
SENATE BILL 6163

State of Washington

64th Legislature

2016 Regular Session

By Senators Billig, Baumgartner, Sheldon, and McAuliffe

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1 AN ACT Relating to charter schools; amending RCW 28A.710.010,
2 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060,
3 28A.710.100, 28A.710.130, 28A.710.140, 28A.710.160, 28A.710.170,
4 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220,
5 28A.710.230, 28A.710.240, 28A.150.010, 28A.315.005, 41.32.033,
6 41.35.035, 41.40.025, 41.56.0251, 41.59.031, and 28A.150.220;
7 reenacting and amending RCW 41.05.011; adding new sections to chapter
8 28A.710 RCW; and repealing RCW 28A.710.005, 28A.710.070, 28A.710.080,
9 28A.710.090, 28A.710.110, 28A.710.120, 28A.710.150, and 28A.710.250.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.710
12 RCW to read as follows:

13 The legislature finds that Washington has a long history of
14 providing support for a wide range of innovative schools and
15 educational programs that operate successfully in a public school
16 district setting under the authority of locally elected boards of
17 directors. It is the intent of the legislature to build and expand on
18 that history by providing school district boards of directors with
19 another tool for providing flexible learning environments that meet
20 the individualized needs of the families within their communities.

1 It is the intent of the legislature to allow school district
2 boards of directors to authorize district charter schools that will
3 be able to operate with greater flexibility in order to meet their
4 students' needs. It is the intent of the legislature that district
5 charter schools will promote increased choice options for students
6 within school districts and provide complementary models of
7 educational excellence that will help foster widespread education
8 reform and innovation through all of Washington schools.

9 In recognition of the recent Washington supreme court ruling in
10 *League of Women Voters vs. State*, it is the intent of the legislature
11 that district charter schools ultimately remain under the governance
12 of the locally elected school board in order to maintain local
13 control and local accountability to the voters within the school
14 district. Through district contracts between the district charter
15 school and the locally elected school board, it is the intent that
16 the district charter schools be afforded autonomous elements similar
17 to traditional charter schools, such as freedom from designated
18 school district policies and greater responsibility to manage their
19 own budgets, design their own school plans, and select their own
20 staff. Further, it is the intent that staff within district charter
21 schools are provided the same respectful and professional working
22 environment as their counterparts in traditional public schools and
23 are afforded similar due process protections and retain the ability
24 to collectively bargain.

25 **Sec. 2.** RCW 28A.710.010 and 2013 c 2 s 201 are each amended to
26 read as follows:

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

29 (1) "Applicant" means a nonprofit corporation that has submitted
30 an application to ((an authorizer)) the school district board of
31 directors of the school district in which the district charter school
32 is to be located. The nonprofit corporation must be either a public
33 benefit nonprofit corporation as defined in RCW 24.03.490, or a
34 nonprofit corporation as defined in RCW 24.03.005 that has applied
35 for tax exempt status under section 501(c)(3) of the internal revenue
36 code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation
37 may not be a sectarian or religious organization and must meet all of
38 the requirements for a public benefit nonprofit corporation before
39 receiving any funding ((under RCW 28A.710.220)).

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

12 ~~(3) ("Authorizer" means an entity approved under RCW 28A.710.090~~
13 ~~to review, approve, or reject charter school applications; enter~~
14 ~~into, renew, or revoke charter contracts with applicants; and oversee~~
15 ~~the charter schools the entity has authorized.))~~ "Conversion district
16 charter school" means a district charter school created by converting
17 an existing noncharter public school in its entirety to a district
18 charter school under this chapter.

19 (4) "District charter contract" means a fixed term, renewable
20 contract between a district charter school and ~~((an authorizer))~~ a
21 school district board of directors that outlines the roles, powers,
22 responsibilities, and performance expectations for each party to the
23 contract.

24 ~~(5) ("Charter school" or "public charter school" means a public~~
25 ~~school governed by a charter school board and operated according to~~
26 ~~the terms of a charter contract executed under this chapter and~~
27 ~~includes a new charter school and a conversion charter school.~~

28 ~~(6) "Charter school board" means the board of directors appointed~~
29 ~~or selected under the terms of a charter application to manage and~~
30 ~~operate the charter school.~~

31 ~~(7) "Commission" means the Washington charter school commission~~
32 ~~established in RCW 28A.710.070.~~

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

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

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

1 ~~(11) "Student" means any child eligible under RCW 28A.225.160 to~~
2 ~~attend a public school in the state))~~ "District charter school" means
3 a public school that the local school district board of directors has
4 delegated identified aspects of governance authority to a district
5 charter school board and that is managed by the district charter
6 school board according to the terms of a district charter contract
7 executed under this chapter and includes both a new district charter
8 school and a conversion district charter school.

9 (6) "District charter school board" means the board of directors
10 appointed or selected under the terms of a district charter
11 application to manage and operate the district charter school.

12 (7) "New district charter school" means any district charter
13 school established under this chapter that is not a conversion
14 district charter school.

15 (8) "Parent" means a parent, guardian, or other person or entity
16 having legal custody of a child.

17 (9) "Student" means any child eligible under RCW 28A.225.160 to
18 attend a public school in Washington.

