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SENATE BILL 6226

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Moyer, Anderson, Nelson, Bluechel and Roach

Read first time 01/17/94. 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.    The purpose of this chapter is to  
5 authorize the creation of charter schools. Charter schools are public  
6 schools that operate independently of a school district and are  
7 operated by nonprofit or governmental organizations. Charter schools  
8 may not be affiliated with religious institutions.

9            The goals of charter schools shall include but are not limited to  
10 the following:

- 11            (1) To improve student learning;
- 12            (2) To increase learning opportunities for students in public  
13 schools;
- 14            (3) To encourage the use of different and innovative teaching  
15 methods;
- 16            (4) To create new professional opportunities for teachers,  
17 including the opportunity to be responsible for the learning program at  
18 the school site;
- 19            (5) To encourage performance-based education programs;

1 (6) To establish new forms of accountability for schools; and  
2 (7) To encourage the use of innovative assessment methods designed  
3 to measure student performance and mastery of desired skills more  
4 accurately.

5 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
6 requires otherwise, the definitions in this section apply throughout  
7 this chapter.

8 (1) "Board of trustees" means the governing board established in  
9 section 6 of this act.

10 (2) "Sponsor" means the entity that grants the charter school its  
11 charter. Sponsors may include school districts and the state board of  
12 education.

13 NEW SECTION. **Sec. 3.** APPLICATION AND APPROVAL PROCESS. (1) The  
14 state board of education or school district boards of directors may  
15 sponsor, consistent with this chapter, the establishment and operation  
16 of charter schools.

17 (2) Persons and entities eligible to submit an application to  
18 establish a charter school shall include two or more certificated  
19 teachers, ten or more parents, and nonprofit and governmental  
20 organizations. Private and religious schools shall not be eligible for  
21 charter school status.

22 (3) The state board of education shall develop an application form  
23 for charter schools. The application shall include, but not be limited  
24 to:

25 (a) A description of the charter school's proposed educational  
26 program, and a discussion of how the program will achieve the goals of  
27 section 1 of this act;

28 (b) Specific learning standards that pupils are to achieve;

29 (c) Admission policies and procedures;

30 (d) A proposed three-year budget;

31 (e) Governance, management, and financial policies and procedures;  
32 and

33 (f) Program evaluation and financial audit procedures.

34 (4) Applications to establish a charter school shall be submitted  
35 to the state board of education or to a school district board of  
36 directors each year by January 15th.

1 (5) By May 15th, the state board of education or the school  
2 district board of directors shall approve or disapprove applications of  
3 schools proposed for the following school year.

4 (6) The state board of education's or sponsoring school district's  
5 approval of a charter school shall be in the form of a written charter  
6 signed by the sponsor and the board of trustees of the charter school.  
7 Except as provided in this chapter, the sponsor shall be given board  
8 authority in establishing the terms and conditions of the charter. At  
9 a minimum, the charter shall include:

10 (a) The applicable requirements of this chapter;

11 (b) Other educational program requirements, as determined by the  
12 sponsor;

13 (b) Specific learning requirements that pupils are to achieve;

14 (c) Admission policies and procedures;

15 (d) Governance, management, and financial policies and procedure  
16 requirements;

17 (e) Insurance and liability requirements; and

18 (f) Program evaluation and financial audit requirements.

19 (7) The term of the charter shall be no longer than three school  
20 years. Provisions for renewal and early termination of the charter are  
21 provided in section 8 of this act.

22 (8) Applications that are not approved may be submitted in the  
23 following year to the state board of education or to the same, or  
24 another, school district.

25 NEW SECTION. **Sec. 4.** CONDITIONS AND REQUIREMENTS OF ALL CHARTER  
26 SCHOOLS. (1) The primary focus of charter schools shall be to provide  
27 a comprehensive program of instruction for at least one grade or age  
28 group from five through eighteen years of age.

29 (2) Charter schools shall design their programs to be consistent  
30 with the goals in RCW 28A.150.210, and the essential academic learning  
31 requirements developed for the goals. Before the implementation of the  
32 essential academic learning requirements, the schools shall meet the  
33 learning requirements contained in the school's charter.

34 (3) Charter schools shall provide instruction each year and shall  
35 make available to students enrolled in kindergarten at least a total  
36 instructional offering of four hundred fifty hours. Charter schools  
37 shall make available to students enrolled in grades one through twelve  
38 at least a school-wide average total instructional hour offering of one

1 thousand hours. "Instructional hours" means those hours students are  
2 provided the opportunity to engage in educational activity planned by  
3 and under the direction of school staff, inclusive of intermissions for  
4 class changes, recess, and teacher/parent-guardian conferences that are  
5 planned and scheduled by the school for the purpose of discussing  
6 students' educational needs or progress, and exclusive of time actually  
7 spent for meals.

8 (4) Charter schools shall comply with chapter 28A.155 RCW and rules  
9 relating to the education of handicapped pupils as though the charter  
10 schools were a school district.

11 (5) Charter schools shall annually administer the state-wide  
12 assessments in RCW 28A.230.190 through 28A.230.240, and have students  
13 participate in the assessments developed by the commission on student  
14 learning in RCW 28A.630.885 when the assessments are implemented.

