
SUBSTITUTE HOUSE BILL 2910

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Education (originally sponsored by Representatives B. Thomas, Foreman, Talcott, Cairnes, Robertson, L. Thomas, Horn, Johnson, Cooke, Kessler, Huff, D. Sommers, Basich, Campbell, Smith, Quall and Carlson)

Read first time 02/02/96.

1 AN ACT Relating to charter schools; adding a new section to chapter
2 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new
3 section to chapter 28A.165 RCW; adding a new section to chapter 28A.175
4 RCW; adding a new section to chapter 28A.180 RCW; adding a new section
5 to chapter 28A.185 RCW; adding a new section to chapter 28A.210 RCW;
6 adding a new section to chapter 28A.220 RCW; adding a new section to
7 chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW;
8 adding a new section to chapter 28A.235 RCW; adding a new section to
9 chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW;
10 adding a new section to chapter 28A.320 RCW; adding a new section to
11 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;
12 adding a new section to chapter 28A.405 RCW; adding a new section to
13 chapter 28A.410 RCW; adding a new section to chapter 28A.600 RCW;
14 adding a new section to chapter 28A.605 RCW; adding a new section to
15 chapter 28A.640 RCW; and adding a new chapter to Title 28A RCW.

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

17 NEW SECTION. **Sec. 1.** PURPOSE. (1) Charter schools are
18 independent public schools that may be established pursuant to this
19 chapter to: Provide a learning environment that will improve pupil

1 achievement; provide additional academic choices for parents and
2 pupils; and expand opportunities for principals, teachers, and other
3 educational staff in public schools. Charter schools may consist of
4 new schools or all or any portion of an existing school.

5 (2) Charter schools shall comply with all provisions of this
6 chapter in order to receive state funding as prescribed in section 6 of
7 this act.

8 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
9 requires otherwise, the definitions in this section apply throughout
10 this chapter.

11 (1) "Applicant" means an individual, organization, or public entity
12 as identified in section 3(2) of this act that has submitted an
13 application to a sponsor to obtain approval to operate a charter
14 school.

15 (2) "Charter" means an agreement between a sponsor and the
16 applicant. The charter establishes, in accordance with this chapter,
17 the terms and conditions for the management, operation, and educational
18 program of the charter school.

19 (3) "Charter school" means an independent public school that has
20 been approved to operate as a charter school in accordance with this
21 chapter.

22 (4) "Educational provider" means an individual or organization that
23 has a contract with a governing council or with an applicant to provide
24 educational services in a charter school.

25 (5) "Governing council" means a council created in accordance with
26 the school's charter that is responsible for the policy and operational
27 decisions of the charter school.

28 (6) "Sponsor" means a school district or the state board for
29 charter schools, whichever is applicable, that has approved a charter
30 for a charter school.

31 NEW SECTION. **Sec. 3.** APPLICATION AND RENEWAL PROCESS. (1) An
32 applicant seeking to establish a charter school shall submit a written
33 application to the school district in which it is located as prescribed
34 in subsection (3) of this section. The application shall include:

35 (a) A mission statement for the charter school;

36 (b) A description of the charter school's legal standing,
37 organizational structure, bylaws, and governing body;

- 1 (c) A description of the educational program to be offered;
2 (d) The academic standards that will be expected of students;
3 (e) The criteria and assessments that will be used to measure
4 student progress;
5 (f) How students will be transported to school;
6 (g) A financial plan for the first three years of operation and a
7 description of its financial system for payroll, benefits, and taxes;
8 (h) A description of the charter school's personnel and
9 compensation policies, including who is responsible for hiring,
10 evaluating, renewing, and discharging staff;
11 (i) The name of the charter school's applicant or applicants and
12 educational provider or providers, if different from the applicant;
13 (j) A description of the grades being served; and
14 (k) An outline of criteria designed to measure the effectiveness of
15 the school.