19 **Sec. 3.** RCW 28A.710.020 and 2013 c 2 s 202 are each amended to
20 read as follows:

21 A district charter school established under this chapter:

22 (1) Is a tuition-free public, common school open to all children
23 ~~((free of charge))~~;

24 (2) Is a public, common school offering any program or course of
25 study that a noncharter public school may offer, including one or
26 more of grades kindergarten through twelve;

27 (3) Is ~~((governed by a charter school board according to the~~
28 ~~terms of a renewable, five-year charter contract executed under RCW~~
29 ~~28A.710.160))~~ authorized by the local school district board to be
30 managed by a charter school board according to the terms of a
31 renewable, seven-year charter contract executed under the authority
32 of RCW 28A.710.160. The local school district board retains
33 governance authority over the district charter school;

34 (4) Is a public school to which parents choose to send their
35 children;

36 (5) ~~((Functions as a local education agency under applicable~~
37 ~~federal laws and regulations and is responsible for meeting the~~
38 ~~requirements of local education agencies and public schools under~~
39 ~~those federal laws and regulations, including but not limited to~~

1 ~~compliance with the individuals with disabilities education~~
2 ~~improvement act (20 U.S.C. Sec. 1401 et seq.), the federal~~
3 ~~educational rights and privacy act (20 U.S.C. Sec. 1232g), and the~~
4 ~~elementary and secondary education act (20 U.S.C. Sec. 6301 et~~
5 ~~seq.)) Must be located within the district boundaries of the local~~
6 ~~school district board that has authorized it; and~~

7 (6) May be granted flexibility by the local school district board
8 in the following five areas and other operational and instructional
9 areas to the extent allowed by this chapter:

10 (a) Length of school day, including total number of instructional
11 hours provided;

12 (b) Length of school year, including total number of
13 instructional days provided to students;

14 (c) Human resources-related issues, including professional
15 development, staffing levels, and the hiring and firing of the
16 district charter school employees except that due process protections
17 must be provided as established in this chapter;

18 (d) The curriculum used, with the exception that curriculum and
19 instruction must be free from sectarian or religious influence or
20 control; and

21 (e) Selected budgeting decisions as agreed to in the district
22 charter contract and as allowed under this chapter.

23 **Sec. 4.** RCW 28A.710.030 and 2013 c 2 s 203 are each amended to
24 read as follows:

25 ~~(1) ((To carry out its duty to manage and operate the charter~~
26 ~~school and carry out the terms of its charter contract, a)) Subject~~
27 ~~to the parameters of the authority granted in the district charter~~
28 ~~contract to the district charter school board by the school district~~
29 ~~board, the district charter school board may:~~

30 (a) Hire, manage, and discharge any district charter school
31 employee in accordance with the terms of this chapter and that
32 school's district charter contract;

33 (b) ~~((Receive and disburse funds for the purposes of the charter~~
34 ~~school)) Budget and approve expenses for the operation of the~~
35 ~~district charter school in accordance with the district charter~~
36 ~~contract;~~

37 (c) Enter into contracts with any school district, educational
38 service district, or other public or private entity for the provision
39 of real property, equipment, goods, supplies, and services, including

1 educational instructional services and including for the management
2 and operation of the district charter school to the same extent as
3 other noncharter public schools, as long as the district charter
4 school board maintains oversight authority over the district charter
5 school. Any contracts entered into by a district charter school board
6 may not exceed the term of the district charter contract or create
7 any current or future obligations for the school district. Contracts
8 for management operation of the district charter school may only be
9 with nonprofit organizations;

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

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

27 ~~(f))~~ Solicit, accept, and administer for the benefit of the
28 district charter school and its students, gifts, grants, and
29 donations from individuals or public or private entities, excluding
30 from sectarian or religious organizations. Any funds received by a
31 district charter school board must be maintained for the district
32 charter school with separate accounting by the school district.
33 District charter schools may not accept any gifts or donations the
34 conditions of which violate this chapter or other state laws; and

35 ~~((g) Issue diplomas to students who meet state high school~~
36 ~~graduation requirements established under RCW 28A.230.090. A charter~~
37 ~~school board may establish additional graduation requirements))~~ (f)
38 If granted the authority by the school district board, issue diplomas
39 to students who meet state high school graduation requirements

1 established under RCW 28A.230.090. A district charter school board
2 may establish additional graduation requirements.

3 (2) A district charter school board may not levy taxes or issue
4 (~~tax-backed~~) bonds. A district charter school board may not acquire
5 property by eminent domain.

6 (3) In coordination with the school district board, a district
7 charter school board shall establish a schedule of regular meetings
8 with the school district board. This meeting requirement must include
9 at least one formal public joint meeting each year between the full
10 membership of the school district board and the district charter
11 school board to review and discuss the items required to be included
12 in the annual report as established in RCW 28A.710.100(4). Additional
13 meetings, including staff or board meetings, may be established as
14 deemed appropriate by the school district board.

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

17 (1) A district charter school must operate according to the terms
18 of its district charter contract and the provisions of this chapter.
19 District charter schools must comply with all state statutes and
20 rules applicable to all other public schools, school districts, and
21 school district boards of directors unless the school district board
22 exempts the district charter school from a statute or rule in the
23 school's district charter contract as allowed by this chapter. A
24 school district may not exempt a district charter school from the
25 statutes and rules identified in subsection (2) of this section.

26 (2) All district charter schools must:

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

32 (b) With the exception of the number of school days and
33 instructional hour requirements as allowed in the district charter
34 contract, provide basic education, as provided in RCW 28A.150.210,
35 including instruction in the essential academic learning requirements
36 and participate in the statewide student assessment system as
37 developed under RCW 28A.655.070;

38 (c) Employ certificated instructional staff as required in RCW
39 28A.410.025: PROVIDED, That district charter schools may hire

1 noncertificated instructional staff of unusual competence and in
2 exceptional cases as specified in RCW 28A.150.203(7);

3 (d) Comply with the employee record check requirements in RCW
4 28A.400.303;

5 (e) Adhere to (~~generally accepted~~) school district accounting
6 principles and be subject to financial examinations and audits as
7 determined by the school district and the state (~~auditor~~),
8 including annual audits for legal and fiscal compliance;

9 (f) Comply with the annual performance report under RCW
10 28A.655.110;

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

13 (h) Comply with the open public meetings act in chapter 42.30 RCW
14 and public records requirements in chapter 42.56 RCW; (~~and~~)

15 (i) (~~Be subject to and comply with legislation enacted after~~
16 ~~December 6, 2012, governing the operation and management of charter~~
17 ~~schools~~) Provide timely financial and accounting reporting to the
18 school district so that the school district can comply with state
19 reporting requirements; and

20 (j) Use the teacher and principal evaluation systems established
21 under RCW 28A.405.100 to the same extent as other public schools.

