
SENATE BILL 6765

State of Washington

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1996 Regular Session

By Senators McAuliffe, Pelz, Bauer, Goings, Haugen, Heavey, Sheldon, Fairley, Drew and Winsley

Read first time 02/02/96. Referred to Committee on Education.

1 AN ACT Relating to charter schools; adding new sections to chapter
2 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new
3 section to chapter 28A.405 RCW; adding a new chapter to Title 28A RCW;
4 and creating new sections.

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

6 NEW SECTION. **Sec. 1.** SHORT TITLE. This act shall be known and
7 may be cited as the charter school act.

8 NEW SECTION. **Sec. 2.** PURPOSE. (1) The purpose of this chapter is
9 to enhance parent and student choices among schools and promote
10 educational excellence through the creation of charter schools.

11 (2) In authorizing the creation of charter schools under this
12 chapter, the legislature intends:

13 (a) To ensure that the obligation of Article IX, section 1 of the
14 state Constitution which states "It is the paramount duty of the state
15 to make ample provision for the education of all children residing
16 within its borders, without distinction or preference on account of
17 race, color, caste, or sex" extends to children who attend such
18 schools; and

1 (b) To carry out the requirement of Article IX, section 2 of the
2 state Constitution "to provide for a general and uniform system of
3 public schools."

4 (3) The legislature affirms that the board of directors elected by
5 the people in each school district has broad discretionary powers to
6 determine the programs, activities, services, and practices that
7 promote the education of students in the public schools and promote the
8 effective, efficient, and safe management and operation of the school
9 district. The legislature intends that the school district board of
10 directors exercise the same broad discretion to make decisions
11 affecting the approval and operation of charter schools.

12 (4) The policy goals for charter schools in the state of Washington
13 include, but are not limited to, the following:

14 (a) Improving student learning and helping students achieve at
15 higher standards;

16 (b) Providing alternative learning opportunities for students,
17 especially students with special needs and students who are at risk of
18 academic failure;

19 (c) Encouraging the use of innovative teaching methods and greater
20 involvement of parents and the community in education;

21 (d) Creating new professional challenges and opportunities for
22 principals and teachers, including the opportunity to be responsible
23 for the learning program at the school;

24 (e) Establishing model practices, programs, and organizational
25 structure that may be applied to other schools throughout the state and
26 sharing that information with other schools, the superintendent of
27 public instruction, and the legislature; and

28 (f) Establishing new forms of accountability for schools based on
29 student performance.

30 NEW SECTION. **Sec. 3.** APPLICATION PROCESS. (1) Except as provided
31 in subsection (2) of this section, a charter school application may be
32 submitted to the board of directors of the school district in which the
33 proposed charter school will be located, by the following:

34 (a) Nonprofit corporations or associations organized under chapter
35 24.03 RCW for the sole purpose of operating a charter school; or

36 (b) Teacher preparation programs of public colleges or universities
37 approved under RCW 28A.305.130.

1 (2) Private schools operating under chapter 28A.195 RCW and
2 organizations that exist to promote religious worship, exercise, or
3 instruction may not apply for charter approval.

4 (3) Parents, school staff, teachers, businesses, labor
5 organizations, or other community groups that want to operate a charter
6 school are encouraged to apply, but must form a nonprofit corporation
7 for the sole purpose of operating a charter school as required by
8 subsection (1) of this section.

9 (4) A charter school application shall be in the form and shall
10 contain all information required by the board of directors, including,
11 but not limited to, the following:

12 (a) A description of the charter school's proposed educational
13 program and a discussion of how the program will achieve the goals of
14 section 2 of this act and the student learning goals in RCW
15 28A.150.210;

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

17 (c) Specific methods of how student achievement will be measured in
18 addition to the scores on standardized tests and the state-wide
19 assessment system;

20 (d) Admission policies and procedures;

21 (e) A proposed five-year budget;

22 (f) Governance, management, and financial policies and procedures;

23 (g) Program evaluation and financial audit procedures; and

24 (h) Specific evidence of involvement of parents, school staff,
25 teachers, business, labor, and other community groups.

