

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194

State of Washington

64th Legislature

2016 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Mullet, Fain, Hobbs, Becker, Rivers, O'Ban, Dammeier, Angel, Hill, Bailey, Sheldon, Miloscia, Braun, Baumgartner, and King)

READ FIRST TIME 01/20/16.

1 AN ACT Relating to public schools that are not common schools;
2 amending RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070,
3 28A.215.060, 28A.715.040, and 28B.76.526; reenacting and amending RCW
4 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050,
5 28A.710.060, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100,
6 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150,
7 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200,
8 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and
9 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033,
10 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding
11 new sections to chapter 28A.710 RCW; adding a new section to chapter
12 28A.300 RCW; creating new sections; repealing RCW 28A.710.005; making
13 appropriations; and declaring an emergency.

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

15 **PART I**
16 **CHARTER PUBLIC SCHOOLS**

17 **Sec. 101.** RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted
18 and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

1 (1) "Applicant" means a nonprofit corporation that has submitted
2 an application to an authorizer. The nonprofit corporation must be
3 either a public benefit nonprofit corporation as defined in RCW
4 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005
5 that has applied for tax exempt status under section 501(c)(3) of the
6 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The
7 nonprofit corporation may not be a sectarian or religious
8 organization and must meet all of the requirements for a public
9 benefit nonprofit corporation before receiving any funding under RCW
10 28A.710.220.

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

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

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

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

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

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

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

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

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

11 (11) "Student" means (~~(any)~~) a child eligible under RCW
12 28A.225.160 to attend a public school in the state.

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

15 A charter school established under this chapter:

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

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

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

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

23 (3) Is governed by a charter school board according to the terms
24 of a renewable, five-year charter contract executed under RCW
25 28A.710.160;

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

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

36 **Sec. 103.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted
37 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 may not levy taxes or issue tax-backed
8 bonds.

9 (3) A charter school board may not acquire property by eminent
10 domain.

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

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

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

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

21 (b) Provide a program of basic education, ~~((as provided))~~ that
22 meets the goals in RCW 28A.150.210, including instruction in the
23 essential academic learning requirements, and participate in the
24 statewide student assessment system as developed under RCW
25 28A.655.070;

26 (c) Employ certificated instructional staff as required in RCW
27 28A.410.025~~((: PROVIDED, That))~~. Charter schools, however, may hire
28 noncertificated instructional staff of unusual competence and in
29 exceptional cases as specified in RCW 28A.150.203(7);

30 (d) Comply with the employee record check requirements in RCW
31 28A.400.303;

32 (e) Adhere to generally accepted accounting principles and be
33 subject to financial examinations and audits as determined by the
34 state auditor, including annual audits for legal and fiscal
35 compliance;

36 (f) Comply with the annual performance report under RCW
37 28A.655.110;

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

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

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

6 (3) ~~((Public))~~ Charter public schools must comply with all state
7 statutes and rules made applicable to the charter school in the
8 school's charter contract, and are subject to the specific state
9 statutes and rules identified in subsection (2) of this section. For
10 the purpose of allowing flexibility to innovate in areas such as
11 scheduling, personnel, funding, and educational programs to improve
12 student outcomes and academic achievement, charter schools are not
13 subject to, and are exempt from, all other state statutes and rules
14 applicable to school districts and school district boards of
15 directors(~~(, for the purpose of allowing flexibility to innovate in~~
16 ~~areas such as scheduling, personnel, funding, and educational~~
17 ~~programs in order to improve student outcomes and academic~~
18 ~~achievement))~~). Except as provided otherwise by this chapter or a
19 charter contract, charter schools are exempt from all school district
20 policies (~~((except policies made applicable in the school's charter~~
21 ~~contract))~~).

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

25 (5) Charter schools are subject to the supervision of the
26 superintendent of public instruction and the state board of
27 education, including accountability measures, to the same extent as
28 other public schools, except as otherwise provided in this chapter
29 (~~((2, Laws of 2013))~~).

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

32 (1) Except as provided in subsection (4) of this section, a
33 charter school may not limit admission on any basis other than age
34 group, grade level, or enrollment capacity (~~((and must enroll all~~
35 ~~students who apply within these bases))~~). A charter school is open to
36 any student regardless of his or her location of residence.

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

1 (3) A conversion charter school must provide sufficient capacity
2 to enroll all students who wish to remain enrolled in the school
3 after its conversion to a charter school, and may not displace
4 students enrolled before the chartering process.

5 (4) If capacity is insufficient to enroll all students who apply
6 to a charter school, the charter school must (~~select students~~
7 ~~through a lottery to ensure fairness. However, a charter school must~~
8 ~~give an enrollment preference to siblings of already enrolled~~
9 ~~students)) grant an enrollment preference to at-risk students and~~
10 ~~siblings of enrolled students, with any remaining enrollments~~
11 ~~allocated through a lottery.~~

12 (5) The enrollment capacity of a charter school must be
13 determined annually by the charter school board in consultation with
14 the charter authorizer and with consideration of the charter school's
15 ability to facilitate the academic success of its students, achieve
16 the objectives specified in the charter contract, and assure that its
17 student enrollment does not exceed the capacity of its facility. An
18 authorizer may not restrict the number of students a charter school
19 may enroll.

20 (6) Nothing in this section prevents formation of a charter
21 school whose mission is to offer a specialized learning environment
22 and services for particular groups of students, such as at-risk
23 students, students with disabilities, or students who pose such
24 severe disciplinary problems that they warrant a specific educational
25 program. Nothing in this section prevents formation of a charter
26 school organized around a special emphasis, theme, or concept as
27 stated in the school's application and charter contract.

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

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

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

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

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

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

12 (2) The commission shall, through its management, supervision,
13 and enforcement of the charter contracts and pursuant to applicable
14 law, administer the (~~((portion of the public common school system~~
15 ~~consisting of the))~~) charter schools it authorizes (~~((as provided in~~
16 ~~this chapter,))~~) in the same manner as a school district board of
17 directors(~~((, through its management, supervision, and enforcement of~~
18 ~~the charter contracts, and pursuant to applicable law, administers~~
19 ~~the charter schools it authorizes))~~) administers other schools.

20 (~~((2))~~) (3)(a) The commission shall consist of (~~((nine members, no~~
21 ~~more than five of whom shall be members of the same political party.~~
22 ~~Three members shall be appointed by the governor; three members shall~~
23 ~~be appointed by the president of the senate; and three members shall~~
24 ~~be appointed by the speaker of the house of representatives. The~~
25 ~~appointing authorities shall assure diversity among commission~~
26 ~~members, including representation from various geographic areas of~~
27 ~~the state and shall assure that at least one member is a parent of a~~
28 ~~Washington public school student))~~);

29 (i) The superintendent of public instruction or the
30 superintendent's designee;

31 (ii) The chair of the state board of education; and

32 (iii) Nine appointed members as follows: Three members shall be
33 appointed by the governor; three members shall be from the senate,
34 with two members from the largest caucus of the senate appointed by
35 the leader of the largest caucus of the senate and one member from
36 the minority caucus appointed by the leader of the minority caucus of
37 the senate; and three members shall be from the house of
38 representatives, with two members from the largest caucus of the
39 house of representatives and one member from the minority caucus, all

1 appointed by the speaker of the house of representatives. The
2 appointing authorities shall assure diversity among the appointments,
3 including representation from various geographic areas of the state,
4 and shall assure that at least one member is the parent of a
5 Washington public school student. No more than five appointed members
6 shall be members of the same political party.

