

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194**

Chapter 241, Laws of 2016

64th Legislature  
2016 Regular Session

PUBLIC CHARTER SCHOOLS

EFFECTIVE DATE: 4/3/2016

Passed by the Senate March 10, 2016  
Yeas 26 Nays 23

BRAD OWEN

**President of the Senate**

Passed by the House March 9, 2016  
Yeas 58 Nays 39

FRANK CHOPP

**Speaker of the House of Representatives**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

**Secretary**

FILED

April 4, 2016

**Secretary of State  
State of Washington**



1 either a public benefit nonprofit corporation as defined in RCW  
2 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005  
3 that has applied for tax exempt status under section 501(c)(3) of the  
4 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The  
5 nonprofit corporation may not be a sectarian or religious  
6 organization and must meet all of the requirements for a public  
7 benefit nonprofit corporation before receiving any funding under RCW  
8 28A.710.220.

9 (2) "At-risk student" means a student who has an academic or  
10 economic disadvantage that requires assistance or special services to  
11 succeed in educational programs. The term includes, but is not  
12 limited to, students who do not meet minimum standards of academic  
13 proficiency, students who are at risk of dropping out of high school,  
14 students in chronically low-performing schools, students with higher  
15 than average disciplinary sanctions, students with lower  
16 participation rates in advanced or gifted programs, students who are  
17 limited in English proficiency, students who are members of  
18 economically disadvantaged families, and students who are identified  
19 as having special educational needs.

20 (3) "Authorizer" means ~~((an entity))~~ the commission established  
21 in RCW 28A.710.070 or a school district approved under RCW  
22 28A.710.090 to review, approve, or reject charter school  
23 applications; enter into, renew, or revoke charter contracts with  
24 applicants; and oversee the charter schools the entity has  
25 authorized.

26 (4) "Charter contract" means a fixed term, renewable contract  
27 between a charter school and an authorizer that outlines the roles,  
28 powers, responsibilities, and performance expectations for each party  
29 to the contract.

30 (5) "Charter school" or "~~((public))~~ charter public school" means  
31 a public school that is established in accordance with this chapter,  
32 governed by a charter school board, and operated according to the  
33 terms of a charter contract executed under this chapter ~~((and~~  
34 ~~includes a new charter school and a conversion charter school))~~.

35 (6) "Charter school board" means the board of directors appointed  
36 or selected under the terms of a charter application to manage and  
37 operate the charter school.

38 (7) "Commission" means the Washington state charter school  
39 commission established in RCW 28A.710.070.

1           (8) (~~"Conversion charter school" means a charter school created~~  
2 ~~by converting an existing noncharter public school in its entirety to~~  
3 ~~a charter school under this chapter.~~

4           (9) ~~"New charter school" means any charter school established~~  
5 ~~under this chapter that is not a conversion charter school.~~

6           (10)) "Parent" means a parent, guardian, or other person or  
7 entity having legal custody of a child.

8           ((11)) (9) "Student" means ((any)) a child eligible ((under RCW  
9 28A.225.160)) to attend a public school in the state.

10           **Sec. 102.** RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted  
11 and amended to read as follows:

12           A charter school established under this chapter:

13           (1) Is a public(~~, common~~) school that is:

14           (a) Open to all children free of charge and by choice; and

15           (b) Operated separately from the common school system as an  
16 alternative to traditional common schools;

17           (2) (~~Is a public, common school offering~~) May offer any program  
18 or course of study that ((a noncharter)) any other public school may  
19 offer, including one or more of grades kindergarten through twelve;

20           (3) Is governed by a charter school board according to the terms  
21 of a renewable, five-year charter contract executed under RCW  
22 28A.710.160;

23           (4) (~~Is a public school to which parents choose to send their~~  
24 ~~children;~~

25           (5)) Functions as a local education agency under applicable  
26 federal laws and regulations and is responsible for meeting the  
27 requirements of local education agencies and public schools under  
28 those federal laws and regulations, including but not limited to  
29 compliance with the individuals with disabilities education  
30 improvement act (20 U.S.C. Sec. 1401 et seq.), the federal  
31 educational rights and privacy act (20 U.S.C. Sec. 1232g), the  
32 McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431  
33 et seq.), and the elementary and secondary education act (20 U.S.C.  
34 Sec. 6301 et seq.).

35           **Sec. 103.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted  
36 and amended to read as follows:

1           (1) To (~~carry out~~) fulfill its duty to manage and operate the  
2 charter school, and (~~carry out~~) to execute the terms of its charter  
3 contract, a charter school board may:

4           (a) Hire, manage, and discharge (~~any~~) charter school employees  
5 in accordance with the terms of this chapter and (~~that~~) the  
6 school's charter contract;

7           (b) Receive and disburse funds for the purposes of the charter  
8 school;

9           (c) Enter into contracts with any school district, educational  
10 service district, or other public or private entity for the provision  
11 of real property, equipment, goods, supplies, and services, including  
12 educational instructional services (~~and including~~), pupil  
13 transportation services, and for the management and operation of the  
14 charter school (~~to the same extent as other noncharter public~~  
15 ~~schools, as long as~~), provided the charter school board maintains  
16 oversight authority over the charter school. Contracts for management  
17 operation of the charter school may only be with nonprofit  
18 organizations;

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

24           (e) Issue secured and unsecured debt, including pledging,  
25 assigning, or encumbering its assets to be used as collateral for  
26 loans or extensions of credit to manage cash flow, improve  
27 operations, or finance the acquisition of real property or  
28 equipment(~~:- PROVIDED, That~~). However, the (~~public~~) charter public  
29 school may not pledge, assign, or encumber any public funds received  
30 or to be received pursuant to RCW 28A.710.220. (~~The~~) Debt issued  
31 under this subsection (1)(e) is not a general, special, or moral  
32 obligation of the state, the charter school authorizer, the school  
33 district in which the charter school is located, or any other  
34 political subdivision or agency of the state. Neither the full faith  
35 and credit nor the taxing power of the state, or any political  
36 subdivision or agency of the state, may be pledged for the payment of  
37 the debt;

38           (f) Solicit, accept, and administer for the benefit of the  
39 charter school and its students, gifts, grants, and donations from  
40 individuals, or public or private entities, excluding (~~from~~)

1 sectarian or religious organizations. A charter school((s)) board may  
2 not accept any gifts or donations ~~((the conditions of which))~~ that  
3 violate this chapter or other state laws; and

4 (g) Issue diplomas to students who meet state high school  
5 graduation requirements established under RCW 28A.230.090. A charter  
6 school board may establish additional graduation requirements.

7 (2) A charter school board must contract for an independent  
8 performance audit of the school to be conducted: (a) The second year  
9 immediately following the school's first full school year of  
10 operation; and (b) every three years thereafter. The performance  
11 audit must be conducted in accordance with United States general  
12 accounting office government auditing standards. A performance audit  
13 in compliance with this section does not inhibit the state auditor's  
14 office from conducting a performance audit of the school.

15 (3) A charter school board may not levy taxes or issue tax-backed  
16 bonds.

17 (4) A charter school board may not acquire property by eminent  
18 domain.

19 (5) A charter school board, through web site postings and written  
20 notice with receipt acknowledged by signature of the recipient, must  
21 advise families of new, ongoing, and prospective students of any  
22 ongoing litigation challenging the constitutionality of charter  
23 schools or that may require charter schools to cease operations.

24 **Sec. 104.** RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted  
25 and amended to read as follows:

26 (1) A charter school must operate according to the terms of its  
27 charter contract and the provisions of this chapter.

28 (2) ~~((All))~~ A charter school((s)) must:

29 (a) Comply with local, state, and federal health, safety,  
30 parents' rights, civil rights, and nondiscrimination laws applicable  
31 to school districts and to the same extent as school districts,  
32 including but not limited to chapter 28A.642 RCW (discrimination  
33 prohibition) and chapter 28A.640 RCW (sexual equality);

34 (b) Provide a program of basic education, ~~((as provided))~~ that  
35 meets the goals in RCW 28A.150.210, including instruction in the  
36 essential academic learning requirements, and participate in the  
37 statewide student assessment system as developed under RCW  
38 28A.655.070;

1 (c) Employ certificated instructional staff as required in RCW  
2 28A.410.025(~~(; PROVIDED, That)~~). Charter schools, however, may hire  
3 noncertificated instructional staff of unusual competence and in  
4 exceptional cases as specified in RCW 28A.150.203(7);

5 (d) Comply with the employee record check requirements in RCW  
6 28A.400.303;

7 (e) Adhere to generally accepted accounting principles and be  
8 subject to financial examinations and audits as determined by the  
9 state auditor, including annual audits for legal and fiscal  
10 compliance;

11 (f) Comply with the annual performance report under RCW  
12 28A.655.110;

13 (g) Be subject to the performance improvement goals adopted by  
14 the state board of education under RCW 28A.305.130;

15 (h) Comply with the open public meetings act in chapter 42.30 RCW  
16 and public records requirements in chapter 42.56 RCW; and

17 (i) Be subject to and comply with legislation enacted after  
18 December 6, 2012, (~~(governing)~~) that governs the operation and  
19 management of charter schools.

