
HOUSE BILL 2910

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By Representatives B. Thomas, Foreman, Talcott, Cairnes, Robertson, L. Thomas, Horn, Johnson, Cooke, Kessler, Huff, D. Sommers, Basich, Campbell, Smith, Quall and Carlson

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

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

4 NEW SECTION. **Sec. 1.** PURPOSE. (1) Charter schools may be
5 established pursuant to this chapter to: Provide a learning
6 environment that will improve pupil achievement; expand opportunities
7 for principals and teachers in neighborhood schools; and provide
8 additional academic choices for parents and pupils. Charter schools
9 may consist of new schools or all or any portion of an existing school.
10 (2) Charter schools shall comply with all provisions of this
11 chapter in order to receive state funding as prescribed in section 5 of
12 this act.

13 NEW SECTION. **Sec. 2.** APPLICATION AND RENEWAL PROCESS. (1) An
14 applicant seeking to establish a charter school shall submit a written
15 application to the school district in which it is located as prescribed
16 in subsection (3) of this section. The application shall include:

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

- 1 (b) A description of the charter school's organizational structure
2 and governing body;
- 3 (c) A description of the educational program to be offered;
- 4 (d) The academic standards that will be expected of students;
- 5 (e) The criteria and assessments that will be used to measure
6 student progress;
- 7 (f) How students will be transported to school;
- 8 (g) A financial plan for the first three years of operation;
- 9 (h) A description of the charter school's hiring policy;
- 10 (i) The name of the charter school's applicant or applicants and
11 requested sponsor;
- 12 (j) A description of the grades being served; and
- 13 (k) An outline of criteria designed to measure the effectiveness of
14 the school.

15 (2) Entities eligible to submit an application to establish a
16 charter school include existing public schools, nonprofit corporations
17 or cooperatives, public colleges and universities, other public bodies,
18 private persons, and private organizations. An existing public school
19 may apply to become a charter school if at least fifty percent of the
20 full-time teachers employed in the school and fifty percent of parents
21 of students attending the school agree to submit an application.
22 Private schools and organizations promoting religious beliefs are not
23 eligible to apply to become a charter school.

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

1 approve the application if the application meets the requirements of
2 this chapter.

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

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

7 (a) Compliance with federal, state, and local rules and statutes
8 relating to health, safety, and civil rights. The superintendent of
9 public instruction shall publish a list of relevant rules and statutes
10 to notify charter schools of their responsibilities under this
11 subsection;

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

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

20 (d) That it participates in the standardized achievement tests as
21 required in RCW 28A.230.190, 28A.230.230, and 28A.230.240;

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

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

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

33 (h) That it complies with all federal laws relating to the
34 education of children with disabilities;

35 (i) That it provides for a governing council that is responsible
36 for the policy and operational decisions of the charter school. The
37 governing council must include at least five parents of students who
38 attend the charter school, and these parents must represent at least
39 fifty percent of the governing council's membership. The governing

1 council may hire and discharge the principal, teachers, and other
2 employees. After two years of operation, parents of students enrolled
3 in the charter school and full-time employees of the charter school
4 shall elect a governing board;

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

7 (k) That the charter school has adequate insurance; and

8 (l) That the school complies with the open public meetings act,
9 chapter 42.30 RCW.

10 (6) The charter of a charter school shall include a description of
11 the charter school's personnel policies, personnel qualifications,
12 method of school governance, and the specific role and duties of the
13 sponsor of the charter school.

14 (7) The charter also shall include the academic standards that will
15 be expected of students and the criteria and assessments that will be
16 used to measure student progress. The charter shall require that the
17 school report to the sponsor at least once a year regarding the
18 academic achievement of the school's students, including the results of
19 the assessments measuring student progress.

20 (8) The charter of a charter school may be amended at the request
21 of the governing body of the charter school and on the approval of the
22 sponsor.

23 (9) Charter schools may contract, sue, and be sued.