7 ~~((3))~~ (4) Members appointed to the commission shall
8 collectively possess strong experience and expertise in public and
9 nonprofit governance; management and finance; public school
10 leadership, assessment, curriculum, and instruction; and public
11 education law. All appointed members shall have demonstrated an
12 understanding of and commitment to charter schooling as a strategy
13 for strengthening public education.

14 ~~((4))~~ (5) Appointed members shall ~~((be appointed to))~~ serve
15 four-year, staggered terms ~~((, with))~~. The initial appointments from
16 each of the appointing authorities ~~((consisting))~~ must consist of one
17 member appointed to a one-year term, one member appointed to a
18 two-year term, and one member appointed to a three-year term, all of
19 whom thereafter may be reappointed for a four-year term. No appointed
20 member may serve more than two consecutive terms. Initial
21 appointments must be made ~~((no later than ninety days after December~~
22 ~~6, 2012))~~ by July 1, 2016.

23 ~~((5))~~ (6) Whenever a vacancy on the commission exists among its
24 appointed membership, the original appointing authority must appoint
25 a member for the remaining portion of the term within no more than
26 thirty days.

27 ~~((6))~~ (7) Commission members shall serve without compensation
28 but may be reimbursed for travel expenses as authorized in RCW
29 43.03.050 and 43.03.060.

30 ~~((7) Operational and staff support for the commission shall be~~
31 ~~provided by the office of the governor until the commission has~~
32 ~~sufficient resources to hire or contract for separate staff support,~~
33 ~~who))~~ (8) The commission shall reside within the office of the
34 ~~((governor))~~ superintendent of public instruction for administrative
35 purposes only.

36 ~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the
37 commission.

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

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

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

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

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

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

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

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

22 (b) A plan to support the vision presented, including explanation
23 and evidence of the applicant's budget and personnel capacity and
24 commitment to execute the responsibilities of quality charter
25 authorizing;

26 (c) A draft or preliminary outline of the request for proposals
27 that the applicant would, if approved as an authorizer, issue to
28 solicit charter school applicants;

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

33 (e) A draft of the applicant's proposed renewal, revocation, and
34 nonrenewal processes, consistent with RCW 28A.710.190 and
35 28A.710.200;

36 (f) A statement of assurance that the applicant seeks to serve as
37 an authorizer in fulfillment of the expectations, spirit, and intent
38 of this chapter, and that, if approved as an authorizer, the

1 applicant will fully participate in any authorizer training provided
2 or required by the state; and

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

6 (3) The state board of education shall consider the merits of
7 each application and make its decision within the timelines
8 established by the state board of education.

9 (4) Within thirty days of making a decision to approve an
10 application under this section, the state board of education must
11 execute a renewable authorizing contract with the ((entity))
12 applicant district. The initial term of an authorizing contract
13 ((shall)) must be six years. The authorizing contract must specify
14 each approved ((entity's)) applicant district's agreement to serve as
15 an authorizer in accordance with the expectations of this chapter,
16 and may specify additional performance terms based on the applicant's
17 proposal and plan for chartering.

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

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

22 (1) Authorizers are responsible for:

23 (a) Soliciting and evaluating charter applications;

24 (b) Approving ((quality)) charter applications that meet
25 identified educational needs and promote a diversity of educational
26 choices;

27 (c) Denying ((weak or inadequate)) charter applications that fail
28 to meet statutory requirements, requirements of the authorizer, or
29 both;

30 (d) Negotiating and executing ((sound)) charter contracts with
31 each authorized charter school;

32 (e) Monitoring, in accordance with charter contract terms, the
33 performance and legal compliance of charter schools including,
34 without limitation, education and academic performance goals and
35 student achievement; and

36 (f) Determining whether each charter contract merits renewal,
37 nonrenewal, or revocation.

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

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

- (a) Organizational capacity and infrastructure;
- (b) Soliciting and evaluating charter applications;
- (c) Performance contracting;
- (d) Ongoing charter school oversight and evaluation; and
- (e) Charter renewal decision making.

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

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

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

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

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

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

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

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

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

1 (1) The state board of education shall establish a statewide
2 formula for an authorizer oversight fee, which ~~((shall))~~ must be
3 calculated as a percentage of the state operating funding
4 ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to
5 each charter school under the jurisdiction of an authorizer, but may
6 not exceed four percent of each charter school's annual funding.
7 ~~((The office of the superintendent of public instruction shall deduct~~
8 ~~the oversight fee from each charter school's allocation under RCW~~
9 ~~28A.710.220 and transmit the fee to the appropriate authorizer.))~~

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

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

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

21 ~~((4))~~ (5) An authorizer may provide contracted, fee-based
22 services to charter schools under its jurisdiction that are in
23 addition to the oversight duties under RCW 28A.710.100. An authorizer
24 may not charge more than market rates for the contracted services
25 provided. An authorizer may not require a charter school ~~((may not be~~
26 ~~required))~~ to purchase contracted services ~~((from))~~ provided by an
27 authorizer. Fees collected by the authorizer under this subsection
28 must be separately accounted for and reported annually to the state
29 board of education.

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

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

35 (2) Persistently unsatisfactory performance of an authorizer's
36 portfolio of charter schools, a pattern of well-founded complaints
37 about the authorizer or its charter schools, or other objective
38 circumstances may trigger a special review by the state board of
39 education.

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

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

14 (5) If ~~((an authorizer persists))~~, after due notice from the
15 state board of education, an authorizer persists in violating a
16 material provision of a charter contract or its authorizing contract,
17 or fails to remedy other identified authorizing problems, the state
18 board of education shall notify the authorizer, within a reasonable
19 amount of time under the circumstances, that it intends to revoke the
20 authorizer's chartering authority unless the authorizer demonstrates
21 a timely and satisfactory remedy for the violation or deficiencies.

22 (6) In the event of revocation of any authorizer's chartering
23 authority, the state board of education shall manage the timely and
24 orderly transfer of each charter contract held by that authorizer to
25 another authorizer in the state, with the mutual agreement of each
26 affected charter school and proposed new authorizer. The new
27 authorizer shall assume the existing charter contract for the
28 remainder of the charter term.

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

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

34 (1)(a) Each authorizer must annually issue and broadly publicize
35 a request for proposals for charter school applicants by the date
36 established by the state board of education under RCW 28A.710.140.

37 (b) Each authorizer's request for proposals must:

38 (i) Present the authorizer's strategic vision for chartering,
39 including a clear statement of any preferences the authorizer wishes

1 to grant to applications that employ proven methods for educating at-
2 risk students or students with special needs;

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

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

8 (iv) State clear, appropriately detailed questions as well as
9 guidelines concerning the format and content essential for applicants
10 to demonstrate the capacities necessary to establish and operate a
11 successful charter school.

