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ENGROSSED SUBSTITUTE HOUSE BILL 1147

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State of Washington

54th Legislature

1995 Regular Session

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

Read first time 03/01/95.

1 AN ACT Relating to charter schools; adding a new chapter to Title  
2 28A RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** PURPOSE. (1) The purpose of this chapter is  
5 to authorize the creation of charter schools. Charter schools are  
6 public schools that operate independently of school districts. Charter  
7 schools may not be affiliated with a sectarian school or a religious  
8 institution.

9 (2) The goals of charter schools shall include, but are not  
10 limited, to the following:

11 (a) Improving student learning;

12 (b) Providing alternative learning opportunities for students in  
13 public schools, especially students with special needs and students who  
14 are at risk of academic failure;

15 (c) Encouraging the use of different and innovative teaching  
16 methods, including special approaches for targeted age populations;

17 (d) Creating new professional opportunities for teachers, including  
18 the opportunity to be responsible for the learning program at the  
19 school site;

- 1 (e) Encouraging performance-based education programs;
- 2 (f) Establishing new forms of accountability for schools; and
- 3 (g) Encouraging the use of innovative assessment methods designed
- 4 to measure student performance and mastery of desired skills more
- 5 accurately.

6 NEW SECTION. **Sec. 2.** APPLICATION PROCESS. (1) Entities eligible

7 to submit an application to establish a charter school include existing

8 public schools, nonprofit organizations or cooperatives, and public

9 college and university teacher preparation programs. An existing

10 public school may apply to become a charter school if at least fifty

11 percent of the teachers employed in the school and fifty percent of

12 parents of students attending the school agree to submit an

13 application. Approved private schools and organizations promoting

14 sectarian beliefs are not eligible to apply to become a charter school.

15 (2) By September 1, 1995, the state board of education shall

16 develop an application form for charter schools. The application form

17 shall include, but not be limited to, the following elements:

18 (a) A description of the charter school's proposed educational

19 program, and a discussion of how the program will achieve the goals of

20 section 1 of this act and the student learning goals in RCW

21 28A.150.210;

22 (b) Specific learning standards that students are to achieve;

23 (c) Admission policies and procedures;

24 (d) A proposed five-year budget;

25 (e) Governance, management, and financial policies and procedures;

26 and

27 (f) Program evaluation and financial audit procedures.

28 NEW SECTION. **Sec. 3.** APPROVAL PROCESS. (1) Charter school

29 applications shall be submitted to the board of directors of the school

30 district in which the proposed charter school will be located. School

31 boards shall approve or disapprove a charter application within ninety

32 days of submittal. If the school board rejects the application, the

33 application may be submitted to the state board of education for

34 approval or disapproval.

35 (2) The total number of charter schools operating in the state in

36 any school year shall not exceed ten, with not more than one charter

37 school in any single school district. For purposes of implementing

1 this subsection, a school district shall notify the state board of  
2 education when it receives a charter school application, when it  
3 approves a charter school pursuant to this section, and when a charter  
4 school contract expires or is terminated. Once ten charter schools are  
5 approved by school boards or the state board of education, the state  
6 board shall notify school districts. The state board also shall notify  
7 school districts when additional charter schools may be approved due to  
8 charter school contract expirations or terminations.

9 (3) The approval of a charter school shall be in the form of a  
10 written contract between the approving agency and the board of trustees  
11 of the charter school. Except as provided in this chapter, the school  
12 district and the state board of education have broad authority in  
13 establishing the terms and conditions of the contract. At a minimum,  
14 the contract shall include:

15 (a) The applicable requirements of this chapter;

16 (b) Other educational program requirements;

17 (c) Specific learning requirements that students are to achieve;

18 (d) Admission policies and procedures;

19 (e) Governance, management, and financial policies and procedure  
20 requirements;

21 (f) Insurance and liability requirements that provide reasonable  
22 financial protection against loss; and

23 (g) Program evaluation and financial audit requirements.

24 (4) The term of the contract shall be no longer than five school  
25 years. Contracts may be renewed by the approving agency for up to an  
26 additional five-year period.

27 NEW SECTION. **Sec. 4.** CONDITIONS AND REQUIREMENTS. (1) The  
28 primary focus of charter schools shall be to provide a comprehensive  
29 program of instruction for at least one grade or age group from five  
30 through eighteen years of age.

31 (2) Charter schools shall design their programs to be consistent  
32 with the goals in RCW 28A.150.210 and the essential academic learning  
33 requirements developed for the goals. Before implementation of the  
34 essential academic learning requirements, the schools shall meet the  
35 learning requirements contained in the school's contract.