20 (3) (~~(Public)~~) Charter public schools must comply with all state  
21 statutes and rules made applicable to the charter school in the  
22 school's charter contract, and are subject to the specific state  
23 statutes and rules identified in subsection (2) of this section. For  
24 the purpose of allowing flexibility to innovate in areas such as  
25 scheduling, personnel, funding, and educational programs to improve  
26 student outcomes and academic achievement, charter schools are not  
27 subject to, and are exempt from, all other state statutes and rules  
28 applicable to school districts and school district boards of  
29 directors(~~(, for the purpose of allowing flexibility to innovate in~~  
30 ~~areas such as scheduling, personnel, funding, and educational~~  
31 ~~programs in order to improve student outcomes and academic~~  
32 ~~achievement)~~). Except as provided otherwise by this chapter or a  
33 charter contract, charter schools are exempt from all school district  
34 policies (~~(except policies made applicable in the school's charter~~  
35 ~~contract)~~).

36 (4) (~~(No)~~) A charter school may not engage in any sectarian  
37 practices in its educational program, admissions or employment  
38 policies, or operations.

39 (5) Charter schools are subject to the supervision of the  
40 superintendent of public instruction and the state board of

1 education, including accountability measures, to the same extent as  
2 other public schools, except as otherwise provided in this chapter  
3 (~~(2, Laws of 2013)~~).

4 **Sec. 105.** RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted  
5 and amended to read as follows:

6 (1) Except as provided in subsection (3) of this section, a  
7 charter school may not limit admission on any basis other than age  
8 group, grade level, or enrollment capacity (~~(and must enroll all~~  
9 ~~students who apply within these bases)~~). A charter school is open to  
10 any student regardless of his or her location of residence.

11 (2) A charter school may not charge tuition, but may charge fees  
12 for participation in optional extracurricular events and activities  
13 in the same manner and to the same extent as do other public schools.

14 (~~(A conversion charter school must provide sufficient~~  
15 ~~capacity to enroll all students who wish to remain enrolled in the~~  
16 ~~school after its conversion to a charter school, and may not displace~~  
17 ~~students enrolled before the chartering process.~~

18 ~~(4))~~ If capacity is insufficient to enroll all students who  
19 apply to a charter school, the charter school must (~~(select students~~  
20 ~~through a lottery to ensure fairness. However, a charter school must~~  
21 ~~give an enrollment preference to siblings of already enrolled~~  
22 ~~students)) grant an enrollment preference to siblings of enrolled  
23 students, with any remaining enrollments allocated through a lottery.  
24 A charter school may offer, pursuant to an admissions policy approved  
25 by the commission, a weighted enrollment preference for at-risk  
26 students or to children of full-time employees of the school if the  
27 employees' children reside within the state.~~

28 (~~(5))~~ (4) The enrollment capacity of a charter school must be  
29 determined annually by the charter school board in consultation with  
30 the charter authorizer and with consideration of the charter school's  
31 ability to facilitate the academic success of its students, achieve  
32 the objectives specified in the charter contract, and assure that its  
33 student enrollment does not exceed the capacity of its facility. An  
34 authorizer may not restrict the number of students a charter school  
35 may enroll.

36 (~~(6))~~ (5) Nothing in this section prevents formation of a  
37 charter school whose mission is to offer a specialized learning  
38 environment and services for particular groups of students, such as  
39 at-risk students, students with disabilities, or students who pose



1 such severe disciplinary problems that they warrant a specific  
2 educational program. Nothing in this section prevents formation of a  
3 charter school organized around a special emphasis, theme, or concept  
4 as stated in the school's application and charter contract.

5 **Sec. 106.** RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted  
6 and amended to read as follows:

7 (1) School districts must provide information to parents and the  
8 general public about charter schools located within the district as  
9 an enrollment option for students.

10 (2) If a student who was previously enrolled in a charter school  
11 enrolls in another public school in the state, the student's new  
12 school must accept credits earned by the student in the charter  
13 school in the same manner and according to the same criteria that  
14 credits are accepted from other public schools.

15 (3) A charter school (~~(is eligible for)~~) may participate in state  
16 or district-sponsored interscholastic programs, awards, scholarships,  
17 or competitions to the same extent as other public schools.

18 **Sec. 107.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted  
19 and amended to read as follows:

20 (1) The Washington state charter school commission is established  
21 as an independent state agency whose mission is to authorize high  
22 quality (~~(public)~~) charter public schools throughout the state,  
23 (~~(particularly)~~) especially schools that are designed to expand  
24 opportunities for at-risk students, and to ensure the highest  
25 standards of accountability and oversight for these schools.

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

34 (~~(+2)~~) (3)(a) The commission shall consist of:

35 (i) Nine appointed members(~~(, no more than five of whom shall be~~  
36 ~~members of the same political party));~~

37 (ii) The superintendent of public instruction or the  
38 superintendent's designee; and

1 (iii) The chair of the state board of education or the chair's  
2 designee.

3 (b) Appointments to the commission shall be as follows: Three  
4 members shall be appointed by the governor; three members shall be  
5 appointed by the ((president of the)) senate, with two members  
6 appointed by the leader of the largest caucus of the senate and one  
7 member appointed by the leader of the minority caucus of the senate;  
8 and three members shall be appointed by the ((speaker of the)) house  
9 of representatives, with two members appointed by the speaker of the  
10 house of representatives and one member appointed by the leader of  
11 the minority caucus of the house of representatives. The appointing  
12 authorities shall assure diversity among commission members,  
13 including representation from various geographic areas of the state  
14 and shall assure that at least one member is ((a)) the parent of a  
15 Washington public school student.

16 ((+3)) (4) Members appointed to the commission shall  
17 collectively possess strong experience and expertise in public and  
18 nonprofit governance; management and finance; public school  
19 leadership, assessment, curriculum, and instruction; and public  
20 education law. All appointed members shall have demonstrated an  
21 understanding of and commitment to charter schooling as a strategy  
22 for strengthening public education.

23 ((+4)) (5) Appointed members shall ((be appointed to)) serve  
24 four-year, staggered terms((, with)). The initial appointments from  
25 each of the appointing authorities ((consisting)) must consist of one  
26 member appointed to a one-year term, one member appointed to a  
27 two-year term, and one member appointed to a three-year term, all of  
28 whom thereafter may be reappointed for a four-year term. No appointed  
29 member may serve more than two consecutive terms. Initial  
30 appointments must be made ((no later than ninety days after December  
31 6, 2012)) by July 1, 2016.

32 ((+5)) (6) Whenever a vacancy on the commission exists among its  
33 appointed membership, the original appointing authority must appoint  
34 a member for the remaining portion of the term within no more than  
35 thirty days.

36 ((+6)) (7) Commission members shall serve without compensation  
37 but may be reimbursed for travel expenses as authorized in RCW  
38 43.03.050 and 43.03.060.

39 ((+7)) ~~Operational and staff support for the commission shall be~~  
40 ~~provided by the office of the governor until the commission has~~

1 ~~sufficient resources to hire or contract for separate staff support,~~  
2 ~~who))~~

3 (8) The commission shall reside within the office of the  
4 ~~((governor))~~ superintendent of public instruction for administrative  
5 purposes only.

6 ~~((+8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the  
7 commission.

8 **Sec. 108.** RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted  
9 and amended to read as follows:

10 The following entities ~~((are eligible to))~~ may be authorizers of  
11 charter schools:

12 (1) The ~~((Washington charter school))~~ commission ~~((established~~  
13 ~~under RCW 28A.710.070,))~~ may exercise the authority granted under  
14 this section for charter schools located anywhere in the state; and

15 (2) A school district board~~((s))~~ of directors ~~((that have been~~  
16 ~~approved by the state board of education under RCW 28A.710.090 before~~  
17 ~~authorizing a charter school,))~~ may exercise the authority granted  
18 under this section only after receiving approval from the state board  
19 of education under RCW 28A.710.090, and only for charter schools  
20 located within the school district's ~~((own))~~ boundaries.

21 **Sec. 109.** RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted  
22 and amended to read as follows:

23 (1) The state board of education shall establish an annual  
24 application and approval process and timelines for ~~((entities))~~  
25 school districts seeking approval to ~~((be))~~ become charter school  
26 authorizers. The initial process and timelines must be established  
27 ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

28 (2) At a minimum, each applicant district must submit to the  
29 state board of education:

30 (a) The applicant's strategic vision for chartering;

31 (b) A plan to support the vision presented, including explanation  
32 and evidence of the applicant's budget and personnel capacity and  
33 commitment to execute the responsibilities of quality charter  
34 authorizing;

35 (c) A draft or preliminary outline of the ~~((request for~~  
36 ~~proposals))~~ annual charter school application process that the  
37 applicant would, if approved as an authorizer, issue to solicit  
38 charter school applicants;

1 (d) A draft of the performance framework that the applicant  
2 would, if approved as an authorizer, use to guide the establishment  
3 of a charter contract and use for ongoing oversight and evaluation of  
4 charter schools;

5 (e) A draft of the applicant's proposed renewal, revocation, and  
6 nonrenewal processes, consistent with RCW 28A.710.190 and  
7 28A.710.200;

8 (f) A statement of assurance that the applicant seeks to serve as  
9 an authorizer in fulfillment of the expectations, spirit, and intent  
10 of this chapter, and that, if approved as an authorizer, the  
11 applicant will fully participate in any authorizer training provided  
12 or required by the state; and

13 (g) A statement of assurance that the applicant will provide  
14 public accountability and transparency in all matters concerning  
15 charter authorizing practices, decisions, and expenditures.

16 (3) The state board of education shall consider the merits of  
17 each application and make its decision within the timelines  
18 established by the state board of education.