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

14 (a) An executive summary;

15 (b) The mission and vision of the proposed charter school,
16 including identification of the ((targeted)) student population and
17 ((the)) community the school hopes to serve;

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

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

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

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

26 (g) Background information on the proposed founding ((governing))
27 charter school board members and, if identified, the proposed school
28 leadership and management team;

29 (h) The school's proposed calendar and sample daily schedule;

30 (i) A description of the academic program aligned with state
31 standards;

32 (j) A description of the school's proposed instructional design,
33 including the type of learning environment((÷))_ class size and
34 structure((÷))_ curriculum overview((÷))_ and teaching methods;

35 (k) Evidence that the educational program is based on proven
36 methods;

37 (l) The school's plan for using internal and external assessments
38 to measure and report student progress on the performance framework
39 developed by the authorizer in accordance with RCW 28A.710.170;

1 (m) The school's plans for identifying, successfully serving, and
2 complying with applicable laws and regulations regarding students
3 with disabilities, students who are limited English proficient,
4 students who are struggling academically, and highly capable
5 students;

6 (n) A description of cocurricular or extracurricular programs and
7 how ((they)) those programs will be funded and delivered;

8 (o) Plans and timelines for student recruitment and enrollment,
9 including targeted plans for recruiting at-risk students and
10 including lottery procedures;

11 (p) The school's student discipline policies, including for
12 special education students;

13 (q) An organization chart that clearly presents the school's
14 organizational structure, including lines of authority and reporting
15 between the governing board, staff, any related bodies such as
16 advisory bodies or parent and teacher councils, and any external
17 organizations that will play a role in managing the school;

18 (r) A clear description of the roles and responsibilities for the
19 governing board, the school's leadership and management team, and any
20 other entities shown in the organization chart;

21 (s) A staffing plan for the school's first year and for the term
22 of the charter;

23 (t) Plans for recruiting and developing school leadership and
24 staff;

25 (u) The school's leadership and teacher employment policies,
26 including performance evaluation plans;

27 (v) Proposed governing bylaws;

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

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

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

35 (z) Opportunities and expectations for parent involvement;

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

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

1 (cc) A description of the insurance coverage the school will
2 obtain;

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

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

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

9 (3) In the case of (~~an application to establish~~) a conversion
10 charter school, the applicant must also demonstrate support for the
11 proposed conversion (~~by~~) through a petition signed by either a
12 majority of teachers assigned to the school or (~~a petition signed~~
13 ~~by~~) a majority of parents of students in the school.

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

18 (a) Provide evidence of the nonprofit education service
19 provider's success in serving student populations similar to the
20 targeted population, including demonstrated academic achievement as
21 well as successful management of nonacademic school functions if
22 applicable;

23 (b) Provide a term sheet setting forth: (i) The proposed duration
24 of the service contract; (ii) the roles and responsibilities of the
25 governing board, the school staff, and the service provider; (iii)
26 the scope of services and resources to be provided by the service
27 provider; (iv) performance evaluation measures and timelines; (v) the
28 compensation structure, including clear identification of all fees to
29 be paid to the service provider; (vi) methods of contract oversight
30 and enforcement; (vii) investment disclosure; and (viii) conditions
31 for renewal and termination of the contract; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) A maximum of forty (~~(public))~~ charter public schools may be
8 established under this chapter(~~(7))~~ over (~~((a))~~) the five-year period
9 commencing with the effective date of this section. No more than
10 eight charter schools may be established in any (~~((single))~~) year
11 during the five-year period, except that if in any (~~((single))~~) year
12 fewer than eight charter schools are established, (~~((then))~~) additional
13 charter schools, equal in number to the difference between the number
14 established in that year and eight, may be established in subsequent
15 years during the five-year period.

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

19 (b) Within ten days of taking action to approve or deny an
20 application under RCW 28A.710.140, an authorizer must submit a report
21 of the action to the applicant and (~~((to))~~) the state board of
22 education(~~((, which))~~). The report must include a copy of the
23 authorizer's resolution setting forth the action taken, the reasons
24 for the decision, and assurances of compliance with the procedural
25 requirements and application elements under RCW 28A.710.130 and
26 28A.710.140. The authorizer must also indicate whether the charter
27 school is designed to enroll and serve at-risk student populations.
28 The state board of education must establish, for each year in which
29 charter schools may be authorized as part of the timeline to be
30 established pursuant to RCW 28A.710.140, the (~~((last))~~) latest annual
31 date by which the authorizer ((must)) may submit the report. The
32 state board of education must send to each authorizer notice of the
33 date (~~((to each authorizer no later than))~~) by which a report must be
34 submitted at least six months before the date established by the
35 board.

36 (3) Upon the receipt of notice from an authorizer that a charter
37 school has been approved, the state board of education shall certify
38 whether the approval is in compliance with the limits on the maximum
39 number of charters allowed under subsection (1) of this section. If

1 the board receives simultaneous notification of approved charters
2 that exceed the annual allowable limits in subsection (1) of this
3 section, the board must select approved charters for implementation
4 through a lottery process, and must assign implementation dates
5 accordingly.

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

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

10 (1) The purposes of the charter application submitted under RCW
11 28A.710.130 are to present the proposed charter school's academic and
12 operational vision and plans, and to demonstrate and provide the
13 authorizer with a clear basis for evaluating the applicant's
14 capacities to execute the proposed vision and plans. An approved
15 charter application does not serve as the school's charter contract.

16 (2) Within ninety days of approval of a charter application, the
17 authorizer and the governing board of the approved charter school
18 must execute a charter contract. The contract must establish the
19 terms by which ~~((, fundamentally,))~~ the ~~((public))~~ charter school
20 agrees to provide educational services that, at a minimum, meet basic
21 education standards, in return for ~~((an allocation))~~ a distribution
22 of public funds ~~((to))~~ that will be used for ~~((such))~~ the purposes
23 ~~((all as set forth))~~ established in the contract and in this and
24 other applicable statutes ~~((and in the charter contract))~~. The
25 charter contract must clearly set forth the academic and operational
26 performance expectations and measures by which the charter school
27 will be ~~((judged))~~ evaluated and the administrative relationship
28 between the authorizer and charter school, including each party's
29 rights and duties. The performance expectations and measures set
30 forth in the charter contract must include, but need not be limited
31 to, applicable federal and state accountability requirements. The
32 performance provisions may be refined or amended by mutual agreement
33 after the charter school is operating and has collected baseline
34 achievement data for its enrolled students.

35 (3) If the charter school is authorized by a school district
36 board of directors, the charter contract must be signed by the
37 president of the applicable school district board of directors ~~((if~~
38 ~~the school district board of directors is the authorizer or the chair~~
39 ~~of the commission if the commission is the authorizer and by))~~ and

1 the president of the charter school board. If the charter school is
2 authorized by the commission, the charter contract must be signed by
3 the chair of the commission and the president of the charter school
4 board. Within ten days of executing a charter contract, the
5 authorizer must submit to the state board of education written
6 notification of the charter contract execution, including a copy of
7 the executed charter contract and any attachments.

8 (4) A charter contract may govern one or more charter schools to
9 the extent approved by the authorizer. A single charter school board
10 may hold one or more charter contracts. However, each charter school
11 that is part of a charter contract must be separate and distinct from
12 any others and, for purposes of calculating the maximum number of
13 charter schools that may be established under this chapter, each
14 charter school must be considered a single charter school regardless
15 of how many charter schools are governed under a particular charter
16 contract.

