
Education Committee

HB 1971

Brief Description: Concerning charter schools.

Sponsors: Representatives Fey, Clibborn, Gregory and Pollet.

Brief Summary of Bill

- Provides that a charter school board may contract for an independent performance audit of the charter school.
- Limits the authority of the Charter School Commission to authorize schools in a school district in which at least three charter schools have been authorized by the commission but the charter schools are not fully phased-in.
- Changes the appointing authority with respect to Commission members, requiring that all be appointed by the Governor and subject to confirmation by the Senate.

Hearing Date: 2/16/15

Staff: Cece Clynch (786-7195).

Background:

Charter Schools.

Public charter schools have been authorized in Washington since 2012. A "charter school" or "public charter school" means a public school governed by a charter school board and operated according to the terms of a charter contract.

The charter school laws provide that charter schools are subject to the supervision of the Superintendent of Public Instruction and the State Board of Education (SBE) to the same extent as other public schools. A number of laws are made explicitly applicable to charter schools, including:

- health and safety, parents' rights, civil rights, and nondiscrimination laws;
- basic education, including instruction in the essential academic learning requirements and participation in the state assessment system;

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- certificated staffing requirements and employee background checks;
- adherence to generally accepted accounting principles and auditing by the State Auditor;
- annual school report card and performance improvement goals;
- open public meetings and public records; and
- subsequently enacted laws that govern charter schools.

Charter schools may offer any grades, kindergarten through twelfth, and must be open to all children free of charge. If applications to the school exceed capacity, students may be selected by lottery, except that preference may be given to siblings of students already attending.

Up to 40 charter schools may be established over a five-year period, at a rate of eight schools per year. More than eight in a single year may be allowed if there were fewer than eight authorized in the prior year. In its five-year report to the Legislature, the SBE is tasked with including a recommendation as to whether or not more than 40 charter schools should be allowed.

Charter schools may be new schools, or may result from the conversion of existing schools. If the school is a conversion, provision must be made for sufficient capacity for all previously enrolled students. Charter school applicants must be nonsectarian, tax-exempt nonprofit corporations and charter schools may not engage in sectarian practices.

Charter School Authorization.

Two types of entities may authorize the establishment of charter schools, the Washington Charter School Commission (Commission) and a local school board that applies and is authorized by the SBE to be an authorizer. Local school boards may authorize charter schools only within school district boundaries, while the Commission may authorize schools throughout the state. Currently, the Spokane School District is the only local school district to have applied, and they have received authorization by the SBE to operate as an authorizer.

The Commission includes nine members, with three appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives to staggered four year terms. (The initial appointments are limited to one year, two years, and three years.) No more than five members may be of the same political party. One member must be a public school parent. Collectively, they should reflect diversity and are to possess strong expertise and experience in public and nonprofit governance, management, finance, public school leadership, assessment, curriculum, instruction, and public education law. They must also demonstrate an understanding of, and commitment to, charter schooling as a strategy for strengthening public education.

Authorizers issue requests for proposal for applicants. Applicants must submit an application providing or describing the 32 statutorily required elements of their proposed school plan. The review process by the authorizer must include a thorough evaluation, an in-person interview, and an opportunity in a public forum for the public to learn about and provide input on each application. Preference must be given to applications designed to serve at risk student populations. Charters may be granted only to applicants that demonstrate competence in each of the required elements and are likely to open and operate a successful public charter school.

An application is not a contract. Once an application is approved by the authorizer, a contract is negotiated. Charter contracts must include an agreement to provide educational services that, at

a minimum, meet basic education standards as well as academic performance, expectations, indicators, and metrics. Authorizers are required to continually monitor and oversee charter school performance, including corrective action. There are provisions in the charter school laws for contract renewal, nonrenewal, revocation, and termination.

Summary of Bill:

Charter Schools.

A charter school board may contract for an independent performance audit of the school to be conducted the year immediately following the school's first full school year of operation with all the grades fully phased-in and student enrollment at the level for which the charter school is approved. The performance audit must be conducted in accordance with the United States General Accounting Office government auditing standards. Such a performance audit does not inhibit the state auditor's office from conducting a performance audit of the school.

The Charter School Commission.

The Commission's authority with respect to authorization of charter schools is limited in certain circumstances. While it may still authorize throughout the state, it may not do so in a school district in which at least three charter schools have been authorized by the Commission but the charter schools have not fully phased-in all the grades or student enrollment for which they were approved. This moratorium must be lifted if the Commission determines that there have been no financial or performance audit findings for any of the charter schools within the district resulting in recommendations by the State Auditor's Office, or there have been such findings but the Commission determines that the school has taken actions sufficient to satisfactorily comply.

The appointing mechanism for Commission members is changed. As the current terms of the Commission members expire, successor members are to be appointed by the Governor, subject to confirmation by the Senate.

Appropriation: None.

Fiscal Note: Requested on 2/10/15.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.