24 (10) An approved plan to establish a charter school is effective
25 for five years from the first day of operation. At the conclusion of
26 the first four years of operation, the charter school may apply for
27 renewal. The sponsor may deny the request for renewal if, in its
28 judgment, the charter school has failed to complete the obligations of
29 the application or has failed to comply with this chapter. A sponsor
30 shall give written notice of its intent not to renew the charter
31 school's request for renewal to the charter school at least twelve
32 months before the expiration of the approved plan to allow the charter
33 school an opportunity to apply to another sponsor to transfer the
34 operation of the charter school. If the operation of the charter
35 school is transferred to another sponsor, the five-year period shall be
36 repeated. However, a sponsor may revoke a charter at any time if the
37 charter school breaches one or more provisions of its charter. In
38 addition, the sponsor may revoke a charter after two years if the
39 academic achievement of students is significantly below the academic

1 standards that are expected of students as included in the school's
2 charter. The sponsor of a charter school shall establish procedures to
3 conduct administrative hearings upon determination by the sponsor that
4 grounds exist to revoke a charter.

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

8 (12) Charter schools may provide student transportation services
9 through a cooperative agreement with a school district or through
10 private contracts.

11 (13) School districts shall not take unlawful reprisal against an
12 employee of the school district within the district because the
13 employee is directly or indirectly involved in an application to
14 establish a charter school. As used in this subsection, "unlawful
15 reprisal" means an adverse action that is taken by a school district as
16 a direct result of a lawful application to establish a charter school,
17 and with respect to a school district employee, results in one or more
18 of the following:

- 19 (a) Disciplinary or corrective action;
- 20 (b) Detail, transfer, or reassignment;
- 21 (c) Suspension, demotion, or dismissal;
- 22 (d) An unfavorable performance evaluation;
- 23 (e) A reduction in pay, benefits, or awards;
- 24 (f) Elimination of the employee's position without a reduction in
25 force by reason of lack of moneys or work; or
- 26 (g) Other significant changes in duties or responsibilities that
27 are inconsistent with the employee's salary or employment
28 classification.

29 (14) Charter schools may not acquire property by eminent domain.

30 (15) A school district board of directors and its agents and
31 employees are not liable for any acts or omissions of a charter school
32 that is sponsored by a school district, including acts or omissions
33 related to the application submitted by the charter school, the charter
34 of the charter school, the operation of the charter school, and the
35 performance of the charter school.

36 (16) A sponsor other than a school district board of directors,
37 including members, officers, and employees of the sponsor, are immune
38 from personal liability for all acts done and actions taken in good

1 faith within the scope of their authority during duly constituted
2 regular and special meetings.

3 NEW SECTION. **Sec. 3.** STATE BOARD FOR CHARTER SCHOOLS--MEMBERSHIP.

4 (1) The state board for charter schools is established. The board
5 shall consist of seven members. Appointees shall include:

6 (a) Four members of the legislature: Two members from the house of
7 representatives appointed by the speaker of the house of
8 representatives and two members from the senate appointed by the
9 president of the senate. Members shall equally represent the two major
10 parties of the legislature; and

11 (b) Three members appointed by the governor who shall not be in
12 government service and shall have indicated their support for charter
13 schools. The terms for these members shall be four years.

14 (2) The terms for members serving under subsection (1)(a) of this
15 section shall expire June 30, 1999. Following the expiration of the
16 terms for these members, the governor shall appoint four members who
17 shall not be in government service and shall have indicated their
18 support for charter schools. These members shall serve for four years.

19 (3) No members may be appointed to the state board for charter
20 schools before January 15, 1997.

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

24 (5) Members of the state board for charter schools are not eligible
25 to receive compensation but are eligible for reimbursement of expenses
26 under RCW 43.03.050 and 43.03.060.