19 (4) Within thirty days of making a decision to approve an  
20 application under this section, the state board of education must  
21 execute a renewable authorizing contract with the ((entity))  
22 applicant district. The initial term of an authorizing contract  
23 ((shall)) must be six years. The authorizing contract must specify  
24 each approved ((entity's)) applicant district's agreement to serve as  
25 an authorizer in accordance with the expectations of this chapter,  
26 and may specify additional performance terms based on the applicant's  
27 proposal and plan for chartering.

28 (5) No approved ((entity)) school district may commence charter  
29 authorizing without an authorizing contract in effect.

30 **Sec. 110.** RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted  
31 and amended to read as follows:

32 (1) Authorizers are responsible for:

33 (a) Soliciting and evaluating charter applications;

34 (b) Approving ((quality)) charter applications that meet  
35 identified educational needs and promote a diversity of educational  
36 choices;

37 (c) Denying ((weak or inadequate)) charter applications that fail  
38 to meet statutory requirements, requirements of the authorizer, or  
39 both;

1 (d) Negotiating and executing (~~sound~~) charter contracts with  
2 each authorized charter school;

3 (e) Monitoring, in accordance with charter contract terms, the  
4 performance and legal compliance of charter schools including,  
5 without limitation, education and academic performance goals and  
6 student achievement; and

7 (f) Determining whether each charter contract merits renewal,  
8 nonrenewal, or revocation.

9 (2) An authorizer may delegate its responsibilities under this  
10 section to employees or contractors.

11 (3) All authorizers must develop and follow chartering policies  
12 and practices that are consistent with the principles and standards  
13 for quality charter authorizing developed by the national association  
14 of charter school authorizers in at least the following areas:

15 (a) Organizational capacity and infrastructure;

16 (b) Soliciting and evaluating charter applications;

17 (c) Performance contracting;

18 (d) Ongoing charter school oversight and evaluation; and

19 (e) Charter renewal decision making.

20 (4) Each authorizer must submit an annual report to the state  
21 board of education, according to a timeline, content, and format  
22 specified by the board(~~, which~~) that includes:

23 (a) The authorizer's strategic vision for chartering and progress  
24 toward achieving that vision;

25 (b) The academic and financial performance of all operating  
26 charter schools (~~everseen by the authorizer~~) under its  
27 jurisdiction, including the progress of the charter schools based on  
28 the authorizer's performance framework;

29 (c) The status of the authorizer's charter school portfolio,  
30 identifying all charter schools in each of the following categories:  
31 (i) Approved but not yet open(~~τ~~); (ii) operating(~~τ~~); (iii)  
32 renewed(~~τ~~); (iv) transferred(~~τ~~); (v) revoked(~~τ~~); (vi) not  
33 renewed(~~τ~~); (vii) voluntarily closed(~~τ~~); or (viii) never opened;

34 (d) The authorizer's operating costs and expenses detailed in  
35 annual audited financial statements that conform with generally  
36 accepted accounting principles; and

37 (e) The services purchased from the authorizer by the charter  
38 schools under its jurisdiction under RCW 28A.710.110, including an  
39 itemized accounting of the actual costs of these services.

1 (5) Neither an authorizer, individuals who comprise the  
2 membership of an authorizer in their official capacity, nor the  
3 employees of an authorizer are liable for acts or omissions of a  
4 charter school they authorize.

5 (6) No employee, trustee, agent, or representative of an  
6 authorizer may simultaneously serve as an employee, trustee, agent,  
7 representative, vendor, or contractor of a charter school under the  
8 jurisdiction of that authorizer.

9 **Sec. 111.** RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted  
10 and amended to read as follows:

11 (1) The state board of education shall establish a statewide  
12 formula for an authorizer oversight fee, which ~~((shall))~~ must be  
13 calculated as a percentage of the state operating funding  
14 ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to  
15 each charter school under the jurisdiction of an authorizer, but may  
16 not exceed four percent of each charter school's annual funding.  
17 ~~((The office of the superintendent of public instruction shall deduct  
18 the oversight fee from each charter school's allocation under RCW  
19 28A.710.220 and transmit the fee to the appropriate authorizer.))~~

20 (2) The state board of education may establish a sliding scale  
21 for the authorizer oversight fee, with the funding percentage  
22 decreasing after the authorizer has achieved a certain threshold,  
23 such as after a certain number of years of authorizing or after a  
24 certain number of charter schools have been authorized.

25 (3) The office of the superintendent of public instruction shall  
26 deduct the oversight fee from each charter school's distribution  
27 under RCW 28A.710.220 and transmit the fee to the appropriate  
28 authorizer.

29 (4) An authorizer must use its oversight fee exclusively for the  
30 purpose of fulfilling its duties under RCW 28A.710.100.

31 ~~((4))~~ (5) An authorizer may provide contracted, fee-based  
32 services to charter schools under its jurisdiction that are in  
33 addition to the oversight duties under RCW 28A.710.100. An authorizer  
34 may not charge more than market rates for the contracted services  
35 provided. An authorizer may not require a charter school ~~((may not be  
36 required))~~ to purchase contracted services ~~((from))~~ provided by an  
37 authorizer. Fees collected by the authorizer under this subsection  
38 must be separately accounted for and reported annually to the state  
39 board of education.

1       **Sec. 112.** RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted  
2 and amended to read as follows:

3       (1) The state board of education is responsible for overseeing  
4 the performance and effectiveness of all authorizers approved under  
5 RCW 28A.710.090.

6       (2) Persistently unsatisfactory performance of an authorizer's  
7 portfolio of charter schools, a pattern of well-founded complaints  
8 about the authorizer or its charter schools, or other objective  
9 circumstances may trigger a special review by the state board of  
10 education.

11       (3) In reviewing or evaluating the performance of authorizers,  
12 the state board of education must apply nationally recognized  
13 principles and standards for quality charter authorizing. Evidence of  
14 material or persistent failure by an authorizer to carry out its  
15 duties in accordance with ~~((the))~~ these principles and standards  
16 constitutes grounds for revocation of the authorizing contract by the  
17 state board of education, as provided under this section.

18       (4) If at any time the state board of education finds that an  
19 authorizer is not in compliance with a charter contract, its  
20 authorizing contract, or the authorizer duties under RCW 28A.710.100,  
21 the board must notify the authorizer in writing of the identified  
22 problems, and the authorizer ~~((shall))~~ must have reasonable  
23 opportunity to respond and remedy the problems.

24       (5) If ~~((an authorizer persists))~~, after due notice from the  
25 state board of education, an authorizer persists in violating a  
26 material provision of a charter contract or its authorizing contract,  
27 or fails to remedy other identified authorizing problems, the state  
28 board of education shall notify the authorizer, within a reasonable  
29 amount of time under the circumstances, that it intends to revoke the  
30 authorizer's chartering authority unless the authorizer demonstrates  
31 a timely and satisfactory remedy for the violation or deficiencies.

32       (6) In the event of revocation of any authorizer's chartering  
33 authority, the state board of education shall manage the timely and  
34 orderly transfer of each charter contract held by that authorizer to  
35 another authorizer in the state, with the mutual agreement of each  
36 affected charter school and proposed new authorizer. The new  
37 authorizer shall assume the existing charter contract for the  
38 remainder of the charter term.

1 (7) The state board of education must establish timelines and a  
2 process for taking actions under this section in response to  
3 performance deficiencies by an authorizer.

4 **Sec. 113.** RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted  
5 and amended to read as follows:

6 (1)(a) Each authorizer must annually issue and broadly publicize  
7 a ~~((request))~~ solicitation for proposals for charter school  
8 applicants by the date established by the state board of education  
9 under RCW 28A.710.140.

10 (b) Each authorizer's ~~((request))~~ solicitation for proposals  
11 must:

12 (i) Present the authorizer's strategic vision for chartering,  
13 including a clear statement of any preferences the authorizer wishes  
14 to grant to applications that employ proven methods for educating at-  
15 risk students or students with special needs;

16 (ii) Include or otherwise direct applicants to the performance  
17 framework that the authorizer has developed for charter school  
18 oversight and evaluation in accordance with RCW 28A.710.170;

19 (iii) Provide the criteria that will guide the authorizer's  
20 decision to approve or deny a charter application; and

21 (iv) State clear, appropriately detailed questions as well as  
22 guidelines concerning the format and content essential for applicants  
23 to demonstrate the capacities necessary to establish and operate a  
24 successful charter school.

