision, and assurances of compliance with the procedural  
35 requirements and application elements under RCW 28A.710.130 and  
36 28A.710.140. The authorizer must also indicate whether the charter  
37 school is designed to enroll and serve at-risk student populations.  
38 The state board of education must establish, for each year in which  
39 charter schools may be authorized as part of the timeline to be

1 established pursuant to RCW 28A.710.140, the ~~((last))~~ latest annual  
2 date by which the authorizer ~~((must))~~ may submit the report. The  
3 state board of education must send to each authorizer notice of the  
4 date ~~((to each authorizer no later than))~~ by which a report must be  
5 submitted at least six months before the date established by the  
6 board.

7 (3) Upon the receipt of notice from an authorizer that a charter  
8 school has been approved, the state board of education shall certify  
9 whether the approval is in compliance with the limits on the maximum  
10 number of charters allowed under subsection (1) of this section. If  
11 the board receives simultaneous notification of approved charters  
12 that exceed the annual allowable limits in subsection (1) of this  
13 section, the board must select approved charters for implementation  
14 through a lottery process, and must assign implementation dates  
15 accordingly.

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

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

20 (1) The purposes of the charter application submitted under RCW  
21 28A.710.130 are to present the proposed charter school's academic and  
22 operational vision and plans, and to demonstrate and provide the  
23 authorizer with a clear basis for evaluating the applicant's  
24 capacities to execute the proposed vision and plans. An approved  
25 charter application does not serve as the school's charter contract.

26 (2) Within ninety days of approval of a charter application, the  
27 authorizer and the governing board of the approved charter school  
28 must execute a charter contract. The contract must establish the  
29 terms by which ~~((, fundamentally,))~~ the ~~((public))~~ charter school  
30 agrees to provide educational services that, at a minimum, meet basic  
31 education standards, in return for ~~((an allocation))~~ a distribution  
32 of public funds ~~((to))~~ that will be used for ~~((such))~~ the purposes  
33 ~~((all as set forth))~~ established in the contract and in this and  
34 other applicable statutes ~~((and in the charter contract))~~. The  
35 charter contract must clearly set forth the academic and operational  
36 performance expectations and measures by which the charter school  
37 will be ~~((judged))~~ evaluated and the administrative relationship  
38 between the authorizer and charter school, including each party's  
39 rights and duties. The performance expectations and measures set

1 forth in the charter contract must include, but need not be limited  
2 to, applicable federal and state accountability requirements. The  
3 performance provisions may be refined or amended by mutual agreement  
4 after the charter school is operating and has collected baseline  
5 achievement data for its enrolled students.

6 (3) If the charter school is authorized by a school district  
7 board of directors, the charter contract must be signed by the  
8 president of the applicable school district board of directors ((if  
9 ~~the school district board of directors is the authorizer or the chair~~  
10 ~~of the commission if the commission is the authorizer and by)) and~~  
11 the president of the charter school board. If the charter school is  
12 authorized by the commission, the charter contract must be signed by  
13 the chair of the commission and the president of the charter school  
14 board. Within ten days of executing a charter contract, the  
15 authorizer must submit to the state board of education written  
16 notification of the charter contract execution, including a copy of  
17 the executed charter contract and any attachments.

18 (4) A charter contract may govern one or more charter schools to  
19 the extent approved by the authorizer. A single charter school board  
20 may hold one or more charter contracts. However, each charter school  
21 that is part of a charter contract must be separate and distinct from  
22 any others and, for purposes of calculating the maximum number of  
23 charter schools that may be established under this chapter, each  
24 charter school must be considered a single charter school regardless  
25 of how many charter schools are governed under a particular charter  
26 contract.

27 (5) An initial charter contract must be granted for a term of  
28 five operating years. The contract term must commence on the charter  
29 school's first day of operation. An approved charter school may delay  
30 its opening for one school year in order to plan and prepare for the  
31 school's opening. If the school requires an opening delay of more  
32 than one school year, the school must request an extension from its  
33 authorizer. The authorizer may grant or deny the contract extension  
34 depending on the school's circumstances.

