

1 (1) "Applicant" means a nonprofit corporation that has submitted
2 an application to an authorizer. The nonprofit corporation must be
3 either a public benefit nonprofit corporation as defined in RCW
4 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005
5 that has applied for tax exempt status under section 501(c)(3) of the
6 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The
7 nonprofit corporation may not be a sectarian or religious
8 organization and must meet all of the requirements for a public
9 benefit nonprofit corporation before receiving any funding under RCW
10 28A.710.220.

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

22 (3) "Authorizer" means the commission established in RCW
23 28A.710.070 or an entity approved under RCW 28A.710.090 to review,
24 approve, or reject charter school applications; enter into, renew, or
25 revoke charter contracts with applicants; and oversee the charter
26 schools the entity has authorized.

27 (4) "Charter contract" means a fixed term, renewable contract
28 between a charter school and an authorizer that outlines the roles,
29 powers, responsibilities, and performance expectations for each party
30 to the contract.

31 (5) "Charter school" or "~~(public)~~ charter public school" means
32 a public school that is established in accordance with this chapter,
33 governed by a charter school board, and operated according to the
34 terms of a charter contract executed under this chapter (~~and~~
35 ~~includes~~). The term "charter school" or "charter public school" may
36 include a new charter school and a conversion charter school.

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

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

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

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

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

11 (11) "Student" means (~~any~~) a child eligible under RCW
12 28A.225.160 to attend a public school in the state.

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

15 A charter school established under this chapter:

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

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

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

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

23 (3) Is governed by a charter school board according to the terms
24 of a renewable, five-year charter contract executed under RCW
25 28A.710.160;

26 (4) (~~Is a public school to which parents choose to send their~~
27 ~~children;~~

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

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

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

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

7 (b) Receive and disburse funds for the purposes of the charter
8 school;

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

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

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

38 (f) Solicit, accept, and administer for the benefit of the
39 charter school and its students, gifts, grants, and donations from
40 individuals, or public or private entities, excluding (~~from~~)

1 sectarian or religious organizations. A charter school((s)) board may
2 not accept any gifts or donations ~~((the conditions of which))~~ that
3 violate this chapter or other state laws; and

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

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

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

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

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

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

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

21 (b) Provide a program of basic education, ~~((as provided))~~ that
22 meets the goals in RCW 28A.150.210, including instruction in the
23 essential academic learning requirements, and participate in the
24 statewide student assessment system as developed under RCW
25 28A.655.070;

26 (c) Employ certificated instructional staff as required in RCW
27 28A.410.025~~((: PROVIDED, That))~~. Charter schools, however, may hire
28 noncertificated instructional staff of unusual competence and in
29 exceptional cases as specified in RCW 28A.150.203(7);

30 (d) Comply with the employee record check requirements in RCW
31 28A.400.303;

32 (e) Adhere to generally accepted accounting principles and be
33 subject to financial examinations and audits as determined by the
34 state auditor, including annual audits for legal and fiscal
35 compliance;

36 (f) Comply with the annual performance report under RCW
37 28A.655.110;

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

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

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

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

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

25 (5) Charter schools are subject to the supervision of the
26 superintendent of public instruction and the state board of
27 education, including accountability measures, to the same extent as
28 other public schools, except as otherwise provided in this chapter
29 (~~(2, Laws of 2013)~~).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (~~(+2)~~) (3)(a) The commission shall consist of:

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

23 (ii) The superintendent of public instruction or the
24 superintendent's designee; and

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

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

34 (~~(+3)~~) (4) Members appointed to the commission shall
35 collectively possess strong experience and expertise in public and
36 nonprofit governance; management and finance; public school
37 leadership, assessment, curriculum, and instruction; and public
38 education law. All appointed members shall have demonstrated an

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

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

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

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

19 ~~((7) Operational and staff support for the commission shall be~~
20 ~~provided by the office of the governor until the commission has~~
21 ~~sufficient resources to hire or contract for separate staff support,~~
22 ~~who))~~ (8) The commission shall reside within the office of the
23 governor for administrative purposes only.

24 ~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the
25 commission.

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

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

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

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

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

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

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

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

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

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

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

22 (e) A draft of the applicant's proposed renewal, revocation, and
23 nonrenewal processes, consistent with RCW 28A.710.190 and
24 28A.710.200;

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

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

33 (3) The state board of education shall consider the merits of
34 each application and make its decision within the timelines
35 established by the state board of education.