17 (5) An initial charter contract must be granted for a term of
18 five operating years. The contract term must commence on the charter
19 school's first day of operation. An approved charter school may delay
20 its opening for one school year in order to plan and prepare for the
21 school's opening. If the school requires an opening delay of more
22 than one school year, the school must request an extension from its
23 authorizer. The authorizer may grant or deny the contract extension
24 depending on the school's circumstances.

25 (6) Authorizers may establish reasonable preopening requirements
26 or conditions to monitor the start-up progress of newly approved
27 charter schools ~~((and))~~, ensure that they are prepared to open
28 smoothly on the date agreed, and ~~((to))~~ ensure that each school meets
29 all building, health, safety, insurance, and other legal requirements
30 for school opening.

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

33 (8) In accordance with section 138(4) of this act:

34 (a) The state board of education must take all reasonable and
35 necessary steps to provide parties to contracts entered into under or
36 in accordance with chapter 2, Laws of 2013 that were in effect on
37 December 1, 2015, with an opportunity to re-execute the contracts
38 with the same terms and duration or substantially the same terms and
39 duration as were in effect on December 1, 2015; and

1 (b) Each authorizer must take all reasonable and necessary steps
2 to provide parties to contracts entered into under or in accordance
3 with chapter 2, Laws of 2013 that were in effect on December 1, 2015,
4 with an opportunity to re-execute the contracts with the same terms
5 and duration or substantially the same terms and duration as were in
6 effect on December 1, 2015.

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

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

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

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

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

- 22 (a) Student academic proficiency;
- 23 (b) Student academic growth;
- 24 (c) Achievement gaps in both proficiency and growth between major
25 student subgroups;
- 26 (d) Attendance;
- 27 (e) Recurrent enrollment from year to year;
- 28 (f) High school graduation rates and student postsecondary
29 readiness(~~(, for high schools)~~);
- 30 (g) Financial performance and sustainability; and
- 31 (h) Charter school board performance and stewardship, including
32 compliance with all applicable laws, rules, and terms of the charter
33 contract.

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

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

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

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

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

11 (1) Each authorizer must continually monitor the performance and
12 legal compliance of the charter schools ~~((it oversees))~~ under its
13 jurisdiction, including collecting and analyzing data to support
14 ongoing evaluation according to the performance framework in the
15 charter contract.

16 (2) An authorizer may conduct or require oversight activities
17 that enable the authorizer to fulfill its responsibilities under this
18 chapter, including conducting appropriate inquiries and
19 investigations, ~~((so long as))~~ if those activities are consistent
20 with the intent of this chapter, adhere to the terms of the charter
21 contract, and do not unduly inhibit the autonomy granted to charter
22 schools.

23 (3) In the event that a charter school's performance or legal
24 compliance appears unsatisfactory, the authorizer must promptly
25 notify the school of the perceived problem and provide reasonable
26 opportunity for the school to remedy the problem ~~((, unless))~~.
27 However, if the problem warrants revocation ~~((in which case))~~ of the
28 charter contract, the revocation procedures under RCW 28A.710.200
29 apply.

30 (4) An authorizer may take appropriate corrective actions or
31 exercise sanctions short of revocation in response to apparent
32 deficiencies in charter school performance or legal compliance.
33 ~~((Such))~~ These actions or sanctions may include, if warranted,
34 requiring a school to develop and execute a corrective action plan
35 within a specified time frame.

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

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

7 (2) No later than six months before the expiration of a charter
8 contract, the authorizer must issue a performance report and charter
9 contract renewal application guidance to (~~that~~) the charter school.
10 The performance report must summarize the charter school's
11 performance record to date based on the data required by the charter
12 contract, and must provide notice of any weaknesses or concerns
13 perceived by the authorizer concerning the charter school that may,
14 if not timely rectified, jeopardize its position in seeking renewal
15 (~~(if not timely rectified)~~). The charter school has thirty days to
16 respond to the performance report and submit any corrections or
17 clarifications for the report.

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

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

22 (b) Describe improvements undertaken or planned for the school;
23 and

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

25 (4) The renewal application guidance must include or refer
26 explicitly to the criteria that will guide the authorizer's renewal
27 decisions, (~~(which shall)~~) and this criteria must be based on the
28 performance framework set forth in the charter contract.

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

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

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

35 (c) Provide a public report summarizing the evidence basis for
36 its decision.

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

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

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

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

11 (c) Failed to meet generally accepted standards of fiscal
12 management; or

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

15 (2) Except as provided otherwise by this subsection (2), an
16 authorizer may not renew a charter contract (~~((may not be renewed))~~)
17 if, at the time of the renewal application, the charter school's
18 performance falls in the bottom quartile of schools on the
19 (~~((accountability))~~) Washington achievement index developed by the
20 state board of education under RCW 28A.657.110(~~((, unless))~~). A
21 contract may be renewed without violating this subsection (2),
22 however, if the charter school demonstrates exceptional circumstances
23 that the authorizer finds justifiable.

24 (3) Each authorizer must develop revocation and nonrenewal
25 processes that:

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

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

30 (c) Provide the charter school board with an opportunity, at a
31 recorded public proceeding held for that purpose, to submit documents
32 and give testimony challenging the rationale for closure and in
33 support of the continuation of the school (~~((at a recorded public~~
34 ~~proceeding held for that purpose))~~);

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

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

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

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

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

13 (1) Before making a decision to not renew or to revoke a charter
14 contract, an authorizer~~((s))~~ must develop a charter school
15 termination protocol to ensure timely notification to parents,
16 orderly transition of students and student records to new schools, as
17 necessary, and proper disposition of public school funds, property,
18 and assets. The protocol must specify tasks, timelines, and
19 responsible parties, including delineating the respective duties of
20 the charter school and the authorizer.

21 (2) ~~((In the event that))~~ If the nonprofit corporation
22 ~~((applicant))~~ operator of a charter school should dissolve for any
23 reason including, without limitation, because of the termination of
24 the charter contract, the public school funds of the charter school
25 that have been provided pursuant to RCW 28A.710.220 must be returned
26 to the state or local account from which the public funds originated.
27 If the charter school has commingled the funds, the funds must be
28 returned in proportion to the proportion of those funds received by
29 the charter school from the public accounts in the last year
30 preceding the dissolution. The dissolution of ~~((an applicant))~~ a
31 nonprofit corporation shall otherwise proceed as provided by law.

32 (3) A charter contract may not be transferred from one authorizer
33 to another or from one charter school ~~((applicant))~~ to another before
34 the expiration of the charter contract term except by petition to the
35 state board of education by the charter school or its authorizer. The
36 state board of education must review such petitions on a case-by-case
37 basis and may grant transfer requests in response to special
38 circumstances and evidence that such a transfer would serve the best
39 interests of the charter school's students.

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

3 (1) Charter schools must report student enrollment in the same
4 manner, and based on the same definitions of enrolled students and
5 annual average full-time equivalent enrollment, as other public
6 schools. Charter schools must comply with applicable reporting
7 requirements to receive state or federal funding that is
8 ((allocated)) distributed based on student characteristics.