36 (3) Charter schools shall provide instruction each year and shall  
37 make available to students enrolled in kindergarten at least a total  
38 instructional offering of four hundred fifty hours. Charter schools

1 shall make available to students enrolled in grades one through twelve  
2 at least a school-wide average total instructional hour offering of one  
3 thousand hours. As used in this subsection, "instructional hours"  
4 means those hours students are provided the opportunity to engage in  
5 educational activity planned by and under the direction of school  
6 staff, inclusive of intermissions for class changes, recess, and  
7 teacher-parent or teacher-guardian conferences that are planned and  
8 scheduled by the school for the purpose of discussing students'  
9 educational needs or progress, and exclusive of time actually spent for  
10 meals.

11 (4) A charter school shall comply with chapter 28A.155 RCW and  
12 rules relating to the education of handicapped students as though it  
13 were a school district.

14 (5) Charter schools shall annually administer the state-wide  
15 assessments in RCW 28A.230.190 through 28A.230.240, and have students  
16 participate in the assessments developed by the commission on student  
17 learning in RCW 28A.630.885 when the assessments are implemented. The  
18 schools also shall participate in other applicable state-wide  
19 accountability programs.

20 (6) Charter schools shall be nonsectarian in their programs,  
21 admissions policies, employment practices, and all other operations.

22 (7) Charter schools shall not charge tuition.

23 (8) Except as provided in this chapter, charter schools shall be  
24 exempt from all statutes and rules applicable to a school board or  
25 district, although they may elect to comply with one or more provisions  
26 of these statutes or rules. However, charter schools shall meet the  
27 same health, safety, and civil rights requirements as those required of  
28 a school district.

29 (9) Charter schools shall be subject to financial audits, audit  
30 procedures, and audit requirements similar to that required of a school  
31 district.

32 (10) Charter schools shall report at least annually to their  
33 approving agency and parents.

34 NEW SECTION. **Sec. 5.** ADMISSION OF STUDENTS. (1) A charter school  
35 may limit admission to the following:

36 (a) Students within an age group or grade level; or

37 (b) Residents of a specific geographic area if the percentage of  
38 the population of non-Caucasian people in the geographic area is

1 greater than the percentage of the non-Caucasian population in the  
2 school district in which the geographic area is located, as long as the  
3 school reflects the racial and ethnic diversity of that specific area.

4 (2) A charter school shall enroll a student who submits a timely  
5 application, unless the number of applications exceeds the capacity of  
6 a program, class, grade level, or building. In this case, students  
7 shall be accepted by lot, with first priority going to students from  
8 the school district in which the school is located.

9 (3) A charter school shall not limit admission to students on the  
10 basis of intellectual ability, measures of achievement or aptitude, or  
11 athletic ability.

12 NEW SECTION. **Sec. 6.** BOARD OF TRUSTEES. (1) Before submitting an  
13 application, a board of trustees shall be established. Bylaws  
14 containing the terms and qualifications of the board also shall be  
15 adopted before applications are submitted.

16 (2) The board of trustees shall be the school's governing board,  
17 and shall consist of teachers employed in the charter school, parents  
18 of students enrolled in the charter school, and other individuals.  
19 Consistent with their contract, the board of trustees may exercise  
20 broad discretionary power for the development and implementation of  
21 programs, activities, and services for the students enrolled in the  
22 school.

23 (3) The board of trustees shall employ and contract with teachers,  
24 as defined by chapters 28A.405 and 28A.410 RCW, who hold valid  
25 certificates to perform the particular service for which they are  
26 employed in the school. The board of trustees also may employ  
27 necessary employees who are not required to hold teaching certificates  
28 to perform other duties, and may contract for other services. The  
29 board may discharge teachers and noncertificated employees.

30 (4) The board of trustees may decide, or may choose to delegate,  
31 all matters related to the operation of the school, including  
32 budgeting, personnel, curriculum, and operating procedures.

33 NEW SECTION. **Sec. 7.** FUNDING. (1) The superintendent of public  
34 instruction shall separately calculate and allocate moneys appropriated  
35 for basic education under RCW 28A.150.260 to charter schools. The  
36 amount of state funding for charter schools shall be determined by the  
37 number of full-time equivalent students enrolled in the school

1 multiplied by the estimated state-wide annual average per full-time  
2 equivalent student allocation under RCW 28A.150.260 and applicable  
3 rules.

4 (2) State funding for students who are eligible for special  
5 education under chapter 28A.155 RCW, the learning assistance program  
6 under chapter 28A.165 RCW, and the transitional bilingual instruction  
7 program under chapter 28A.180 RCW shall be determined in accordance  
8 with applicable statutes and rules that apply to school districts.