36 (4) Within thirty days of making a decision to approve an
37 application under this section, the state board of education must
38 execute a renewable authorizing contract with the ~~((entity))~~
39 applicant. The initial term of an authorizing contract ~~((shall))~~ must
40 be six years. The authorizing contract must specify each approved

1 entity's agreement to serve as an authorizer in accordance with the
2 expectations of this chapter, and may specify additional performance
3 terms based on the applicant's proposal and plan for chartering.

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

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

8 (1) Authorizers are responsible for:

9 (a) Soliciting and evaluating charter applications;

10 (b) Approving (~~(quality)~~) charter applications that meet
11 identified educational needs and promote a diversity of educational
12 choices;

13 (c) Denying (~~(weak or inadequate)~~) charter applications that fail
14 to meet statutory requirements, requirements of the authorizer, or
15 both;

16 (d) Negotiating and executing (~~(sound)~~) charter contracts with
17 each authorized charter school;

18 (e) Monitoring, in accordance with charter contract terms, the
19 performance and legal compliance of charter schools including,
20 without limitation, education and academic performance goals and
21 student achievement; and

22 (f) Determining whether each charter contract merits renewal,
23 nonrenewal, or revocation.

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

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

30 (a) Organizational capacity and infrastructure;

31 (b) Soliciting and evaluating charter applications;

32 (c) Performance contracting;

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

34 (e) Charter renewal decision making.

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

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

1 (b) The academic and financial performance of all operating
2 charter schools (~~overseen by the authorizer~~) under its
3 jurisdiction, including the progress of the charter schools based on
4 the authorizer's performance framework;

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

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

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

16 (5) Neither an authorizer, individuals who comprise the
17 membership of an authorizer in their official capacity, nor the
18 employees of an authorizer are liable for acts or omissions of a
19 charter school they authorize.

20 (6) No employee, trustee, agent, or representative of an
21 authorizer may simultaneously serve as an employee, trustee, agent,
22 representative, vendor, or contractor of a charter school under the
23 jurisdiction of that authorizer.

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

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

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

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

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

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

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

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

21 (2) Persistently unsatisfactory performance of an authorizer's
22 portfolio of charter schools, a pattern of well-founded complaints
23 about the authorizer or its charter schools, or other objective
24 circumstances may trigger a special review by the state board of
25 education.

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

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

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

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

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

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

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

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

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

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

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

34 (iv) State clear, appropriately detailed questions as well as
35 guidelines concerning the format and content essential for applicants
36 to demonstrate the capacities necessary to establish and operate a
37 successful charter school.

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

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

1 between the governing board, staff, any related bodies such as
2 advisory bodies or parent and teacher councils, and any external
3 organizations that will play a role in managing the school;

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

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

9 (t) Plans for recruiting and developing school leadership and
10 staff;

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

13 (v) Proposed governing bylaws;

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

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

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

21 (z) Opportunities and expectations for parent involvement;

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

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

26 (cc) A description of the insurance coverage the school will
27 obtain;

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

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

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

34 (3) In the case of (~~an application to establish~~) a conversion
35 charter school, the applicant must also demonstrate support for the
36 proposed conversion (~~by~~) through a petition signed by either a
37 majority of teachers assigned to the school or (~~a petition signed~~
38 ~~by~~) a majority of parents of students in the school.

39 (4) (~~In the case of an application where the proposed charter~~
40 ~~school~~) If an applicant intends to contract with a nonprofit

1 education service provider for substantial educational services,
2 management services, or both, the applicant must:

3 (a) Provide evidence of the nonprofit education service
4 provider's success in serving student populations similar to the
5 targeted population, including demonstrated academic achievement as
6 well as successful management of nonacademic school functions if
7 applicable;

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

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

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

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

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

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

32 (2) In reviewing and evaluating charter applications, authorizers
33 shall employ procedures, practices, and criteria consistent with
34 nationally recognized principles and standards for quality charter
35 authorizing. Authorizers shall give preference to applications for
36 charter schools that are designed to enroll and serve at-risk student
37 populations(~~(; PROVIDED, That))~~). However, nothing in this chapter may
38 be construed as intended to limit the establishment of charter
39 schools to those that serve a substantial portion of at-risk

1 students, or to in any manner restrict, limit, or discourage the
2 establishment of charter schools that enroll and serve other pupil
3 populations under a nonexclusive, nondiscriminatory admissions
4 policy. The application review process must include thorough
5 evaluation of each application, an in-person interview with the
6 applicant group, and an opportunity to learn about and provide input
7 on each application in a public forum including, without limitation,
8 parents, community members, local residents, and school district
9 board members and staff(~~(, to learn about and provide input on each~~
10 ~~application)~~)).