25 (2) A charter school application must provide or describe  
26 thoroughly all of the following elements of the proposed school plan:

27 (a) An executive summary;

28 (b) The mission and vision of the proposed charter school,  
29 including identification of the ~~((targeted))~~ student population and  
30 ~~((the))~~ community the school hopes to serve;

31 (c) The location or geographic area proposed for the school and  
32 the school district within which the school will be located;

33 (d) The grades to be served each year for the full term of the  
34 charter contract;

35 (e) Minimum, planned, and maximum enrollment per grade per year  
36 for the full term of the charter contract;

37 (f) Evidence of need and parent and community support for the  
38 proposed charter school;



- 1 (g) Background information on the proposed founding (~~(governing)~~)  
2 charter school board members and, if identified, the proposed school  
3 leadership and management team;
- 4 (h) The school's proposed calendar and sample daily schedule;
- 5 (i) A description of the academic program aligned with state  
6 standards;
- 7 (j) A description of the school's proposed instructional design,  
8 including the type of learning environment((+))\_ class size and  
9 structure((+))\_ curriculum overview((+))\_ and teaching methods;
- 10 (k) Evidence that the educational program is based on proven  
11 methods;
- 12 (l) The school's plan for using internal and external assessments  
13 to measure and report student progress on the performance framework  
14 developed by the authorizer in accordance with RCW 28A.710.170;
- 15 (m) The school's plans for identifying, successfully serving, and  
16 complying with applicable laws and regulations regarding students  
17 with disabilities, students who are limited English proficient,  
18 students who are struggling academically, and highly capable  
19 students;
- 20 (n) A description of cocurricular or extracurricular programs and  
21 how ((they)) those programs will be funded and delivered;
- 22 (o) Plans and timelines for student recruitment and enrollment,  
23 including targeted plans for recruiting at-risk students and  
24 including lottery procedures;
- 25 (p) The school's student discipline policies, including for  
26 special education students;
- 27 (q) An organization chart that clearly presents the school's  
28 organizational structure, including lines of authority and reporting  
29 between the governing board, staff, any related bodies such as  
30 advisory bodies or parent and teacher councils, and any external  
31 organizations that will play a role in managing the school;
- 32 (r) A clear description of the roles and responsibilities for the  
33 governing board, the school's leadership and management team, and any  
34 other entities shown in the organization chart;
- 35 (s) A staffing plan for the school's first year and for the term  
36 of the charter;
- 37 (t) Plans for recruiting and developing school leadership and  
38 staff;
- 39 (u) The school's leadership and teacher employment policies,  
40 including performance evaluation plans;

1 (v) Proposed governing bylaws;

2 (w) An explanation of proposed partnership agreement, if any,  
3 between a charter school and its school district focused on  
4 facilities, budgets, taking best practices to scale, and other items;

5 (x) Explanations of any other partnerships or contractual  
6 relationships central to the school's operations or mission;

7 (y) Plans for providing transportation, food service, and all  
8 other significant operational or ancillary services;

9 (z) Opportunities and expectations for parent involvement;

10 (aa) A detailed school start-up plan, identifying tasks,  
11 timelines, and responsible individuals;

12 (bb) A description of the school's financial plan and policies,  
13 including financial controls and audit requirements;

14 (cc) A description of the insurance coverage the school will  
15 obtain;

16 (dd) Start-up and five-year cash flow projections and budgets  
17 with clearly stated assumptions;

18 (ee) Evidence of anticipated fund-raising contributions, if  
19 claimed in the application; and

20 (ff) A sound facilities plan, including backup or contingency  
21 plans if appropriate.

22 ~~(3) ((In the case of an application to establish a conversion~~  
23 ~~charter school, the applicant must also demonstrate support for the~~  
24 ~~proposed conversion by a petition signed by a majority of teachers~~  
25 ~~assigned to the school or a petition signed by a majority of parents~~  
26 ~~of students in the school.~~

27 ~~(4) In the case of an application where the proposed charter~~  
28 ~~school))~~ If an applicant intends to contract with a nonprofit  
29 education service provider for substantial educational services,  
30 management services, or both, the applicant must:

31 (a) Provide evidence of the nonprofit education service  
32 provider's success in serving student populations similar to the  
33 targeted population, including demonstrated academic achievement as  
34 well as successful management of nonacademic school functions if  
35 applicable;

36 (b) Provide a term sheet setting forth: (i) The proposed duration  
37 of the service contract; (ii) the roles and responsibilities of the  
38 governing board, the school staff, and the service provider; (iii)  
39 the scope of services and resources to be provided by the service  
40 provider; (iv) performance evaluation measures and timelines; (v) the

1 compensation structure, including clear identification of all fees to  
2 be paid to the service provider; (vi) methods of contract oversight  
3 and enforcement; (vii) investment disclosure; and (viii) conditions  
4 for renewal and termination of the contract; and

5 (c) Disclose and explain any existing or potential conflicts of  
6 interest between the charter school board and proposed service  
7 provider or any affiliated business entities.

8 ~~((5) In the case of an application from))~~ (4) If an applicant  
9 ~~((that))~~ operates one or more schools in any state or nation, the  
10 applicant must provide evidence of ~~((past))~~ the performance of those  
11 schools, including evidence of the applicant's success in serving at-  
12 risk students, and capacity for growth.

13 ~~((6))~~ (5) Applicants may submit a proposal for a particular  
14 ~~((public))~~ charter public school to no more than one authorizer at a  
15 time.

16 **Sec. 114.** RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted  
17 and amended to read as follows:

18 (1) The state board of education must establish an annual  
19 statewide timeline for charter application submission and approval or  
20 denial~~((, which))~~ that must be followed by all authorizers.

21 (2) In reviewing and evaluating charter applications, authorizers  
22 shall employ procedures, practices, and criteria consistent with  
23 nationally recognized principles and standards for quality charter  
24 authorizing. Authorizers shall give preference to applications for  
25 charter schools that are designed to enroll and serve at-risk student  
26 populations~~((: PROVIDED, That))~~. However, nothing in this chapter may  
27 be construed as intended to limit the establishment of charter  
28 schools to those that serve a substantial portion of at-risk  
29 students, or to in any manner restrict, limit, or discourage the  
30 establishment of charter schools that enroll and serve other pupil  
31 populations under a nonexclusive, nondiscriminatory admissions  
32 policy. The application review process must include thorough  
33 evaluation of each application, an in-person interview with the  
34 applicant group, and an opportunity to learn about and provide input  
35 on each application in a public forum including, without limitation,  
36 parents, community members, local residents, and school district  
37 board members and staff~~((, to learn about and provide input on each~~  
38 ~~application))~~.

1 (3) In deciding whether to approve an application, authorizers  
2 must:

3 (a) Grant charters only to applicants that have demonstrated  
4 competence in each element of the authorizer's published approval  
5 criteria and are likely to open and operate a successful (~~public~~)  
6 charter public school;

7 (b) Base decisions on documented evidence collected through the  
8 application review process;

9 (c) Follow charter-granting policies and practices that are  
10 transparent and based on merit; and

11 (d) Avoid any conflicts of interest, whether real or apparent.

12 (4) An approval decision may include, if appropriate, reasonable  
13 conditions that the charter applicant must meet before a charter  
14 contract may be executed.

15 (5) For any denial of an application, the authorizer shall  
16 clearly state in writing its reasons for denial. A denied applicant  
17 may subsequently reapply to that authorizer or apply to another  
18 authorizer in the state.

19 **Sec. 115.** RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted  
20 and amended to read as follows:

21 (1) A maximum of forty (~~public~~) charter public schools may be  
22 established under this chapter(~~7~~) over (~~a~~) the five-year period  
23 commencing with the effective date of this section. No more than  
24 eight charter schools may be established in any (~~single~~) year  
25 during the five-year period, except that if in any (~~single~~) year  
26 fewer than eight charter schools are established, (~~then~~) additional  
27 charter schools, equal in number to the difference between the number  
28 established in that year and eight, may be established in subsequent  
29 years during the five-year period.

30 (2)(a) To ensure compliance with the limits for establishing new  
31 charter schools, certification from the state board of education must  
32 be obtained before final authorization of a charter school.

33 (b) Within ten days of taking action to approve or deny an  
34 application under RCW 28A.710.140, an authorizer must submit a report  
35 of the action to the applicant and (~~to~~) the state board of  
36 education(~~7~~ which). The report must include a copy of the  
37 authorizer's resolution setting forth the action taken, the reasons  
38 for the decision, and assurances of compliance with the procedural  
39 requirements and application elements under RCW 28A.710.130 and

1 28A.710.140. The authorizer must also indicate whether the charter  
2 school is designed to enroll and serve at-risk student populations.  
3 The state board of education must establish, for each year in which  
4 charter schools may be authorized as part of the timeline to be  
5 established pursuant to RCW 28A.710.140, the ~~((last))~~ latest annual  
6 date by which the authorizer ~~((must))~~ may submit the report. The  
7 state board of education must send to each authorizer notice of the  
8 date ~~((to each authorizer no later than))~~ by which a report must be  
9 submitted at least six months before the date established by the  
10 board.

11 (3) Upon the receipt of notice from an authorizer that a charter  
12 school has been approved, the state board of education shall certify  
13 whether the approval is in compliance with the limits on the maximum  
14 number of charters allowed under subsection (1) of this section. If  
15 the board receives simultaneous notification of approved charters  
16 that exceed the annual allowable limits in subsection (1) of this  
17 section, the board must select approved charters for implementation  
18 through a lottery process, and must assign implementation dates  
19 accordingly.

20 (4) The state board of education must notify authorizers when the  
21 maximum allowable number of charter schools has been reached.

22 **Sec. 116.** RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted  
23 and amended to read as follows:

24 (1) The purposes of the charter application submitted under RCW  
25 28A.710.130 are to present the proposed charter school's academic and  
26 operational vision and plans, and to demonstrate and provide the  
27 authorizer with a clear basis for evaluating the applicant's  
28 capacities to execute the proposed vision and plans. An approved  
29 charter application does not serve as the school's charter contract.

