
HOUSE BILL 1147

State of Washington

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1995 Regular Session

By Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund,
Dyer and Sheldon

Read first time 01/16/95. Referred to Committee on Education.

1 AN ACT Relating to charter schools; adding a new chapter to Title
2 28A RCW; and making an appropriation.

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;
- 3 and
- 4 (g) Encouraging the use of innovative assessment methods designed
- 5 to measure student performance and mastery of desired skills more
- 6 accurately.

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

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

9 public schools, nonprofit organizations or cooperatives, and public

10 college and university teacher preparation programs. An existing

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

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

13 parents of students attending the school agree to submit an

14 application. Approved private schools and organizations promoting

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

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

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

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

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

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

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

22 28A.150.210;

- 23 (b) Specific learning standards that students are to achieve;
- 24 (c) Admission policies and procedures;
- 25 (d) A proposed five-year budget;
- 26 (e) Governance, management, and financial policies and procedures;
- 27 and
- 28 (f) Program evaluation and financial audit procedures.

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

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

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

32 boards shall approve or disapprove a charter application within ninety

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

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

35 approval.

36 (2) The approval of a charter school shall be in the form of a

37 written contract between the approving agency and the board of trustees

1 of the charter school. Except as provided in this chapter, the school
2 district and the state board of education have broad authority in
3 establishing the terms and conditions of the contract. At a minimum,
4 the contract shall include:

5 (a) The applicable requirements of this chapter;

6 (b) Other educational program requirements;

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

8 (d) Admission policies and procedures;

9 (e) Governance, management, and financial policies and procedure
10 requirements;

11 (f) Insurance and liability requirements that provide reasonable
12 financial protection against loss; and

13 (g) Program evaluation and financial audit requirements.

14 (3) The term of the contract shall be no longer than five school
15 years. Contracts may be renewed by the approving agency for up to an
16 additional five-year period.

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

21 (2) Charter schools shall design their programs to be consistent
22 with the goals in RCW 28A.150.210 and the essential academic learning
23 requirements developed for the goals. Before implementation of the
24 essential academic learning requirements, the schools shall meet the
25 learning requirements contained in the school's contract.

26 (3) Charter schools shall provide instruction each year and shall
27 make available to students enrolled in kindergarten at least a total
28 instructional offering of four hundred fifty hours. Charter schools
29 shall make available to students enrolled in grades one through twelve
30 at least a school-wide average total instructional hour offering of one
31 thousand hours. As used in this subsection, "instructional hours"
32 means those hours students are provided the opportunity to engage in
33 educational activity planned by and under the direction of school
34 staff, inclusive of intermissions for class changes, recess, and
35 teacher-parent or teacher-guardian conferences that are planned and
36 scheduled by the school for the purpose of discussing students'
37 educational needs or progress, and exclusive of time actually spent for
38 meals.

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

4 (5) Charter schools shall annually administer the state-wide
5 assessments in RCW 28A.230.190 through 28A.230.240, and have students
6 participate in the assessments developed by the commission on student
7 learning in RCW 28A.630.885 when the assessments are implemented. The
8 schools also shall participate in other applicable state-wide
9 accountability programs.

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

12 (7) Charter schools shall not charge tuition.

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

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

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

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

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

27 (b) Residents of a specific geographic area if the percentage of
28 the population of non-Caucasian people in the geographic area is
29 greater than the percentage of the non-Caucasian population in the
30 school district in which the geographic area is located, as long as the
31 school reflects the racial and ethnic diversity of that specific area.

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

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

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

8 (2) The board of trustees shall be the school's governing board,
9 and shall consist of teachers employed in the charter school, parents
10 of students enrolled in the charter school, and other individuals.
11 Consistent with their contract, the board of trustees may exercise
12 broad discretionary power for the development and implementation of
13 programs, activities, and services for the students enrolled in the
14 school.

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

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

25 NEW SECTION. **Sec. 7.** FUNDING. (1) The superintendent of public
26 instruction shall separately calculate and allocate moneys appropriated
27 for basic education under RCW 28A.150.260 to charter schools. The
28 amount of state funding for charter schools shall be determined by the
29 number of full-time equivalent students enrolled in the school
30 multiplied by the estimated state-wide annual average per full-time
31 equivalent student allocation under RCW 28A.150.260 and applicable
32 rules.

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

1 (3) For each annual full-time equivalent student enrolled in a
2 charter school, the charter schools shall be entitled to an amount
3 equal to the maintenance and operation excess tax levy rate per annual
4 average full-time equivalent student of the district in which each
5 full-time equivalent student who attends the charter school resides.
6 These funds shall be paid to the charter school by the school district
7 in which the student resides.

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

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

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

13 (7) Money received from the state shall not be used to purchase
14 land or buildings. The school may own land and buildings if obtained
15 through nonstate sources. If school districts have excess classroom
16 space, facilities, and buildings suitable for a charter school, the
17 school district shall make such space and facilities available to the
18 charter school.

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

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

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

1 (b) The failure to meet generally accepted standards of fiscal
2 management;

3 (c) Violations of the law; or

4 (d) Other good cause shown.

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

6 (4) If a contract is terminated or not renewed, students who
7 attended the school may enroll in the resident district, or may submit
8 an application to a nonresident district according to RCW 28A.225.220
9 through 28A.225.230. Applications and notices required by RCW
10 28A.225.220 through 28A.225.230 shall be processed and provided in a
11 prompt manner.

12 NEW SECTION. **Sec. 9.** TRANSPORTATION. If a charter school
13 provides transportation for students enrolled in the school,
14 transportation funding shall be based on the average full-time
15 equivalent transportation allocation for the district in which the
16 school is located.

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

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

31 (3) Employees of the board of trustees of the charter school may,
32 if otherwise eligible, organize under chapter 41.59 RCW and comply with
33 its provisions. The board of trustees of the school is a public
34 employer, for the purposes of chapter 41.59 RCW, upon formation of one
35 or more bargaining units at the school. Bargaining units at the school
36 shall be separate from any other units.

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

5 NEW SECTION. **Sec. 12.** CAPTIONS NOT LAW. Captions used in sections
6 1 through 12 of this act do not constitute any part of the law.

7 NEW SECTION. **Sec. 13.** The sum of dollars, or as much
8 thereof as may be necessary, is appropriated for the biennium ending
9 June 30, 1997, from the general fund to the state board of education
10 for the purposes of this act.

11 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act shall
12 constitute a new chapter in Title 28A RCW.

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