11 (3) In deciding whether to approve an application, authorizers
12 must:

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

17 (b) Base decisions on documented evidence collected through the
18 application review process;

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

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

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

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

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

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

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

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

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

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

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

34 (1) The purposes of the charter application submitted under RCW
35 28A.710.130 are to present the proposed charter school's academic and
36 operational vision and plans, and to demonstrate and provide the
37 authorizer with a clear basis for evaluating the applicant's
38 capacities to execute the proposed vision and plans. An approved
39 charter application does not serve as the school's charter contract.

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

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

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

1 (5) An initial charter contract must be granted for a term of
2 five operating years. The contract term must commence on the charter
3 school's first day of operation. An approved charter school may delay
4 its opening for one school year in order to plan and prepare for the
5 school's opening. If the school requires an opening delay of more
6 than one school year, the school must request an extension from its
7 authorizer. The authorizer may grant or deny the contract extension
8 depending on the school's circumstances.

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

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

17 (8) In accordance with section 138(4) of this act:

18 (a) The state board of education must take all reasonable and
19 necessary steps to provide parties to contracts entered into under or
20 in accordance with chapter 2, Laws of 2013 that were in effect on
21 December 1, 2015, with an opportunity to re-execute the contracts
22 with the same terms and duration or substantially the same terms and
23 duration as were in effect on December 1, 2015; and

24 (b) Each authorizer must take all reasonable and necessary steps
25 to provide parties to contracts entered into under or in accordance
26 with chapter 2, Laws of 2013 that were in effect on December 1, 2015,
27 with an opportunity to re-execute the contracts with the same terms
28 and duration or substantially the same terms and duration as were in
29 effect on December 1, 2015.

30 (9) Contracts executed pursuant to subsection (8) of this section
31 do not count against the annual cap established in RCW
32 28A.710.150(1).

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

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

38 (1) The performance provisions within a charter contract must be
39 based on a performance framework that clearly sets forth the academic

1 and operational performance indicators, measures, and metrics that
2 will guide an authorizer's evaluations of ~~((each))~~ a charter school
3 within its jurisdiction.

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

6 (a) Student academic proficiency;

7 (b) Student academic growth;

8 (c) Achievement gaps in both proficiency and growth between major
9 student subgroups;

10 (d) Attendance;

11 (e) Recurrent enrollment from year to year;

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

14 (g) Financial performance and sustainability; and

15 (h) Charter school board performance and stewardship, including
16 compliance with all applicable laws, rules, and terms of the charter
17 contract.

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

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

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

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

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

34 (1) Each authorizer must continually monitor the performance and
35 legal compliance of the charter schools ~~((it oversees))~~ under its
36 jurisdiction, including collecting and analyzing data to support
37 ongoing evaluation according to the performance framework in the
38 charter contract.

1 (2) An authorizer may conduct or require oversight activities
2 that enable the authorizer to fulfill its responsibilities under this
3 chapter, including conducting appropriate inquiries and
4 investigations, ~~((so long as))~~ if those activities are consistent
5 with the intent of this chapter, adhere to the terms of the charter
6 contract, and do not unduly inhibit the autonomy granted to charter
7 schools.

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

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

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

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

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

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

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

5 (b) Describe improvements undertaken or planned for the school;
6 and

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

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

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

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

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

18 (c) Provide a public report summarizing the evidence basis for
19 its decision.

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

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

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

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

32 (c) Failed to meet generally accepted standards of fiscal
33 management; or

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

36 (2) Except as provided otherwise by this subsection (2), an
37 authorizer may not renew a charter contract ~~((may not be renewed))~~
38 if, at the time of the renewal application, the charter school's
39 performance falls in the bottom quartile of schools on the

1 ((~~accountability~~)) Washington achievement index developed by the
2 state board of education under RCW 28A.657.110(~~(, unless)~~). A
3 contract may be renewed without violating this subsection (2),
4 however, if the charter school demonstrates exceptional circumstances
5 that the authorizer finds justifiable.