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

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

3 (8) In accordance with section 138(3) of this act:

4 (a) The state board of education must take reasonable and  
5 necessary steps to provide parties to contracts entered into under or  
6 in accordance with chapter 2, Laws of 2013 that were in effect or  
7 that had been executed on or before December 1, 2015, with an  
8 opportunity to execute new contracts with the same terms and duration  
9 or substantially the same terms and duration as were in effect on  
10 December 1, 2015; and

11 (b) Each authorizer must take reasonable and necessary steps to  
12 provide parties to contracts entered into under or in accordance with  
13 chapter 2, Laws of 2013 that were in effect or that had been executed  
14 on or before December 1, 2015, with an opportunity to execute new  
15 contracts with the same terms and duration or substantially the same  
16 terms and duration as were in effect on December 1, 2015.

17 (9) Contracts executed pursuant to subsection (8) of this section  
18 do not count against the annual cap established in RCW  
19 28A.710.150(1).

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

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

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

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

32 (a) Student academic proficiency;

33 (b) Student academic growth;

34 (c) Achievement gaps in both proficiency and growth between major  
35 student subgroups;

36 (d) Attendance;

37 (e) Recurrent enrollment from year to year;

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

1 (g) Financial performance and sustainability; and

2 (h) Charter school board performance and stewardship, including  
3 compliance with all applicable laws, rules, and terms of the charter  
4 contract.

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

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

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

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

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

21 (1) Each authorizer must continually monitor the performance and  
22 legal compliance of the charter schools (~~(it oversees)~~) under its  
23 jurisdiction, including collecting and analyzing data to support  
24 ongoing evaluation according to the performance framework in the  
25 charter contract.

26 (2) An authorizer may conduct or require oversight activities  
27 that enable the authorizer to fulfill its responsibilities under this  
28 chapter, including conducting appropriate inquiries and  
29 investigations, (~~(so long as)~~) if those activities are consistent  
30 with the intent of this chapter, adhere to the terms of the charter  
31 contract, and do not unduly inhibit the autonomy granted to charter  
32 schools.

33 (3) In the event that a charter school's performance or legal  
34 compliance appears unsatisfactory, the authorizer must promptly  
35 notify the school of the perceived problem and provide reasonable  
36 opportunity for the school to remedy the problem(~~(, unless)~~).  
37 However, if the problem warrants revocation (~~(in which case)~~) of the  
38 charter contract, the revocation procedures under RCW 28A.710.200  
39 apply.

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

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

9 (1) A charter contract may be renewed by the authorizer, at the  
10 request of the charter school, for successive five-year terms(~~or~~  
11 ~~although~~). The authorizer, however, may vary the term based on the  
12 performance, demonstrated capacities, and particular circumstances of  
13 a charter school, and may grant renewal with specific conditions for  
14 necessary improvements to a charter school.

15 (2) No later than six months before the expiration of a charter  
16 contract, the authorizer must issue a performance report and charter  
17 contract renewal application guidance to (~~that~~) the charter school.  
18 The performance report must summarize the charter school's  
19 performance record to date based on the data required by the charter  
20 contract, and must provide notice of any weaknesses or concerns  
21 perceived by the authorizer concerning the charter school that may,  
22 if not timely rectified, jeopardize its position in seeking renewal  
23 (~~if not timely rectified~~). The charter school has thirty days to  
24 respond to the performance report and submit any corrections or  
25 clarifications for the report.

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

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

30 (b) Describe improvements undertaken or planned for the school;  
31 and

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

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

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

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

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

6 (c) Provide a public report summarizing the evidence basis for  
7 its decision.