30 (2) Within ninety days of approval of a charter application, the  
31 authorizer and the governing board of the approved charter school  
32 must execute a charter contract. The contract must establish the  
33 terms by which ~~((, fundamentally,))~~ the ~~((public))~~ charter school  
34 agrees to provide educational services that, at a minimum, meet basic  
35 education standards, in return for ~~((an allocation))~~ a distribution  
36 of public funds ~~((to))~~ that will be used for ~~((such))~~ the purposes  
37 ~~((all as set forth))~~ established in the contract and in this and  
38 other applicable statutes ~~((and in the charter contract))~~. The  
39 charter contract must clearly set forth the academic and operational

1 performance expectations and measures by which the charter school  
2 will be ~~((judged))~~ evaluated and the administrative relationship  
3 between the authorizer and charter school, including each party's  
4 rights and duties. The performance expectations and measures set  
5 forth in the charter contract must include, but need not be limited  
6 to, applicable federal and state accountability requirements. The  
7 performance provisions may be refined or amended by mutual agreement  
8 after the charter school is operating and has collected baseline  
9 achievement data for its enrolled students.

10 (3) If the charter school is authorized by a school district  
11 board of directors, the charter contract must be signed by the  
12 president of the applicable school district board of directors ((if  
13 ~~the school district board of directors is the authorizer or the chair~~  
14 ~~of the commission if the commission is the authorizer and by)) and~~  
15 the president of the charter school board. If the charter school is  
16 authorized by the commission, the charter contract must be signed by  
17 the chair of the commission and the president of the charter school  
18 board. Within ten days of executing a charter contract, the  
19 authorizer must submit to the state board of education written  
20 notification of the charter contract execution, including a copy of  
21 the executed charter contract and any attachments.

22 (4) A charter contract may govern one or more charter schools to  
23 the extent approved by the authorizer. A single charter school board  
24 may hold one or more charter contracts. However, each charter school  
25 that is part of a charter contract must be separate and distinct from  
26 any others and, for purposes of calculating the maximum number of  
27 charter schools that may be established under this chapter, each  
28 charter school must be considered a single charter school regardless  
29 of how many charter schools are governed under a particular charter  
30 contract.

31 (5) An initial charter contract must be granted for a term of  
32 five operating years. The contract term must commence on the charter  
33 school's first day of operation. An approved charter school may delay  
34 its opening for one school year in order to plan and prepare for the  
35 school's opening. If the school requires an opening delay of more  
36 than one school year, the school must request an extension from its  
37 authorizer. The authorizer may grant or deny the contract extension  
38 depending on the school's circumstances.

39 (6) Authorizers ~~((may))~~ shall establish reasonable preopening  
40 requirements or conditions to monitor the start-up progress of newly

1 approved charter schools (~~and~~), ensure that they are prepared to  
2 open smoothly on the date agreed, and (~~to~~) ensure that each school  
3 meets all building, health, safety, insurance, and other legal  
4 requirements for school opening.

5 (7) No charter school may commence operations without a charter  
6 contract executed in accordance with this section.

7 (8) In accordance with section 140(3) of this act:

8 (a) The state board of education must take reasonable and  
9 necessary steps to provide parties to contracts entered into under or  
10 in accordance with chapter 2, Laws of 2013 that were in effect or  
11 that had been executed on or before December 1, 2015, with an  
12 opportunity to execute new contracts with the same terms and duration  
13 or substantially the same terms and duration as were in effect on  
14 December 1, 2015; and

15 (b) Each authorizer must take reasonable and necessary steps to  
16 provide parties to contracts entered into under or in accordance with  
17 chapter 2, Laws of 2013 that were in effect or that had been executed  
18 on or before December 1, 2015, with an opportunity to execute new  
19 contracts with the same terms and duration or substantially the same  
20 terms and duration as were in effect on December 1, 2015.

21 (9) Contracts executed pursuant to subsection (8) of this section  
22 do not count against the annual cap established in RCW  
23 28A.710.150(1).

24 (10) For purposes of this section, "substantially the same terms  
25 and duration" includes contract modifications necessary to comply  
26 with the provisions of this chapter or other applicable law.

27 **Sec. 117.** RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted  
28 and amended to read as follows:

29 (1) The performance provisions within a charter contract must be  
30 based on a performance framework that clearly sets forth the academic  
31 and operational performance indicators, measures, and metrics that  
32 will guide an authorizer's evaluations of (~~each~~) a charter school  
33 within its jurisdiction.

34 (2) At a minimum, the performance framework must include  
35 indicators, measures, and metrics for:

36 (a) Student academic proficiency;

37 (b) Student academic growth;

38 (c) Achievement gaps in both proficiency and growth between major  
39 student subgroups;

- 1 (d) Attendance;
- 2 (e) Recurrent enrollment from year to year;
- 3 (f) High school graduation rates and student postsecondary  
4 readiness(~~(, for high schools)~~);
- 5 (g) Financial performance and sustainability; and
- 6 (h) Charter school board performance and stewardship, including  
7 compliance with all applicable laws, rules, and terms of the charter  
8 contract.

9 (3) Annual performance targets must be set by each charter school  
10 in conjunction with its authorizer and must be designed to help each  
11 school meet applicable federal, state, and authorizer expectations.

12 (4) The authorizer and charter school may also include additional  
13 rigorous, valid, and reliable indicators in the performance framework  
14 to augment external evaluations of the charter school's performance.

15 (5) The performance framework must require the disaggregation of  
16 all student performance data by major student subgroups, including  
17 gender, race and ethnicity, poverty status, special education status,  
18 English language learner status, and highly capable status.

19 (6) Multiple schools operating under a single charter contract or  
20 overseen by a single charter school board must report their  
21 performance as separate schools, and each school shall be held  
22 independently accountable for its performance.

23 **Sec. 118.** RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted  
24 and amended to read as follows:

25 (1) Each authorizer must continually monitor the performance and  
26 legal compliance of the charter schools (~~(it oversees)~~) under its  
27 jurisdiction, including collecting and analyzing data to support  
28 ongoing evaluation according to the performance framework in the  
29 charter contract.

30 (2) An authorizer may conduct or require oversight activities  
31 that enable the authorizer to fulfill its responsibilities under this  
32 chapter, including conducting appropriate inquiries and  
33 investigations, (~~(so long as)~~) if those activities are consistent  
34 with the intent of this chapter, adhere to the terms of the charter  
35 contract, and do not unduly inhibit the autonomy granted to charter  
36 schools.

37 (3) In the event that a charter school's performance or legal  
38 compliance appears unsatisfactory, the authorizer must promptly  
39 notify the school of the perceived problem and provide reasonable



1 opportunity for the school to remedy the problem(~~(, unless)~~),  
2 However, if the problem warrants revocation (~~(in which case)~~) of the  
3 charter contract, the revocation procedures under RCW 28A.710.200  
4 apply.

5 (4) An authorizer may take appropriate corrective actions or  
6 exercise sanctions short of revocation in response to apparent  
7 deficiencies in charter school performance or legal compliance.  
8 (~~Such~~) These actions or sanctions may include, if warranted,  
9 requiring a school to develop and execute a corrective action plan  
10 within a specified time frame.

11 **Sec. 119.** RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted  
12 and amended to read as follows:

13 (1) A charter contract may be renewed by the authorizer, at the  
14 request of the charter school, for successive five-year terms(~~(, although)~~).  
15 The authorizer, however, may vary the term based on the  
16 performance, demonstrated capacities, and particular circumstances of  
17 a charter school, and may grant renewal with specific conditions for  
18 necessary improvements to a charter school.

19 (2) No later than six months before the expiration of a charter  
20 contract, the authorizer must issue a performance report and charter  
21 contract renewal application guidance to (~~that~~) the charter school.  
22 The performance report must summarize the charter school's  
23 performance record to date based on the data required by the charter  
24 contract, and must provide notice of any weaknesses or concerns  
25 perceived by the authorizer concerning the charter school that may,  
26 if not timely rectified, jeopardize its position in seeking renewal  
27 (~~(if not timely rectified)~~). The charter school has thirty days to  
28 respond to the performance report and submit any corrections or  
29 clarifications for the report.

30 (3) The renewal application guidance must, at a minimum, provide  
31 an opportunity for the charter school to:

32 (a) Present additional evidence, beyond the data contained in the  
33 performance report, supporting its case for charter contract renewal;

34 (b) Describe improvements undertaken or planned for the school;  
35 and

36 (c) Detail the school's plans for the next charter contract term.

37 (4) The renewal application guidance must include or refer  
38 explicitly to the criteria that will guide the authorizer's renewal

1 decisions, (~~which shall~~) and this criteria must be based on the  
2 performance framework set forth in the charter contract.

3 (5) In making charter renewal decisions, an authorizer must:

4 (a) (~~Ground~~) Base its decisions in evidence of the school's  
5 performance over the term of the charter contract in accordance with  
6 the performance framework set forth in the charter contract;

7 (b) Ensure that data used in making renewal decisions are  
8 available to the school and the public; and

9 (c) Provide a public report summarizing the evidence basis for  
10 its decision.

11 **Sec. 120.** RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted  
12 and amended to read as follows:

13 (1) An authorizer may revoke a charter contract (~~may be~~  
14 ~~revoked~~) at any time, or (~~not renewed~~) may refuse to renew it, if  
15 the authorizer determines that the charter school did any of the  
16 following or otherwise failed to comply with the provisions of this  
17 chapter:

18 (a) Committed a material and substantial violation of any of the  
19 terms, conditions, standards, or procedures required under this  
20 chapter or the charter contract;

21 (b) Failed to meet or make sufficient progress toward the  
22 performance expectations set forth in the charter contract;

23 (c) Failed to meet generally accepted standards of fiscal  
24 management; or

25 (d) Substantially violated any material provision of law from  
26 which the charter school is not exempt.