9 (2) ~~((According to the schedule established under RCW~~
10 ~~28A.510.250, the superintendent of public instruction shall allocate~~
11 ~~funding for a charter school including general apportionment, special~~
12 ~~education, categorical, and other nonbasic education moneys.~~
13 ~~Allocations must be based on the statewide average staff mix ratio of~~
14 ~~all noncharter public schools from the prior school year and the~~
15 ~~school's actual full-time equivalent enrollment. Categorical funding~~
16 ~~must be allocated to a charter school based on the same funding~~
17 ~~criteria used for noncharter public schools and the funds must be~~
18 ~~expended as provided in the charter contract. A charter school is~~
19 ~~eligible to apply for state grants on the same basis as a school~~
20 ~~district))~~ In accordance with appropriations made under sections 127
21 and 128 of this act, the superintendent of public instruction shall
22 distribute state funding to charter schools according to the schedule
23 established in RCW 28A.510.250.

24 (3) ~~((Allocations for pupil transportation must be calculated on~~
25 ~~a per student basis based on the allocation for the previous school~~
26 ~~year to the school district in which the charter school is located. A~~
27 ~~charter school may enter into a contract with a school district or~~
28 ~~other public or private entity to provide transportation for the~~
29 ~~students of the school.~~

30 ~~((4))~~ Amounts ~~((payable))~~ distributed to a charter school under
31 ~~((this))~~ section 128 of this act in the school's first year of
32 operation must be based on the projections of first-year student
33 enrollment established in the charter contract. The office of the
34 superintendent of public instruction must reconcile the amounts
35 ~~((paid))~~ distributed in the first year of operation to the amounts
36 that would have been ~~((paid))~~ distributed based on actual student
37 enrollment and make adjustments to the charter school's
38 ~~((allocations))~~ distributions over the course of the second year of
39 operation.

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

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

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

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

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

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

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

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

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or

1 any other public or private entity for the use of a facility for a
2 school building at ~~((or below))~~ fair market rent.

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

7 (5) A conversion charter school, by negotiated agreement with
8 mutual consideration and as part of the consideration for providing
9 educational services under the charter contract, may continue to use
10 its existing school district facility ~~((without paying rent to the~~
11 ~~school district that owns the facility))~~. The district remains
12 responsible for major repairs and safety upgrades that may be
13 required for the continued use of the facility as a public school.
14 The charter school is responsible for routine maintenance of the
15 facility including, but not limited to, cleaning, painting,
16 gardening, and landscaping. The charter contract of a conversion
17 charter school using existing facilities that are owned by its school
18 district must include reasonable and customary terms regarding the
19 use of the existing facility that are binding upon the charter school
20 and the school district.

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

23 Years of service in a charter school by certificated
24 instructional staff shall be included in the years of service
25 calculation for purposes of the statewide salary allocation schedule
26 under RCW 28A.150.410. This section does not require a charter school
27 to pay a particular salary to its staff while the staff is employed
28 by the charter school.

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

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

37 (2) The annual report must be based on the reports submitted by
38 each authorizer as well as any additional relevant data compiled by

1 the state board of education. The report must include a comparison of
2 the performance of charter school students with the performance of
3 academically, ethnically, and economically comparable groups of
4 students in (~~noncharter~~) other public schools. In addition, the
5 annual report must include the state board of education's assessment
6 of the successes, challenges, and areas for improvement in meeting
7 the purposes of this chapter, including the board's assessment of the
8 sufficiency of funding for charter schools, the efficacy of the
9 formula for authorizer funding, and any suggested changes in state
10 law or policy necessary to strengthen the state's charter schools.

11 (3) Together with the issuance of the annual report following the
12 fifth year after there have been charter schools operating for a full
13 school year, the state board of education, in collaboration with the
14 commission, shall submit a recommendation regarding whether or not
15 the legislature should authorize the establishment of additional
16 (~~public~~) charter public schools.

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

19 The charter schools oversight account is hereby created in the
20 state treasury. All moneys received by the commission under RCW
21 28A.710.110 must be deposited into the account. Moneys in the account
22 may be spent only after appropriation. Expenditures from the account
23 may be used only for the purposes of this chapter.

24 NEW SECTION. **Sec. 127.** A new section is added to chapter
25 28A.710 RCW to read as follows:

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

32 NEW SECTION. **Sec. 128.** A new section is added to chapter
33 28A.710 RCW to read as follows:

34 (1) The legislature intends that the state funding distributed
35 for charter public schools should be equitable to the state funding
36 received for other public schools.

1 (2) According to the schedule established under RCW 28A.510.250,
2 the superintendent of public instruction shall separately calculate
3 and distribute funding for a charter school on the same basis as
4 funding is allocated to school districts in chapter 28A.150 RCW,
5 including general apportionment, special education, categorical, and
6 other state formula-based enrichments to basic education other than
7 local effort assistance. Allocations must be based on the statewide
8 average staff mix ratio of all noncharter public schools from the
9 prior school year and the school's actual full-time equivalent
10 enrollment. Categorical funding must be distributed to a charter
11 school based on the same funding criteria used for noncharter public
12 schools and the funds must be expended as provided in the charter
13 contract. A charter school is eligible to apply for state grants on
14 the same basis as a school district.

15 (3) Distributions for pupil transportation must be calculated on
16 a per student basis based on the allocation for the previous school
17 year to the school district in which the charter school is located. A
18 charter school may enter into a contract with a school district or
19 other public or private entity to provide transportation for the
20 students of the school.

21 (4) Any moneys received by a charter school from any source and
22 remaining in the school's accounts at the end of any budget year
23 shall remain in the school's accounts for use by the school during
24 subsequent budget years.

25 **Sec. 129.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted
26 and amended to read as follows:

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

33 **Sec. 130.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted
34 and amended to read as follows:

35 (1) Under the constitutional framework and the laws of the state
36 of Washington, the governance structure for the state's public common
37 school system is comprised of the following bodies: The legislature,
38 the governor, the superintendent of public instruction, the state

1 board of education, (~~the Washington charter school commission,~~) the
2 educational service district boards of directors, and local school
3 district boards of directors. The respective policy and
4 administrative roles of each body are determined by the state
5 Constitution and statutes.

6 (2) Local school districts are political subdivisions of the
7 state and the organization of such districts, including the powers,
8 duties, and boundaries thereof, may be altered or abolished by laws
9 of the state of Washington.

10 **Sec. 131.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to
11 read as follows:

12 This section designates charter schools established under chapter
13 28A.710 RCW as employers and charter school employees as members, and
14 applies only if the department of retirement systems receives
15 determinations from the internal revenue service and the United
16 States department of labor that participation does not jeopardize the
17 status of these retirement systems as governmental plans under the
18 federal employees' retirement income security act and the internal
19 revenue code.

20 **Sec. 132.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to
21 read as follows:

22 This section designates charter schools established under chapter
23 28A.710 RCW as employers and charter school employees as members, and
24 applies only if the department of retirement systems receives
25 determinations from the internal revenue service and the United
26 States department of labor that participation does not jeopardize the
27 status of these retirement systems as governmental plans under the
28 federal employees' retirement income security act and the internal
29 revenue code.

30 **Sec. 133.** RCW 41.40.025 and 2013 c 2 s 305 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 41.05.011 and 2015 c 116 s 2 are each reenacted to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

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

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

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

16 (5) "Emergency service personnel killed in the line of duty"
17 means law enforcement officers and firefighters as defined in RCW
18 41.26.030, members of the Washington state patrol retirement fund as
19 defined in RCW 43.43.120, and reserve officers and firefighters as
20 defined in RCW 41.24.010 who die as a result of injuries sustained in
21 the course of employment as determined consistent with Title 51 RCW
22 by the department of labor and industries.