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

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

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

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

20 (c) Failed to meet generally accepted standards of fiscal  
21 management; or

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

24 (2) Except as provided otherwise by this subsection (2), an  
25 authorizer may not renew a charter contract (~~may not be renewed~~)  
26 if, at the time of the renewal application, the charter school's  
27 performance falls in the bottom quartile of schools on the  
28 (~~accountability~~) Washington achievement index developed by the  
29 state board of education under RCW 28A.657.110(~~, unless~~). A  
30 contract may be renewed without violating this subsection (2),  
31 however, if the charter school demonstrates exceptional circumstances  
32 that the authorizer finds justifiable.

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

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

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



1 (c) Provide the charter school board with an opportunity, at a  
2 recorded public proceeding held for that purpose, to submit documents  
3 and give testimony challenging the rationale for closure and in  
4 support of the continuation of the school (~~(at a recorded public~~  
5 ~~proceeding held for that purpose)~~);

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

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

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

14 (5) Within ten days of taking action to renew, not renew, or  
15 revoke a charter contract, an authorizer must submit a report of the  
16 action to the (~~(applicant)~~) charter school and (~~(to)~~) the state board  
17 of education(~~(, which)~~). The report must include a copy of the  
18 authorizer's resolution setting forth the action taken, the reasons  
19 for the decision, and assurances of compliance with the procedural  
20 requirements established by the authorizer under this section.

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

23 (1) Before making a decision to not renew or to revoke a charter  
24 contract, an authorizer(~~(s)~~) must develop a charter school  
25 termination protocol to ensure timely notification to parents,  
26 orderly transition of students and student records to new schools, as  
27 necessary, and proper disposition of public school funds, property,  
28 and assets. The protocol must specify tasks, timelines, and  
29 responsible parties, including delineating the respective duties of  
30 the charter school and the authorizer.

31 (2) (~~(In the event that)~~) If the nonprofit corporation  
32 (~~(applicant)~~) operator of a charter school should dissolve for any  
33 reason including, without limitation, because of the termination of  
34 the charter contract, the public school funds of the charter school  
35 that have been provided pursuant to RCW 28A.710.220 must be returned  
36 to the state or local account from which the public funds originated.  
37 If the charter school has commingled the funds, the funds must be  
38 returned in proportion to the proportion of those funds received by  
39 the charter school from the public accounts in the last year

1 preceding the dissolution. The dissolution of ~~((an applicant))~~ a  
2 nonprofit corporation shall otherwise proceed as provided by law.

3 (3) A charter contract may not be transferred from one authorizer  
4 to another or from one charter school ~~((applicant))~~ to another before  
5 the expiration of the charter contract term except by petition to the  
6 state board of education by the charter school or its authorizer. The  
7 state board of education must review such petitions on a case-by-case  
8 basis and may grant transfer requests in response to special  
9 circumstances and evidence that such a transfer would serve the best  
10 interests of the charter school's students.

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

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

19 (2) ~~((According to the schedule established under RCW  
20 28A.510.250, the superintendent of public instruction shall allocate  
21 funding for a charter school including general apportionment, special  
22 education, categorical, and other nonbasic education moneys.  
23 Allocations must be based on the statewide average staff mix ratio of  
24 all noncharter public schools from the prior school year and the  
25 school's actual full-time equivalent enrollment. Categorical funding  
26 must be allocated to a charter school based on the same funding  
27 criteria used for noncharter public schools and the funds must be  
28 expended as provided in the charter contract. A charter school is  
29 eligible to apply for state grants on the same basis as a school  
30 district))~~ In accordance with appropriations made under sections 127  
31 and 128 of this act, the superintendent of public instruction shall  
32 distribute state funding to charter schools according to the schedule  
33 established in RCW 28A.510.250.