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

28 (a) Exercise general supervision over charter schools sponsored by
29 the state board for charter schools and recommend legislation
30 pertaining to charter schools to the legislature;

31 (b) Grant charter status to qualified applicants for charter
32 schools pursuant to section 2 of this act;

33 (c) Keep a record of its proceedings;

34 (d) Delegate to the superintendent of public instruction the
35 execution of board policies; and

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

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

4 NEW SECTION. **Sec. 4.** ADMISSION REQUIREMENTS. (1) A charter
5 school shall enroll all eligible students who submit a timely
6 application, unless the number of applications exceeds the capacity of
7 a program, class, grade level, or building. A charter school that is
8 sponsored by a school district board of directors shall give enrollment
9 preference to eligible students who reside within the boundaries of the
10 school district and neighborhood where the charter school is physically
11 located. If capacity is insufficient to enroll all students who submit
12 a timely application, the charter school shall select students through
13 an equitable selection process such as a lottery.

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

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

20 (4) A charter school shall admit students who reside in the
21 attendance area of a school or who reside in a school district that is
22 a party to an agreement with the United States department of education
23 office for civil rights directed toward remediating alleged or proven
24 racial discrimination unless notice is received from the resident
25 school that the admission would violate the agreement. If a charter
26 school admits a student after notice is received that the admission
27 would constitute such a violation, the charter school may not include
28 in its student count the students wrongfully admitted.

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

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

34 NEW SECTION. **Sec. 5.** FUNDING. (1) A charter school that is
35 sponsored by a school district board of directors shall receive a per
36 student allocation equal to at least the average cost per student for
37 the district as a whole. The superintendent of public instruction

1 shall develop guidelines for determining the average cost per student
2 for the district, including local levies, for the purposes of this
3 subsection. A school district is not financially responsible for any
4 charter school that is sponsored by the state board for charter
5 schools.

6 (2)(a) A charter school that is sponsored by the state board for
7 charter schools shall receive per student allocations based upon the
8 estimated state-wide annual average per full-time equivalent student
9 allocations under RCW 28A.150.260 (basic education allocation); RCW
10 28A.160.180 (student transportation); chapter 28A.185 RCW (highly
11 capable program); chapter 28A.155 RCW (special education); chapter
12 28A.160 RCW (student transportation); chapter 28A.165 RCW (learning
13 assistance program); chapter 28A.180 RCW (transitional bilingual
14 instruction program); and local enhancement funds, block grants, or
15 substantially similar funds provided in the omnibus appropriations act.

16 (b) On July 1st of each year, the superintendent of public
17 instruction shall transmit to charter schools that are sponsored by the
18 state board for charter schools one-third of the total amount to be
19 apportioned during the fiscal year. The remaining funds shall be
20 apportioned in equal installments, adjusted for any changes in
21 enrollment and other factors, between September and July by the 15th of
22 each month.

23 (3) Charter schools shall not charge tuition, levy taxes, or issue
24 bonds.

25 NEW SECTION. **Sec. 6.** EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--
26 RETIREMENT--BARGAINING. (1) If a school district employee makes a
27 written request for an extended leave of absence to work at a charter
28 school, the school district shall grant the leave. The school district
29 shall grant a leave for any number of years requested by the employee,
30 and shall extend the leave at the employee's request. The school
31 district may require that the request for a leave or extension of leave
32 be made up to ninety days before the employee would otherwise have to
33 report for duty.

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

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

8 NEW SECTION. **Sec. 7.** VACANT BUILDINGS. The superintendent of
9 public instruction, in conjunction with the department of general
10 administration, shall annually publish a list of vacant and unused
11 buildings and vacant and unused portions of buildings that are owned by
12 this state or by school districts and that may be suitable for the
13 operation of a charter school. The superintendent of public
14 instruction shall make the list available to applicants for charter
15 schools and to existing charter schools. The list shall include the
16 address of each building, a short description of the building, and the
17 name of the owner of the building. This section does not require the
18 owner of a building on the list to sell or lease the building or a
19 portion of the building to a charter school or to any other school or
20 to any other prospective buyer or tenant.

21 NEW SECTION. **Sec. 8.** Captions used in this act do not constitute
22 any part of the law.

23 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall
24 constitute a new chapter in Title 28A RCW.

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