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

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

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

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

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

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

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

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

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

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

1 responsible parties, including delineating the respective duties of
2 the charter school and the authorizer.

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

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

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

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

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

1 eligible to apply for state grants on the same basis as a school
2 district)) In accordance with appropriations made under sections 127
3 and 128 of this act, the superintendent of public instruction shall
4 distribute state funding to charter schools according to the schedule
5 established in RCW 28A.510.250.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 NEW SECTION. **Sec. 127.** A new section is added to chapter
5 28A.710 RCW to read as follows:

6 The state legislature shall, at each regular session in an odd-
7 numbered year, appropriate for the current use of charter schools
8 amounts as determined in accordance with section 128 of this act, and
9 amounts authorized under RCW 28A.710.230(1), for state support to
10 charter schools during the ensuing biennium. The state funds
11 distributed under this section shall be from the Washington
12 opportunity pathways account created in RCW 28B.76.526.

13 NEW SECTION. **Sec. 128.** A new section is added to chapter
14 28A.710 RCW to read as follows:

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

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

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

1 (i) Supplemental instruction and services for underachieving
2 students through the learning assistance program under RCW
3 28A.165.005 through 28A.165.065;

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

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

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

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

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

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

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

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

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

1 administrative roles of each body are determined by the state
2 Constitution and statutes.

3 (2) Local school districts are political subdivisions of the
4 state and the organization of such districts, including the powers,
5 duties, and boundaries thereof, may be altered or abolished by laws
6 of the state of Washington.

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

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

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

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

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

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

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

14 (5) "Emergency service personnel killed in the line of duty"
15 means law enforcement officers and firefighters as defined in RCW
16 41.26.030, members of the Washington state patrol retirement fund as
17 defined in RCW 43.43.120, and reserve officers and firefighters as
18 defined in RCW 41.24.010 who die as a result of injuries sustained in
19 the course of employment as determined consistent with Title 51 RCW
20 by the department of labor and industries.

21 (6) "Employee" includes all employees of the state, whether or
22 not covered by civil service; elected and appointed officials of the
23 executive branch of government, including full-time members of
24 boards, commissions, or committees; justices of the supreme court and
25 judges of the court of appeals and the superior courts; and members
26 of the state legislature. Pursuant to contractual agreement with the
27 authority, "employee" may also include: (a) Employees of a county,
28 municipality, or other political subdivision of the state and members
29 of the legislative authority of any county, city, or town who are
30 elected to office after February 20, 1970, if the legislative
31 authority of the county, municipality, or other political subdivision
32 of the state seeks and receives the approval of the authority to
33 provide any of its insurance programs by contract with the authority,
34 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of
35 employee organizations representing state civil service employees, at
36 the option of each such employee organization, and, effective October
37 1, 1995, employees of employee organizations currently pooled with
38 employees of school districts for the purpose of purchasing insurance
39 benefits, at the option of each such employee organization; (c)
40 employees of a school district if the authority agrees to provide any

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

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

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

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

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

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

1 (12) "Insuring entity" means an insurer as defined in chapter
2 48.01 RCW, a health care service contractor as defined in chapter
3 48.44 RCW, or a health maintenance organization as defined in chapter
4 48.46 RCW.

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

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

13 (15) "Plan year" means the time period established by the
14 authority.

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

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

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

24 (b) Persons who separate from employment with a school district,
25 educational service district, or charter school on or after October
26 1, 1993, and immediately upon separation receive a retirement
27 allowance under chapter 41.32, 41.35, or 41.40 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 This chapter applies to any charter school established under
2 chapter 28A.710 RCW. Any bargaining unit or units established at the
3 charter school must be limited to employees working in the charter
4 school and must be separate from other bargaining units in school
5 districts, educational service districts, or institutions of higher
6 education. Any charter school established under chapter 28A.710 RCW
7 is a separate employer from any school district, including the school
8 district in which it is located.