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

34 (~~4~~) No district charter school may engage in any sectarian
35 practices in its educational program, admissions or employment
36 policies, or operations.

37 (~~5~~) (4) District charter schools are subject to the
38 supervision of the superintendent of public instruction and the state
39 board of education, including accountability measures, to the same

1 extent as other public schools, except as otherwise provided in
2 (~~chapter 2, Laws of 2013~~) this chapter.

3 **Sec. 6.** RCW 28A.710.050 and 2013 c 2 s 205 are each amended to
4 read as follows:

5 (1) A district charter school may not limit admission on any
6 basis other than age group, grade level, or capacity of the school
7 and must enroll all students who apply within these bases. A district
8 charter school is open to any student regardless of his or her
9 location of residence.

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

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

18 (4) A charter school authorized under prior state law that is
19 reauthorized under the authority of this chapter must provide
20 sufficient capacity and provide priority enrollment to all students
21 who wish to remain enrolled in the school after its reauthorization
22 as a district charter school.

23 (5) If capacity is insufficient to enroll all students who apply
24 to a district charter school, the district charter school must select
25 students through a lottery to ensure fairness. However, a district
26 charter school must give an enrollment preference to siblings of
27 already enrolled students.

28 (~~(5) The capacity of a charter school must be determined~~
29 ~~annually by the charter school board in consultation with the charter~~
30 ~~authorizer and with consideration of the charter school's ability to~~
31 ~~facilitate the academic success of its students, achieve the~~
32 ~~objectives specified in the charter contract, and assure that its~~
33 ~~student enrollment does not exceed the capacity of its facility. An~~
34 ~~authorizer may not restrict the number of students a charter school~~
35 ~~may enroll.))~~

36 (6) The maximum enrollment capacity of a district charter school
37 shall be determined by the local school district board. The initial
38 maximum enrollment capacity approved by the local school district
39 board must be established in the request for proposal as established

1 in RCW 28A.710.130, but the capacity may be adjusted each year at the
2 request of the district charter school board and with approval of the
3 local school district board. In determining the enrollment capacity,
4 the school district board shall at a minimum take into consideration
5 the district charter school's ability to: Facilitate the academic
6 success of its students; achieve the objectives specified in the
7 district charter contract; and assure that its student enrollment
8 does not exceed the capacity of its facility.

9 (7) Nothing in this section prevents (~~formation of~~) a school
10 district board from authorizing a district charter school whose
11 mission is to offer a specialized learning environment and services
12 for particular groups of students, such as at-risk students, students
13 with disabilities, or students who pose such severe disciplinary
14 problems that they warrant a specific educational program. Nothing in
15 this section prevents formation of a district charter school
16 organized around a special emphasis, theme, or concept as stated in
17 the school's application and district charter contract.

18 **Sec. 7.** RCW 28A.710.060 and 2013 c 2 s 206 are each amended to
19 read as follows:

20 (1) School districts must provide information to parents and the
21 general public about district charter schools and any other
22 alternative public schools located within the district as an
23 enrollment option for students.

24 (2) If a student who was previously enrolled in a district
25 charter school or charter school in Washington state during the
26 2015-16 school year enrolls in another public school in the state,
27 the student's new school must accept credits earned by the student in
28 the district charter school in the same manner and according to the
29 same criteria that credits are accepted from other public schools.

30 (3) A district charter school is eligible for state or district-
31 sponsored interscholastic programs, awards, scholarships, or
32 competitions to the same extent as other public schools.

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.710
34 RCW to read as follows:

35 (1) School district boards of directors may contract with a
36 private nonprofit entity to operate and manage a district charter
37 school located within the school district's own boundaries. The
38 nonprofit entity shall establish a district charter school board to

1 be responsible for executing the responsibilities delegated to it by
2 the school district board in accordance with the district charter
3 contract.

4 (2) A school district board intending to authorize a new district
5 charter school or conversion district charter school must provide
6 written notice by January 1st each year to the office of the
7 superintendent of public instruction and the state board of education
8 of this intent and the number of new district charter schools or
9 conversion district charter schools to be authorized.

10 **Sec. 9.** RCW 28A.710.100 and 2013 c 2 s 210 are each amended to
11 read as follows:

12 (1) (~~Authorizers~~) School district boards of directors that
13 choose to authorize district charter schools are responsible for:

14 (a) Soliciting and evaluating charter applications;

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

18 (c) Denying weak or inadequate charter applications;

19 (d) Negotiating and executing sound district charter contracts
20 with each authorized district charter school;

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

25 (f) Determining whether each district charter contract merits
26 renewal, nonrenewal, or revocation.

27 (2) (~~An authorizer~~) A school district board may delegate its
28 responsibilities under this section to (~~employees or contractors~~)
29 the district superintendent or superintendent's designee.

30 (3) All (~~authorizers~~) school district boards intending to
31 authorize district charter schools must develop and follow district
32 chartering policies and practices that are consistent with the
33 principles and standards for quality district charter authorizing
34 developed by the national association of charter school authorizers
35 in at least the following areas, but only to the extent that those
36 principles and standards are not in conflict with the provisions of
37 this chapter:

38 (a) Organizational capacity and infrastructure;

39 (b) Soliciting and evaluating charter applications;

1 (c) Performance contracting;

2 (d) Ongoing district charter school oversight and evaluation; and

3 (e) Charter renewal decision making.

