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HOUSE BILL 1971

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Fey, Clibborn, Gregory, and Pollet

Read first time 02/04/15. Referred to Committee on Education.

1            AN ACT Relating to charter schools; and amending RCW 28A.710.030,  
2            28A.710.070, and 28A.710.080.

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

4            **Sec. 1.** RCW 28A.710.030 and 2013 c 2 s 203 are each amended to  
5            read as follows:

6            (1) To carry out its duty to manage and operate the charter  
7            school and carry out the terms of its charter contract, a charter  
8            school board may:

9            (a) Hire, manage, and discharge any charter school employee in  
10           accordance with the terms of this chapter and that school's charter  
11           contract;

12           (b) Receive and disburse funds for the purposes of the charter  
13           school;

14           (c) Enter into contracts with any school district, educational  
15           service district, or other public or private entity for the provision  
16           of real property, equipment, goods, supplies, and services, including  
17           educational instructional services and including for the management  
18           and operation of the charter school to the same extent as other  
19           noncharter public schools, as long as the charter school board  
20           maintains oversight authority over the charter school. Contracts for

1 management operation of the charter school may only be with nonprofit  
2 organizations;

3 (d) Rent, lease, purchase, or own real property. All charter  
4 contracts and contracts with other entities must include provisions  
5 regarding the disposition of the property if the charter school fails  
6 to open as planned or closes, or if the charter contract is revoked  
7 or not renewed;

8 (e) Issue secured and unsecured debt, including pledging,  
9 assigning, or encumbering its assets to be used as collateral for  
10 loans or extensions of credit to manage cash flow, improve  
11 operations, or finance the acquisition of real property or equipment:  
12 PROVIDED, That the public charter school may not pledge, assign, or  
13 encumber any public funds received or to be received pursuant to RCW  
14 28A.710.220. The debt is not a general, special, or moral obligation  
15 of the state, the charter school authorizer, the school district in  
16 which the charter school is located, or any other political  
17 subdivision or agency of the state. Neither the full faith and credit  
18 nor the taxing power of the state or any political subdivision or  
19 agency of the state may be pledged for the payment of the debt;

20 (f) Solicit, accept, and administer for the benefit of the  
21 charter school and its students, gifts, grants, and donations from  
22 individuals or public or private entities, excluding from sectarian  
23 or religious organizations. Charter schools may not accept any gifts  
24 or donations the conditions of which violate this chapter or other  
25 state laws; ((and))

26 (g) Issue diplomas to students who meet state high school  
27 graduation requirements established under RCW 28A.230.090. A charter  
28 school board may establish additional graduation requirements; and

29 (h) Contract for an independent performance audit of the school  
30 to be conducted the year immediately following the school's first  
31 full school year of operation with all the grades fully phased-in and  
32 student enrollment at the level for which the charter school is  
33 approved. The performance audit must be conducted in accordance with  
34 United States general accounting office government auditing  
35 standards. A performance audit in compliance with this section does  
36 not inhibit the state auditor's office from conducting a performance  
37 audit of the school.

38 (2) A charter school board may not levy taxes or issue tax-backed  
39 bonds. A charter school board may not acquire property by eminent  
40 domain.

1       **Sec. 2.** RCW 28A.710.070 and 2013 c 2 s 208 are each amended to  
2 read as follows:

3       (1)(a) The Washington charter school commission is established as  
4 an independent state agency whose mission is to authorize high  
5 quality public charter schools (~~((throughout the state))~~), particularly  
6 schools designed to expand opportunities for at-risk students, and to  
7 ensure the highest standards of accountability and oversight for  
8 these schools.

9       (b) The commission may authorize charter schools located anywhere  
10 in the state, except in a school district in which at least three  
11 charter schools have been authorized by the commission but the  
12 charter schools have not fully phased-in all the grades or student  
13 enrollment for which the charter schools are approved. The moratorium  
14 on approving additional charter schools within the school district  
15 must be removed if the charter school commission determines that:

16       (i) There have been no financial or performance audit findings  
17 for any of the charter schools within the district resulting in  
18 recommendations by the state auditor's office; or

19       (ii) There have been financial or performance audit findings for  
20 any of the charter schools within the district resulting in  
21 recommendations by the state auditor's office but the commission  
22 determines that the school has taken actions sufficient to  
23 satisfactorily comply with the recommendations.

24       (c) The commission shall, through its management, supervision,  
25 and enforcement of the charter contracts, administer the portion of  
26 the public common school system consisting of the charter schools it  
27 authorizes as provided in this chapter, in the same manner as a  
28 school district board of directors, through its management,  
29 supervision, and enforcement of the charter contracts, and pursuant  
30 to applicable law, administers the charter schools it authorizes.

31       (2)(a) The commission shall consist of nine members, no more than  
32 five of whom shall be members of the same political party.

33       (b) Until the effective date of this section, three members shall  
34 be appointed by the governor; three members shall be appointed by the  
35 president of the senate; and three members shall be appointed by the  
36 speaker of the house of representatives. The appointing authorities  
37 shall assure diversity among commission members, including  
38 representation from various geographic areas of the state and shall  
39 assure that at least one member is a parent of a Washington public  
40 school student.

1        (c) After the effective date of this section, as the terms of the  
2 commission members expire, the successor members shall be appointed  
3 by the governor and be subject to confirmation by the senate. The  
4 governor shall assure diversity among commission members, including  
5 representation from various geographic areas of the state and shall  
6 assure that at least one member is a parent of a Washington public  
7 school student.

8        (3) Members appointed to the commission shall collectively  
9 possess strong experience and expertise in public and nonprofit  
10 governance; management and finance; public school leadership,  
11 assessment, curriculum, and instruction; and public education law.  
12 All members shall have demonstrated an understanding of ((and  
13 ~~commitment to~~)) charter schooling as a strategy for strengthening  
14 public education.

15        (4) Members shall be appointed to four-year, staggered terms(  
16 ~~with initial appointments from each of the appointing authorities~~  
17 ~~consisting of one member appointed to a one-year term, one member~~  
18 ~~appointed to a two-year term, and one member appointed to a three-~~  
19 ~~year term, all of whom thereafter)) and may be reappointed for a  
20 four-year term. No member may serve more than two consecutive terms.  
21 ((~~Initial appointments must be made no later than ninety days after~~  
22 ~~December 6, 2012.~~))~~

23        (5) Whenever a vacancy on the commission exists, the ((~~original~~  
24 ~~appointing authority~~)) governor must appoint a member for the  
25 remaining portion of the term within no more than thirty days.

26        (6) Commission members shall serve without compensation but may  
27 be reimbursed for travel expenses as authorized in RCW 43.03.050 and  
28 43.03.060.

29        (7) Operational and staff support for the commission shall be  
30 provided by the office of the governor until the commission has  
31 sufficient resources to hire or contract for separate staff support,  
32 who shall reside within the office of the governor for administrative  
33 purposes only.

34        (8) RCW 28A.710.090 and 28A.710.120 do not apply to the  
35 commission.

36        **Sec. 3.** RCW 28A.710.080 and 2013 c 2 s 207 are each amended to  
37 read as follows:

38        The following entities are eligible to be authorizers of charter  
39 schools:

1           (1) The Washington charter school commission established under  
2 RCW 28A.710.070, for charter schools located anywhere in the state,  
3 in accordance with RCW 28A.710.070; and

4           (2) School district boards of directors that have been approved  
5 by the state board of education under RCW 28A.710.090 before  
6 authorizing a charter school, for charter schools located within the  
7 school district's own boundaries.

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