

HOUSE BILL REPORT

ESHB 1147

As Passed House:

March 11, 1995

Title: An act relating to charter schools.

Brief Description: Authorizing charter schools.

Sponsors: By House Committee on Education (originally sponsored by Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund, Dyer and Sheldon).

Brief History:

Committee Activity:

Education: 2/21/95, 2/28/95 [DPS].

Floor Activity:

Passed House: 3/11/95, 72-19.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Minority Report: Do not pass. Signed by 2 members: Representatives Cole, Ranking Minority Member; and Fuhrman.

Staff: Robert Butts (786-7111).

Background: Charter schools are sponsor-created and administered public schools that operate under a contract between a school district or the state. Charter schools are exempted from most state and local laws and regulations, but are required to show that their students have gained the educational skills that the school and its sponsor agreed to in the contract.

Charter schools have been formed for at-risk students, to concentrate on vocational/technical skills, to teach children American Sign Language, to offer a "holistic" approach to learning, and to implement a variety of other instructional approaches.

Summary of Bill: The legislation provides for the creation of charter schools, which operate independently of school districts. These schools may not be affiliated with a sectarian school or a religious institution.

The goals of charter schools are provided. The goals include providing alternative learning opportunities for students, encouraging the use of different and innovative teaching methods, creating new professional opportunities for teachers, and encouraging performance-based education programs.

Eligibility

Existing public schools, nonprofit organizations or cooperatives, and public teacher preparation programs are eligible to submit an application. Existing public schools may apply if at least 50 percent of the schools' teachers and parents agree to submit an application. Approved private schools and organizations promoting sectarian beliefs are not eligible to apply to become a charter school.

Application

The State Board of Education (SBE) is to develop an application form that includes:

- a) a description of the charter school's proposed educational program, and a discussion of how the program will achieve the student learning goals in RCW 28A.150.210;
- b) specific learning standards that students are to achieve;
- c) admission policies and procedures;
- d) a proposed five-year budget;
- e) governance, management, and financial policies and procedures; and
- f) program evaluation and financial audit procedures.

Approval process

Applications are to be submitted to the board of directors of the school district in which the proposed charter school is to be located. School boards have 90 days to approve or disapprove the application. If the school board rejects the application, the application may be submitted to the SBE for approval or disapproval.

No more than 10 charter schools state-wide, and one per district, may be operating in any school year.

The approval shall be in the form of a written contract between the approving agency and the board of trustees of the charter school. The approving agency is given broad authority in establishing the terms and conditions of the contract, consistent with the act.

The contract must include such things as specific learning requirements that students are to achieve; admission policies and procedures; governance, management, and

financial policies; insurance and liability requirements; and program evaluation and financial audit requirements.

Contracts may be up to five school years, and may be renewed for up to an additional five-year period.

Conditions and Requirements

Charter schools must:

- a) have programs consistent with the state basic education goals and the essential academic learning requirements developed for the goals;
- b) offer instruction for at least 450 hours for kindergarten and 1,000 hours for grades one through 12;
- c) comply with handicapped student laws and regulations;
- d) administer state-wide assessments and participate in other applicable state-wide accountability programs;
- e) be nonsectarian in their programs, admissions policies, employment practices, and all other operations;
- f) not charge tuition;
- g) have financial audits similar to school districts; and
- h) report annually to the approving agency and the parents.

Except as specified in the bill, charter schools are to be exempt from all other statutes and rules applicable to a school board or district, with the exception of health, safety, and civil rights requirements.

Admission of Students

Charter schools may limit admission to students within an age group or grade level, or residents of a specific geographic area as long as the school reflects the racial and ethnic diversity of that specific area.

If the number of applications exceeds the program's capacity, students shall be accepted by lot, with first priority going to students from the school district in which the school is located.

Charter schools may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability.

Board of Trustees

Before submitting an application, a board of trustees and bylaws must be established.

The board shall be the school's governing board, and shall consist of teachers, parents, and other individuals.

Teachers hired by the board must be certificated.

Funding/space

The Superintendent of Public Instruction shall provide funds to charter schools based on the estimated state-wide annual average FTE student basic education allocation. In addition, special education, learning assistance program, and bilingual instruction program funding shall be provided.

Charter schools also are to receive an amount equal to the per student excess tax levy of the district from which the charter school students come.

Money received from the state shall not be used to purchase land or buildings.

If school districts have excess classroom space, facilities, and buildings suitable for a charter school, the school district shall make such space and facilities available to the charter school.

Termination of Contracts

A process for terminating contracts is provided.

Transportation

If a charter school provides transportation for students enrolled in the school, transportation funding shall be based on the average full-time equivalent transportation allocation for the district in which the school is located.

Leaves of absence/retirement

Provisions are included that require school districts to grant employees leaves of absence if they want to work in a charter school. During the leave, the employee may continue to aggregate benefits and credits in the employee's retirement system account if appropriate employee and employer contributions are made.

Employees may, if they choose to, be under collective bargaining laws and regulations.

Information

The state Board of Education is directed to distribute information on charter schools.

LBC study

The Legislative Budget Committee (LBC) is directed to study the progress of the charter schools and report to the Legislature by December 15, 1997.

If funding is not provided in the state operating budget, the bill will be null and void.

Appropriation: None.

Fiscal Note: Requested on February 15, 1995.

Effective Date of Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Charter schools will result in increased parental involvement, shared decision-making, more responsive schools, and expanded parental choice. They also promote teacher professionalism and school accountability. They will enrich the public school system by serving as models and laboratories.

Testimony Against: The lack of public accountability is a major concern. HB 1209 and the student learning improvement grants are a major step in this direction: let them evolve before you take this step. The creation of charter schools will be very disruptive to school districts and school boards.

Testified: Representative Quall, prime sponsor (pro); Tim Young, Central Washington University (pro); Walter Ball, Association of Washington School Principals (pro with concerns); Gail McBride, New Century High School (pro); Dwayne Slate, Washington State School Directors' Association (con); Frank Dooling, America Online (pro); Barbara Mertens, Washington Association of School Administrators (con); Jeanne Lohmann, citizen (pro); Judy Hartmann, Washington Education Association (pro with concerns); and Tom Erickson, citizen (pro).