4 (4) Each ((authorizer)) district charter school board must submit
5 an annual report to the ((state board of education, according to a
6 timeline, content, and format specified by the)) local school
7 district board, which at a minimum includes:

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

10 (b) The academic and financial performance of all operating
11 charter schools overseen by the authorizer, including the progress of
12 the charter schools based on the authorizer's performance framework;

13 (c) The status of the authorizer's charter school portfolio,
14 identifying all charter schools in each of the following categories:
15 Approved but not yet open, operating, renewed, transferred, revoked,
16 not renewed, voluntarily closed, or never opened;

17 (d) The authorizer's)) district charter school's progress towards
18 achieving the school district board's strategic vision for
19 chartering;

20 (b) The academic and financial performance of the district
21 charter school overseen by the district charter school board,
22 including the progress of the district charter school based on the
23 school district board's performance framework; and

24 (c) The district charter school board's operating costs and
25 expenses detailed in annual audited financial statements that conform
26 with generally accepted accounting principles((; and

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

30 (5) Neither ((an authorizer, individuals who comprise the
31 membership of an authorizer in their official capacity, nor the
32 employees of an authorizer)) a school district board, school district
33 board members in their official capacity, nor the employees of a
34 school district board are liable for acts or omissions of a district
35 charter school they authorize.

36 (6) No ((employee, trustee, agent, or representative of an
37 authorizer may simultaneously serve as an employee, trustee, agent,
38 representative, vendor, or contractor of a charter school under the
39 jurisdiction of that authorizer)) superintendent or representative of
40 the local school district board may receive compensation or payment

1 from the district charter school board or receive a payment of any
2 kind as an incentive to increase student enrollment in the district
3 charter school.

4 (7) No school district board may authorize a district charter
5 school to operate outside of its own district boundaries.

6 **Sec. 10.** RCW 28A.710.130 and 2013 c 2 s 213 are each amended to
7 read as follows:

8 ~~(1)((a) Each authorizer must annually issue and broadly~~
9 ~~publicize a request for proposals for charter school applicants by~~
10 ~~the date established by the state board of education under RCW~~
11 ~~28A.710.140.~~

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

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

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

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

22 ~~(iv) State clear, appropriately detailed questions as well as~~
23 ~~guidelines concerning the format and content essential for applicants~~
24 ~~to demonstrate the capacities necessary to establish and operate a~~
25 ~~successful charter school)) Except as allowed under subsection (6) of~~
26 this section, if a school district board intends to authorize a
27 district charter school, the request for proposals must:

28 (a) Present the school district board's strategic vision for
29 chartering, including a clear statement of any preferences the school
30 district board wishes to grant to applications that employ proven
31 methods for educating at-risk students or students with special
32 needs;

33 (b) Include or otherwise direct applicants to the performance
34 framework that the school district board has developed for district
35 charter school oversight and evaluation in accordance with RCW
36 28A.710.170;

37 (c) Provide the criteria that will guide the school district
38 board's decision to approve or deny a district charter application;

1 (d) State clear, appropriately detailed questions as well as
2 guidelines concerning the format and content essential for applicants
3 to demonstrate the capacities necessary to establish and operate a
4 successful district charter school;

5 (e) Include the preference for geographic location of the school
6 if there is a preference;

7 (f) Establish the initial maximum enrollment capacity of the
8 district charter school;

9 (g) Provide a clear statement of the degree of flexibility, if
10 any, that is to be granted to the district charter school in each of
11 the five areas listed in RCW 28A.710.020(5); and

12 (h) Provide a clear description of any other preferences or
13 restrictions as determined by the local school board that the
14 district charter school must be bound to.

15 (2) Except as allowed under subsection (6) of this section, a
16 district charter school application must provide or describe
17 thoroughly all of the following elements of the proposed school plan:

18 (a) An executive summary;

19 (b) The mission and vision of the proposed district charter
20 school, including identification of the targeted student population
21 and the community the school hopes to serve;

22 (c) The location or geographic area proposed for the district
23 charter school (~~and the school district within which the school will~~
24 ~~be located~~));

25 (d) The grades to be served each year for the full term of the
26 district charter contract;

27 (e) Minimum, planned, and maximum enrollment per grade per year
28 for the term of the district charter contract;

29 (f) Evidence of need and parent and community support for the
30 proposed district charter school;

31 (g) Background information on the proposed founding (~~governing~~)
32 district charter school board members and, if identified, the
33 proposed district charter school leadership and management team;

34 (h) The district charter school's proposed calendar and sample
35 daily schedule;

36 (i) A description of the academic program aligned with state
37 standards;

38 (j) A description of the district charter school's proposed
39 instructional design, including the type of learning environment;
40 class size and structure; curriculum overview; and teaching methods;

- 1 (k) Evidence that the educational program is based on proven
2 methods;
- 3 (l) The district charter school's plan for using internal and
4 external assessments to measure and report student progress on the
5 performance framework developed by the ((~~authorizer~~)) school district
6 board in accordance with RCW 28A.710.170;
- 7 (m) The district charter school's plans for identifying,
8 successfully serving, and complying with applicable laws and
9 regulations regarding students with disabilities, students who are
10 limited English proficient, students who are struggling academically,
11 and highly capable students;
- 12 (n) A description of cocurricular or extracurricular programs and
13 how they will be funded and delivered;
- 14 (o) Plans and timelines for student recruitment and enrollment,
15 including targeted plans for recruiting at-risk students and
16 including lottery procedures;
- 17 (p) The district charter school's student discipline policies,
18 including for special education students;
- 19 (q) An organization chart that clearly presents the district
20 charter school's organizational structure, including lines of
21 authority and reporting between the ((~~governing board,~~)) local school
22 district board, the district charter school board, district charter
23 school staff, any related bodies such as advisory bodies or parent
24 and teacher councils, and any external organizations that will play a
25 role in managing the district charter school;
- 26 (r) A clear description of the roles and responsibilities for the
27 ((~~governing~~)) district charter school board, the district charter
28 school's leadership and management team, and any other entities shown
29 in the organization chart;
- 30 (s) A staffing plan for the district charter school's first year
31 and for the term of the district charter contract;
- 32 (t) Plans for recruiting and developing district charter school
33 leadership and staff;
- 34 (u) The district charter school's leadership and teacher
35 employment policies, including performance evaluation plans and a
36 clear description of the due process protections that are to be
37 provided for the hiring and firing of district charter school
38 employees;
- 39 (v) Proposed governing bylaws;

