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HOUSE BILL 2380

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Quall, B. Thomas, Chopp, Mason, Linville, Hatfield, Radcliff, Sheldon, Mastin, Carlson, Blanton, Dyer, L. Thomas, Ballasiotes, Hymes, Dickerson, R. Fisher, Kessler, Tokuda, D. Schmidt, Foreman, Murray, Wolfe, Cooke, Basich, Patterson, Conway, Cody and Thompson

Read first time 01/10/96. Referred to Committee on Education.

1 AN ACT Relating to charter schools; adding a new chapter to Title  
2 28A RCW; creating a new section; 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 limited  
10 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;

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

1 (e) Establishing new forms of accountability for schools based on  
2 student performance.

3 NEW SECTION. **Sec. 2.** APPLICATION PROCESS. (1) Entities eligible  
4 to submit an application to establish a charter school include existing  
5 public schools, nonprofit corporations or cooperatives, and public  
6 college and university teacher preparation programs. An existing  
7 public school may apply to become a charter school if at least fifty  
8 percent of the teachers employed in the school and fifty percent of  
9 parents of students attending the school agree to submit an  
10 application. Private schools and organizations promoting religious  
11 beliefs are not eligible to apply to become a charter school.

12 (2) By September 1, 1996, the superintendent of public instruction  
13 shall develop an application form for charter schools that will serve  
14 as the basis for a contract between the school district and the charter  
15 school. The application form shall include, but not be limited to, the  
16 following elements:

17 (a) A description of the charter school's proposed educational  
18 program and a discussion of how the program will achieve the goals of  
19 section 1 of this act and the student learning goals in RCW  
20 28A.150.210;

21 (b) Specific learning requirements that students are to achieve;

22 (c) Admission policies and procedures;

23 (d) A proposed five-year budget;

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

25 and

26 (f) Program evaluation and financial audit procedures.

27 NEW SECTION. **Sec. 3.** APPROVAL PROCESS. (1) Charter school  
28 applications shall be submitted to the board of directors of the school  
29 district in which the proposed charter school will be located. School  
30 boards shall approve or disapprove a charter application within ninety  
31 days of submittal unless an extension in time is mutually agreed to by  
32 both the applicant and the board of directors. If the school board  
33 rejects the application, the superintendent of the educational service  
34 district in which the school district is located, at the request of the  
35 applicant, shall select and convene a review panel to review the  
36 decision of the school district board of directors. The review panel  
37 shall consist of three school board members and three teachers from

1 other school districts within the educational service district. If the  
2 review panel determines that the school board failed to consider the  
3 charter application appropriately, or acted in an arbitrary manner in  
4 denying the application, the review panel shall request the school  
5 district board of directors to reconsider the charter request. In the  
6 case of a tie vote of the panel, the educational service district  
7 superintendent shall vote to break the tie. If the panel decides to  
8 request the school board to reconsider the request, the decision of the  
9 school board after reconsideration is final.

10 (2) The total number of charter schools operating in the state in  
11 the 1996-97 and 1997-98 school years shall not exceed twenty-five. For  
12 purposes of implementing this subsection in the 1996-97 and 1997-98  
13 school years, a school district shall notify the superintendent of  
14 public instruction when it receives a charter school application, when  
15 it approves a charter school pursuant to this section, and when a  
16 charter school contract expires or is terminated. Once twenty-five  
17 charter schools are approved by school boards, the superintendent shall  
18 notify school districts. The superintendent also shall notify school  
19 districts when additional charter schools may be approved due to  
20 charter school contract terminations.

21 (3) The approval of a charter school shall be in the form of a  
22 written contract between the school district and the board of trustees  
23 of the charter school. Except as provided in this chapter, the school  
24 district has broad authority in establishing the terms and conditions  
25 of the contract. At a minimum, the contract shall include:

- 26 (a) The applicable requirements of this chapter;
- 27 (b) Other educational program requirements;
- 28 (c) Specific learning requirements that students are to achieve;
- 29 (d) Admission policies and procedures;
- 30 (e) Governance, management, and financial policies and procedure  
31 requirements;
- 32 (f) Insurance and liability requirements that provide financial  
33 protection for the board of trustees against loss; and
- 34 (g) Program evaluation and financial audit requirements.

35 (4) The term of the contract shall be no longer than five school  
36 years. Contracts may be renewed by the approving agency for  
37 additional periods of five years or less.

1        NEW SECTION.        **Sec. 4.**        CONDITIONS AND REQUIREMENTS.        (1) The

2 primary focus of charter schools shall be to provide a comprehensive  
3 program of instruction for at least one grade from kindergarten to  
4 grade twelve.