23 (6) "Employee" includes all employees of the state, whether or
24 not covered by civil service; elected and appointed officials of the
25 executive branch of government, including full-time members of
26 boards, commissions, or committees; justices of the supreme court and
27 judges of the court of appeals and the superior courts; and members
28 of the state legislature. Pursuant to contractual agreement with the
29 authority, "employee" may also include: (a) Employees of a county,
30 municipality, or other political subdivision of the state and members
31 of the legislative authority of any county, city, or town who are
32 elected to office after February 20, 1970, if the legislative
33 authority of the county, municipality, or other political subdivision
34 of the state seeks and receives the approval of the authority to
35 provide any of its insurance programs by contract with the authority,
36 as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of
37 employee organizations representing state civil service employees, at
38 the option of each such employee organization, and, effective October
39 1, 1995, employees of employee organizations currently pooled with

1 employees of school districts for the purpose of purchasing insurance
2 benefits, at the option of each such employee organization; (c)
3 employees of a school district if the authority agrees to provide any
4 of the school districts' insurance programs by contract with the
5 authority as provided in RCW 28A.400.350; (d) employees of a tribal
6 government, if the governing body of the tribal government seeks and
7 receives the approval of the authority to provide any of its
8 insurance programs by contract with the authority, as provided in RCW
9 41.05.021(1) (f) and (g); (e) employees of the Washington health
10 benefit exchange if the governing board of the exchange established
11 in RCW 43.71.020 seeks and receives approval of the authority to
12 provide any of its insurance programs by contract with the authority,
13 as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a
14 charter school established under chapter 28A.710 RCW. "Employee" does
15 not include: Adult family home providers; unpaid volunteers; patients
16 of state hospitals; inmates; employees of the Washington state
17 convention and trade center as provided in RCW 41.05.110; students of
18 institutions of higher education as determined by their institution;
19 and any others not expressly defined as employees under this chapter
20 or by the authority under this chapter.

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

22 (8) "Employer group" means those counties, municipalities,
23 political subdivisions, the Washington health benefit exchange,
24 tribal governments, school districts, and educational service
25 districts, and employee organizations representing state civil
26 service employees, obtaining employee benefits through a contractual
27 agreement with the authority.

28 (9) "Employing agency" means a division, department, or separate
29 agency of state government, including an institution of higher
30 education; a county, municipality, school district, educational
31 service district, or other political subdivision; charter school; and
32 a tribal government covered by this chapter.

33 (10) "Faculty" means an academic employee of an institution of
34 higher education whose workload is not defined by work hours but
35 whose appointment, workload, and duties directly serve the
36 institution's academic mission, as determined under the authority of
37 its enabling statutes, its governing body, and any applicable
38 collective bargaining agreement.

39 (11) "Flexible benefit plan" means a benefit plan that allows
40 employees to choose the level of health care coverage provided and

1 the amount of employee contributions from among a range of choices
2 offered by the authority.

3 (12) "Insuring entity" means an insurer as defined in chapter
4 48.01 RCW, a health care service contractor as defined in chapter
5 48.44 RCW, or a health maintenance organization as defined in chapter
6 48.46 RCW.

7 (13) "Medical flexible spending arrangement" means a benefit plan
8 whereby state and public employees may reduce their salary before
9 taxes to pay for medical expenses not reimbursed by insurance as
10 provided in the salary reduction plan under this chapter pursuant to
11 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

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

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

17 (16) "Premium payment plan" means a benefit plan whereby state
18 and public employees may pay their share of group health plan
19 premiums with pretax dollars as provided in the salary reduction plan
20 under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections
21 of the internal revenue code.

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

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

26 (b) Persons who separate from employment with a school district,
27 educational service district, or charter school on or after October
28 1, 1993, and immediately upon separation receive a retirement
29 allowance under chapter 41.32, 41.35, or 41.40 RCW;

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

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

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

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

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

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

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

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

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

14 (22) "State purchased health care" or "health care" means medical
15 and health care, pharmaceuticals, and medical equipment purchased
16 with state and federal funds by the department of social and health
17 services, the department of health, the basic health plan, the state
18 health care authority, the department of labor and industries, the
19 department of corrections, the department of veterans affairs, and
20 local school districts.

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

26 **Sec. 135.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted
27 to read as follows:

28 In addition to the entities listed in RCW 41.56.020, this chapter
29 applies to any charter school established under chapter 28A.710 RCW.
30 Any bargaining unit or units established at the charter school must
31 be limited to employees working in the charter school and must be
32 separate from other bargaining units in school districts, educational
33 service districts, or institutions of higher education. Any charter
34 school established under chapter 28A.710 RCW is a separate employer
35 from any school district, including the school district in which it
36 is located.

37 **Sec. 136.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to
38 read as follows:

1 This chapter applies to any charter school established under
2 chapter 28A.710 RCW. Any bargaining unit or units established at the
3 charter school must be limited to employees working in the charter
4 school and must be separate from other bargaining units in school
5 districts, educational service districts, or institutions of higher
6 education. Any charter school established under chapter 28A.710 RCW
7 is a separate employer from any school district, including the school
8 district in which it is located.

9 NEW SECTION. **Sec. 137.** RCW 28A.710.005 (Findings—2013 c 2) and
10 2013 c 2 s 101 are each repealed.

11 NEW SECTION. **Sec. 138.** (1) Sections 101 through 137 of this act
12 are remedial and curative in nature and apply to the Washington state
13 charter school commission, school district authorizers, and charter
14 schools established before the effective date of this section.

15 (2) Charter schools, and actions related to their establishment
16 and operation that were in compliance with the laws of the state of
17 Washington before the effective date of this section, or that
18 substantially complied with the provisions of this act before its
19 effective date, are declared to be valid.

20 (3) The Washington state charter school commission and school
21 district authorizers, and actions related to their establishment and
22 operation that were in compliance with the laws of the state of
23 Washington before the effective date of this section, or that
24 substantially complied with the provisions of this act before its
25 effective date, are declared to be valid.

26 (4) Contracts entered into under or in accordance with chapter 2,
27 Laws of 2013 that were in effect on December 1, 2015, may, with the
28 agreement of all parties and within sixty days after the effective
29 date of this section, be re-executed with the same terms and duration
30 or substantially the same terms and duration as were in effect on
31 December 1, 2015. For purposes of this section, "substantially the
32 same terms and duration" includes contract modifications necessary to
33 comply with the provisions of chapter . . . , Laws of 2016 (this act)
34 or other applicable law.

35 **PART II**
36 **EDUCATIONAL PROGRAMS THAT ARE NOT IN COMMON SCHOOLS**

1 **Sec. 201.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended to
2 read as follows:

3 An amount equal to basic and nonbasic education funding,
4 including applicable vocational entitlements and special education
5 program money, generated under this chapter and under state
6 appropriations acts shall be ((allocated)) distributed directly to
7 the military department for a national guard youth challenge program
8 for students earning high school graduation credit under RCW
9 ((28A.305.170)) 28A.300.165. Funding shall be provided based on
10 statewide average rates for basic education, special education,
11 categorical, and block grant programs as determined by the office of
12 the superintendent of public instruction. The state funds provided
13 shall be from the Washington opportunity pathways account created in
14 RCW 28B.76.526. The monthly full-time equivalent enrollment reported
15 for students enrolled in the national guard youth challenge program
16 shall be based on one full-time equivalent for every one hundred
17 student hours of scheduled instruction eligible for high school
18 graduation credit. The office of the superintendent of public
19 instruction, in consultation with the military department, shall
20 adopt such rules as are necessary to implement this section.