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

4 (x) Explanations of any other partnerships or contractual
5 relationships central to the district charter school's operations or
6 mission;

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

9 (z) Opportunities and expectations for parent involvement;

10 (aa) A detailed district charter school start-up plan,
11 identifying tasks, timelines, and responsible individuals;

12 (bb) A description of the district charter school's financial
13 plan and policies, including financial controls and audit
14 requirements;

15 (cc) A description of the insurance coverage the district charter
16 school will obtain;

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

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

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

23 (3) In the case of an application to establish a conversion
24 district charter school, the (~~applicant must also demonstrate~~
25 ~~support for the proposed conversion by a petition signed by a~~
26 ~~majority of teachers assigned to the school or a petition signed by a~~
27 ~~majority of parents of students in the school.~~

28 ~~(4))~~ school district board shall establish additional
29 application materials that document community and staff support for
30 the proposal to convert the existing public school to a district
31 charter school.

32 (4) Except as allowed under subsection (6) of this section, in
33 the case of an application where the proposed district charter school
34 intends to contract with a nonprofit education service provider for
35 substantial educational services, management services, or both, the
36 applicant must:

37 (a) Provide evidence of the nonprofit education service
38 provider's success in serving student populations similar to the
39 targeted population, including demonstrated academic achievement as

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

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

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

15 (5) Except as allowed under subsection (6) of this section, in
16 the case of an application from an applicant that operates one or
17 more schools in any state or nation, the applicant must provide
18 evidence of past performance, including evidence of the applicant's
19 success in serving at-risk students, and capacity for growth.

20 (6) (~~Applicants may submit a proposal for a particular public~~
21 ~~charter school to no more than one authorizer at a time~~) In the case
22 that a charter school previously approved under prior state law
23 intends to submit an application to establish a district charter
24 school under this chapter, the school district board of directors may
25 develop and use an abbreviated application process that uses an
26 updated version of the school's previous charter application.

27 **Sec. 11.** RCW 28A.710.140 and 2013 c 2 s 214 are each amended to
28 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 must be followed by all authorizers.~~

32 ~~(2))~~ In reviewing and evaluating district charter applications,
33 (~~authorizers~~) school district boards shall employ procedures,
34 practices, and criteria consistent with nationally recognized
35 principles and standards for quality charter authorizing(~~-~~
36 ~~Authorizers~~) but only to the extent that those principles and
37 standards are not in conflict with this chapter. School district
38 boards shall give preference to applications for district charter
39 schools that are designed to enroll and serve at-risk student

1 populations: PROVIDED, That nothing in this chapter may be construed
2 as intended to limit the establishment of district charter schools to
3 those that serve a substantial portion of at-risk students or to in
4 any manner restrict, limit, or discourage the establishment of
5 district charter schools that enroll and serve other pupil
6 populations under a nonexclusive, nondiscriminatory admissions
7 policy. The application review process must include thorough
8 evaluation of each application, an in-person interview with the
9 applicant group, and an opportunity in a public forum including,
10 without limitation, parents, community members, local residents, and
11 school district board members and staff, to learn about and provide
12 input on each application.

13 ~~((3))~~ (2) In deciding whether to approve an application,
14 ~~((authorizers))~~ school district boards must:

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

19 (b) Base decisions on documented evidence collected through the
20 application review process;

21 (c) Follow district charter-granting policies and practices that
22 are transparent and based on merit; and

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

24 ~~((4))~~ (3) An approval decision may include, if appropriate,
25 reasonable conditions that the district charter applicant must meet
26 before a district charter contract may be executed.

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

31 (4) A school district board retains sole authority to deny an
32 application.

33 (5) A school district board may not approve more than the greater
34 of one or ten percent of the total number of public schools in the
35 district as district charter schools to be operational in the
36 district at the same time.

37 **Sec. 12.** RCW 28A.710.160 and 2013 c 2 s 216 are each amended to
38 read as follows:

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

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

28 (3) The district charter contract must be signed by the president
29 of the school district board of directors ((if the school district
30 board of directors is the authorizer or the chair of the commission
31 if the commission is the authorizer and by the president of the
32 charter school board. Within ten days of executing a charter
33 contract, the authorizer must submit to the state board of education
34 written notification of the charter contract execution, including a
35 copy of the executed charter contract and any attachments.

36 (4) A charter contract may govern one or more charter schools to
37 the extent approved by the authorizer. A single charter school board
38 may hold one or more charter contracts. However, each charter school
39 that is part of a charter contract must be separate and distinct from
40 any others and, for purposes of calculating the maximum number of

1 ~~charter schools that may be established under this chapter, each~~
2 ~~charter school must be considered a single charter school regardless~~
3 ~~of how many charter schools are governed under a particular charter~~
4 ~~contract)) and by the president of the district charter school board~~
5 ~~or, if the district charter school board has not yet been formed, a~~
6 ~~person authorized by the applicant to approve contracts.~~

7 (4) A district charter contract may govern one or more district
8 charter schools to the extent approved by the school district board.
9 A single district charter school board may hold one or more district
10 charter contracts. However, each district charter school that is part
11 of a district charter contract must be separate and distinct from any
12 others.

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

23 ~~((Authorizers))~~ School district boards may establish
24 ~~((reasonable))~~ any preopening or ongoing requirements or conditions
25 to monitor the ~~((start-up))~~ progress of ~~((newly approved))~~ district
26 charter schools and ensure that they are prepared to open smoothly on
27 the date agreed, and to ensure that each school meets all building,
28 health, safety, insurance, and other legal or district charter
29 contract requirements for school opening and operations.

30 (7) No district charter school may commence operations without a
31 district charter contract executed in accordance with this section.