34 (3) ~~((Allocations for pupil transportation must be calculated on  
35 a per student basis based on the allocation for the previous school  
36 year to the school district in which the charter school is located. A  
37 charter school may enter into a contract with a school district or  
38 other public or private entity to provide transportation for the  
39 students of the school.~~

1       ~~(4))~~ Amounts ~~((payable))~~ distributed to a charter school under  
2 ~~((this))~~ section 128 of this act in the school's first year of  
3 operation must be based on the projections of first-year student  
4 enrollment established in the charter contract. The office of the  
5 superintendent of public instruction must reconcile the amounts  
6 ~~((paid))~~ distributed in the first year of operation to the amounts  
7 that would have been ~~((paid))~~ distributed based on actual student  
8 enrollment and make adjustments to the charter school's  
9 ~~((allocations))~~ distributions over the course of the second year of  
10 operation.

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

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

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

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

27       ~~(9))~~ (4) Any moneys received by a charter school from any source  
28 and remaining in the school's accounts at the end of ~~((any))~~ a budget  
29 year ~~((shall))~~ must remain in the school's accounts for use by the  
30 school during subsequent budget years.

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

33       (1) Charter schools are eligible for state ~~((matching funds))~~  
34 funding for ~~((common))~~ school construction. However, such  
35 appropriations may not be made from the common school construction  
36 fund.

37       (2) ~~((A))~~ If a school district decides to sell or lease the  
38 public school facility or property pursuant to RCW 28A.335.040 or  
39 28A.335.120, a charter school ((has)) located within the boundaries

1 of the district has a right of first refusal to purchase or lease at  
2 ((or below)) fair market value a closed public school facility or  
3 property or unused portions of a public school facility or property  
4 ((located in a school district from which it draws its students if  
5 the school district decides to sell or lease the public school  
6 facility or property pursuant to RCW 28A.335.040 or 28A.335.120)) by  
7 negotiated agreement with mutual consideration. The consideration may  
8 include the provision of educational services by the charter school.

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

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

17 ~~((5) A conversion charter school as part of the consideration  
18 for providing educational services under the charter contract may  
19 continue to use its existing facility without paying rent to the  
20 school district that owns the facility. The district remains  
21 responsible for major repairs and safety upgrades that may be  
22 required for the continued use of the facility as a public school.  
23 The charter school is responsible for routine maintenance of the  
24 facility including, but not limited to, cleaning, painting,  
25 gardening, and landscaping. The charter contract of a conversion  
26 charter school using existing facilities that are owned by its school  
27 district must include reasonable and customary terms regarding the  
28 use of the existing facility that are binding upon the school  
29 district.))~~

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

32 Years of service in a charter school by certificated  
33 instructional staff shall be included in the years of service  
34 calculation for purposes of the statewide salary allocation schedule  
35 under RCW 28A.150.410. This section does not require a charter school  
36 to pay a particular salary to its staff while the staff is employed  
37 by the charter school.

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

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

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

21       (3) Together with the issuance of the annual report following the  
22 fifth year after there have been charter schools operating for a full  
23 school year, the state board of education, in collaboration with the  
24 commission, shall submit a recommendation regarding whether or not  
25 the legislature should authorize the establishment of additional  
26 ~~((public))~~ charter public schools.

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

29       The charter schools oversight account is hereby created in the  
30 state treasury. All moneys received by the commission under RCW  
31 28A.710.110 must be deposited into the account. Moneys in the account  
32 may be spent only after appropriation. Expenditures from the account  
33 may be used only for the purposes of this chapter.

34       NEW SECTION.       **Sec. 127.** A new section is added to chapter  
35 28A.710 RCW to read as follows:

36       The state legislature shall, at each regular session in an odd-  
37 numbered year, appropriate from the Washington opportunity pathways  
38 account for the current use of charter public schools amounts as

1 determined in accordance with section 128 of this act, and amounts  
2 authorized under RCW 28A.710.230(1), for state support to charter  
3 schools during the ensuing biennium.