27 (2) Except as provided otherwise by this subsection (2), an  
28 authorizer may not renew a charter contract (~~may not be renewed~~)  
29 if, at the time of the renewal application, the charter school's  
30 performance falls in the bottom quartile of schools on the  
31 (~~accountability~~) Washington achievement index developed by the  
32 state board of education under RCW 28A.657.110(~~, unless~~). A  
33 contract may be renewed without violating this subsection (2),  
34 however, if the charter school demonstrates exceptional circumstances  
35 that the authorizer finds justifiable.

36 (3) Each authorizer must develop revocation and nonrenewal  
37 processes that:

38 (a) Provide the charter school board with a timely notification  
39 of the prospect of and reasons for revocation or nonrenewal;

1 (b) Allow the charter school board a reasonable amount of time in  
2 which to prepare a response;

3 (c) Provide the charter school board with an opportunity, at a  
4 recorded public proceeding held for that purpose, to submit documents  
5 and give testimony challenging the rationale for closure and in  
6 support of the continuation of the school (~~(at a recorded public~~  
7 ~~proceeding held for that purpose)~~);

8 (d) Allow the charter school board to be represented by counsel  
9 and to call witnesses on its behalf; and

10 (e) After a reasonable period for deliberation, require a final  
11 determination to be made and conveyed in writing to the charter  
12 school board.

13 (4) If an authorizer revokes or does not renew a charter  
14 contract, the authorizer must clearly state in a resolution the  
15 reasons for the revocation or nonrenewal.

16 (5) Within ten days of taking action to renew, not renew, or  
17 revoke a charter contract, an authorizer must submit a report of the  
18 action to the (~~(applicant)~~) charter school and (~~(to)~~) the state board  
19 of education(~~(, which)~~). The report must include a copy of the  
20 authorizer's resolution setting forth the action taken, the reasons  
21 for the decision, and assurances of compliance with the procedural  
22 requirements established by the authorizer under this section.

23 **Sec. 121.** RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted  
24 and amended to read as follows:

25 (1) Before making a decision to not renew or to revoke a charter  
26 contract, an authorizer(~~(s)~~) must develop a charter school  
27 termination protocol to ensure timely notification to parents,  
28 orderly transition of students and student records to new schools, as  
29 necessary, and proper disposition of public school funds, property,  
30 and assets. The protocol must specify tasks, timelines, and  
31 responsible parties, including delineating the respective duties of  
32 the charter school and the authorizer.

33 (2) (~~(In the event that)~~) If the nonprofit corporation  
34 (~~(applicant)~~) operator of a charter school should dissolve for any  
35 reason including, without limitation, because of the termination of  
36 the charter contract, the public school funds of the charter school  
37 that have been provided pursuant to RCW 28A.710.220 must be returned  
38 to the state or local account from which the public funds originated.  
39 If the charter school has commingled the funds, the funds must be

1 returned in proportion to the proportion of those funds received by  
2 the charter school from the public accounts in the last year  
3 preceding the dissolution. The dissolution of ~~((an applicant))~~ a  
4 nonprofit corporation shall otherwise proceed as provided by law.

5 (3) A charter contract may not be transferred from one authorizer  
6 to another or from one charter school ~~((applicant))~~ to another before  
7 the expiration of the charter contract term except by petition to the  
8 state board of education by the charter school or its authorizer. The  
9 state board of education must review such petitions on a case-by-case  
10 basis and may grant transfer requests in response to special  
11 circumstances and evidence that such a transfer would serve the best  
12 interests of the charter school's students.

13 **Sec. 122.** RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted  
14 and amended to read as follows:

15 (1) Charter schools must report student enrollment in the same  
16 manner, and based on the same definitions of enrolled students and  
17 annual average full-time equivalent enrollment, as other public  
18 schools. Charter schools must comply with applicable reporting  
19 requirements to receive state or federal funding that is  
20 ~~((allocated))~~ distributed based on student characteristics.

21 (2) ~~((According to the schedule established under RCW  
22 28A.510.250, the superintendent of public instruction shall allocate  
23 funding for a charter school including general apportionment, special  
24 education, categorical, and other nonbasic education moneys.  
25 Allocations must be based on the statewide average staff mix ratio of  
26 all noncharter public schools from the prior school year and the  
27 school's actual full-time equivalent enrollment. Categorical funding  
28 must be allocated to a charter school based on the same funding  
29 criteria used for noncharter public schools and the funds must be  
30 expended as provided in the charter contract. A charter school is  
31 eligible to apply for state grants on the same basis as a school  
32 district))~~ In accordance with appropriations made under sections 127  
33 and 128 of this act, the superintendent of public instruction shall  
34 distribute state funding to charter schools according to the schedule  
35 established in RCW 28A.510.250.

36 (3) ~~((Allocations for pupil transportation must be calculated on  
37 a per student basis based on the allocation for the previous school  
38 year to the school district in which the charter school is located. A  
39 charter school may enter into a contract with a school district or~~

1 ~~other public or private entity to provide transportation for the~~  
2 ~~students of the school.~~

3 ~~(4))~~ Amounts ~~((payable))~~ distributed to a charter school under  
4 ~~((this))~~ section 128 of this act in the school's first year of  
5 operation must be based on the projections of first-year student  
6 enrollment established in the charter contract. The office of the  
7 superintendent of public instruction must reconcile the amounts  
8 ~~((paid))~~ distributed in the first year of operation to the amounts  
9 that would have been ~~((paid))~~ distributed based on actual student  
10 enrollment and make adjustments to the charter school's  
11 ~~((allocations))~~ distributions over the course of the second year of  
12 operation.

13 ~~((5) For charter schools authorized by a school district board~~  
14 ~~of directors, allocations to a charter school that are included in~~  
15 ~~RCW 84.52.0531(3) (a) through (c) shall be included in the levy~~  
16 ~~planning, budgets, and funding distribution in the same manner as~~  
17 ~~other public schools in the district.~~

18 ~~(6) Conversion charter schools are eligible for local levy moneys~~  
19 ~~approved by the voters before the conversion start up date of the~~  
20 ~~school as determined by the authorizer, and the school district must~~  
21 ~~allocate levy moneys to a conversion charter school.~~

22 ~~(7) New charter schools are not eligible for local levy moneys~~  
23 ~~approved by the voters before the start up date of the school unless~~  
24 ~~the local school district is the authorizer.~~

25 ~~(8) For levies submitted to voters after the start up date of a~~  
26 ~~charter school authorized under this chapter, the charter school must~~  
27 ~~be included in levy planning, budgets, and funding distribution in~~  
28 ~~the same manner as other public schools in the district.~~

29 ~~(9))~~ (4) Any moneys received by a charter school from any source  
30 and remaining in the school's accounts at the end of ~~((any))~~ a budget  
31 year ~~((shall))~~ must remain in the school's accounts for use by the  
32 school during subsequent budget years.

33 **Sec. 123.** RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted  
34 and amended to read as follows:

35 (1) Charter schools are eligible for state ~~((matching funds))~~  
36 funding for ~~((common))~~ school construction. However, such  
37 appropriations may not be made from the common school construction  
38 fund.

1       (2) ((A)) If a school district decides to sell or lease the  
2 public school facility or property pursuant to RCW 28A.335.040 or  
3 28A.335.120, a charter school ((has)) located within the boundaries  
4 of the district has a right of first refusal to purchase or lease at  
5 ((or below)) fair market value a closed public school facility or  
6 property or unused portions of a public school facility or property  
7 ((located in a school district from which it draws its students if  
8 the school district decides to sell or lease the public school  
9 facility or property pursuant to RCW 28A.335.040 or 28A.335.120)) by  
10 negotiated agreement with mutual consideration. The consideration may  
11 include the provision of educational services by the charter school.

12       (3) A charter school may negotiate and contract with a school  
13 district, the governing body of a public college or university, or  
14 any other public or private entity for the use of a facility for a  
15 school building at ((or below)) fair market rent.

16       (4) Public libraries, community service organizations, museums,  
17 performing arts venues, theaters, and public or private colleges and  
18 universities may provide space to charter schools within their  
19 facilities under their preexisting zoning and land use designations.

20       ~~((5) A conversion charter school as part of the consideration~~  
21 ~~for providing educational services under the charter contract may~~  
22 ~~continue to use its existing facility without paying rent to the~~  
23 ~~school district that owns the facility. The district remains~~  
24 ~~responsible for major repairs and safety upgrades that may be~~  
25 ~~required for the continued use of the facility as a public school.~~  
26 ~~The charter school is responsible for routine maintenance of the~~  
27 ~~facility including, but not limited to, cleaning, painting,~~  
28 ~~gardening, and landscaping. The charter contract of a conversion~~  
29 ~~charter school using existing facilities that are owned by its school~~  
30 ~~district must include reasonable and customary terms regarding the~~  
31 ~~use of the existing facility that are binding upon the school~~  
32 ~~district.))~~

33       **Sec. 124.** RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted  
34 to read as follows:

35       Years of service in a charter school by certificated  
36 instructional staff shall be included in the years of service  
37 calculation for purposes of the statewide salary allocation schedule  
38 under RCW 28A.150.410. This section does not require a charter school

1 to pay a particular salary to its staff while the staff is employed  
2 by the charter school.

3 **Sec. 125.** RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted  
4 and amended to read as follows:

5 (1) By December 1st of each year beginning in the first year  
6 after there have been charter schools operating for a full school  
7 year, the state board of education, in collaboration with the  
8 commission, must issue ~~((an annual))~~ a report on the performance of  
9 the state's charter schools ~~((for))~~ during the preceding school year  
10 to the governor, the legislature, and the public at large.