26 NEW SECTION. **Sec. 4.** APPROVAL PROCESS. (1) Except as provided in
27 section 5 of this act, the board of directors shall approve or
28 disapprove a charter school application submitted under section 3 of
29 this act within ninety days of filing of the completed application,
30 unless an extension of time is mutually agreed to by the applicant and
31 the board of directors.

32 (2) The board of directors shall approve a charter school
33 application if the board determines that the terms and conditions of
34 the proposed contract provide reasonable assurance that the charter
35 school will attain the goals of section 2 of this act.

36 (3) Approval shall be in the form of a written contract between the
37 school district and the board of trustees of the charter school. The
38 written contract constitutes a compact between the people of the school

1 district acting through the elected board of directors and the board of
2 trustees of the charter school to operate the school in the public
3 interest. Except as provided in this chapter, the school district has
4 broad authority to establish the terms and conditions of the contract.
5 At a minimum, the contract shall include:

6 (a) The applicable requirements of this chapter;

7 (b) The charter school's educational program and how the program
8 will achieve the goals of section 2 of this act and the student
9 learning goals in RCW 28A.150.210 and other educational program
10 requirements including but not limited to the length of the school day
11 and school year, class size, and the ages or grade levels of students
12 in each class;

13 (c) Specific learning requirements that students are to achieve and
14 how the learning requirements of students who have special needs or who
15 are at-risk of academic failure will be addressed and how the
16 achievement of the student learning requirements will be measured in
17 addition to the use of standardized achievement tests and the state-
18 wide assessment system. The specific learning requirements for an
19 individual student shall be included in a personal education plan for
20 each student. The plan shall be reviewed and revised at least once
21 every year;

22 (d) Admission policies and procedures;

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

25 (f) Insurance and liability requirements that provide financial
26 protection for the board of trustees against loss;

27 (g) Employee salary and compensation plans that, at a minimum,
28 provide medical insurance benefits for all charter school employees,
29 and personnel policies on hours and periods of employment and leave
30 policies;

31 (h) The organizational chart for the school including the
32 responsibilities and distribution of staff; and

33 (i) Program evaluation and financial audit requirements that shall
34 be met at least annually.

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. 5.** CHARTER SCHOOL LIMIT. The total number of
2 charter schools approved under section 4 of this act shall be limited
3 to twenty-seven schools, with not more than three charter schools
4 approved in any single educational service district. A school district
5 shall notify the superintendent of public instruction when it receives
6 a charter school application, when it approves a charter school
7 pursuant to this section, and when a charter school contract expires or
8 is terminated. Once twenty-seven charter schools are approved by
9 school boards, the superintendent shall notify school districts. The
10 superintendent also shall notify school districts when additional
11 charter schools may be approved due to charter school contract
12 terminations.

13 NEW SECTION. **Sec. 6.** CONDITIONS AND REQUIREMENTS. (1) The
14 primary focus of charter schools shall be to meet the learning needs of
15 students who are at-risk while providing a comprehensive program of
16 instruction for at least one grade from kindergarten to grade twelve.

17 (2) Charter schools shall design their programs to be consistent
18 with the goals in RCW 28A.150.210 and the essential academic learning
19 requirements developed for the goals and graduation requirements
20 established by the state board of education.

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

23 (4) 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 (5) Charter schools shall be nonsectarian in their programs,
30 admissions policies, employment practices, and all other operations.

31 (6) Charter schools shall not charge tuition.

32 (7) Except as provided in this chapter, charter schools are exempt
33 from all statutes and rules containing:

34 (a) Reporting requirements, unless specified in the contract with
35 the school district;

36 (b) Curriculum requirements or statutes specifying what must be
37 taught;

1 (c) Requirements on the salaries, hiring, evaluation, promotion, or
2 termination of staff;

3 (d) Restrictions on how staff are allocated or specified ratios of
4 students to teachers or the use of staff time.

5 (8) School boards may request waivers from the superintendent of
6 public instruction or the state board of education on the behalf of
7 charter schools, from other laws or rules except those governing
8 health, safety, or civil rights. The superintendent of public
9 instruction or the state board of education shall grant those waivers
10 to the extent permitted by law.

