

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194

64th Legislature
2016 Regular Session

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

President of the Senate

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

Speaker of the House of Representatives
Approved

Governor of the State of Washington

CERTIFICATE

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

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6194

AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

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 28B.76.526; reenacting and amending RCW 28A.710.010,
3 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060,
4 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110,
5 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160,
6 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210,
7 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005;
8 reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035,
9 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections
10 to chapter 28A.710 RCW; creating a new section; repealing RCW
11 28A.710.005; and declaring an emergency.

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

13 **PART I**
14 **CHARTER PUBLIC SCHOOLS**

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

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Applicant" means a nonprofit corporation that has submitted
20 an application to an authorizer. The nonprofit corporation must be

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

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

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

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

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

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

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

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

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

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

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

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

12 A charter school established under this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) Authorizers are responsible for:

33 (a) Soliciting and evaluating charter applications;

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

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

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

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

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

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

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

15 (a) Organizational capacity and infrastructure;

16 (b) Soliciting and evaluating charter applications;

17 (c) Performance contracting;

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

19 (e) Charter renewal decision making.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) An executive summary;

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

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

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

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

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

1 (g) Background information on the proposed founding (~~(governing))~~
2 charter school board members and, if identified, the proposed school
3 leadership and management team;

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

5 (i) A description of the academic program aligned with state
6 standards;

7 (j) A description of the school's proposed instructional design,
8 including the type of learning environment(~~(τ))~~ class size and
9 structure(~~(τ))~~ curriculum overview(τ)) and teaching methods;

10 (k) Evidence that the educational program is based on proven
11 methods;

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

15 (m) The school's plans for identifying, successfully serving, and
16 complying with applicable laws and regulations regarding students
17 with disabilities, students who are limited English proficient,
18 students who are struggling academically, and highly capable
19 students;

20 (n) A description of cocurricular or extracurricular programs and
21 how (~~(they))~~ those programs will be funded and delivered;

22 (o) Plans and timelines for student recruitment and enrollment,
23 including targeted plans for recruiting at-risk students and
24 including lottery procedures;

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

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

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

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

37 (t) Plans for recruiting and developing school leadership and
38 staff;

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

1 (v) Proposed governing bylaws;

2 (w) An explanation of proposed partnership agreement, if any,

3 between a charter school and its school district focused on

4 facilities, budgets, taking best practices to scale, and other items;

5 (x) Explanations of any other partnerships or contractual

6 relationships central to the school's operations or mission;

7 (y) Plans for providing transportation, food service, and all

8 other significant operational or ancillary services;

9 (z) Opportunities and expectations for parent involvement;

10 (aa) A detailed school start-up plan, identifying tasks,

11 timelines, and responsible individuals;

12 (bb) A description of the school's financial plan and policies,

13 including financial controls and audit requirements;

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

15 obtain;

16 (dd) Start-up and five-year cash flow projections and budgets

17 with clearly stated assumptions;

18 (ee) Evidence of anticipated fund-raising contributions, if

19 claimed in the application; and

20 (ff) A sound facilities plan, including backup or contingency

21 plans if appropriate.

22 ~~(3) ((In the case of an application to establish a conversion~~

23 ~~charter school, the applicant must also demonstrate support for the~~

24 ~~proposed conversion by a petition signed by a majority of teachers~~

25 ~~assigned to the school or a petition signed by a majority of parents~~

26 ~~of students in the school.~~

27 ~~(4) In the case of an application where the proposed charter~~

28 ~~school))~~ If an applicant intends to contract with a nonprofit

29 education service provider for substantial educational services,

30 management services, or both, the applicant must:

31 (a) Provide evidence of the nonprofit education service

32 provider's success in serving student populations similar to the

33 targeted population, including demonstrated academic achievement as

34 well as successful management of nonacademic school functions if

35 applicable;

36 (b) Provide a term sheet setting forth: (i) The proposed duration

37 of the service contract; (ii) the roles and responsibilities of the

38 governing board, the school staff, and the service provider; (iii)

39 the scope of services and resources to be provided by the service

40 provider; (iv) performance evaluation measures and timelines; (v) the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 36 (a) Student academic proficiency;
37 (b) Student academic growth;
38 (c) Achievement gaps in both proficiency and growth between major
39 student subgroups;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 PART II

20 WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT

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

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

37 PART III

1

MISCELLANEOUS PROVISIONS

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

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

--- END ---