11 (2) The annual report must be based on the reports submitted by  
12 each authorizer as well as any additional relevant data compiled by  
13 the state board of education. The report must include a comparison of  
14 the performance of charter school students with the performance of  
15 academically, ethnically, and economically comparable groups of  
16 students in ~~((noncharter))~~ other public schools. In addition, the  
17 annual report must include the state board of education's assessment  
18 of the successes, challenges, and areas for improvement in meeting  
19 the purposes of this chapter, including the board's assessment of the  
20 sufficiency of funding for charter schools, the efficacy of the  
21 formula for authorizer funding, and any suggested changes in state  
22 law or policy necessary to strengthen the state's charter schools.

23 (3) Together with the issuance of the annual report following the  
24 fifth year after there have been charter schools operating for a full  
25 school year, the state board of education, in collaboration with the  
26 commission, shall submit a recommendation regarding whether or not  
27 the legislature should authorize the establishment of additional  
28 ~~((public))~~ charter public schools.

29 **Sec. 126.** RCW 28A.710.260 and 2014 c 221 s 911 are each  
30 reenacted to read as follows:

31 The charter schools oversight account is hereby created in the  
32 state treasury. All moneys received by the commission under RCW  
33 28A.710.110 must be deposited into the account. Moneys in the account  
34 may be spent only after appropriation. Expenditures from the account  
35 may be used only for the purposes of this chapter.

36 NEW SECTION. **Sec. 127.** A new section is added to chapter  
37 28A.710 RCW to read as follows:

1 The state legislature shall, at each regular session in an odd-  
2 numbered year, appropriate from the Washington opportunity pathways  
3 account for the current use of charter public schools amounts as  
4 determined in accordance with section 128 of this act, and amounts  
5 authorized under RCW 28A.710.230(1), for state support to charter  
6 schools during the ensuing biennium.

7 NEW SECTION. **Sec. 128.** A new section is added to chapter  
8 28A.710 RCW to read as follows:

9 (1) The legislature intends that state funding for charter  
10 schools be distributed equitably with state funding provided for  
11 other public schools.

12 (2) For eligible students enrolled in a charter school  
13 established and operating in accordance with this chapter, the  
14 superintendent of public instruction shall transmit to each charter  
15 school an amount calculated as provided in this section and based on  
16 the statewide average staff mix factor for certificated instructional  
17 staff, including any enrichment to those statutory formulae that is  
18 specified in the omnibus appropriations act. The amount must be the  
19 sum of (a) and (b) of this subsection, as applicable.

20 (a) The superintendent shall, for purposes of making  
21 distributions under this section, separately calculate and distribute  
22 to charter schools moneys appropriated for general apportionment  
23 under the same ratios as in RCW 28A.150.260.

24 (b) The superintendent also shall, for purposes of making  
25 distributions under this section, and in accordance with the  
26 applicable formulae for categorical programs specified in (b)(i)  
27 through (v) of this subsection (2) and any enrichment to those  
28 statutory formulae that is specified in the omnibus appropriations  
29 act, separately calculate and distribute moneys appropriated by the  
30 legislature to charter schools for:

31 (i) Supplemental instruction and services for underachieving  
32 students through the learning assistance program under RCW  
33 28A.165.005 through 28A.165.065;

34 (ii) Supplemental instruction and services for eligible and  
35 enrolled students and exited students whose primary language is other  
36 than English through the transitional bilingual instruction program  
37 under RCW 28A.180.010 through 28A.180.080;



1 (iii) The opportunity for an appropriate education at public  
2 expense as defined by RCW 28A.155.020 for all eligible students with  
3 disabilities as defined in RCW 28A.155.020;

4 (iv) Programs for highly capable students under RCW 28A.185.010  
5 through 28A.185.030; and

6 (v) Pupil transportation services to and from school in  
7 accordance with RCW 28A.160.150 through 28A.160.180. Distributions  
8 for pupil transportation must be calculated on a per eligible student  
9 basis based on the allocation for the previous school year to the  
10 school district in which the charter school is located.

11 (3) The superintendent of public instruction must adopt rules  
12 necessary for the distribution of funding required by this section  
13 and to comply with federal reporting requirements.

14 NEW SECTION. **Sec. 129.** A new section is added to chapter  
15 28A.710 RCW to read as follows:

16 (1) The eligibility of a charter school student to participate in  
17 interschool athletic activities or other interschool extracurricular  
18 activities governed by the Washington interscholastic activities  
19 association is subject to rules adopted by the Washington  
20 interscholastic activities association. The rules must provide that,  
21 unless approved by a nonresident school district or the Washington  
22 interscholastic activities association, a student attending a charter  
23 school may only participate in interschool athletic activities or  
24 other interschool extracurricular activities offered by the student's  
25 resident school district.

26 (2) A proposal by a charter school to regulate the conduct of  
27 interschool athletic activities or other interschool extracurricular  
28 activities governed by the Washington interscholastic activities  
29 association is subject to rules adopted by the Washington  
30 interscholastic activities association.

31 (3) The rules adopted by the Washington interscholastic  
32 activities association under this section must provide that it is the  
33 responsibility of the charter school to pay the full cost, minus any  
34 student participation fee, for any student who participates in  
35 interschool athletic activities or other interschool extracurricular  
36 activities governed by the Washington interscholastic activities  
37 association.

1        NEW SECTION.     **Sec. 130.**     A new section is added to chapter  
2 28A.710 RCW to read as follows:

3        (1) Members of the commission must file personal financial  
4 affairs statements with the public disclosure commission.

5        (2) Members of a charter school board must file personal  
6 financial affairs statements with the public disclosure commission.

7        **Sec. 131.**     RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted  
8 and amended to read as follows:

9        Public schools means the common schools as referred to in Article  
10 IX of the state Constitution, (~~including~~) charter schools  
11 established under chapter 28A.710 RCW, and those schools and  
12 institutions of learning having a curriculum below the college or  
13 university level as now or may be established by law and maintained  
14 at public expense.

15        **Sec. 132.**     RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted  
16 and amended to read as follows:

17        (1) Under the constitutional framework and the laws of the state  
18 of Washington, the governance structure for the state's public common  
19 school system is comprised of the following bodies: The legislature,  
20 the governor, the superintendent of public instruction, the state  
21 board of education, (~~the Washington charter school commission,~~) the  
22 educational service district boards of directors, and local school  
23 district boards of directors. The respective policy and  
24 administrative roles of each body are determined by the state  
25 Constitution and statutes.

26        (2) Local school districts are political subdivisions of the  
27 state and the organization of such districts, including the powers,  
28 duties, and boundaries thereof, may be altered or abolished by laws  
29 of the state of Washington.

30        **Sec. 133.**     RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to  
31 read as follows:

32        This section designates charter schools established under chapter  
33 28A.710 RCW as employers and charter school employees as members, and  
34 applies only if the department of retirement systems receives  
35 determinations from the internal revenue service and the United  
36 States department of labor that participation does not jeopardize the  
37 status of these retirement systems as governmental plans under the

1 federal employees' retirement income security act and the internal  
2 revenue code.

3 **Sec. 134.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to  
4 read as follows:

5 This section designates charter schools established under chapter  
6 28A.710 RCW as employers and charter school employees as members, and  
7 applies only if the department of retirement systems receives  
8 determinations from the internal revenue service and the United  
9 States department of labor that participation does not jeopardize the  
10 status of these retirement systems as governmental plans under the  
11 federal employees' retirement income security act and the internal  
12 revenue code.

13 **Sec. 135.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to  
14 read as follows:

15 This section designates charter schools established under chapter  
16 28A.710 RCW as employers and charter school employees as members, and  
17 applies only if the department of retirement systems receives  
18 determinations from the internal revenue service and the United  
19 States department of labor that participation does not jeopardize the  
20 status of these retirement systems as governmental plans under the  
21 federal employees' retirement income security act and the internal  
22 revenue code.

23 **Sec. 136.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to  
24 read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Authority" means the Washington state health care authority.

28 (2) "Board" means the public employees' benefits board  
29 established under RCW 41.05.055.

30 (3) "Dependent care assistance program" means a benefit plan  
31 whereby state and public employees may pay for certain employment  
32 related dependent care with pretax dollars as provided in the salary  
33 reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or  
34 other sections of the internal revenue code.

35 (4) "Director" means the director of the authority.

36 (5) "Emergency service personnel killed in the line of duty"  
37 means law enforcement officers and firefighters as defined in RCW

1 41.26.030, members of the Washington state patrol retirement fund as  
2 defined in RCW 43.43.120, and reserve officers and firefighters as  
3 defined in RCW 41.24.010 who die as a result of injuries sustained in  
4 the course of employment as determined consistent with Title 51 RCW  
5 by the department of labor and industries.