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

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

18 NEW SECTION. **Sec. 7.** ADMISSION OF STUDENTS. (1) A charter school
19 may limit admission to students within an age group or grade level. In
20 developing admission policies, a charter school shall place an emphasis
21 on admitting students with special needs or who are at-risk. A charter
22 school shall not limit admission to students on the basis of race,
23 ethnicity, gender, religion, intellectual ability, disability, measures
24 of achievement or aptitude, or athletic ability.

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

27 NEW SECTION. **Sec. 8.** BOARD OF TRUSTEES. (1) Charter schools
28 shall have a board of trustees. Bylaws containing the selection,
29 terms, and qualifications of the board shall be established before the
30 contract is approved by the school district board of directors.

31 (2) The board of trustees shall be the school's governing board,
32 and shall consist of teachers and other persons employed in the charter
33 school, parents of students enrolled in the charter school, and
34 representatives of business, labor, and the community. Consistent with
35 their contract, the board of trustees may exercise broad discretionary
36 power for the development and implementation of programs, activities,
37 and services for the students enrolled in the school. The board of

1 trustees shall be liable, in accordance with applicable law, for the
2 operation of the charter school.

3 (3) The board of trustees shall employ and contract with
4 individuals who hold valid certificates to perform the particular
5 service for which they are employed in the school as required in
6 chapter 28A.410 RCW. The board of trustees also may employ necessary
7 employees who are not required to hold certificates to perform other
8 duties, and may contract for other services.

9 (4) The board of trustees may decide, or may choose to delegate to
10 an officer or employee, all matters related to the operation of the
11 school, including budgeting, personnel, curriculum, and operating
12 procedures.

13 NEW SECTION. **Sec. 9.** FUNDING. (1) The superintendent of public
14 instruction shall separately calculate and allocate moneys appropriated
15 for general apportionment programs to charter schools. The amount of
16 state funding for charter schools shall be determined by the number of
17 full-time equivalent students enrolled in the school multiplied by the
18 estimated state-wide annual average per full-time equivalent student
19 allocation for general apportionment programs but shall not include a
20 small school funding factor. The school district may retain an amount
21 not to exceed two and one-half percent of the funds under this
22 subsection to cover administrative costs including the costs of
23 monitoring the performance of the charter school.

24 (2) State funding for local enhancement funds and for students who
25 are eligible for special education under chapter 28A.155 RCW, the
26 learning assistance program under chapter 28A.165 RCW, and the
27 transitional bilingual instruction program under chapter 28A.180 RCW
28 shall be determined in accordance with applicable statutes and rules
29 that apply to school districts. Such funding shall be based upon
30 state-wide average per student rates for each program.

31 (3) Taxes levied for maintenance and operation support of the
32 school district under chapter 84.52 RCW shall only be allocated to a
33 charter school as determined by the school district board of directors.

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

36 (5) The charter school boards of trustees may not levy taxes or
37 issue bonds.

1 (6) Charter schools may receive funds from other governmental and
2 private sources, excluding sectarian organizations. The charter school
3 shall keep records of the source and amount of all funds received from
4 other sources and those records shall be open to public inspection.

5 NEW SECTION. **Sec. 10.** TRANSPORTATION OF STUDENTS. Under the
6 terms of the contract between the school district and the board of
7 trustees of the charter school, the school district shall:

8 (1) Authorize charter school students to ride a school bus or other
9 student transportation vehicle to and from school; or

10 (2) Pay the charter school a student transportation allocation as
11 determined by the school district board of directors.

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

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

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

32 (b) The failure to meet the student learning requirements specified
33 in the contract or a significant failure to meet the requirements
34 specified in the students' personal education plans;

35 (c) The failure to meet generally accepted standards of fiscal
36 management;

37 (d) Violations of the law; or

1 (e) Other good cause shown.

2 NEW SECTION. **Sec. 12.** EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--
3 RETIREMENT--BARGAINING. (1) The provisions governing leave from a
4 school district to work at a charter school shall be determined by
5 agreement between the employee and the school district and may be
6 governed by the terms of any applicable collective bargaining agreement
7 including provisions for maintaining coverage under school district
8 employee insurance plans during such leave of absence.

9 (2) The employee shall continue to aggregate benefits and credits
10 in the employee's retirement system account. Appropriate employee and
11 employer contributions shall be made. The department of retirement
12 systems may impose reasonable requirements to administer this section
13 efficiently. The earnable compensation reportable for the purposes of
14 retirement benefits under chapter 41.32 RCW shall not be greater than
15 the salary that the employee would have received if an employee of the
16 school district.