4 NEW SECTION. **Sec. 128.** A new section is added to chapter  
5 28A.710 RCW to read as follows:

6 (1) For eligible students enrolled in a charter school  
7 established and operating in accordance with this chapter, the  
8 superintendent of public instruction shall transmit to each charter  
9 school an amount per each full-time equivalent student at statewide  
10 uniform rates. The calculations and distributions must be based upon  
11 the estimated statewide annual average per full-time equivalent  
12 student allocations under RCW 28A.150.260, including any enrichment  
13 to those statutory formulae that is specified in the omnibus  
14 appropriations act. The amount must be the sum of (a) and (b) of this  
15 subsection, as applicable.

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

20 (b) The superintendent also shall, for purposes of making  
21 distributions under this section, and in accordance with the  
22 applicable formulae for categorical programs specified in (b)(i)  
23 through (v) of this subsection (1) and any enrichment to those  
24 statutory formulae that is specified in the omnibus appropriations  
25 act, separately calculate and distribute moneys appropriated by the  
26 legislature to charter schools for:

27 (i) Supplemental instruction and services for underachieving  
28 students through the learning assistance program under RCW  
29 28A.165.005 through 28A.165.065;

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

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

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

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

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

9 **Sec. 129.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted  
10 and amended to read as follows:

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

17 **Sec. 130.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted  
18 and amended to read as follows:

19 (1) Under the constitutional framework and the laws of the state  
20 of Washington, the governance structure for the state's public common  
21 school system is comprised of the following bodies: The legislature,  
22 the governor, the superintendent of public instruction, the state  
23 board of education, (~~the Washington charter school commission,~~) the  
24 educational service district boards of directors, and local school  
25 district boards of directors. The respective policy and  
26 administrative roles of each body are determined by the state  
27 Constitution and statutes.

28 (2) Local school districts are political subdivisions of the  
29 state and the organization of such districts, including the powers,  
30 duties, and boundaries thereof, may be altered or abolished by laws  
31 of the state of Washington.

32 **Sec. 131.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to  
33 read as follows:

34 This section designates charter schools established under chapter  
35 28A.710 RCW as employers and charter school employees as members, and  
36 applies only if the department of retirement systems receives  
37 determinations from the internal revenue service and the United

1 States department of labor that participation does not jeopardize the  
2 status of these retirement systems as governmental plans under the  
3 federal employees' retirement income security act and the internal  
4 revenue code.

5 **Sec. 132.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to  
6 read as follows:

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

15 **Sec. 133.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to  
16 read as follows:

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

25 **Sec. 134.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to  
26 read as follows:

27 The definitions in this section apply throughout this chapter  
28 unless the context clearly requires otherwise.

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

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

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

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



1 (5) "Emergency service personnel killed in the line of duty"  
2 means law enforcement officers and firefighters as defined in RCW  
3 41.26.030, members of the Washington state patrol retirement fund as  
4 defined in RCW 43.43.120, and reserve officers and firefighters as  
5 defined in RCW 41.24.010 who die as a result of injuries sustained in  
6 the course of employment as determined consistent with Title 51 RCW  
7 by the department of labor and industries.

8 (6) "Employee" includes all employees of the state, whether or  
9 not covered by civil service; elected and appointed officials of the  
10 executive branch of government, including full-time members of  
11 boards, commissions, or committees; justices of the supreme court and  
12 judges of the court of appeals and the superior courts; and members  
13 of the state legislature. Pursuant to contractual agreement with the  
14 authority, "employee" may also include: (a) Employees of a county,  
15 municipality, or other political subdivision of the state and members  
16 of the legislative authority of any county, city, or town who are  
17 elected to office after February 20, 1970, if the legislative  
18 authority of the county, municipality, or other political subdivision  
19 of the state seeks and receives the approval of the authority to  
20 provide any of its insurance programs by contract with the authority,  
21 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of  
22 employee organizations representing state civil service employees, at  
23 the option of each such employee organization, and, effective October  
24 1, 1995, employees of employee organizations currently pooled with  
25 employees of school districts for the purpose of purchasing insurance  
26 benefits, at the option of each such employee organization; (c)  
27 employees of a school district if the authority agrees to provide any  
28 of the school districts' insurance programs by contract with the  
29 authority as provided in RCW 28A.400.350; (d) employees of a tribal  
30 government, if the governing body of the tribal government seeks and  
31 receives the approval of the authority to provide any of its  
32 insurance programs by contract with the authority, as provided in RCW  
33 41.05.021(1) (f) and (g); (e) employees of the Washington health  
34 benefit exchange if the governing board of the exchange established  
35 in RCW 43.71.020 seeks and receives approval of the authority to  
36 provide any of its insurance programs by contract with the authority,  
37 as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a  
38 charter school established under chapter 28A.710 RCW. "Employee" does  
39 not include: Adult family home providers; unpaid volunteers; patients  
40 of state hospitals; inmates; employees of the Washington state

