

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2853

Chapter 49, Laws of 2020

66th Legislature
2020 Regular Session

CHARTER SCHOOL COMMISSION--VARIOUS PROVISIONS

EFFECTIVE DATE: June 11, 2020

Passed by the House February 18, 2020
Yeas 89 Nays 9

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate March 5, 2020
Yeas 46 Nays 2

CYRUS HABIB

President of the Senate

Approved March 18, 2020 10:52 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2853** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 18, 2020

**Secretary of State
State of Washington**

HOUSE BILL 2853

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Representatives Harris and Santos

Read first time 01/27/20. Referred to Committee on Education.

1 AN ACT Relating to promoting the effective and efficient
2 administration of the Washington state charter school commission;
3 amending RCW 28A.710.050, 28A.710.070, 28A.710.250, and 28A.710.160;
4 and repealing RCW 28A.710.900.

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

6 **Sec. 1.** RCW 28A.710.050 and 2016 c 241 s 105 are each amended to
7 read as follows:

8 (1) Except as provided in subsection (3) of this section, a
9 charter school may not limit admission on any basis other than age
10 group, grade level, or enrollment capacity. A charter school is open
11 to any student regardless of his or her location of residence.

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

15 (3) If capacity is insufficient to enroll all students who apply
16 to a charter school, the charter school must grant an enrollment
17 preference to siblings of enrolled students, with any remaining
18 enrollments allocated through a lottery. A charter school may offer,
19 pursuant to an admissions policy approved by the ~~((commission))~~
20 authorizer, a weighted enrollment preference for at-risk students or

1 to children of full-time employees of the school if the employees'
2 children reside within the state.

3 (4) The enrollment capacity of a charter school must be
4 determined annually by the charter school board in consultation with
5 the (~~charter~~) authorizer and with consideration of the charter
6 school's ability to facilitate the academic success of its students,
7 achieve the objectives specified in the charter contract, and assure
8 that its student enrollment does not exceed the capacity of its
9 facility. An authorizer may not restrict the number of students a
10 charter school may enroll.

11 (5) Nothing in this section prevents formation of a charter
12 school whose mission is to offer a specialized learning environment
13 and services for particular groups of students, such as at-risk
14 students, students with disabilities, or students who pose such
15 severe disciplinary problems that they warrant a specific educational
16 program. Nothing in this section prevents formation of a charter
17 school organized around a special emphasis, theme, or concept as
18 stated in the school's application and charter contract.

19 **Sec. 2.** RCW 28A.710.070 and 2016 c 241 s 107 are each amended to
20 read as follows:

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

27 (2) The commission shall, through its management, supervision,
28 and enforcement of the charter contracts and pursuant to applicable
29 law, administer the charter schools it authorizes in the same manner
30 as a school district board of directors administers other schools.

31 (3) (a) The commission shall consist of:

32 (i) Nine appointed members;

33 (ii) The superintendent of public instruction or the
34 superintendent's designee; and

35 (iii) The chair of the state board of education or the chair's
36 designee.

37 (b) Appointments to the commission shall be as follows: Three
38 members shall be appointed by the governor; three members shall be
39 appointed by the senate, with two members appointed by the leader of

1 the largest caucus of the senate and one member appointed by the
2 leader of the minority caucus of the senate; and three members shall
3 be appointed by the house of representatives, with two members
4 appointed by the speaker of the house of representatives and one
5 member appointed by the leader of the minority caucus of the house of
6 representatives. The appointing authorities shall assure diversity
7 among commission members, including representation from various
8 geographic areas of the state and shall assure that at least one
9 member is the parent of a Washington public school student.

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

17 (5) Appointed members shall serve four-year, staggered terms. The
18 initial appointments from each of the appointing authorities must
19 consist of one member appointed to a one-year term, one member
20 appointed to a two-year term, and one member appointed to a
21 three-year term, all of whom thereafter may be reappointed for a
22 four-year term. No appointed member may serve more than two
23 consecutive terms. Initial appointments must be made by July 1, 2016.

24 (6) Whenever a vacancy on the commission exists among its
25 appointed membership, the original appointing authority must appoint
26 a member for the remaining portion of the term within no more than
27 thirty days.

28 (7) Commission members shall serve without compensation but may
29 be reimbursed for travel expenses as authorized in RCW 43.03.050 and
30 43.03.060.

31 (8) The commission may hire an executive director and may employ
32 staff as necessary to carry out its duties under this chapter. The
33 commission may delegate to the executive director the duties as
34 necessary to effectively and efficiently execute the business of the
35 commission, including the authority to employ necessary staff. In
36 accordance with RCW 41.06.070, the executive director and the
37 executive director's confidential secretary are exempt from the
38 provisions of chapter 41.06 RCW.