5        (2) Charter schools shall design their programs to be consistent  
6 with the goals in RCW 28A.150.210 and the essential academic learning  
7 requirements developed for the goals.

8        (3) Charter schools shall provide instruction each year and shall  
9 make available to students enrolled in kindergarten at least a total  
10 instructional offering of four hundred fifty hours. Charter schools  
11 shall make available to students enrolled in grades one through twelve  
12 at least a school-wide average total instructional hour offering of one  
13 thousand hours. As used in this subsection, "instructional hours"  
14 means those hours students are provided the opportunity to engage in  
15 educational activity planned by and under the direction of school  
16 staff, inclusive of intermissions for class changes, recess, and  
17 teacher-parent or teacher-guardian conferences that are planned and  
18 scheduled by the school for the purpose of discussing students'  
19 educational needs or progress, and exclusive of time actually spent for  
20 meals.

21        (4) A charter school shall comply with chapter 28A.155 RCW and  
22 rules relating to the education of students with disabilities.

23        (5) Charter schools shall annually administer the required state-  
24 wide assessments in RCW 28A.230.190 through 28A.230.240 and have  
25 students participate in the assessments developed by the commission on  
26 student learning in RCW 28A.630.885. The schools also shall comply  
27 with other applicable state-wide accountability requirements as  
28 determined by the superintendent of public instruction.

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

31        (7) Charter schools shall not charge tuition.

32        (8) Except as provided in this chapter, charter schools are exempt  
33 from all statutes and rules applicable to a school board or district,  
34 although they may elect to comply with one or more provisions of these  
35 statutes or rules. However, charter schools shall meet the same  
36 health, safety, and civil rights requirements as those required of a  
37 school district. Charter schools also shall submit financial reports as  
38 required by the superintendent of public instruction.

1 (9) Charter schools shall be subject to financial audits, audit  
2 procedures, and audit requirements similar to those required of a  
3 school district.

4 (10) Charter schools shall report at least annually to the school  
5 district board of directors and to the parents of their students. At  
6 a minimum, this report shall include the information required in the  
7 annual performance report required in RCW 28A.320.205.

8 (11) Charter schools may participate in insurance and other  
9 purchasing cooperatives used by school districts.

10 NEW SECTION. **Sec. 5.** ADMISSION OF STUDENTS. (1) A charter school  
11 may limit admission to students within an age group or grade level. A  
12 charter school shall not limit admission to students on the basis of  
13 race, ethnicity, gender, religion, intellectual ability, measures of  
14 achievement or aptitude, or athletic ability.

15 (2) A student shall not be required by a school district to attend  
16 a charter school.

17 (3) A charter school shall enroll a student who submits a timely  
18 application, unless the number of applications exceeds the capacity of  
19 a program, class, grade level, or building. In this case, students  
20 shall be accepted by lot, with first priority going to students who  
21 have siblings currently enrolled and to students from the school  
22 district in which the school is located.

23 NEW SECTION. **Sec. 6.** BOARD OF TRUSTEES. (1) Charter schools  
24 shall have a board of trustees. Bylaws containing the selection,  
25 terms, and qualifications of the board shall be established before the  
26 contract is approved by the school district board of directors.

27 (2) The board of trustees shall be the school's governing board,  
28 and shall consist of teachers employed in the charter school, parents  
29 of students enrolled in the charter school, and other individuals.  
30 Consistent with their contract, the board of trustees may exercise  
31 broad discretionary power for the development and implementation of  
32 programs, activities, and services for the students enrolled in the  
33 school. The board of trustees shall be liable, in accordance with  
34 applicable law, for the operation of the charter school.

35 (3) The board of trustees shall employ and contract with  
36 individuals who hold valid certificates to perform the particular  
37 service for which they are employed in the school as required in

1 chapter 28A.410 RCW. The board of trustees also may employ necessary  
2 employees who are not required to hold certificates to perform other  
3 duties, and may contract for other services. The board may discharge  
4 teachers, the principal, and noncertificated employees.

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

8 NEW SECTION. **Sec. 7.** FUNDING. (1) The superintendent of public  
9 instruction shall separately calculate and allocate moneys appropriated  
10 for basic education under RCW 28A.150.260 to charter schools. The  
11 amount of state funding for charter schools shall be determined by the  
12 number of full-time equivalent students enrolled in the school  
13 multiplied by the estimated state-wide annual average per full-time  
14 equivalent student allocation under RCW 28A.150.260 and applicable  
15 rules.