21 **Sec. 202.** RCW 28A.185.040 and 1990 c 33 s 169 are each amended
22 to read as follows:

23 (1) The superintendent of public instruction shall contract with
24 the University of Washington for the education of highly capable
25 students below eighteen years of age who are admitted or enrolled at
26 such early entrance program or transition school as are now or
27 hereafter established and maintained by the University of Washington.

28 (2) The superintendent of public instruction shall ((allocate))
29 distribute directly to the University of Washington an amount equal
30 to all of the state basic education allocation moneys, state
31 categorical moneys excepting categorical moneys provided for the
32 highly capable students program under RCW 28A.185.010 through
33 28A.185.030, any enrichment to those statutory formulae that is
34 specified in the omnibus appropriations act, and federal moneys
35 generated by a student while attending an early entrance program or
36 transition school at the University of Washington. The state funds
37 distributed under this subsection shall be from the Washington
38 opportunity pathways account created in RCW 28B.76.526. The
39 allocations shall be according to each student's school district of

1 residence. The expenditure of such moneys shall be limited to
2 selection of students, precollege instruction, special advising, and
3 related activities necessary for the support of students while
4 attending a transition school or early entrance program at the
5 University of Washington. Such allocations may be supplemented with
6 such additional payments by other parties as necessary to cover the
7 actual and full costs of such instruction and other activities.

8 (3) The provisions of subsections (1) and (2) of this section
9 shall apply during the first three years a student is attending a
10 transition school or early entrance program at the University of
11 Washington or through the academic school year in which the student
12 turns eighteen, whichever occurs first. No more than thirty students
13 shall be admitted and enrolled in the transition school at the
14 University of Washington in any one year.

15 (4) The superintendent of public instruction shall adopt or amend
16 rules pursuant to chapter 34.05 RCW implementing subsection (2) of
17 this section (~~((before August 31, 1989))~~).

18 **Sec. 203.** RCW 28A.193.080 and 1998 c 244 s 9 are each amended to
19 read as follows:

20 The superintendent of public instruction shall:

21 (1) (~~((Allocate))~~) Distribute money appropriated by the legislature
22 to administer and provide education programs under this chapter to
23 school districts(~~((, educational service districts, and other~~
24 ~~education providers selected under RCW 28A.193.020))~~) that have
25 assumed the primary responsibility to administer and provide
26 education programs under this chapter(~~((-))~~);

27 (2) Distribute moneys from the Washington opportunity pathways
28 account created in RCW 28B.76.526 to educational school districts,
29 and other education providers selected under RCW 28A.193.020 that
30 have assumed the primary responsibility to administer and provide
31 education programs under this chapter. The allocation of moneys to
32 any private contractor is contingent upon and must be in accordance
33 with a contract between the private contractor and the department of
34 corrections; and

35 (~~((2))~~) (3) Adopt rules in accordance with chapter 34.05 RCW that
36 establish reporting, program compliance, audit, and such other
37 accountability requirements as are reasonably necessary to implement
38 this chapter and related provisions of the biennial operating act
39 effectively.

1 **Sec. 204.** RCW 28A.205.070 and 2006 c 263 s 409 are each amended
2 to read as follows:

3 In ~~((allocating))~~ distributing funds ~~((appropriated for))~~ to
4 education centers, the superintendent of public instruction shall
5 provide funds from the Washington opportunity pathways account
6 created in RCW 28B.76.526 and also:

7 (1) Place priority upon stability and adequacy of funding for
8 education centers that have demonstrated superior performance as
9 defined in RCW 28A.205.040(2).

10 (2) Initiate and maintain a competitive review process to select
11 new or expanded center programs in unserved or underserved areas. The
12 criteria for review of competitive proposals for new or expanded
13 education center services shall include but not be limited to:

14 (a) The proposing organization shall have obtained certification
15 from the superintendent of public instruction as provided in RCW
16 28A.205.010;

17 (b) The cost-effectiveness of the proposal; and

18 (c) The availability of committed nonstate funds to support,
19 enrich, or otherwise enhance the basic program.

20 (3) In selecting areas for new or expanded education center
21 programs, the superintendent of public instruction shall consider
22 factors including but not limited to:

23 (a) The proportion and total number of dropouts unserved by
24 existing center programs, if any;

25 (b) The availability within the geographic area of programs other
26 than education centers which address the basic educational needs of
27 dropouts; and

28 (c) Waiting lists or other evidence of demand for expanded
29 education center programs.

30 (4) In the event of any curtailment of services resulting from
31 lowered legislative appropriations, the superintendent of public
32 instruction shall issue pro rata reductions to all centers funded at
33 the time of the lowered appropriation. Individual centers may be
34 exempted from such pro rata reductions if the superintendent finds
35 that such reductions would impair the center's ability to operate at
36 minimally acceptable levels of service. In the event of such
37 exceptions, the superintendent shall determine an appropriate rate
38 for reduction to permit the center to continue operation.

39 (5) In the event that an additional center or centers become
40 certified and apply to the superintendent for funds to be

1 ((allocated)) distributed from a legislative appropriation which does
2 not increase from the immediately preceding biennium, or does not
3 increase sufficiently to allow such additional center or centers to
4 operate at minimally acceptable levels of service without reducing
5 the funds available to previously funded centers, the superintendent
6 shall not provide funding for such additional center or centers from
7 such appropriation.

8 **Sec. 205.** RCW 28A.215.060 and 2008 c 169 s 1 are each amended to
9 read as follows:

10 (1) The Washington community learning center program is
11 established. The program shall be administered by the office of the
12 superintendent of public instruction. The purposes of the program
13 include:

14 (a) Supporting the creation or expansion of community learning
15 centers that provide students with tutoring and educational
16 enrichment when school is not in session;

17 (b) Providing training and professional development for community
18 learning center program staff;

19 (c) Increasing public awareness of the availability and benefits
20 of after-school programs; and

21 (d) Supporting statewide after-school intermediary organizations
22 in their efforts to provide leadership, coordination, technical
23 assistance, professional development, advocacy, and programmatic
24 support to the Washington community learning center programs and
25 after-school programs throughout the state.

26 (2)(a) Subject to funds appropriated for this purpose, the office
27 of the superintendent of public instruction may provide community
28 learning center grants to any public or private organization that
29 meets the eligibility criteria of the federal twenty-first century
30 community learning centers program. Grant funds provided to entities
31 other than school districts must be provided from the Washington
32 opportunity pathways account created in RCW 28B.76.526.

33 (b) Priority may be given to grant requests submitted jointly by
34 one or more schools or school districts and one or more community-
35 based organizations or other nonschool partners.

36 (c) Priority may also be given to grant requests for after-school
37 programs focusing on improving mathematics achievement, particularly
38 for middle and junior high school students.