1 (9) The commission shall reside within the office of the
2 superintendent of public instruction for administrative purposes
3 only.

4 (~~(9)~~) (10) RCW 28A.710.090 and 28A.710.120 do not apply to the
5 commission.

6 **Sec. 3.** RCW 28A.710.250 and 2016 c 241 s 125 are each amended to
7 read as follows:

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

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

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

32 **Sec. 4.** RCW 28A.710.160 and 2016 c 241 s 116 are each amended to
33 read as follows:

34 (1) The purposes of the charter application submitted under RCW
35 28A.710.130 are to present the proposed charter school's academic and
36 operational vision and plans, and to demonstrate and provide the
37 authorizer with a clear basis for evaluating the applicant's

1 capacities to execute the proposed vision and plans. An approved
2 charter application does not serve as the school's charter contract.

3 (2) Within ninety days of approval of a charter application, the
4 authorizer and the governing board of the approved charter school
5 must execute a charter contract. The contract must establish the
6 terms by which the charter school agrees to provide educational
7 services that, at a minimum, meet basic education standards, in
8 return for a distribution of public funds that will be used for the
9 purposes established in the contract and in this and other applicable
10 statutes. The charter contract must clearly set forth the academic
11 and operational performance expectations and measures by which the
12 charter school will be evaluated and the administrative relationship
13 between the authorizer and charter school, including each party's
14 rights and duties. The performance expectations and measures set
15 forth in the charter contract must include, but need not be limited
16 to, applicable federal and state accountability requirements. The
17 performance provisions may be refined or amended by mutual agreement
18 after the charter school is operating and has collected baseline
19 achievement data for its enrolled students.

20 (3) If the charter school is authorized by a school district
21 board of directors, the charter contract must be signed by the
22 president of the applicable school district board of directors and
23 the president of the charter school board. If the charter school is
24 authorized by the commission, the charter contract must be signed by
25 the chair of the commission and the president of the charter school
26 board. Within ten days of executing a charter contract, the
27 authorizer must submit to the state board of education written
28 notification of the charter contract execution, including a copy of
29 the executed charter contract and any attachments.

30 (4) A charter contract may govern one or more charter schools to
31 the extent approved by the authorizer. A single charter school board
32 may hold one or more charter contracts. However, each charter school
33 that is part of a charter contract must be separate and distinct from
34 any others and, for purposes of calculating the maximum number of
35 charter schools that may be established under this chapter, each
36 charter school must be considered a single charter school regardless
37 of how many charter schools are governed under a particular charter
38 contract.

39 (5) An initial charter contract must be granted for a term of
40 five operating years. The contract term must commence on the charter

1 school's first day of operation. An approved charter school may delay
2 its opening for one school year in order to plan and prepare for the
3 school's opening. If the school requires an opening delay of more
4 than one school year, the school must request an extension from its
5 authorizer. The authorizer may grant or deny the contract extension
6 depending on the school's circumstances.

7 (6) Authorizers shall establish reasonable preopening
8 requirements or conditions to monitor the start-up progress of newly
9 approved charter schools, ensure that they are prepared to open
10 smoothly on the date agreed, and ensure that each school meets all
11 building, health, safety, insurance, and other legal requirements for
12 school opening.

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

15 ~~((8) In accordance with RCW 28A.710.900(3):~~

16 ~~(a) The state board of education must take reasonable and~~
17 ~~necessary steps to provide parties to contracts entered into under or~~
18 ~~in accordance with chapter 2, Laws of 2013 that were in effect or~~
19 ~~that had been executed on or before December 1, 2015, with an~~
20 ~~opportunity to execute new contracts with the same terms and duration~~
21 ~~or substantially the same terms and duration as were in effect on~~
22 ~~December 1, 2015; and~~

23 ~~(b) Each authorizer must take reasonable and necessary steps to~~
24 ~~provide parties to contracts entered into under or in accordance with~~
25 ~~chapter 2, Laws of 2013 that were in effect or that had been executed~~
26 ~~on or before December 1, 2015, with an opportunity to execute new~~
27 ~~contracts with the same terms and duration or substantially the same~~
28 ~~terms and duration as were in effect on December 1, 2015.~~

29 ~~(9) Contracts executed pursuant to subsection (8) of this section~~
30 ~~do not count against the annual cap established in RCW~~
31 ~~28A.710.150(1).~~

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

35 NEW SECTION. **Sec. 5.** RCW 28A.710.900 (Application of chapter
36 241, Laws of 2016—Contracts for charter schools established before
37 April 3, 2016) and 2016 c 241 s 140 are each repealed.

Passed by the House February 18, 2020.
Passed by the Senate March 5, 2020.

Approved by the Governor March 18, 2020.
Filed in Office of Secretary of State March 18, 2020.

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