16 (2) State funding for local enhancement funds and for students who  
17 are eligible for special education under chapter 28A.155 RCW, the  
18 learning assistance program under chapter 28A.165 RCW, and the  
19 transitional bilingual instruction program under chapter 28A.180 RCW  
20 shall be determined in accordance with applicable statutes and rules  
21 that apply to school districts.

22 (3) For each annual full-time equivalent student enrolled in a  
23 charter school, the charter schools shall be entitled to an amount  
24 equal to the maintenance and operation excess tax levy rate per annual  
25 average full-time equivalent student of the district in which each  
26 full-time equivalent student who attends the charter school resides.  
27 These funds shall be paid to the charter school by the school district  
28 in which the student resides.

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

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

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

34 (7) If school districts have excess classroom space, facilities,  
35 and buildings suitable for a charter school in which there is no  
36 foreseeable educational need, the school district shall make such space  
37 and facilities available to the charter school.

1        NEW SECTION.    **Sec. 8.**    TERMINATION OF CONTRACTS.    (1) The school  
2 district board of directors may unilaterally terminate a contract  
3 during the term of the contract for any reason in subsection (2) of  
4 this section.    At least sixty days before not renewing or terminating  
5 a contract, the school district board of directors shall notify the  
6 board of trustees of the school of the proposed action in writing.    The  
7 notice shall state the reasons for the proposed action in reasonable  
8 detail and the school's board of trustees may request in writing an  
9 informal hearing before the school district board of directors within  
10 fourteen days of receiving notice of nonrenewal or termination of the  
11 contract.    Failure by the board of trustees to make a written request  
12 for a hearing within the fourteen-day period shall be treated as  
13 acquiescence to the proposed actions.    Upon receiving a timely written  
14 request for a hearing, the school district board of directors shall  
15 give reasonable notice to the school's board of trustees of the hearing  
16 date.    The school district board of directors shall conduct an informal  
17 hearing before taking final action.

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

19        (a) The failure to meet or exceed the learning requirements for  
20 comparable students in the school district;

21        (b) The failure to meet generally accepted standards of fiscal  
22 management;

23        (c) Violations of the law; or

24        (d) Other good cause shown.

25        (3) If a contract is terminated, the charter school shall be  
26 dissolved.

27        NEW SECTION.    **Sec. 9.**    TRANSPORTATION.    Transportation of students  
28 attending a charter school may be provided by the sponsoring school  
29 district, through a contract with a third-party, or provided by  
30 parents.    State funding for transportation of students who are  
31 transported through a contract with a third-party, at the discretion of  
32 the charter school, shall be based on the average full-time equivalent  
33 student transportation allocation for transported students in the  
34 district in which the school is located or on the allocation formula  
35 used by the school district.

36        NEW SECTION.    **Sec. 10.**    EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--  
37 RETIREMENT--BARGAINING.    (1) If a school district employee makes a

1 written request for an extended leave of absence to work at a charter  
2 school, the school district shall grant the leave. The school district  
3 shall grant a leave for any number of years requested by the employee,  
4 and shall extend the leave at the employee's request. The school  
5 district may require that the request for a leave or extension of leave  
6 be made up to ninety days before the employee would otherwise have to  
7 report for duty.

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

13 (3) Employees of the board of trustees of the charter school may,  
14 if otherwise eligible, organize under chapters 41.59 and 41.56 RCW and  
15 comply with the provisions of these chapters. The board of trustees of  
16 the school is a public employer, for the purposes of chapters 41.59 and  
17 41.56 RCW, upon formation of one or more bargaining units at the  
18 school. Bargaining units at the school shall be separate from any  
19 other units.

20 NEW SECTION. **Sec. 11.** INFORMATION. The superintendent of public  
21 instruction shall prepare and distribute information to the public and  
22 school district personnel on the major elements of a charter school and  
23 how a charter school may be established.

24 NEW SECTION. **Sec. 12.** The legislative budget committee shall  
25 analyze the status and progress of the charter schools created under  
26 this act and report to the appropriate committees of the legislature by  
27 December 15, 1999.

28 NEW SECTION. **Sec. 13.** The sum of fifty thousand dollars, or as  
29 much thereof as may be necessary, is appropriated for the biennium  
30 ending June 30, 1997, from the general fund to the superintendent of  
31 public instruction for the purposes of this act.

32 NEW SECTION. **Sec. 14.** CAPTIONS NOT LAW. Captions used in this  
33 act do not constitute any part of the law.



1        NEW SECTION.    **Sec. 15.**    Sections 1 through 11 and 14 of this act  
2 shall constitute a new chapter in Title 28A RCW.

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