6 (6) "Employee" includes all employees of the state, whether or  
7 not covered by civil service; elected and appointed officials of the  
8 executive branch of government, including full-time members of  
9 boards, commissions, or committees; justices of the supreme court and  
10 judges of the court of appeals and the superior courts; and members  
11 of the state legislature. Pursuant to contractual agreement with the  
12 authority, "employee" may also include: (a) Employees of a county,  
13 municipality, or other political subdivision of the state and members  
14 of the legislative authority of any county, city, or town who are  
15 elected to office after February 20, 1970, if the legislative  
16 authority of the county, municipality, or other political subdivision  
17 of the state seeks and receives the approval of the authority to  
18 provide any of its insurance programs by contract with the authority,  
19 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of  
20 employee organizations representing state civil service employees, at  
21 the option of each such employee organization, and, effective October  
22 1, 1995, employees of employee organizations currently pooled with  
23 employees of school districts for the purpose of purchasing insurance  
24 benefits, at the option of each such employee organization; (c)  
25 employees of a school district if the authority agrees to provide any  
26 of the school districts' insurance programs by contract with the  
27 authority as provided in RCW 28A.400.350; (d) employees of a tribal  
28 government, if the governing body of the tribal government seeks and  
29 receives the approval of the authority to provide any of its  
30 insurance programs by contract with the authority, as provided in RCW  
31 41.05.021(1) (f) and (g); (e) employees of the Washington health  
32 benefit exchange if the governing board of the exchange established  
33 in RCW 43.71.020 seeks and receives approval of the authority to  
34 provide any of its insurance programs by contract with the authority,  
35 as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a  
36 charter school established under chapter 28A.710 RCW. "Employee" does  
37 not include: Adult family home providers; unpaid volunteers; patients  
38 of state hospitals; inmates; employees of the Washington state  
39 convention and trade center as provided in RCW 41.05.110; students of  
40 institutions of higher education as determined by their institution;

1 and any others not expressly defined as employees under this chapter  
2 or by the authority under this chapter.

3 (7) "Employer" means the state of Washington.

4 (8) "Employer group" means those counties, municipalities,  
5 political subdivisions, the Washington health benefit exchange,  
6 tribal governments, school districts, and educational service  
7 districts, and employee organizations representing state civil  
8 service employees, obtaining employee benefits through a contractual  
9 agreement with the authority.

10 (9) "Employing agency" means a division, department, or separate  
11 agency of state government, including an institution of higher  
12 education; a county, municipality, school district, educational  
13 service district, or other political subdivision; charter school; and  
14 a tribal government covered by this chapter.

15 (10) "Faculty" means an academic employee of an institution of  
16 higher education whose workload is not defined by work hours but  
17 whose appointment, workload, and duties directly serve the  
18 institution's academic mission, as determined under the authority of  
19 its enabling statutes, its governing body, and any applicable  
20 collective bargaining agreement.

21 (11) "Flexible benefit plan" means a benefit plan that allows  
22 employees to choose the level of health care coverage provided and  
23 the amount of employee contributions from among a range of choices  
24 offered by the authority.

25 (12) "Insuring entity" means an insurer as defined in chapter  
26 48.01 RCW, a health care service contractor as defined in chapter  
27 48.44 RCW, or a health maintenance organization as defined in chapter  
28 48.46 RCW.

29 (13) "Medical flexible spending arrangement" means a benefit plan  
30 whereby state and public employees may reduce their salary before  
31 taxes to pay for medical expenses not reimbursed by insurance as  
32 provided in the salary reduction plan under this chapter pursuant to  
33 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

34 (14) "Participant" means an individual who fulfills the  
35 eligibility and enrollment requirements under the salary reduction  
36 plan.

37 (15) "Plan year" means the time period established by the  
38 authority.

39 (16) "Premium payment plan" means a benefit plan whereby state  
40 and public employees may pay their share of group health plan

1 premiums with pretax dollars as provided in the salary reduction plan  
2 under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections  
3 of the internal revenue code.

4 (17) "Retired or disabled school employee" means:

5 (a) Persons who separated from employment with a school district  
6 or educational service district and are receiving a retirement  
7 allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

8 (b) Persons who separate from employment with a school district,  
9 educational service district, or charter school on or after October  
10 1, 1993, and immediately upon separation receive a retirement  
11 allowance under chapter 41.32, 41.35, or 41.40 RCW;

12 (c) Persons who separate from employment with a school district,  
13 educational service district, or charter school due to a total and  
14 permanent disability, and are eligible to receive a deferred  
15 retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

16 (18) "Salary" means a state employee's monthly salary or wages.

17 (19) "Salary reduction plan" means a benefit plan whereby state  
18 and public employees may agree to a reduction of salary on a pretax  
19 basis to participate in the dependent care assistance program,  
20 medical flexible spending arrangement, or premium payment plan  
21 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the  
22 internal revenue code.

23 (20) "Seasonal employee" means an employee hired to work during a  
24 recurring, annual season with a duration of three months or more, and  
25 anticipated to return each season to perform similar work.

26 (21) "Separated employees" means persons who separate from  
27 employment with an employer as defined in:

28 (a) RCW 41.32.010(17) on or after July 1, 1996; or

29 (b) RCW 41.35.010 on or after September 1, 2000; or

30 (c) RCW 41.40.010 on or after March 1, 2002;

31 and who are at least age fifty-five and have at least ten years of  
32 service under the teachers' retirement system plan 3 as defined in  
33 RCW 41.32.010(33), the Washington school employees' retirement system  
34 plan 3 as defined in RCW 41.35.010, or the public employees'  
35 retirement system plan 3 as defined in RCW 41.40.010.

36 (22) "State purchased health care" or "health care" means medical  
37 and health care, pharmaceuticals, and medical equipment purchased  
38 with state and federal funds by the department of social and health  
39 services, the department of health, the basic health plan, the state  
40 health care authority, the department of labor and industries, the

1 department of corrections, the department of veterans affairs, and  
2 local school districts.

3 (23) "Tribal government" means an Indian tribal government as  
4 defined in section 3(32) of the employee retirement income security  
5 act of 1974, as amended, or an agency or instrumentality of the  
6 tribal government, that has government offices principally located in  
7 this state.

8 **Sec. 137.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted  
9 to read as follows:

10 In addition to the entities listed in RCW 41.56.020, this chapter  
11 applies to any charter school established under chapter 28A.710 RCW.  
12 Any bargaining unit or units established at the charter school must  
13 be limited to employees working in the charter school and must be  
14 separate from other bargaining units in school districts, educational  
15 service districts, or institutions of higher education. Any charter  
16 school established under chapter 28A.710 RCW is a separate employer  
17 from any school district, including the school district in which it  
18 is located.

19 **Sec. 138.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to  
20 read as follows:

21 This chapter applies to any charter school established under  
22 chapter 28A.710 RCW. Any bargaining unit or units established at the  
23 charter school must be limited to employees working in the charter  
24 school and must be separate from other bargaining units in school  
25 districts, educational service districts, or institutions of higher  
26 education. Any charter school established under chapter 28A.710 RCW  
27 is a separate employer from any school district, including the school  
28 district in which it is located.

29 NEW SECTION. **Sec. 139.** RCW 28A.710.005 (Findings—2013 c 2) and  
30 2013 c 2 s 101 are each repealed.

31 NEW SECTION. **Sec. 140.** (1) Sections 101 through 139 of this act  
32 are remedial and curative in nature and apply to the Washington state  
33 charter school commission, school district authorizers, and charter  
34 schools established before the effective date of this section.

35 (2) The Washington state charter school commission and school  
36 district authorizers, and actions related to their establishment and

1 operation that were in compliance with the laws of the state of  
2 Washington before the effective date of this section, or that  
3 substantially complied with the provisions of this act before its  
4 effective date, are declared to be valid.

5 (3) Contracts entered into under or in accordance with chapter 2,  
6 Laws of 2013 that were in effect on December 1, 2015, may, with the  
7 agreement of all parties and within sixty days after the effective  
8 date of this section, be executed as new contracts with the same  
9 terms and duration or substantially the same terms and duration as  
10 were in effect on December 1, 2015. For purposes of this section,  
11 "substantially the same terms and duration" includes contract  
12 modifications necessary to comply with the provisions of  
13 chapter . . . , Laws of 2016 (this act) or other applicable law.

14 (4) Nothing in this section entitles a charter school to  
15 retroactive payments under chapter . . . , Laws of 2016 (this act) for  
16 services that were rendered after December 1, 2015, and before  
17 execution of new contracts pursuant to subsection (3) of this  
18 section.

19 **PART II**

20 **WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT**

21 **Sec. 201.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each  
22 amended to read as follows:

23 The Washington opportunity pathways account is created in the  
24 state treasury. Expenditures from the account may be used only for  
25 programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW  
26 (state work-study), chapter 28B.50 RCW (opportunity grant), RCW  
27 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington  
28 award for vocational excellence), chapter 28B.92 RCW (state need  
29 grant program), (~~chapter 28B.101 RCW (educational opportunity~~  
30 ~~grant)~~), chapter 28B.105 RCW (GET ready for math and science  
31 scholarship), chapter 28B.117 RCW (passport to college promise),  
32 chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW  
33 (Washington promise scholarship), and chapter 43.215 RCW (early  
34 childhood education and assistance program)(~~(, and RCW 43.330.280~~  
35 ~~(recruitment of entrepreneurial researchers, innovation partnership~~  
36 ~~zones and research teams))~~).

37 **PART III**



MISCELLANEOUS PROVISIONS

1

2       NEW SECTION.   **Sec. 301.**   If any provision of this act or its  
3 application to any person or circumstance is held invalid, the  
4 remainder of the act or the application of the provision to other  
5 persons or circumstances is not affected.

6       NEW SECTION.   **Sec. 302.**   This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of  
8 the state government and its existing public institutions, and takes  
9 effect immediately.

      Passed by the Senate March 10, 2016.

      Passed by the House March 9, 2016.

      Filed in Office of Secretary of State April 4, 2016, without the  
Governor's signature.