1 convention and trade center as provided in RCW 41.05.110; students of  
2 institutions of higher education as determined by their institution;  
3 and any others not expressly defined as employees under this chapter  
4 or by the authority under this chapter.

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

6 (8) "Employer group" means those counties, municipalities,  
7 political subdivisions, the Washington health benefit exchange,  
8 tribal governments, school districts, and educational service  
9 districts, and employee organizations representing state civil  
10 service employees, obtaining employee benefits through a contractual  
11 agreement with the authority.

12 (9) "Employing agency" means a division, department, or separate  
13 agency of state government, including an institution of higher  
14 education; a county, municipality, school district, educational  
15 service district, or other political subdivision; charter school; and  
16 a tribal government covered by this chapter.

17 (10) "Faculty" means an academic employee of an institution of  
18 higher education whose workload is not defined by work hours but  
19 whose appointment, workload, and duties directly serve the  
20 institution's academic mission, as determined under the authority of  
21 its enabling statutes, its governing body, and any applicable  
22 collective bargaining agreement.

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

27 (12) "Insuring entity" means an insurer as defined in chapter  
28 48.01 RCW, a health care service contractor as defined in chapter  
29 48.44 RCW, or a health maintenance organization as defined in chapter  
30 48.46 RCW.

31 (13) "Medical flexible spending arrangement" means a benefit plan  
32 whereby state and public employees may reduce their salary before  
33 taxes to pay for medical expenses not reimbursed by insurance as  
34 provided in the salary reduction plan under this chapter pursuant to  
35 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

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

39 (15) "Plan year" means the time period established by the  
40 authority.

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

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

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

10 (b) Persons who separate from employment with a school district,  
11 educational service district, or charter school on or after October  
12 1, 1993, and immediately upon separation receive a retirement  
13 allowance under chapter 41.32, 41.35, or 41.40 RCW;

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

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

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

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

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

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

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

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

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

38 (22) "State purchased health care" or "health care" means medical  
39 and health care, pharmaceuticals, and medical equipment purchased  
40 with state and federal funds by the department of social and health

1 services, the department of health, the basic health plan, the state  
2 health care authority, the department of labor and industries, the  
3 department of corrections, the department of veterans affairs, and  
4 local school districts.

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

10 **Sec. 135.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted  
11 to read as follows:

12 In addition to the entities listed in RCW 41.56.020, this chapter  
13 applies to any charter school established under chapter 28A.710 RCW.  
14 Any bargaining unit or units established at the charter school must  
15 be limited to employees working in the charter school and must be  
16 separate from other bargaining units in school districts, educational  
17 service districts, or institutions of higher education. Any charter  
18 school established under chapter 28A.710 RCW is a separate employer  
19 from any school district, including the school district in which it  
20 is located.

21 **Sec. 136.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to  
22 read as follows:

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

31 NEW SECTION. **Sec. 137.** RCW 28A.710.005 (Findings—2013 c 2) and  
32 2013 c 2 s 101 are each repealed.

33 NEW SECTION. **Sec. 138.** (1) Sections 101 through 137 of this act  
34 are remedial and curative in nature and apply to the Washington state  
35 charter school commission, school district authorizers, and charter  
36 schools established before the effective date of this section.