17 (3) Employees of the board of trustees of the charter school may,
18 if otherwise eligible, organize under chapters 41.59 and 41.56 RCW and
19 comply with the provisions of these chapters. The board of trustees of
20 the school is a public employer, for the purposes of chapters 41.59 and
21 41.56 RCW, upon formation of one or more bargaining units at the
22 school. Bargaining units at the school shall be separate from any
23 other units.

24 NEW SECTION. **Sec. 13.** INFORMATION. The superintendent of public
25 instruction shall prepare and distribute information to the public and
26 school district personnel on the major elements of a charter school and
27 how a charter school may be established.

28 NEW SECTION. **Sec. 14.** The legislative budget committee shall
29 conduct a performance audit of charter schools and shall analyze
30 whether the charter schools created under this act have met the purpose
31 and goals stated in section 2 of this act; complied with the terms and
32 conditions of the contract with the school district under section 4 of
33 this act; and met the conditions and requirements of section 6 of this
34 act. The legislative budget committee shall submit an interim report
35 to the appropriate committees of the legislature and shall submit a
36 final report to the appropriate committees of the legislature by

1 December 15, 1999. The legislative budget committee shall also include
2 recommendations on the number of charter schools that should be
3 established in the state, the number of years the program should
4 continue, and recommendations on any statutory changes required to
5 address issues related to creation of charter schools that are
6 identified during the performance audit.

7 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.150
8 RCW to read as follows:

9 EXEMPTION FROM REPORTING REQUIREMENTS. Unless specifically
10 required in a contract with the school district or specifically
11 required under chapter 28A.-- RCW (sections 1 through 13 of this act),
12 charter schools under chapter 28A.-- RCW (sections 1 through 13 of this
13 act) are exempt from the reporting requirements of this title.

14 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.150
15 RCW to read as follows:

16 EXEMPTION FROM CLASS SIZE, STUDENT-TEACHER RATIO, PROGRAM HOUR, ONE
17 HUNDRED EIGHTY-DAY REQUIREMENT, AND CONTACT-HOUR REQUIREMENTS. A
18 charter school under chapter 28A.-- RCW (sections 1 through 13 of this
19 act) are exempt from the statutory requirements of this chapter
20 governing the length of the school year or day, school holidays,
21 program hours, ratios of students to teachers, teacher contact time, or
22 other statutory requirements pertaining to the school day or the number
23 of staff or use of staff time.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.230
25 RCW to read as follows:

26 EXEMPTION FROM CURRICULUM REQUIREMENTS. Except as specifically
27 provided in chapter 28A.-- RCW (sections 1 through 13 of this act),
28 charter schools under chapter 28A.-- RCW (sections 1 through 13 of this
29 act) are exempt from the statutory requirements in this chapter
30 pertaining to the instructional offerings in schools.

31 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.405
32 RCW to read as follows:

33 EXEMPTION FROM LAWS GOVERNING EMPLOYEES. Except as specifically
34 provided in chapter 28A.-- RCW (sections 1 through 13 of this act),
35 charter schools under chapter 28A.-- RCW (sections 1 through 13 of this

1 act) are exempt from the statutory requirements in this chapter
2 pertaining to the contract, salary, evaluation, hiring, or termination
3 of employees. Charter schools are not exempt from the provisions of
4 RCW 28A.405.470 governing the mandatory termination of certified
5 employees for crimes against children.

6 NEW SECTION. **Sec. 19.** CAPTIONS NOT LAW. Captions used in this
7 act do not constitute any part of the law.

8 NEW SECTION. **Sec. 20.** Sections 1 through 13 of this act shall
9 constitute a new chapter in Title 28A RCW.

10 NEW SECTION. **Sec. 21.** This 1996 act shall constitute the
11 alternative to Initiative 177, which has been proposed to the
12 legislature. If the secretary of state certifies Initiative 177 to the
13 legislature, then the secretary of state is directed to place this 1996
14 act on the ballot in conjunction with Initiative 177, pursuant to
15 Article II, section 1(a) of the state Constitution.

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