

# FINAL BILL REPORT

## HB 2853

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Synopsis as Enacted

**Brief Description:** Promoting the effective and efficient administration of the Washington state charter school commission.

**Sponsors:** Representatives Harris and Santos.

**House Committee on Education**  
**Senate Committee on Early Learning & K-12 Education**  
**Senate Committee on Ways & Means**

**Background:**

Charter Public Schools—History and Overview.

Washington's charter schools or charter public schools system was originally established by voters through Initiative Measure No. 1240 (Initiative 1240) in November 2012. In 2015 the state Supreme Court invalidated Initiative 1240 in its entirety. In 2016 the Legislature reenacted the state's charter school system, with charter schools created, governed, and funded separately from other public schools. The 2016 legislation included provisions governing the transition from operating under the invalidated statutes to operating under the newly adopted requirements.

Charter schools are established as public schools that operate according to the terms of a charter contract establishing the roles, powers, responsibilities, and performance expectations of the parties to the contract. Charter schools are tuition-free and open to all children, subject to enrollment capacity limitations.

If capacity at a charter school is insufficient to enroll all students who apply, the charter school must grant an enrollment preference to siblings of enrolled students, with any remaining enrollments allocated through a lottery. A charter school may offer, pursuant to an admissions policy approved by the Washington State Charter School Commission (Commission), a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the children reside within the state.

Each charter school is subject to a charter school board, a board of directors appointed or selected under the terms of a charter application, to manage and operate the charter school. Charter schools, whose establishment may be authorized statewide by the Commission or

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locally within a school district by the applicable district board of directors, may offer any program or course of study that any other public school may offer.

Nine charter schools are currently operating in Washington.

#### The Washington State Charter School Commission.

The Commission is an 11-member body that is charged with managing, supervising, and enforcing the charter school contracts. The Commission is also the primary authorizer of charter schools, having authorized 12 of the 14 charter schools in the state that provide (or previously provided) instruction to kindergarten through grade 12 students.

#### Annual Report.

The State Board of Education (SBE), in collaboration with the Commission, is required to issue an annual report each December 1 on the performance of the state's charter schools during the preceding school year. The report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the SBE. Among other provisions, the report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in other public schools.

#### Civil Service.

Washington's civil service system was established through Initiative Measure No. 207 in 1960. The stated purpose of the initiative was to establish a system of personnel administration based on merit principles and methods governing the hiring, promotion, transfer, and other actions of state employees. The civil service laws apply to all state agencies, institutions of higher education, boards, and commissions, and each employee and position, unless expressly excluded or exempted by law. Subject to certain requirements, directors of commissions that serve on a part-time basis, and the confidential secretaries of those directors, are exempt from civil service laws.

#### **Summary:**

#### Executive Director and Staffing Provisions.

The Commission is expressly granted the authority to hire an executive director and to employ staff as necessary to carry out its duties directed by law. The Commission is further authorized to delegate to the executive director the duties as necessary to effectively and efficiently execute the business of the Commission, including the authority to employ necessary staff. The executive director and the executive director's confidential secretary are expressly exempted from Washington's civil service laws.

#### Other Provisions.

Other provisions related to the duties and operations of the Commission are modified as follows:

- the date by which the SBE must complete its annual report on the performance of charter schools is changed from December 1 to March 1;
- charter schools may offer a weighted enrollment preference for qualifying students if the preference is consistent with an admissions policy approved by the applicable

- authorizer (which may be the Commission or a qualified local authorizer), instead of approved solely by the Commission; and
- provisions relating to validating charter school actions and contracts that were operational before and immediately after the 2016 reenactment of charter school laws are repealed.

**Votes on Final Passage:**

House	89	9
Senate	46	2

**Effective:** June 11, 2020