32 **Sec. 13.** RCW 28A.710.170 and 2013 c 2 s 217 are each amended to
33 read as follows:

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

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

3 (a) Student academic proficiency;

4 (b) Student academic growth;

5 (c) Achievement gaps in both proficiency and growth between major
6 student subgroups;

7 (d) Attendance;

8 (e) Recurrent enrollment from year to year;

9 (f) Graduation rates and postsecondary readiness, for high
10 schools;

11 (g) Financial performance and sustainability; and

12 (h) District charter school board performance and stewardship,
13 including compliance with all applicable laws, rules, and terms of
14 the district charter contract.

15 (3) Annual performance targets must be set by each district
16 charter school in conjunction with ~~((its—authorizer))~~ the school
17 district board and must be designed to help each district charter
18 school meet applicable federal, state, and ~~((authorizer))~~ school
19 district expectations.

20 (4) The ~~((authorizer))~~ school district board and district charter
21 school may also include additional rigorous, valid, and reliable
22 indicators in the performance framework to augment external
23 evaluations of the district 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 district charter
29 contract or overseen by a single district charter school board must
30 report their performance as separate schools, and each district
31 charter school shall be held independently accountable for its
32 performance.

33 **Sec. 14.** RCW 28A.710.180 and 2013 c 2 s 218 are each amended to
34 read as follows:

35 (1) Each ~~((authorizer))~~ school district board must continually
36 monitor the performance ~~((and)),~~ legal compliance, and financial
37 solvency of the district charter schools it ~~((oversees))~~ has
38 authorized, including collecting and analyzing data to support

1 ongoing evaluation according to the performance framework in the
2 district charter contract.

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

11 (3) In the event that a district charter school's performance
12 (~~or~~), legal compliance, or finances appear(~~s~~) unsatisfactory, the
13 (~~authorizer~~) school district board must promptly notify the
14 district charter school of the perceived problem and provide
15 reasonable opportunity for the school to remedy the problem, unless
16 the problem warrants revocation in which case the revocation
17 procedures under RCW 28A.710.200 apply.

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

24 **Sec. 15.** RCW 28A.710.190 and 2013 c 2 s 219 are each amended to
25 read as follows:

26 (1) A district charter contract may be renewed by the
27 (~~authorizer~~) school district board, at the request of the district
28 charter school, for successive (~~five-year~~) seven-year terms,
29 although the (~~authorizer~~) school district board may vary the term
30 based on the performance, demonstrated capacities, and particular
31 circumstances of a district charter school and may grant renewal with
32 specific conditions for necessary improvements to a district charter
33 school.

34 (2) No later than six months before the expiration of a district
35 charter contract, the (~~authorizer~~) school district board must issue
36 a performance report and district charter contract renewal
37 application guidance to that district charter school. The performance
38 report must summarize the district charter school's performance
39 record to date based on the data required by the district charter

1 contract, and must provide notice of any weaknesses or concerns
2 perceived by the ((~~authorizer~~)) school district board concerning the
3 district charter school that may jeopardize its position in seeking
4 renewal if not timely rectified. The district charter school has
5 thirty days to respond to the performance report and submit any
6 corrections or clarifications for the report.

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

9 (a) Present additional evidence, beyond the data contained in the
10 performance report, supporting its case for district charter contract
11 renewal;

12 (b) Describe improvements undertaken or planned for the school;
13 and

14 (c) Detail the district charter school's plans for the next
15 district charter contract term.

16 (4) The renewal application guidance must include or refer
17 explicitly to the criteria that will guide the ((~~authorizer's~~))
18 school district board's renewal decisions, which shall be based on
19 the performance framework set forth in the district charter contract.

20 (5) In making district charter contract renewal decisions, ((~~a~~
21 ~~authorizer~~)) a school district board must:

22 (a) Ground its decisions in evidence of the district charter
23 school's performance over the term of the district charter contract
24 in accordance with the performance framework set forth in the
25 district charter contract; and

26 (b) Ensure that data used in making renewal decisions are
27 available to the school and the public((~~;~~~~and~~

28 ~~(c) Provide a public report summarizing the evidence basis for~~
29 ~~its decision)).~~

30 (6) Nothing in this section restricts a school district board
31 from nonrenewal of a district charter school for any reason.

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

34 (1) A district charter contract may be revoked without notice and
35 at any time or not renewed if the ((~~authorizer~~)) school district
36 board determines that the district charter school did any of the
37 following or otherwise failed to comply with the provisions of this
38 chapter:

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

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

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

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

10 (2) A district charter contract may ~~((not be renewed if, at the~~
11 ~~time of the renewal application, the charter school's performance~~
12 ~~falls in the bottom quartile of schools on the accountability index~~
13 ~~developed by the state board of education under RCW 28A.657.110,~~
14 ~~unless the charter school demonstrates exceptional circumstances that~~
15 ~~the authorizer finds justifiable)) be revoked entirely at the~~
16 ~~discretion of the school district board but only if notice is~~
17 ~~provided by September 1st of the year prior to the school year that~~
18 ~~the revocation is intended to take effect.~~

19 (3) Each ~~((authorizer))~~ school district board that authorizes a
20 district charter school must develop revocation and nonrenewal
21 processes that:

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

25 (b) Allow the district charter school board a reasonable amount
26 of time in which to prepare a response;

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

31 ~~((Allow the charter school board to be represented by counsel~~
32 ~~and to call witnesses on its behalf; and~~

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

36 (e) Provide a process for liquidation of assets and district
37 financial recovery of outstanding debts.

38 ~~((4) If an authorizer revokes or does not renew a charter, the~~
39 ~~authorizer must clearly state in a resolution the reasons for the~~
40 ~~revocation or nonrenewal.~~

1 ~~(5) Within ten days of taking action to renew, not renew, or~~
2 ~~revoke a charter contract, an authorizer must submit a report of the~~
3 ~~action to the applicant and to the state board of education, which~~
4 ~~must include a copy of the authorizer's resolution setting forth the~~
5 ~~action taken, the reasons for the decision, and assurances of~~
6 ~~compliance with the procedural requirements established by the~~
7 ~~authorizer under this section.))~~

8 **Sec. 17.** RCW 28A.710.210 and 2013 c 2 s 221 are each amended to
9 read as follows:

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

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

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

1 **Sec. 18.** RCW 28A.710.220 and 2013 c 2 s 222 are each amended to
2 read as follows:

3 (1) District charter schools must report student enrollment in
4 the same manner and based on the same definitions of enrolled
5 students and annual average full-time equivalent enrollment as other
6 public schools. District charter schools must comply with applicable
7 reporting requirements to receive state or federal funding that is
8 allocated based on student characteristics.