16 (2) Applicants to establish a charter school may include existing
17 public schools, nonprofit corporations or cooperatives, public colleges
18 and universities, other public bodies, private persons, and private
19 organizations. An existing public school may apply to become a charter
20 school if at least fifty percent of the full-time teachers employed in
21 the school and fifty percent of parents of students attending the
22 school agree to submit an application.

23 (3) An applicant for a charter school shall submit its application
24 to the school district board of directors of the school district in
25 which it will be located, which shall either accept or reject
26 sponsorship of the charter school within sixty calendar days of receipt
27 of the application. The time limit in this subsection may be extended
28 with the mutual consent of the applicant and the school board. If the
29 school board rejects the application, the school board shall notify the
30 applicant in writing of the reasons for the rejection. The applicant
31 may request, and the school board may provide, technical assistance to
32 improve the application. An applicant may submit a revised application
33 for reconsideration. If an application is rejected by a school
34 district board of directors, it may be submitted to the state board for
35 charter schools for sponsorship after July 1, 1997. The state board
36 for charter schools shall approve the application if the application
37 meets the requirements of this chapter.

1 (4) A school district board of directors has no legal authority
2 over or responsibility for a charter school sponsored by the state
3 board for charter schools.

4 (5) The charter of a charter school shall ensure the following:

5 (a) Compliance with health, safety, and civil rights laws and rules
6 to the extent required of private schools in chapter 28A.195 RCW;

7 (b) That it is nonsectarian in its programs, admission policies,
8 employment practices, and in all other operations;

9 (c) That it provides a comprehensive program of instruction for at
10 least a kindergarten program or any grade between grades one and
11 twelve, except that a school may offer this curriculum with an emphasis
12 on a specific learning philosophy or style or certain subject areas
13 such as mathematics, science, fine arts, performance arts, or foreign
14 language;

15 (d) That it participates in the nationally normed standardized
16 achievement tests as required in RCW 28A.230.190, 28A.230.230, and
17 28A.230.240;

18 (e) That it complies with the annual school performance report in
19 RCW 28A.320.205;

20 (f) That, except as provided in this chapter and in the school's
21 charter, it is exempt from all statutes and rules relating to schools
22 and school districts;

23 (g) That it is subject to the same financial and audit requirements
24 as a school district. A school's charter may include exceptions to the
25 requirements of this subsection (5) that are necessary as determined by
26 the sponsor of the charter school. The superintendent of public
27 instruction, the state auditor, and the legislative budget committee
28 may conduct financial, program, or compliance audits;

29 (h) That it complies with all state and federal laws relating to
30 the education of children with disabilities;

31 (i) That it provides for a governing council that is responsible
32 for the policy and operational decisions of the charter school. The
33 governing council, or its designee, may hire and discharge the
34 principal, teachers, and other employees and enter into contracts for
35 educational and other services;

36 (j) That the charter school complies with the employee record check
37 requirements in RCW 28A.400.303;

38 (k) That teachers employed by the charter school are certificated
39 in accordance with chapter 28A.410 RCW;

1 (l) That the charter school has adequate insurance; and
2 (m) That the school complies with the open public meetings act in
3 chapter 42.30 RCW and public disclosure requirements in chapter 42.17
4 RCW.

5 (6) The charter of a charter school shall include a description of
6 the charter school's personnel policies, personnel qualifications, any
7 contracts with educational providers, method of school governance, and
8 the specific role and duties of the sponsor of the charter school.

9 (7) The charter also shall include the academic standards that will
10 be expected of students and the criteria and assessments that will be
11 used to measure student progress. The academic standards and
12 assessments shall be at least as rigorous as the academic standards
13 required by law for public school students. The charter shall require
14 that the school report to the sponsor once a year regarding the
15 academic achievement of the school's students, including the results of
16 the assessments measuring student progress.

17 (8) The charter of a charter school may be amended at the request
18 of the governing body of the charter school and on the approval of the
19 sponsor.

20 (9) Charter schools or their educational providers shall be legal
21 entities that may contract, sue, and be sued.