9 NEW SECTION. **Sec. 137.** RCW 28A.710.005 (Findings—2013 c 2) and
10 2013 c 2 s 101 are each repealed.

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

15 (2) Charter schools, and actions related to their establishment
16 and operation that were in compliance with the laws of the state of
17 Washington before the effective date of this section, or that
18 substantially complied with the provisions of this act before its
19 effective date, are declared to be valid.

20 (3) The Washington state charter school commission and school
21 district authorizers, and actions related to their establishment and
22 operation that were in compliance with the laws of the state of
23 Washington before the effective date of this section, or that
24 substantially complied with the provisions of this act before its
25 effective date, are declared to be valid.

26 (4) Contracts entered into under or in accordance with chapter 2,
27 Laws of 2013 that were in effect on December 1, 2015, may, with the
28 agreement of all parties and within sixty days after the effective
29 date of this section, be re-executed with the same terms and duration
30 or substantially the same terms and duration as were in effect on
31 December 1, 2015. For purposes of this section, "substantially the
32 same terms and duration" includes contract modifications necessary to
33 comply with the provisions of chapter . . . , Laws of 2016 (this act)
34 or other applicable law.

35 **PART II**

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

1 **Sec. 201.** RCW 28A.715.040 and 2013 c 242 s 5 are each amended to
2 read as follows:

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

10 (2) Funding for a school that is the subject of a state-tribal
11 education compact shall be (~~apportioned~~) separately calculated and
12 distributed by the superintendent of public instruction according to
13 the schedule established under RCW 28A.510.250. The state funds
14 distributed by the superintendent shall come from the opportunity
15 pathways account created in RCW 28B.76.526. The amount of state funds
16 to be provided shall be determined in accordance with the state
17 funding formulae, including general apportionment, special education,
18 categorical, any enrichment to those statutory formulae that is
19 specified in the omnibus appropriations act, and other nonbasic
20 education moneys. (~~Allocations~~) Distributions for certificated
21 instructional staff must be based on the average staff mix ratio of
22 the school, as separately calculated by the superintendent of public
23 instruction using the statewide salary allocation schedule and
24 related documents, conditions, and limitations established by the
25 omnibus appropriations act. (~~Allocations~~) Distributions for
26 classified staff and certificated administrative staff must be based
27 on the salary allocations of the school district in which the school
28 is located, subject to conditions and limitations established by the
29 omnibus appropriations act. Nothing in this section requires a school
30 that is the subject of a state-tribal education compact to use the
31 statewide salary allocation schedule. Such a school is eligible to
32 apply for state grants on the same basis as a school district.

33 (3) Any moneys received by a school that is the subject of a
34 state-tribal education compact from any source that remain in the
35 school's accounts at the end of any budget year must remain in the
36 school's accounts for use by the school during subsequent budget
37 years.

38 NEW SECTION. **Sec. 202.** A new section is added to chapter
39 28A.300 RCW to read as follows:

1 The legislature shall provide state funds to the superintendent
2 of public instruction from the Washington opportunity pathways
3 account created in RCW 28B.76.526 to cover the costs of the
4 following:

5 (1) Distributing state funds under RCW 28A.715.010 and section
6 127 of this act; and

7 (2) Rule making under RCW 28A.715.010 and section 127 of this
8 act.

9 **Sec. 203.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each
10 amended to read as follows:

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

14 (a) Distributing state funds under RCW 28A.715.010 and section
15 127 of this act; and

16 (b) Rule making under RCW 28A.715.010 and section 127 of this
17 act.

18 (2) Expenditures from the account may be used ((only)) for
19 programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW
20 (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW
21 28B.76.670 (Washington award for vocational excellence), chapter
22 28B.92 RCW (state need grant program), ((chapter 28B.101 RCW
23 (educational opportunity grant),)) chapter 28B.105 RCW (GET ready for
24 math and science scholarship), chapter 28B.117 RCW (passport to
25 college promise), chapter 28B.118 RCW (college bound scholarship),
26 and chapter 28B.119 RCW (Washington promise scholarship), and chapter
27 43.215 RCW (early childhood education and assistance program)((, and
28 RCW 43.330.280 (recruitment of entrepreneurial researchers,
29 innovation partnership zones and research teams)).

