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**SENATE BILL 6163**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Billig, Baumgartner, Sheldon, and McAuliffe

AN ACT Relating to charter schools; amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.100, 28A.710.130, 28A.710.140, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.240, 28A.150.010, 28A.315.005, 41.32.033, 41.35.035, 41.40.025, 41.56.0251, 41.59.031, and 28A.150.220; reenacting and amending RCW 41.05.011; adding new sections to chapter 28A.710 RCW; and repealing RCW 28A.710.005, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.110, 28A.710.120, 28A.710.150, and 28A.710.250.

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

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

The legislature finds that Washington has a long history of providing support for a wide range of innovative schools and educational programs that operate successfully in a public school district setting under the authority of locally elected boards of directors. It is the intent of the legislature to build and expand on that history by providing school district boards of directors with another tool for providing flexible learning environments that meet the individualized needs of the families within their communities.

It is the intent of the legislature to allow school district boards of directors to authorize district charter schools that will be able to operate with greater flexibility in order to meet their students' needs. It is the intent of the legislature that district charter schools will promote increased choice options for students within school districts and provide complementary models of educational excellence that will help foster widespread education reform and innovation through all of Washington schools.

In recognition of the recent Washington supreme court ruling in *League of Women Voters vs. State*, it is the intent of the legislature that district charter schools ultimately remain under the governance of the locally elected school board in order to maintain local control and local accountability to the voters within the school district. Through district contracts between the district charter school and the locally elected school board, it is the intent that the district charter schools be afforded autonomous elements similar to traditional charter schools, such as freedom from designated school district policies and greater responsibility to manage their own budgets, design their own school plans, and select their own staff. Further, it is the intent that staff within district charter schools are provided the same respectful and professional working environment as their counterparts in traditional public schools and are afforded similar due process protections and retain the ability to collectively bargain.

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

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

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

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

(3) ((~~"Authorizer" means an entity approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.~~)) "Conversion district charter school" means a district charter school created by converting an existing noncharter public school in its entirety to a district charter school under this chapter.

(4) "District charter contract" means a fixed term, renewable contract between a district charter school and ((~~an authorizer~~)) a school district board of directors that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) ((~~"Charter school" or "public charter school" means a public school governed by a charter school board and operated according to the terms of a charter contract executed under this chapter and includes a new charter school and a conversion charter school.~~

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

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

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

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

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

~~(11) "Student" means any child eligible under RCW 28A.225.160 to attend a public school in the state~~)) "District charter school" means a public school that the local school district board of directors has delegated identified aspects of governance authority to a district charter school board and that is managed by the district charter school board according to the terms of a district charter contract executed under this chapter and includes both a new district charter school and a conversion district charter school.

(6) "District charter school board" means the board of directors appointed or selected under the terms of a district charter application to manage and operate the district charter school.

(7) "New district charter school" means any district charter school established under this chapter that is not a conversion district charter school.

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

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

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

A district charter school established under this chapter:

(1) Is a tuition-free public, common school open to all children ((~~free of charge~~));

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

(3) Is ((~~governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160~~)) authorized by the local school district board to be managed by a charter school board according to the terms of a renewable, seven-year charter contract executed under the authority of RCW 28A.710.160. The local school district board retains governance authority over the district charter school;

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

(5) ((~~Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.)~~)) Must be located within the district boundaries of the local school district board that has authorized it; and

(6) May be granted flexibility by the local school district board in the following five areas and other operational and instructional areas to the extent allowed by this chapter:

(a) Length of school day, including total number of instructional hours provided;

(b) Length of school year, including total number of instructional days provided to students;

(c) Human resources-related issues, including professional development, staffing levels, and the hiring and firing of the district charter school employees except that due process protections must be provided as established in this chapter;

(d) The curriculum used, with the exception that curriculum and instruction must be free from sectarian or religious influence or control; and

(e) Selected budgeting decisions as agreed to in the district charter contract and as allowed under this chapter.

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

(1) ((~~To carry out its duty to manage and operate the charter school and carry out the terms of its charter contract, a~~)) Subject to the parameters of the authority granted in the district charter contract to the district charter school board by the school district board, the district charter school board may:

(a) Hire, manage, and discharge any district charter school employee in accordance with the terms of this chapter and that school's district charter contract;

(b) ((~~Receive and disburse funds for the purposes of the charter school~~)) Budget and approve expenses for the operation of the district charter school in accordance with the district charter contract;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services and including for the management and operation of the district charter school to the same extent as other noncharter public schools, as long as the district charter school board maintains oversight authority over the district charter school. Any contracts entered into by a district charter school board may not exceed the term of the district charter contract or create any current or future obligations for the school district. Contracts for management operation of the district charter school may only be with nonprofit organizations;

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

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

~~(f)~~)) Solicit, accept, and administer for the benefit of the district charter school and its students, gifts, grants, and donations from individuals or public or private entities, excluding from sectarian or religious organizations. Any funds received by a district charter school board must be maintained for the district charter school with separate accounting by the school district. District charter schools may not accept any gifts or donations the conditions of which violate this chapter or other state laws; and

((~~(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements~~)) (f) If granted the authority by the school district board, issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A district charter school board may establish additional graduation requirements.