22 (10) An approved plan to establish a charter school is effective
23 for five years from the first day of operation. At the conclusion of
24 the first four years of operation, the charter school may apply for
25 renewal. The sponsor may deny the request for renewal if, in its
26 judgment, the charter school:

27 (a) Materially violates provisions contained in this chapter;

28 (b) Fails to meet or pursue the educational objectives in the
29 charter;

30 (c) Fails to comply with fiscal accountability procedures as
31 specified in the charter; or

32 (d) Violates provisions in law that have not been waived by the
33 sponsor.

34 A sponsor shall give written notice of its intent not to renew the
35 charter school's request for renewal to the charter school at least
36 twelve months before the expiration of the approved plan to allow the
37 charter school an opportunity to apply to another sponsor to transfer
38 the operation of the charter school. If the operation of the charter

1 school is transferred to another sponsor, the five-year period shall be
2 repeated.

3 In addition, the sponsor may revoke a charter after two years if
4 the academic achievement of students is significantly below the
5 academic achievement of comparable students in the school district. A
6 sponsor also may immediately revoke a charter at any time if the
7 charter school breaches one or more provisions of its charter, becomes
8 financially insolvent, or violates state law.

9 The sponsor of a charter school shall establish an appeal process
10 upon a determination by the sponsor that grounds exist to revoke a
11 charter.

12 (11) A charter school that is sponsored by the state board for
13 charter schools may not be located on the property of a school district
14 unless the school district board of directors grants this authority.

15 (12) Charter schools may provide student transportation services
16 through a cooperative agreement with a school district or through
17 private contracts.

18 (13) School districts shall not take unlawful reprisal against an
19 employee of the school district within the district because the
20 employee is directly or indirectly involved in an application to
21 establish a charter school.

22 (14) Charter schools may rent, lease, or own property. However,
23 they may not acquire property by eminent domain.

24 (15) A charter school sponsor and its employees are not liable for
25 any acts or omissions of a charter school, including acts or omissions
26 related to the application submitted by the charter school, the charter
27 of the charter school, the operation of the charter school, and the
28 performance of the charter school.

29 (16) Members, officers, and employees of the applicant or
30 educational provider are immune from personal liability for all acts
31 done and actions taken in good faith within the scope of their
32 authority.

33 NEW SECTION. **Sec. 4.** STATE BOARD FOR CHARTER SCHOOLS--MEMBERSHIP.

34 (1) The state board for charter schools is established. The board
35 shall consist of seven members. Members shall include:

36 (a) Two members appointed by the speaker of the house of
37 representatives and two members appointed by the president of the
38 senate. Appointments may be legislators or nonlegislators; and

1 (b) Three members appointed by the governor who shall not be in
2 government service.

3 (2) Terms shall be four years. However, all members shall serve at
4 the pleasure of their appointing official. Vacancies shall be filled
5 by the appointing official for the remainder of the unexpired term.

6 (3) All appointees shall have indicated their support for charter
7 schools.

8 (4) The state board for charter schools shall annually elect a
9 president and such other officers as it deems necessary from among its
10 membership.

11 (5) Nonlegislative members of the state board for charter schools
12 are not eligible to receive compensation but are eligible for
13 reimbursement of expenses under RCW 43.03.050 and 43.03.060.
14 Legislative members of the state board for charter schools are not
15 eligible to receive compensation but are eligible for reimbursement of
16 expenses under RCW 44.04.120.

17 (6) The state board for charter schools shall:

18 (a) Exercise general supervision over charter schools sponsored by
19 the state board for charter schools and recommend legislation
20 pertaining to charter schools to the legislature;

21 (b) Grant charter status to qualified applicants for charter
22 schools pursuant to section 3 of this act;

23 (c) Keep a record of its proceedings;

24 (d) Delegate to the superintendent of public instruction the
25 execution of board policies; and

26 (e) Prepare a budget for expenditures necessary for the proper
27 maintenance of the board and the accomplishment of its purpose.

28 (7) The state board for charter schools may enter into contracts
29 and appoint and employ staff. The superintendent of public instruction
30 shall serve as the fiscal agent for the board.