9 (3) For each annual full-time equivalent student enrolled in a  
10 charter school, the charter schools shall be entitled to an amount  
11 equal to the maintenance and operation excess tax levy rate per annual  
12 average full-time equivalent student of the district in which each  
13 full-time equivalent student who attends the charter school resides.  
14 These funds shall be paid to the charter school by the school district  
15 in which the student resides.

16 (4) The superintendent shall establish rules for the calculation  
17 and payment of funds to charter schools.

18 (5) The board of trustees may not levy taxes or issue bonds.

19 (6) Charter schools may receive funds from other governmental and  
20 private sources, excluding sectarian organizations.

21 (7) Money received from the state shall not be used to purchase  
22 land or buildings. The school may own land and buildings if obtained  
23 through nonstate sources. If school districts have excess classroom  
24 space, facilities, and buildings suitable for a charter school, the  
25 school district shall make such space and facilities available to the  
26 charter school.

27 NEW SECTION. **Sec. 8.** TERMINATION OF CONTRACTS. (1) The approving  
28 agency may unilaterally terminate a contract during the term of the  
29 contract for any reason in subsection (2) of this section. At least  
30 sixty days before not renewing or terminating a contract, the approving  
31 agency shall notify the board of trustees of the school of the proposed  
32 action in writing. The notice shall state the reasons for the proposed  
33 action in reasonable detail and the school's board of trustees may  
34 request in writing an informal hearing before the approving agency  
35 within fourteen days of receiving notice of nonrenewal or termination  
36 of the contract. Failure by the board of trustees to make a written  
37 request for a hearing within the fourteen-day period shall be treated  
38 as acquiescence to the proposed actions. Upon receiving a timely

1 written request for a hearing, the approving agency shall give  
2 reasonable notice to the school's board of trustees of the hearing  
3 date. The approving agency shall conduct an informal hearing before  
4 taking final action.

5 (2) A contract may be terminated for the following reasons:

6 (a) The failure to meet the requirements for student performance  
7 contained in the contract;

8 (b) The failure to meet generally accepted standards of fiscal  
9 management;

10 (c) Violations of the law; or

11 (d) Other good cause shown.

12 (3) If a contract is terminated, the school shall be dissolved.

13 (4) If a contract is terminated or not renewed, students who  
14 attended the school may enroll in the resident district, or may submit  
15 an application to a nonresident district according to RCW 28A.225.220  
16 through 28A.225.230. Applications and notices required by RCW  
17 28A.225.220 through 28A.225.230 shall be processed and provided in a  
18 prompt manner.

19 NEW SECTION. **Sec. 9.** TRANSPORTATION. If a charter school  
20 provides transportation for students enrolled in the school,  
21 transportation funding shall be based on the average full-time  
22 equivalent transportation allocation for the district in which the  
23 school is located.

24 NEW SECTION. **Sec. 10.** EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--  
25 RETIREMENT--BARGAINING. (1) If a school district employee makes a  
26 written request for an extended leave of absence to work at a charter  
27 school, the school district shall grant the leave. The school district  
28 shall grant a leave for any number of years requested by the employee,  
29 and shall extend the leave at the employee's request. The school  
30 district may require that the request for a leave or extension of leave  
31 be made up to ninety days before the employee would otherwise have to  
32 report for duty.

33 (2) During a leave, the employee may continue to aggregate benefits  
34 and credits in the employee's retirement system account if appropriate  
35 employee and employer contributions are made. The department of  
36 retirement systems may impose reasonable requirements to administer  
37 this section efficiently.

1 (3) Employees of the board of trustees of the charter school may,  
2 if otherwise eligible, organize under chapter 41.59 RCW or chapter  
3 41.56 RCW and comply with its provisions. The board of trustees of the  
4 school is a public employer, for the purposes of chapter 41.59 RCW or  
5 chapter 41.56 RCW, upon formation of one or more bargaining units at  
6 the school. Bargaining units at the school shall be separate from any  
7 other units.

8 NEW SECTION. **Sec. 11.** INFORMATION. The state board of education  
9 shall distribute information to the public and school district  
10 personnel on the major elements of a charter school, and how a charter  
11 school may be established.

12 NEW SECTION. **Sec. 12.** The legislative budget committee shall  
13 analyze the status and progress of the charter schools created under  
14 this act and report to the appropriate committees of the legislature by  
15 December 15, 1997.

16 NEW SECTION. **Sec. 13.** If specific funding for this act,  
17 referencing this act by bill number, is not provided by June 30, 1995,  
18 in the biennial appropriations act, this act shall be null and void.

19 NEW SECTION. **Sec. 14.** CAPTIONS NOT LAW. Captions used in sections  
20 1 through 11 and 13 of this act do not constitute any part of the law.

21 NEW SECTION. **Sec. 15.** Sections 1 through 11 and 13 of this act  
22 shall constitute a new chapter in Title 28A RCW.

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