30 **PART III**

31 **STUDENT HEALTH AND READINESS**

32 NEW SECTION. **Sec. 301.** (1) The legislature finds clear evidence
33 that school breakfast is associated with improved outcomes for
34 students, including fewer discipline incidents, better attendance,
35 and improved performance on standardized tests. The legislature
36 acknowledges that many schools currently offer breakfast before the
37 school day. Nevertheless, Washington ranks forty-first in the nation

1 for participation in the national school breakfast program at the
2 same time that childhood poverty and food insecurity are at record
3 highs in the state. While many students eat breakfast at home, there
4 are significant numbers of children who come to school hungry.
5 Therefore, the legislature intends to expand the opportunity for
6 students to get a healthy breakfast by requiring schools with large
7 populations of low-income students who are eligible for free and
8 reduced-price meals to serve breakfast after the bell, a model that
9 has increased breakfast participation rates in various states across
10 the nation.

11 (2) The legislature intends to establish a process for providing
12 breakfast after the bell in high-needs schools beginning in the
13 2016-17 school year and to successfully implement the program by
14 providing technical and marketing assistance through dedicated staff
15 within the office of the superintendent of public instruction. The
16 legislature also intends that breakfast after the bell programs be
17 implemented with the input of families of students at the affected
18 schools.

19 (3) The legislature encourages schools providing breakfast after
20 the bell to use a model that allows breakfast time to be part of
21 instructional time or a model that can be implemented during an
22 existing passing period, such as a nutrition break. As long as
23 breakfast is offered to all students after the instructional day has
24 begun, schools and districts have great flexibility in choosing how
25 to serve breakfast after the bell.

26 (4) Finally, nothing in this act is intended to preempt the
27 responsibility of parents to care for their children, including
28 feeding them nutritious meals before arriving at school. Moreover,
29 the legislature's focus on breakfast after the bell is not intended
30 to indicate interest in ceasing school breakfast programs that offer
31 breakfast before the start of the school day. Rather, it is an
32 attempt to expand opportunities for hungry children to eat breakfast
33 on school days.

34 NEW SECTION. **Sec. 302.** A new section is added to chapter
35 28A.235 RCW to read as follows:

36 The definitions in this section apply throughout sections 303 and
37 304 of this act unless the context clearly requires otherwise.

1 (1) "Breakfast after the bell" means a breakfast that is offered
2 to students after the beginning of the school day. Examples of
3 breakfast after the bell models include, but are not limited to:

4 (a) "Grab and go," where easy-to-eat breakfast foods are
5 available for students to take at the start of the school day or in
6 between morning classes;

7 (b) "Second chance breakfast," where breakfast foods are
8 available during recess, a nutrition break, or later in the morning,
9 for students who are not hungry first thing in the morning, or who
10 arrive late to school; and

11 (c) "Breakfast in the classroom," where breakfast is served in
12 the classroom, often during homeroom or first period.

13 (2) "Eligible for free or reduced-price meals" means a student
14 who is eligible under the national school lunch program or school
15 breakfast program to receive lunch or breakfast at no cost to the
16 student or at a reduced cost to the student.

17 (3) "High-needs school" means any public school: (a) That has
18 enrollment of seventy percent or more students eligible for free or
19 reduced-price meals in the prior school year; or (b) that is using
20 provision two of the national school lunch act or the community
21 eligibility provision under section 104(a) of the federal healthy,
22 hunger-free kids act of 2010 to provide universal meals and that has
23 a claiming percentage for free or reduced-price meals of seventy
24 percent or more.

25 (4) "Public school" has the same meaning as provided in RCW
26 28A.150.010.

27 (5) "School breakfast program" means a program meeting federal
28 requirements under 42 U.S.C. Sec. 1773.

29 (6) "School lunch program" means a program meeting federal
30 requirements under 42 U.S.C. Sec. 1751.

31 NEW SECTION. **Sec. 303.** A new section is added to chapter
32 28A.235 RCW to read as follows:

33 (1)(a) Beginning in the 2017-18 school year, except as provided
34 in subsection (2) of this section, each high-needs school shall offer
35 breakfast after the bell to each student and provide adequate time
36 for students to eat. The state shall provide and the office of the
37 superintendent of public instruction shall administer, one-time
38 start-up allocation grants of six thousand dollars to each high-needs
39 school implementing a breakfast after the bell program. The grant

1 must be used for the costs associated with launching a breakfast
2 after the bell program, including, but not limited to, equipment
3 purchases, training, additional staff costs, and janitorial services.