31 NEW SECTION. **Sec. 5.** ADMISSION REQUIREMENTS. (1) A charter
32 school shall enroll all eligible students who submit a timely
33 application. A charter school that is sponsored by a school district
34 board of directors shall give enrollment preference to eligible
35 students who reside within the boundaries of the school district and
36 neighborhood where the charter school is physically located. Priority
37 also shall be given to siblings of students who are currently enrolled
38 in the school. If capacity is insufficient to enroll all students who

1 submit a timely application, the charter school shall select students
2 through an equitable selection process such as a lottery.

3 (2) Except as provided in subsection (3) of this section, a charter
4 school shall not limit admission based on race, ethnicity, national
5 origin, gender, income level, disabling condition, proficiency in the
6 English language, or athletic ability.

7 (3) A charter school may limit admission to students within a given
8 age group or grade level.

9 (4) A charter school shall admit students who reside in the
10 attendance area of a school or who reside in a school district that is
11 a party to an agreement with the United States department of education
12 office for civil rights directed toward remediating alleged or proven
13 racial discrimination unless notice is received from the resident
14 school that the admission would violate the agreement. If a charter
15 school admits a student after notice is received that the admission
16 would constitute such a violation, the charter school may not include
17 in its student count the students wrongfully admitted.

18 (5) A student may not be required by a school district to attend a
19 charter school.

20 (6) Charter schools shall be considered public schools for purposes
21 of chapter 28A.225 RCW (compulsory school attendance), and shall comply
22 with the reporting and other provisions of this chapter.

23 NEW SECTION. **Sec. 6.** FUNDING. (1) The superintendent of public
24 instruction shall separately calculate and allocate to charter schools
25 moneys appropriated for basic education under RCW 28A.150.260. The
26 amount of state funding for charter schools shall be determined by the
27 number of full-time equivalent students enrolled in the school
28 multiplied by the estimated state-wide annual average per full-time
29 equivalent student allocation under RCW 28A.150.260 and applicable
30 rules.

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

37 (3) State funding for the transportation of students who are
38 transported shall be based on the average full-time equivalent student

1 transportation allocation for transported students in the district in
2 which the school is located or on the allocation formula used by school
3 districts.

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

11 (5) The superintendent of public instruction shall establish rules
12 for the calculation and payment of state and school district funds to
13 charter schools.

14 (6) On or before October 1st of each year, the superintendent of
15 public instruction shall transmit to charter schools one-third of the
16 total state amount to be apportioned during the fiscal year. However,
17 for the initial year of operation of a new charter school, these funds
18 shall be transmitted to the charter school on or before August 15th
19 based on the projected enrollment of the school. The remaining funds
20 shall be apportioned in equal installments, adjusted for any changes in
21 enrollment and other factors, between November and July by the 15th of
22 each month.

23 (7) Charter schools are eligible to apply for education grant
24 programs and special education safety net funding.

25 (8) Charter schools may receive funds from other governmental and
26 private sources, excluding sectarian organizations.

27 (9) Charter schools shall not charge tuition, levy taxes, or issue
28 bonds.

29 NEW SECTION. **Sec. 7.** EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--
30 RETIREMENT--BARGAINING. (1) If a school district employee makes a
31 written request for an extended leave of absence to work at a charter
32 school, the school district shall grant the leave. The school district
33 may require that the request for a leave be made up to ninety days
34 before the employee would otherwise have to report for duty. If the
35 employee returns to the school district, the employee shall receive
36 first consideration for rehire.

37 (2) During a leave, the employee may continue to aggregate benefits
38 and credits in the employee's retirement system account if appropriate

1 employee and employer contributions are made. The department of
2 retirement systems may impose reasonable requirements to administer
3 this section efficiently.

4 (3) Employees of the governing council of the charter school may,
5 if otherwise eligible, organize under chapters 41.59 and 41.56 RCW and
6 comply with the provisions of these chapters. The governing council of
7 the school is a public employer, for the purposes of chapters 41.59 and
8 41.56 RCW, upon formation of one or more bargaining units at the
9 school. Bargaining units at the school shall be separate from any
10 other units.