15 (6) Charter schools shall be nonsectarian in their programs,  
16 admissions policies, employment practices, and all other operations,  
17 and may not be affiliated with a sectarian school or a religious  
18 institution.

19 (7) Charter schools shall not charge tuition.

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

26 (9) Charter schools shall be located in Washington. Their specific  
27 locations may not be proscribed by the sponsor or any other authority  
28 except a zoning authority.

29 (10) The school is subject to the same financial audits, audit  
30 procedures, and audit requirements as a school district.

31 (11) Charter schools shall report at least annually to their  
32 sponsor and parents.

33 NEW SECTION. **Sec. 5.** ADMISSION OF STUDENTS. (1) The charter  
34 school may limit admission to the following:

35 (a) Pupils within an age group or grade level; or

36 (b) Residents of a specific geographic area if the percentage of  
37 the population of non-Caucasian people in the geographic area is  
38 greater than the percentage of the non-Caucasian population in the

1 congressional district in which the geographic area is located, as long  
2 as the school reflects the racial and ethnic diversity of that area.

3 (2) The school shall enroll an eligible pupil who submits a timely  
4 application, unless the number of applications exceeds the capacity of  
5 a program, class, grade level, or building. In this case, pupils shall  
6 be accepted by lot.

7 (3) The school shall not limit admission to pupils on the basis of  
8 intellectual ability, measures of achievement or aptitude, or athletic  
9 ability.

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

14 (2) The board of trustees shall be the school's governing board.  
15 Consistent with its charter, the board of trustees may exercise broad  
16 discretionary power for the development and implementation of programs,  
17 activities, and services for the students enrolled in its school.

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

26 (4) The board of trustees shall decide, or may choose to delegate,  
27 matters related to the operation of the school, including budgeting,  
28 personnel, curriculum, and operating procedures.

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

1 (2) Funding for students who are eligible for special education and  
2 transitional bilingual assistance services shall be determined in  
3 accordance with applicable statutes and rules that apply to school  
4 districts.

5 (3) The superintendent shall establish rules for the calculation  
6 and payment of funds to charter schools.

7 (4) The board of trustees may not levy taxes or issue bonds.

8 (5) Charter schools may receive funds from other governmental and  
9 private sources.

10 (6) Money received from the state shall not be used to purchase  
11 land or buildings. The school may own land and buildings if obtained  
12 through nonstate sources.

13 NEW SECTION. **Sec. 8.** RENEWAL OR TERMINATION OF CHARTERS. (1) The  
14 sponsor may or may not renew a charter at the end of the charter's  
15 term.

16 (2) The sponsor may unilaterally terminate a contract during the  
17 term of the contract for any reason in subsection (3) of this section.  
18 At least sixty days before not renewing or terminating a contract, the  
19 sponsor shall notify the board of trustees of the school of the  
20 proposed action in writing. The notice shall state the reasons for the  
21 proposed action in reasonable detail and the school's board of trustees  
22 may request in writing an informal hearing before the sponsor within  
23 fourteen days of receiving notice of nonrenewal or termination of the  
24 charter. Failure by the board of trustees to make a written request  
25 for a hearing within the fourteen-day period shall be treated as  
26 acquiescence to the proposed actions. Upon receiving a timely written  
27 request for a hearing, the sponsor shall give reasonable notice to the  
28 school's board of trustees of the hearing date. The sponsor shall  
29 conduct an informal hearing before taking final action. The sponsor  
30 shall take final action to renew or not renew a charter by the last day  
31 of classes in the school year.

32 (3) A charter may be terminated or not renewed for the following  
33 reasons:

34 (a) The failure to meet the requirements for pupil performance  
35 contained in the contract;

36 (b) The failure to meet generally accepted standards of fiscal  
37 management;

38 (c) Violations of the law; or

1 (d) Other good cause shown.

2 (4) If a charter is terminated or not renewed, the school shall be  
3 dissolved.

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

10 NEW SECTION. **Sec. 9.** TRANSPORTATION. (1) Transportation of  
11 students to the charter schools shall be the responsibility of the  
12 students and parents of the charter school.

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

22 (2) During a leave, the employee may continue to aggregate benefits  
23 and credits in the employee's retirement system account by paying both  
24 the employer and employee contributions based upon the annual salary of  
25 the employee for the last full pay period before the leave began. The  
26 department of retirement systems may impose reasonable requirements to  
27 administer this section efficiently.

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

34 NEW SECTION. **Sec. 11.** INFORMATION. The state board of education  
35 shall distribute information to the public and school district  
36 personnel on how to form and operate a charter school.

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

3        NEW SECTION.    **Sec. 13.**    CAPTIONS NOT LAW.    Section captions as used  
4    in this act constitute no part of the law.

5        NEW SECTION.    **Sec. 14.**    The sum of ..... dollars, or as much  
6    thereof as may be necessary, is appropriated for the biennium ending  
7    June 30, 1995, from the general fund to the state board of education  
8    for the purposes of this act.

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