39 (d) Priority shall be given to grant requests that:

1 (i) Focus on improving reading and mathematics proficiency for
2 students who attend schools that have been identified as being in
3 need of improvement under section 1116 of Title I of the federal no
4 child left behind act of 2001; and

5 (ii) Include a public/private partnership agreement or proposal
6 for how to provide free transportation for those students in need
7 that are involved in the program.

8 (3) Community learning center grant funds may be used to carry
9 out a broad array of out-of-school activities that support and
10 enhance academic achievement. The activities may include but need not
11 be limited to:

- 12 (a) Remedial and academic enrichment;
- 13 (b) Mathematics, reading, and science education;
- 14 (c) Arts and music education;
- 15 (d) Entrepreneurial education;
- 16 (e) Community service;
- 17 (f) Tutoring and mentoring programs;
- 18 (g) Programs enhancing the language skills and academic
19 achievement of limited English proficient students;
- 20 (h) Recreational and athletic activities;
- 21 (i) Telecommunications and technology education;
- 22 (j) Programs that promote parental involvement and family
23 literacy;
- 24 (k) Drug and violence prevention, counseling, and character
25 education programs; and

26 (l) Programs that assist students who have been truant,
27 suspended, or expelled, to improve their academic achievement.

28 (4) Each community learning center grant may be made for a
29 maximum of five years. Each grant recipient shall report annually to
30 the office of the superintendent of public instruction on what
31 transportation services are being used to assist students in
32 accessing the program and how those services are being funded. Based
33 on this information, the office of the superintendent of public
34 instruction shall compile a list of transportation service options
35 being used and make that list available to all after-school program
36 providers that were eligible for the community learning center
37 program grants.

38 (5) To the extent that funding is available for this purpose, the
39 office of the superintendent of public instruction may provide grants
40 or other support for the training and professional development of

1 community learning center staff, the activities of intermediary
2 after-school organizations, and efforts to increase public awareness
3 of the availability and benefits of after-school programs.

4 (6) Schools or school districts that receive a community learning
5 center grant under this section may seek approval from the office of
6 the superintendent of public instruction for flexibility to use a
7 portion of their state transportation funds for the costs of
8 transporting students to and from the community learning center
9 program.

10 (7) The office of the superintendent of public instruction shall
11 evaluate program outcomes and report to the governor and the
12 education committees of the legislature on the outcomes of the grants
13 and make recommendations related to program modification,
14 sustainability, and possible expansion. An interim report is due
15 November 1, 2008. A final report is due December 1, 2009.

16 **Sec. 206.** RCW 28A.715.040 and 2013 c 242 s 5 are each amended to
17 read as follows:

18 (1) A school that is the subject of a state-tribal education
19 compact must report student enrollment. Reporting must be done in the
20 same manner and use the same definitions of enrolled students and
21 annual average full-time equivalent enrollment as is required of
22 school districts. The reporting requirements in this subsection are
23 required for a school to receive state or federal funding that is
24 ~~((allocated))~~ distributed based on student characteristics.

25 (2) Funding for a school that is the subject of a state-tribal
26 education compact shall be ~~((apportioned))~~ separately calculated and
27 distributed by the superintendent of public instruction according to
28 the schedule established under RCW 28A.510.250. The state funds
29 distributed by the superintendent shall come from the opportunity
30 pathways account created in RCW 28B.76.526. The amount of state funds
31 to be provided shall be determined in accordance with the state
32 funding formulae, including general apportionment, special education,
33 categorical, any enrichment to those statutory formulae that is
34 specified in the omnibus appropriations act, and other nonbasic
35 education moneys. ((Allocations)) Distributions for certificated
36 instructional staff must be based on the average staff mix ratio of
37 the school, as separately calculated by the superintendent of public
38 instruction using the statewide salary allocation schedule and
39 related documents, conditions, and limitations established by the

1 omnibus appropriations act. (~~(Allocations)~~) Distributions for
2 classified staff and certificated administrative staff must be based
3 on the salary allocations of the school district in which the school
4 is located, subject to conditions and limitations established by the
5 omnibus appropriations act. Nothing in this section requires a school
6 that is the subject of a state-tribal education compact to use the
7 statewide salary allocation schedule. Such a school is eligible to
8 apply for state grants on the same basis as a school district.

9 (3) Any moneys received by a school that is the subject of a
10 state-tribal education compact from any source that remain in the
11 school's accounts at the end of any budget year must remain in the
12 school's accounts for use by the school during subsequent budget
13 years.

14 NEW SECTION. **Sec. 207.** A new section is added to chapter
15 28A.300 RCW to read as follows:

16 The legislature shall provide state funds to the superintendent
17 of public instruction from the Washington opportunity pathways
18 account created in RCW 28B.76.526 to cover the costs of the
19 following:

20 (1) Distributing state funds under RCW 28A.150.310, 28A.185.040,
21 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

22 (2) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080,
23 28A.205.050, and 28A.715.010.

24 **Sec. 208.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each
25 amended to read as follows:

26 (1) The Washington opportunity pathways account is created in the
27 state treasury. Expenditures from the account shall be used to cover
28 the costs of the following:

29 (a) Distributing state funds under RCW 28A.150.310, 28A.185.040,
30 28A.193.080, 28A.205.070, 28A.215.060, section 127 of this act, and
31 28A.715.040; and

32 (b) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080,
33 28A.205.050, and 28A.715.010.

34 (2) Expenditures from the account may be used (~~(only)~~) for
35 programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW
36 (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW
37 28B.76.670 (Washington award for vocational excellence), chapter
38 28B.92 RCW (state need grant program), (~~(chapter 28B.101 RCW~~

~~((educational opportunity grant),)) chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), and chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program)((,~~and~~ RCW ~~43.330.280~~ (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)))).~~

PART III
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 301.** The office of the superintendent of public instruction shall reimburse charter schools for any loss of state revenue during the 2015-16 school year to the extent that (1) the charter school was initially authorized under chapter 28A.710 RCW, (2) the school was providing public school services after December 1, 2015, and (3) the loss of state revenue was the direct result of the state supreme court decision in *League of Women Voters, et al., v. Washington*, Cause No. 98714-0.

NEW SECTION. **Sec. 302.** The sum of eight hundred twenty-six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2017, from the Washington opportunity pathways account to the charter school commission to perform its duties under this act.

NEW SECTION. **Sec. 303.** The sum of eighteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2017, from the Washington opportunity pathways account to the office of the superintendent of public instruction for the purposes of funding charter schools.

NEW SECTION. **Sec. 304.** (1) The sum of eighteen million dollars is appropriated for the fiscal biennium ending June 30, 2017, from the general fund to the office of financial management for the purposes of ensuring that the appropriation from the Washington opportunity pathways account in section 303 of this act does not reduce the total funding available for the other programs that have received appropriations from the Washington opportunity pathways account. The office of financial management shall allocate the

1 appropriation in this subsection to (a) the student achievement
2 council for the purposes of the state need grant and college bound
3 scholarship programs; and (b) the department of early learning for
4 the early childhood education and assistance program.

5 (2) The office of financial management shall place in reserve
6 status eighteen million dollars from Washington opportunity pathways
7 account appropriations in chapter 4, Laws of 2015 3rd sp. sess. to
8 the student achievement council and the department of early learning.
9 The amount placed in reserve status under this subsection shall
10 remain unallotted and shall not be expended.

11 NEW SECTION. **Sec. 305.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 306.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect immediately.

--- END ---