4 (b) All public schools are encouraged to offer breakfast after
5 the bell even if not required to do so under this section.

6 (2) High-needs schools with at least seventy percent of free or
7 reduced-price eligible children participating in both school lunch
8 and school breakfast are exempt from the provisions of subsection (1)
9 of this section. The office of the superintendent of public
10 instruction shall evaluate individual participation rates annually,
11 and make the participation rates publicly available.

12 (3) Each high-needs school may determine the breakfast after the
13 bell service model that best suits its students. Service models
14 include, but are not limited to, breakfast in the classroom, grab and
15 go breakfast, and second chance breakfast.

16 (4) All breakfasts served in a breakfast after the bell program
17 must comply with federal meal patterns and nutrition standards for
18 school breakfast programs under the federal healthy, hunger-free kids
19 act of 2010, (P.L. 111-296) and any federal regulations implementing
20 that act.

21 (5) The legislature does not intend to include the programs under
22 this section within the state's obligation for basic education
23 funding under Article IX of the state Constitution.

24 NEW SECTION. **Sec. 304.** A new section is added to chapter
25 28A.235 RCW to read as follows:

26 (1) Before January 2, 2017, the office of the superintendent of
27 public instruction shall develop and distribute procedures and
28 guidelines for the implementation of section 303 of this act, which
29 must be in compliance with federal regulations governing the school
30 breakfast program. These guidelines must include ways schools and
31 districts can solicit and consider the input of families regarding
32 implementation and continued operation of breakfast after the bell
33 programs.

34 (2) The office of the superintendent of public instruction shall
35 dedicate staff within the office to offer training and technical and
36 marketing assistance to all public schools and school districts
37 related to offering breakfast after the bell, including assistance
38 with various funding options available to high-needs schools,
39 including the community eligibility provision under 42 U.S.C. Sec.

1 1759a(a)(1), programs under provision two of the national school
2 lunch act, and claims for reimbursement under the school breakfast
3 program.

4 (3) In fulfilling its responsibilities under this section, the
5 office of the superintendent of public instruction shall collaborate
6 with nonprofit organizations knowledgeable about equity, the
7 opportunity gap, hunger and food security issues, and best practices
8 for improving student access to school breakfast. The office shall
9 maintain a list of opportunities for philanthropic support of school
10 breakfast programs and make the list available to schools interested
11 in breakfast after the bell.

12 (4) The office of the superintendent of public instruction shall
13 incorporate the annual collection of information about breakfast
14 after the bell delivery models into existing data systems and make
15 the information publicly available.

16 **Sec. 305.** RCW 28A.150.205 and 1992 c 141 s 502 are each amended
17 to read as follows:

18 Unless the context clearly requires otherwise, the definition in
19 this section applies throughout RCW 28A.150.200 through 28A.150.295.

20 "Instructional hours" means those hours students are provided the
21 opportunity to engage in educational activity planned by and under
22 the direction of school district staff, as directed by the
23 administration and board of directors of the district, inclusive of
24 intermissions for class changes, recess, and teacher/parent-guardian
25 conferences that are planned and scheduled by the district for the
26 purpose of discussing students' educational needs or progress, and
27 exclusive of time actually spent for meals. As long as students are
28 provided the opportunity to engage in educational activity
29 concurrently with the consumption of breakfast, and the provision of
30 breakfast allows the regular instructional program to continue
31 functioning, the period of time designated for student participation
32 in breakfast after the bell, defined in section 302 of this act, must
33 be considered instructional hours.

34 **PART IV**
35 **MISCELLANEOUS PROVISIONS**

36 NEW SECTION. **Sec. 401.** The sum of eight hundred twenty-six
37 thousand dollars, or as much thereof as may be necessary, is

1 appropriated for the biennium ending June 30, 2019, from the
2 Washington opportunity pathways account to the charter school
3 commission to perform its duties under this act.

4 NEW SECTION. **Sec. 402.** The sum of eighteen million dollars, or
5 as much thereof as may be necessary, is appropriated for the biennium
6 ending June 30, 2019, from the Washington opportunity pathways
7 account to the office of the superintendent of public instruction for
8 the purposes of funding charter schools.

9 NEW SECTION. **Sec. 403.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 404.** Sections 101 through 138, 201 through
14 203, 401, and 402 of this act are necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and take
17 effect immediately.

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