
SUBSTITUTE HOUSE BILL 1147

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Education (originally sponsored by Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund, Dyer and Sheldon)

Read first time 03/01/95.

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

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
10 limited, 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, including special approaches for targeted age populations;

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

- 1 (e) Encouraging performance-based education programs;
- 2 (f) Establishing new forms of accountability for schools;
- 3 and
- 4 (g) Encouraging the use of innovative assessment methods designed
- 5 to measure student performance and mastery of desired skills more
- 6 accurately.

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

16 (2) By September 1, 1995, the state board of education shall
17 develop an application form for charter schools. The application form
18 shall include, but not be limited to, the following elements:

19 (a) A description of the charter school's proposed educational
20 program, and a discussion of how the program will achieve the goals of
21 section 1 of this act and the student learning goals in RCW
22 28A.150.210;

23 (b) Specific learning standards that students are to achieve;

24 (c) Admission policies and procedures;

25 (d) A proposed five-year budget;

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

27 and

28 (f) Program evaluation and financial audit procedures.

29 NEW SECTION. **Sec. 3.** APPROVAL PROCESS. (1) Charter school
30 applications shall be submitted to the board of directors of the school
31 district in which the proposed charter school will be located. School
32 boards shall approve or disapprove a charter application within ninety
33 days of submittal. If the school board rejects the application, the
34 application may be submitted to the state board of education for
35 approval.

36 (2) The total number of charter schools operating in the state in
37 any school year shall not exceed ten, with not more than one charter

1 school in any single school district. For purposes of implementing
2 this subsection, a school district shall notify the state board of
3 education when it receives a charter school application, when it
4 approves a charter school pursuant to this section, and when a charter
5 school contract expires or is terminated. Once ten charter schools are
6 approved by school boards or the state board of education, the state
7 board shall notify school districts. The state board also shall notify
8 school districts when additional charter schools may be approved due to
9 charter school contract expirations or terminations.

10 (3) The approval of a charter school shall be in the form of a
11 written contract between the approving agency and the board of trustees
12 of the charter school. Except as provided in this chapter, the school
13 district and the state board of education have broad authority in
14 establishing the terms and conditions of the contract. At a minimum,
15 the contract shall include:

- 16 (a) The applicable requirements of this chapter;
- 17 (b) Other educational program requirements;
- 18 (c) Specific learning requirements that students are to achieve;
- 19 (d) Admission policies and procedures;
- 20 (e) Governance, management, and financial policies and procedure
21 requirements;
- 22 (f) Insurance and liability requirements that provide reasonable
23 financial protection against loss; and
- 24 (g) Program evaluation and financial audit requirements.

25 (4) The term of the contract shall be no longer than five school
26 years. Contracts may be renewed by the approving agency for up to an
27 additional five-year period.

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

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

37 (3) Charter schools shall provide instruction each year and shall
38 make available to students enrolled in kindergarten at least a total

1 instructional offering of four hundred fifty hours. Charter schools
2 shall make available to students enrolled in grades one through twelve
3 at least a school-wide average total instructional hour offering of one
4 thousand hours. As used in this subsection, "instructional hours"
5 means those hours students are provided the opportunity to engage in
6 educational activity planned by and under the direction of school
7 staff, inclusive of intermissions for class changes, recess, and
8 teacher-parent or teacher-guardian conferences that are planned and
9 scheduled by the school for the purpose of discussing students'
10 educational needs or progress, and exclusive of time actually spent for
11 meals.

12 (4) A charter school shall comply with chapter 28A.155 RCW and
13 rules relating to the education of handicapped students as though it
14 were a school district.

15 (5) Charter schools shall annually administer the state-wide
16 assessments in RCW 28A.230.190 through 28A.230.240, and have students
17 participate in the assessments developed by the commission on student
18 learning in RCW 28A.630.885 when the assessments are implemented. The
19 schools also shall participate in other applicable state-wide
20 accountability programs.

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

23 (7) Charter schools shall not charge tuition.

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

30 (9) Charter schools shall be subject to financial audits, audit
31 procedures, and audit requirements similar to that required of a school
32 district.

33 (10) Charter schools shall report at least annually to their
34 approving agency and parents.

35 NEW SECTION. **Sec. 5.** ADMISSION OF STUDENTS. (1) A charter school
36 may limit admission to the following:

37 (a) Students within an age group or grade level; or

1 (b) Residents of a specific geographic area if the percentage of
2 the population of non-Caucasian people in the geographic area is
3 greater than the percentage of the non-Caucasian population in the
4 school district in which the geographic area is located, as long as the
5 school reflects the racial and ethnic diversity of that specific area.

6 (2) A charter school shall enroll a student who submits a timely
7 application, unless the number of applications exceeds the capacity of
8 a program, class, grade level, or building. In this case, students
9 shall be accepted by lot, with first priority going to students from
10 the school district in which the school is located.

11 (3) A charter school shall not limit admission to students on the
12 basis of intellectual ability, measures of achievement or aptitude, or
13 athletic ability.

14 NEW SECTION. Sec. 6. BOARD OF TRUSTEES. (1) Before submitting an
15 application, a board of trustees shall be established. Bylaws
16 containing the terms and qualifications of the board also shall be
17 adopted before applications are submitted.