9 (2) According to the schedule established under RCW 28A.510.250,
10 the superintendent of public instruction shall allocate funding for a
11 district charter school including general apportionment, special
12 education, categorical, and other nonbasic education moneys.
13 Allocations must be based on the (~~statewide~~) district average staff
14 mix ratio (~~of all noncharter public schools from the prior school~~
15 ~~year~~) and the school's (~~actual~~) full-time equivalent enrollment.
16 Categorical funding must be allocated to a district charter school
17 based on the same funding criteria used for noncharter public schools
18 and the funds must be expended as provided in the district charter
19 contract. A district charter school is eligible to apply for state
20 grants on the same basis as a school district and must coordinate
21 such application through the school district board.

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

28 (4) Amounts payable to a district charter school by the office of
29 the superintendent of public instruction and the school district
30 under this section in the district charter school's first year of
31 operation must be based on the projections of first-year student
32 enrollment established in the district charter contract. The office
33 of the superintendent of public instruction must reconcile the
34 amounts paid in the first year of operation to the amounts that would
35 have been paid based on actual student enrollment and make
36 adjustments to the district charter school's allocations over the
37 course of the second year of operation. The district's apportionment
38 payments must be adjusted by the office of the superintendent of
39 public instruction to ensure the state's recovery of the funds.

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

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

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

13 (8)) School districts must provide district charter schools with
14 levy and local effort assistance revenue on a per pupil basis. The
15 method for determining the amount of local levy and local effort
16 assistance revenue must be agreed to by the school district board and
17 the district charter school board as part of the district charter
18 contract.

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

24 ((9)) (8) Any moneys received by a district charter school from
25 any source and remaining in the school's accounts at the end of any
26 budget year shall remain in the school's accounts for use by the
27 school during subsequent budget years.

28 **Sec. 19.** RCW 28A.710.230 and 2013 c 2 s 223 are each amended to
29 read as follows:

30 (1) (~~Charter schools are eligible for state matching funds for~~
31 ~~common school construction)) District charter schools should be
32 included in district facility planning. School districts providing
33 facilities that serve district charter school students are eligible
34 for state matching funds for common school construction. District
35 charter school facilities not owned by the school district may
36 request state construction funds through the office of the
37 superintendent of public instruction's biannual budget request
38 process. The superintendent of public instruction may create rules
39 for a district charter school facility funding process.~~

1 (2) A district charter school has a right of first refusal to
2 purchase or lease at or below fair market value a closed public
3 school facility or property or unused portions of a public school
4 facility or property located in (~~a school district from which it~~
5 ~~draws its students if the school district decides to sell or lease~~
6 ~~the public school facility or property pursuant to RCW 28A.335.040 or~~
7 ~~28A.335.120~~) the school district in which the district charter
8 school is located.

9 (3) A district charter school may negotiate and contract with a
10 school district, the governing body of a public college or
11 university, or any other public or private entity for the use of a
12 facility for a school building at or below fair market rent. The
13 health and safety regulations applicable to kindergarten through
14 twelfth grade public schools are still applicable to any facilities
15 used under the authority of this section.

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

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

35 **Sec. 20.** RCW 28A.710.240 and 2013 c 2 s 224 are each amended to
36 read as follows:

37 Years of service in a district charter school by certificated
38 instructional staff shall be included in the years of service
39 calculation for purposes of the statewide salary allocation schedule

1 under RCW 28A.150.410. This section does not require a district
2 charter school to pay a particular salary to its staff while the
3 staff is employed by the district charter school.

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

6 Public schools means the common schools as referred to in Article
7 IX of the state Constitution, including district charter schools
8 established under chapter 28A.710 RCW, and those schools and
9 institutions of learning having a curriculum below the college or
10 university level as now or may be established by law and maintained
11 at public expense.

12 **Sec. 22.** RCW 28A.315.005 and 2013 c 2 s 302 are each amended to
13 read as follows:

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

23 (2) Local school districts are political subdivisions of the
24 state and the organization of such districts, including the powers,
25 duties, and boundaries thereof, may be altered or abolished by laws
26 of the state of Washington.

27 **Sec. 23.** RCW 41.32.033 and 2013 c 2 s 303 are each amended to
28 read as follows:

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

1 **Sec. 24.** RCW 41.35.035 and 2013 c 2 s 304 are each amended to
2 read as follows:

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

11 **Sec. 25.** RCW 41.40.025 and 2013 c 2 s 305 are each amended to
12 read as follows:

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

21 **Sec. 26.** RCW 41.56.0251 and 2013 c 2 s 307 are each amended to
22 read as follows:

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

32 **Sec. 27.** RCW 41.59.031 and 2013 c 2 s 308 are each amended to
33 read as follows:

34 This chapter applies to any district charter school established
35 under chapter 28A.710 RCW. Any bargaining unit or units established
36 at the district charter school must be limited to employees working
37 in the district charter school and must be separate from other

1 bargaining units in school districts, educational service districts,
2 or institutions of higher education. Any district charter school
3 established under chapter 28A.710 RCW is a separate employer from any
4 school district, including the school district in which it is
5 located.

6 **Sec. 28.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted and
7 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

36 (10) "Faculty" means an academic employee of an institution of
37 higher education whose workload is not defined by work hours but
38 whose appointment, workload, and duties directly serve the
39 institution's academic mission, as determined under the authority of

1 its enabling statutes, its governing body, and any applicable
2 collective bargaining agreement.

