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**SUBSTITUTE SENATE BILL 5418**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, Chapman, Harris, and Nobles)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to charter school contracts; and amending RCW  
2 28A.710.040, 28A.710.160, and 28A.300.750.

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

4 **Sec. 1.** RCW 28A.710.040 and 2023 c 356 s 3 are each amended to  
5 read as follows:

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

8 (2) A charter school must:

9 (a) Comply with local, state, and federal health, safety,  
10 parents' rights, civil rights, and nondiscrimination laws applicable  
11 to school districts and to the same extent as school districts,  
12 including but not limited to chapter 28A.642 RCW (discrimination  
13 prohibition), chapter 28A.640 RCW (sexual equality), chapter 28A.180  
14 RCW (transitional bilingual instruction program), and chapter 28A.155  
15 RCW (special education);

16 (b) Provide a program of basic education(~~(7)~~) that meets the  
17 goals in RCW 28A.150.210, including instruction in the state learning  
18 standards, unless an exemption has been authorized pursuant to the  
19 charter contract, and participate in the statewide student assessment  
20 system as developed under RCW 28A.655.070;

1 (c) Comply with the screening and intervention requirements under  
2 RCW 28A.320.260;

3 (d) Employ certificated instructional staff as required in RCW  
4 28A.410.025. Charter schools, however, may hire noncertificated  
5 instructional staff of unusual competence and in exceptional cases as  
6 specified in RCW 28A.150.203(7), according to the same limited  
7 exceptions that apply to other public schools. Beginning November 1,  
8 2023, and annually thereafter, charter schools shall report the  
9 employment of all noncertificated instructional staff hired in  
10 accordance with this subsection (2)(d) during the current and  
11 preceding school year to the executive director of the commission and  
12 the state board of education for inclusion in the annual report  
13 required by RCW 28A.710.250;

14 (e) Comply with the employee record check requirements in RCW  
15 28A.400.303;

16 (f) Adhere to generally accepted accounting principles and be  
17 subject to financial examinations and audits as determined by the  
18 state auditor, including annual audits for legal and fiscal  
19 compliance;

20 (g) Comply with the annual performance report under RCW  
21 28A.655.110;

22 (h) Be subject to the performance improvement goals adopted by  
23 the state board of education under RCW 28A.305.130;

24 (i) Comply with the open public meetings act in chapter 42.30 RCW  
25 and public records requirements in chapter 42.56 RCW; and

26 (j) Be subject to and comply with legislation enacted after  
27 December 6, 2012, that governs the operation and management of  
28 charter schools.

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

1 (4) A charter school may not engage in any sectarian practices in  
2 its educational program, admissions or employment policies, or  
3 operations.

4 (5) Charter schools are subject to the supervision of the  
5 superintendent of public instruction and the state board of  
6 education, including accountability measures such as the Washington  
7 achievement index developed by the state board of education under RCW  
8 28A.657.110, to the same extent as other public schools, except as  
9 otherwise provided in this chapter.

10 **Sec. 2.** RCW 28A.710.160 and 2020 c 49 s 4 are each amended to  
11 read as follows:

12 (1) The purposes of the charter application submitted under RCW  
13 28A.710.130 are to present the proposed charter school's academic and  
14 operational vision and plans, and to demonstrate and provide the  
15 authorizer with a clear basis for evaluating the applicant's  
16 capacities to execute the proposed vision and plans. An approved  
17 charter application does not serve as the school's charter contract.

18 (2) Within (~~ninety~~) 90 days of approval of a charter  
19 application, the authorizer and the governing board of the approved  
20 charter school must execute a charter contract. The contract must  
21 establish the terms by which the charter school agrees to provide  
22 educational services that, at a minimum, meet basic education  
23 standards, in return for a distribution of public funds that will be  
24 used for the purposes established in the contract and in this and  
25 other applicable statutes. The charter contract may allow the charter  
26 school to seek an exemption under RCW 28A.300.750. The authorizer  
27 shall consult with the state board of education on provisions within  
28 new or revised charter contracts relating to the duties or  
29 authorizations of the state board of education. The charter contract  
30 must clearly set forth the academic and operational performance  
31 expectations and measures by which the charter school will be  
32 evaluated and the administrative relationship between the authorizer  
33 and charter school, including each party's rights and duties. The  
34 performance expectations and measures set forth in the charter  
35 contract must include, but need not be limited to, applicable federal  
36 and state accountability requirements. The performance provisions may  
37 be refined or amended by mutual agreement after the charter school is  
38 operating and has collected baseline achievement data for its  
39 enrolled students.

1 (3) If the charter school is authorized by a school district  
2 board of directors, the charter contract must be signed by the  
3 president of the applicable school district board of directors and  
4 the president of the charter school board. If the charter school is  
5 authorized by the commission, the charter contract must be signed by  
6 the chair of the commission and the president of the charter school  
7 board. Within (~~ten~~) 10 days of executing a charter contract, the  
8 authorizer must submit to the state board of education written  
9 notification of the charter contract execution, including a copy of  
10 the executed charter contract and any attachments.

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

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

28 (6) Authorizers shall establish reasonable preopening  
29 requirements or conditions to monitor the start-up progress of newly  
30 approved charter schools, ensure that they are prepared to open  
31 smoothly on the date agreed, and ensure that each school meets all  
32 building, health, safety, insurance, and other legal requirements for  
33 school opening.

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

36 **Sec. 3.** RCW 28A.300.750 and 2024 c 66 s 12 are each amended to  
37 read as follows:

38 (1)(a) In accordance with the criteria adopted by the state board  
39 of education under subsection (2) of this section, the superintendent

1 of public instruction may grant waivers to school districts and  
2 charter schools established under chapter 28A.710 RCW from the  
3 provisions of RCW 28A.150.200 through 28A.150.220, except as provided  
4 in (b) of this subsection, on the basis that such waiver or waivers  
5 are necessary to implement successfully a local plan to provide for  
6 all students in the district or charter school an effective education  
7 system that is designed to enhance the educational program for each  
8 student. The local plan may include alternative ways to provide  
9 effective educational programs for students who experience difficulty  
10 with the regular education program.

11 (b) The state board of education shall have authority to grant  
12 waivers to school districts and charter schools established under  
13 chapter 28A.710 RCW from the provisions of RCW 28A.150.220(3)(b) and  
14 to grant the waivers set forth in RCW 28A.230.090(2) and 28A.655.180.

15 (2) The state board of education shall adopt rules establishing  
16 the criteria to evaluate the need for a waiver or waivers under this  
17 section.

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