1 (2) The Washington state charter school commission and school  
2 district authorizers, and actions related to their establishment and  
3 operation that were in compliance with the laws of the state of  
4 Washington before the effective date of this section, or that  
5 substantially complied with the provisions of this act before its  
6 effective date, are declared to be valid.

7 (3) Contracts entered into under or in accordance with chapter 2,  
8 Laws of 2013 that were in effect on December 1, 2015, may, with the  
9 agreement of all parties and within sixty days after the effective  
10 date of this section, be executed as new contracts with the same  
11 terms and duration or substantially the same terms and duration as  
12 were in effect on December 1, 2015. For purposes of this section,  
13 "substantially the same terms and duration" includes contract  
14 modifications necessary to comply with the provisions of  
15 chapter . . . , Laws of 2016 (this act) or other applicable law.

16 (4) Nothing in this section entitles a charter school to  
17 retroactive payments under chapter . . . , Laws of 2016 (this act) for  
18 services that were rendered after December 1, 2015, and before  
19 execution of new contracts pursuant to subsection (3) of this  
20 section.

21 **PART II**

22 **WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT**

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

25 The Washington opportunity pathways account is created in the  
26 state treasury. Expenditures from the account may be used only for  
27 programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW  
28 (state work-study), chapter 28B.50 RCW (opportunity grant), RCW  
29 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington  
30 award for vocational excellence), chapter 28B.92 RCW (state need  
31 grant program), (~~chapter 28B.101 RCW (educational opportunity~~  
32 ~~grant)~~), chapter 28B.105 RCW (GET ready for math and science  
33 scholarship), chapter 28B.117 RCW (passport to college promise),  
34 chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW  
35 (Washington promise scholarship), and chapter 43.215 RCW (early  
36 childhood education and assistance program)(~~, and RCW 43.330.280~~  
37 ~~(recruitment of entrepreneurial researchers, innovation partnership~~  
38 ~~zones and research teams))~~).

1 **PART III**

2 **MISCELLANEOUS PROVISIONS**

3 NEW SECTION. **Sec. 301.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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

11 Correct the title.

EFFECT: 1. Deletes provisions proposing to add the Superintendent  
of Public Instruction (or the Superintendent's designee) and the  
Chair of the State Board of Education (SBE) to the Washington State  
Charter School Commission (Commission);

2. Restores provisions requiring that legislative appointees,  
rather than legislators, serve on the Commission;

3. Removes provisions authorizing the conversion of common  
schools into charter schools;

4. Removes all funding provisions unrelated to charter schools;

5. Removes the provision directing the Office of the  
Superintendent of Public Instruction (SPI) to reimburse qualifying  
charter schools for any loss of state revenue during the 2015-16  
school year as a result of the supreme court's invalidation of  
charter school laws;

6. Specifies that charter schools are not entitled to retroactive  
payments under the act for services that were rendered after December  
1, 2015, and before the execution of new charter school contracts;

7. Removes all appropriation provisions;

8. Modifies provisions governing actions that the SBE and each  
authorizer must take to execute new charter school contracts;

9. Modifies funding language for charter schools by removing  
funding provisions in the underlying bill and by adding generally  
comparable provisions that (a) modify pupil transportation  
distribution calculations, and (b) obligate the SPI to adopt rules  
for the distribution of funding to charter schools and to comply with  
federal reporting requirements;

10. Removes the enrollment preference for at-risk students if  
capacity is insufficient and adds provisions establishing an  
enrollment preference for siblings, with remaining enrollments  
allocated through a lottery with weighted preferences for at-risk  
students and in-state children of full-time employees; and

11. Makes technical changes, including modifying the definition  
of "student," and removing a provision related to validating charter

schools and previous actions related to their establishment and operation.

--- END ---