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

7 (12) "Insuring entity" means an insurer as defined in chapter
8 48.01 RCW, a health care service contractor as defined in chapter
9 48.44 RCW, or a health maintenance organization as defined in chapter
10 48.46 RCW.

11 (13) "Medical flexible spending arrangement" means a benefit plan
12 whereby state and public employees may reduce their salary before
13 taxes to pay for medical expenses not reimbursed by insurance as
14 provided in the salary reduction plan under this chapter pursuant to
15 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

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

19 (15) "Plan year" means the time period established by the
20 authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **Sec. 29.** RCW 28A.150.220 and 2014 c 217 s 201 are each amended
33 to read as follows:

34 (1) In order for students to have the opportunity to develop the
35 basic education knowledge and skills under RCW 28A.150.210, school
36 districts must provide instruction of sufficient quantity and quality
37 and give students the opportunity to complete graduation requirements
38 that are intended to prepare them for postsecondary education,
39 gainful employment, and citizenship. The program established under

1 this section shall be the minimum instructional program of basic
2 education offered by school districts.

3 (2) Except as allowed for district charter schools under the
4 provisions in chapter 28A.710 RCW, each school district shall make
5 available to students the following minimum instructional offering
6 each school year:

7 (a) For students enrolled in grades one through twelve, at least
8 a district-wide annual average of one thousand hours, which shall be
9 increased beginning in the 2015-16 school year to at least one
10 thousand eighty instructional hours for students enrolled in grades
11 nine through twelve and at least one thousand instructional hours for
12 students in grades one through eight, all of which may be calculated
13 by a school district using a district-wide annual average of
14 instructional hours over grades one through twelve; and

15 (b) For students enrolled in kindergarten, at least four hundred
16 fifty instructional hours, which shall be increased to at least one
17 thousand instructional hours according to the implementation schedule
18 under RCW 28A.150.315.

19 (3) The instructional program of basic education provided by each
20 school district shall include:

21 (a) Instruction in the essential academic learning requirements
22 under RCW 28A.655.070;

23 (b) Instruction that provides students the opportunity to
24 complete twenty-four credits for high school graduation, beginning
25 with the graduating class of 2019 or as otherwise provided in RCW
26 28A.230.090. Course distribution requirements may be established by
27 the state board of education under RCW 28A.230.090;

28 (c) If the essential academic learning requirements include a
29 requirement of languages other than English, the requirement may be
30 met by students receiving instruction in one or more American Indian
31 languages;

32 (d) Supplemental instruction and services for underachieving
33 students through the learning assistance program under RCW
34 28A.165.005 through 28A.165.065;

35 (e) Supplemental instruction and services for eligible and
36 enrolled students and exited students whose primary language is other
37 than English through the transitional bilingual instruction program
38 under RCW 28A.180.010 through 28A.180.080;

1 (f) The opportunity for an appropriate education at public
2 expense as defined by RCW 28A.155.020 for all eligible students with
3 disabilities as defined in RCW 28A.155.020; and

4 (g) Programs for highly capable students under RCW 28A.185.010
5 through 28A.185.030.

6 (4) Nothing contained in this section shall be construed to
7 require individual students to attend school for any particular
8 number of hours per day or to take any particular courses.

9 (5)(a) Each school district's kindergarten through twelfth grade
10 basic educational program shall be accessible to all students who are
11 five years of age, as provided by RCW 28A.225.160, and less than
12 twenty-one years of age and shall consist of a minimum of one hundred
13 eighty school days per school year in such grades as are conducted by
14 a school district, and one hundred eighty half-days of instruction,
15 or equivalent, in kindergarten, to be increased to a minimum of one
16 hundred eighty school days per school year according to the
17 implementation schedule under RCW 28A.150.315.

18 (b) Schools administering the Washington kindergarten inventory
19 of developing skills may use up to three school days at the beginning
20 of the school year to meet with parents and families as required in
21 the parent involvement component of the inventory.

22 (c) In the case of students who are graduating from high school,
23 a school district may schedule the last five school days of the one
24 hundred eighty day school year for noninstructional purposes
25 including, but not limited to, the observance of graduation and early
26 release from school upon the request of a student. All such students
27 may be claimed as a full-time equivalent student to the extent they
28 could otherwise have been so claimed for the purposes of RCW
29 28A.150.250 and 28A.150.260. Any hours scheduled by a school district
30 for noninstructional purposes during the last five school days for
31 such students shall count toward the instructional hours requirement
32 in subsection (2)(a) of this section.

33 (6) Nothing in this section precludes a school district from
34 enriching the instructional program of basic education, such as
35 offering additional instruction or providing additional services,
36 programs, or activities that the school district determines to be
37 appropriate for the education of the school district's students.

38 (7) The state board of education shall adopt rules to implement
39 and ensure compliance with the program requirements imposed by this
40 section, RCW 28A.150.250 and 28A.150.260, and such related

1 supplemental program approval requirements as the state board may
2 establish.

3 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 28A.710.005 (Findings—2013 c 2 (Initiative Measure No.
6 1240)) and 2013 c 2 s 101;

7 (2) RCW 28A.710.070 (Washington charter school commission) and
8 2013 c 2 s 208;

9 (3) RCW 28A.710.080 (Charter school authorizers—Eligibility) and
10 2013 c 2 s 207;

11 (4) RCW 28A.710.090 (Charter school authorizers—Approval process)
12 and 2013 c 2 s 209;

13 (5) RCW 28A.710.110 (Authorizer oversight fee—Establishment—Use)
14 and 2013 c 2 s 211;

15 (6) RCW 28A.710.120 (Oversight of authorizers—Notification of
16 identified problems—Process for revocation of authorizer's authority
17 —Timelines for actions) and 2013 c 2 s 212;

18 (7) RCW 28A.710.150 (Maximum number of charter schools—Process—
19 Certification—Lottery—Notice) and 2013 c 2 s 215; and

20 (8) RCW 28A.710.250 (Annual reports—Recommendation regarding
21 additional schools) and 2013 c 2 s 225.

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