18 (2) The board of trustees shall be the school's governing board,
19 and shall consist of teachers employed in the charter school, parents
20 of students enrolled in the charter school, and other individuals.
21 Consistent with their contract, the board of trustees may exercise
22 broad discretionary power for the development and implementation of
23 programs, activities, and services for the students enrolled in the
24 school.

25 (3) The board of trustees shall employ and contract with teachers,
26 as defined by chapters 28A.405 and 28A.410 RCW, who hold valid
27 certificates to perform the particular service for which they are
28 employed in the school. The board of trustees also may employ
29 necessary employees who are not required to hold teaching certificates
30 to perform other duties, and may contract for other services. The
31 board may discharge teachers and noncertificated employees.

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

35 NEW SECTION. Sec. 7. FUNDING. (1) The superintendent of public
36 instruction shall separately calculate and allocate moneys appropriated
37 for basic education under RCW 28A.150.260 to charter schools. The

1 amount of state funding for charter schools shall be determined by the
2 number of full-time equivalent students enrolled in the school
3 multiplied by the estimated state-wide annual average per full-time
4 equivalent student allocation under RCW 28A.150.260 and applicable
5 rules.

6 (2) State funding for students who are eligible for special
7 education under chapter 28A.155 RCW, the learning assistance program
8 under chapter 28A.165 RCW, and the transitional bilingual instruction
9 program under chapter 28A.180 RCW shall be determined in accordance
10 with applicable statutes and rules that apply to school districts.

11 (3) For each annual full-time equivalent student enrolled in a
12 charter school, the charter schools shall be entitled to an amount
13 equal to the maintenance and operation excess tax levy rate per annual
14 average full-time equivalent student of the district in which each
15 full-time equivalent student who attends the charter school resides.
16 These funds shall be paid to the charter school by the school district
17 in which the student resides.

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

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

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

23 (7) Money received from the state shall not be used to purchase
24 land or buildings. The school may own land and buildings if obtained
25 through nonstate sources. If school districts have excess classroom
26 space, facilities, and buildings suitable for a charter school, the
27 school district shall make such space and facilities available to the
28 charter school.

29 NEW SECTION. **Sec. 8. TERMINATION OF CONTRACTS.** (1) The approving
30 agency may unilaterally terminate a contract during the term of the
31 contract for any reason in subsection (2) of this section. At least
32 sixty days before not renewing or terminating a contract, the approving
33 agency shall notify the board of trustees of the school of the proposed
34 action in writing. The notice shall state the reasons for the proposed
35 action in reasonable detail and the school's board of trustees may
36 request in writing an informal hearing before the approving agency
37 within fourteen days of receiving notice of nonrenewal or termination
38 of the contract. Failure by the board of trustees to make a written

1 request for a hearing within the fourteen-day period shall be treated
2 as acquiescence to the proposed actions. Upon receiving a timely
3 written request for a hearing, the approving agency shall give
4 reasonable notice to the school's board of trustees of the hearing
5 date. The approving agency shall conduct an informal hearing before
6 taking final action.

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

8 (a) The failure to meet the requirements for student performance
9 contained in the contract;

10 (b) The failure to meet generally accepted standards of fiscal
11 management;

12 (c) Violations of the law; or

13 (d) Other good cause shown.

14 (3) If a contract is terminated, the school shall be dissolved.

15 (4) If a contract is terminated or not renewed, students who
16 attended the school may enroll in the resident district, or may submit
17 an application to a nonresident district according to RCW 28A.225.220
18 through 28A.225.230. Applications and notices required by RCW
19 28A.225.220 through 28A.225.230 shall be processed and provided in a
20 prompt manner.

21 NEW SECTION. **Sec. 9.** TRANSPORTATION. If a charter school
22 provides transportation for students enrolled in the school,
23 transportation funding shall be based on the average full-time
24 equivalent transportation allocation for the district in which the
25 school is located.

26 NEW SECTION. **Sec. 10.** EDUCATIONAL EMPLOYEES LEAVE OF ABSENCES--
27 RETIREMENT--BARGAINING. (1) If a school district employee makes a
28 written request for an extended leave of absence to work at a charter
29 school, the school district shall grant the leave. The school district
30 shall grant a leave for any number of years requested by the employee,
31 and shall extend the leave at the employee's request. The school
32 district may require that the request for a leave or extension of leave
33 be made up to ninety days before the employee would otherwise have to
34 report for duty.

35 (2) During a leave, the employee may continue to aggregate benefits
36 and credits in the employee's retirement system account if appropriate
37 employee and employer contributions are made. The department of

1 retirement systems may impose reasonable requirements to administer
2 this section efficiently.

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

9 NEW SECTION. **Sec. 11.** INFORMATION. The state board of education
10 shall distribute information to the public and school district
11 personnel on the major elements of a charter school, and how a charter
12 school may be established.

13 NEW SECTION. **Sec. 12.** The legislative budget committee shall
14 analyze the status and progress of the charter schools created under
15 this act and report to the appropriate committees of the legislature by
16 December 15, 1997.

17 NEW SECTION. **Sec. 13.** CAPTIONS NOT LAW. Captions used in sections
18 1 through 11 and 13 of this act do not constitute any part of the law.

19 NEW SECTION. **Sec. 14.** Sections 1 through 11 and 13 of this act
20 shall constitute a new chapter in Title 28A RCW.

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