

# SENATE BILL REPORT

## HB 2853

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As of March 2, 2020

**Title:** An act relating to promoting the effective and efficient administration of the Washington state charter school commission.

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

**Sponsors:** Representatives Harris and Santos.

**Brief History:** Passed House: 2/18/20, 89-9.

**Committee Activity:** Early Learning & K-12 Education: 2/26/20, 2/28/20 [DP-WM].  
Ways & Means: 2/29/20.

### Brief Summary of Bill

- Authorizes the Washington State Charter School Commission to hire an executive director and employ staff.
- Changes the date by which an annual charter school performance report must be completed, from December 1st to March 1st.
- Repeals provisions that were operational before and immediately after the 2016 reenactment of charter school laws.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy, Hunt, McCoy, Mullet, Padden, Pedersen, Salomon and Wagoner.

**Staff:** Alex Fairfortune (786-7416)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Jeffrey Naas (786-7708)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Charter Schools. Washington's charter school system was originally established by voters through 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 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 employees' children reside within the state.

The Washington State Charter School Commission. The Commission is an 11-member body that consists of members appointed by three different sources: three members appointed by the Governor, three members appointed by caucus leaders of the Senate, and three members appointed by caucus leaders of the House of Representatives. The Commission also includes the Superintendent of Public Instruction and the chair of the State Board of Education (SBE) or their designees.

The Commission is charged with managing, supervising, and enforcing the charter school contracts, and serves as the primary authorizer of charter schools. However, a school district board of directors may also act as a charter school authorizer for charter schools located within the district's boundaries after receiving approval from the SBE.

Annual Report. The SBE, in collaboration with the Commission, is required to issue an annual report each December 1st 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.

**Summary of Bill:** Charter Schools. 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, instead of approved by the Commission. 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.

The Washington State Charter School Commission. The Commission is granted the authority to hire an executive director and to employ staff as necessary to carry out its duties. 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 exempted from Washington's civil service laws.

Annual Report. The date by which the SBE must complete its annual report on the performance of charter schools is changed from December 1st to March 1st.

**Appropriation:** None.

**Fiscal Note:** Requested on February 20, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Early Learning & K-12 Education):** PRO: Charter school statutes require the commission to perform certain duties. This bill clarifies commission hiring authority to help meet those statutory obligations. Changing the reporting dates would help provide information to the Legislature in a more timely manner.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Steve Sundquist, Washington State Charter School Commission.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: The bill contains statutory clarifications that provide clarity to the commission. The statute should be clear that the commission has the authority to hire an executive director and staff. The executive director was hired in the first year of implementation which was under the Initiative 1240 language from 2012. When the state's charter school system was reenacted by the Legislature in 2016, language authorizing an executive director was not included. This bill amends that omission.

**Persons Testifying (Ways & Means):** PRO: Jennifer Ziegler, Washington State Charter School Commission.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.