

# HOUSE BILL REPORT

## HB 2853

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### As Passed Legislature

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

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

**Sponsors:** Representatives Harris and Santos.

#### **Brief History:**

##### **Committee Activity:**

Education: 1/30/20, 2/4/20 [DP].

##### **Floor Activity:**

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

Passed Senate: 3/5/20, 46-2.

Passed Legislature.

#### **Brief Summary of Bill**

- Authorizes the Washington State Charter School Commission (Commission) to hire an executive director, employ staff, and delegate duties to the executive director.
- Exempts the executive director and the executive director's confidential secretary from civil service laws.
- Changes the date by which an annual charter schools performance report must be completed from December 1 to March 1.
- Allows charter schools to offer a weighted enrollment preference for qualifying students if the preference is consistent with an admissions policy approved by the applicable authorizer instead of the Commission.
- Repeals provisions relating to validating charter school actions and contracts that were operational before and immediately after the 2016 reenactment of charter school laws.

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### HOUSE COMMITTEE ON EDUCATION

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

**Majority Report:** Do pass. Signed by 15 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Calder, Callan, Corry, Harris, Rude, Thai, Valdez and Ybarra.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Ortiz-Self and Stonier.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Charter Public Schools—History and Overview.

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

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

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

Charter schools are subject to statutory provisions governing their establishment and operation, but are exempted from most statutory and rule requirements governing common schools. Funding provisions for charter schools are also unique, as charter schools cannot be funded from state revenue sources dedicated to common schools (although they are funded at a comparable level by the state), and charter schools cannot access local school levy revenues approved by voters.

Each charter school is subject to a charter school board, a board of directors appointed or selected under the terms of a charter application, to manage and operate the charter school. Charter schools, whose establishment may be authorized statewide by the Commission or locally within a school district by the applicable district board of directors, may offer any program or course of study that any other public school may offer.

Nine charter schools are currently operating in Washington.

### The Washington State Charter School Commission.

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

The Commission is charged with managing, supervising, and enforcing the charter school contracts. The Commission is also the primary authorizer of charter schools, having authorized 12 of the 14 charter schools that do provide, or have provided, instruction to kindergarten through grade 12 students.

### Annual Report.

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

### Civil Service.

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

### **Summary of Bill:**

#### Executive Director and Staffing Provisions.

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

#### Other Provisions.

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

- the date by which the SBE must complete its annual report on the performance of charter schools is changed from December 1 to March 1;

- charter schools may offer a weighted enrollment preference for qualifying students if the preference is consistent with an admissions policy approved by the applicable authorizer, instead of approved by the Commission; and
- provisions relating to validating charter school actions and contracts that were operational before and immediately after the 2016 reenactment of charter school laws are repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Children learn differently. The passion behind this bill relates to a discussion in the Education Committee last fall. This bill examines the duties of the executive director of the Commission. Charter schools provide another pathway for students who learn differently.

The charter school statutes require the Commission to monitor schools and hold them accountable. The updates in the bill clarify the Commission's hiring authority and the duties of school district authorizers. The bill also changes the date of a report that is produced jointly with the SBE and ensures that the Legislature receives timely information.

(Opposed) None.

**Persons Testifying:** Representative Harris, prime sponsor; and Steve Sundquist, Washington State Charter School Commission.

**Persons Signed In To Testify But Not Testifying:** None.