11 NEW SECTION. **Sec. 8.** VACANT BUILDINGS. The superintendent of
12 public instruction, in conjunction with the department of general
13 administration, shall annually publish a list of vacant and unused
14 buildings and vacant and unused portions of buildings that are owned by
15 this state or by school districts and that may be suitable for the
16 operation of a charter school. The superintendent of public
17 instruction shall make the list available to applicants for charter
18 schools and to existing charter schools. The list shall include the
19 address of each building, a short description of the building, and the
20 name of the owner of the building. This section does not require the
21 owner of a building on the list to sell or lease the building or a
22 portion of the building to a charter school or to any other school or
23 to any other prospective buyer or tenant.

24 NEW SECTION. **Sec. 9.** CAPTIONS NOT LAW. Captions used in this
25 chapter do not constitute any part of the law.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.150
27 RCW to read as follows:

28 Except as otherwise provided, this chapter does not apply to
29 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
30 act).

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.155
32 RCW to read as follows:

33 Except as otherwise provided, this chapter does not apply to
34 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
35 act).

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.165
2 RCW to read as follows:

3 Except as otherwise provided, this chapter does not apply to
4 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
5 act).

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.175
7 RCW to read as follows:

8 Except as otherwise provided, this chapter does not apply to
9 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
10 act).

11 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.180
12 RCW to read as follows:

13 Except as otherwise provided, this chapter does not apply to
14 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
15 act).

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.185
17 RCW to read as follows:

18 Except as otherwise provided, this chapter does not apply to
19 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
20 act).

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.210
22 RCW to read as follows:

23 Except as otherwise provided, this chapter does not apply to
24 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
25 act).

26 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.220
27 RCW to read as follows:

28 Except as otherwise provided, this chapter does not apply to
29 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
30 act).

31 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.225
32 RCW to read as follows:

1 Except as otherwise provided, this chapter does not apply to
2 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
3 act).

4 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.230
5 RCW to read as follows:

6 Except as otherwise provided, this chapter does not apply to
7 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
8 act).

9 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.235
10 RCW to read as follows:

11 Except as otherwise provided, this chapter does not apply to
12 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
13 act).

14 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.300
15 RCW to read as follows:

16 Except as otherwise provided, this chapter does not apply to
17 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
18 act).

19 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.305
20 RCW to read as follows:

21 Except as otherwise provided, this chapter does not apply to
22 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
23 act).

24 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.320
25 RCW to read as follows:

26 Except as otherwise provided, this chapter does not apply to
27 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
28 act).

29 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.330
30 RCW to read as follows:

31 Except as otherwise provided, this chapter does not apply to
32 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
33 act).

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 28A.400
2 RCW to read as follows:

3 Except as otherwise provided, this chapter does not apply to
4 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
5 act).

6 NEW SECTION. **Sec. 26.** A new section is added to chapter 28A.405
7 RCW to read as follows:

8 Except as otherwise provided, this chapter does not apply to
9 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
10 act).

11 NEW SECTION. **Sec. 27.** A new section is added to chapter 28A.410
12 RCW to read as follows:

13 Except as otherwise provided, this chapter does not apply to
14 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
15 act).

16 NEW SECTION. **Sec. 28.** A new section is added to chapter 28A.600
17 RCW to read as follows:

18 Except as otherwise provided, this chapter does not apply to
19 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
20 act).

21 NEW SECTION. **Sec. 29.** A new section is added to chapter 28A.605
22 RCW to read as follows:

23 Except as otherwise provided, this chapter does not apply to
24 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
25 act).

26 NEW SECTION. **Sec. 30.** A new section is added to chapter 28A.640
27 RCW to read as follows:

28 Except as otherwise provided, this chapter does not apply to
29 charter schools under chapter 28A.-- RCW (sections 1 through 9 of this
30 act).

1 NEW SECTION. **Sec. 31.** Sections 1 through 9 of this act shall
2 constitute a new chapter in Title 28A RCW.

--- **END** ---