(2) A district charter school board may not levy taxes or issue ((~~tax-backed~~)) bonds. A district charter school board may not acquire property by eminent domain.

(3) In coordination with the school district board, a district charter school board shall establish a schedule of regular meetings with the school district board. This meeting requirement must include at least one formal public joint meeting each year between the full membership of the school district board and the district charter school board to review and discuss the items required to be included in the annual report as established in RCW 28A.710.100(4). Additional meetings, including staff or board meetings, may be established as deemed appropriate by the school district board.

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

(1) A district charter school must operate according to the terms of its district charter contract and the provisions of this chapter. District charter schools must comply with all state statutes and rules applicable to all other public schools, school districts, and school district boards of directors unless the school district board exempts the district charter school from a statute or rule in the school's district charter contract as allowed by this chapter. A school district may not exempt a district charter school from the statutes and rules identified in subsection (2) of this section.

(2) All district charter schools must:

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

(b) With the exception of the number of school days and instructional hour requirements as allowed in the district charter contract, provide basic education, as provided in RCW 28A.150.210, including instruction in the essential academic learning requirements and participate in the statewide student assessment system as developed under RCW 28A.655.070;

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

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

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

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

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

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

(i) ((~~Be subject to and comply with legislation enacted after December 6, 2012, governing the operation and management of charter schools~~)) Provide timely financial and accounting reporting to the school district so that the school district can comply with state reporting requirements; and

(j) Use the teacher and principal evaluation systems established under RCW 28A.405.100 to the same extent as other public schools.

(3) ((~~Public charter schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract and are subject to the specific state statutes and rules identified in subsection (2) of this section. Charter schools are not subject to and are exempt from all other state statutes and rules applicable to school districts and school district boards of directors, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement. Charter schools are exempt from all school district policies except policies made applicable in the school's charter contract.~~

~~(4)~~)) No district charter school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

((~~(5)~~)) (4) District charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in ((~~chapter 2, Laws of 2013~~)) this chapter.

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

(1) A district charter school may not limit admission on any basis other than age group, grade level, or capacity of the school and must enroll all students who apply within these bases. A district charter school is open to any student regardless of his or her location of residence.

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

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

(4) A charter school authorized under prior state law that is reauthorized under the authority of this chapter must provide sufficient capacity and provide priority enrollment to all students who wish to remain enrolled in the school after its reauthorization as a district charter school.

(5) If capacity is insufficient to enroll all students who apply to a district charter school, the district charter school must select students through a lottery to ensure fairness. However, a district charter school must give an enrollment preference to siblings of already enrolled students.

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

(6) The maximum enrollment capacity of a district charter school shall be determined by the local school district board. The initial maximum enrollment capacity approved by the local school district board must be established in the request for proposal as established in RCW 28A.710.130, but the capacity may be adjusted each year at the request of the district charter school board and with approval of the local school district board. In determining the enrollment capacity, the school district board shall at a minimum take into consideration the district charter school's ability to: Facilitate the academic success of its students; achieve the objectives specified in the district charter contract; and assure that its student enrollment does not exceed the capacity of its facility.

(7) Nothing in this section prevents ((~~formation of~~)) a school district board from authorizing a district charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a district charter school organized around a special emphasis, theme, or concept as stated in the school's application and district charter contract.

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

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

(2) If a student who was previously enrolled in a district charter school or charter school in Washington state during the 2015-16 school year enrolls in another public school in the state, the student's new school must accept credits earned by the student in the district charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

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

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

(1) School district boards of directors may contract with a private nonprofit entity to operate and manage a district charter school located within the school district's own boundaries. The nonprofit entity shall establish a district charter school board to be responsible for executing the responsibilities delegated to it by the school district board in accordance with the district charter contract.

(2) A school district board intending to authorize a new district charter school or conversion district charter school must provide written notice by January 1st each year to the office of the superintendent of public instruction and the state board of education of this intent and the number of new district charter schools or conversion district charter schools to be authorized.

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

(1) ((~~Authorizers~~)) School district boards of directors that choose to authorize district charter schools are responsible for:

(a) Soliciting and evaluating charter applications;

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

(c) Denying weak or inadequate charter applications;

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

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

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

(2) ((~~An authorizer~~)) A school district board may delegate its responsibilities under this section to ((~~employees or contractors~~)) the district superintendent or superintendent's designee.

(3) All ((~~authorizers~~)) school district boards intending to authorize district charter schools must develop and follow district chartering policies and practices that are consistent with the principles and standards for quality district charter authorizing developed by the national association of charter school authorizers in at least the following areas, but only to the extent that those principles and standards are not in conflict with the provisions of this chapter:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

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

(e) Charter renewal decision making.

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

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

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

~~(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: Approved but not yet open, operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;~~

~~(d) The authorizer's~~)) district charter school's progress towards achieving the school district board's strategic vision for chartering;

(b) The academic and financial performance of the district charter school overseen by the district charter school board, including the progress of the district charter school based on the school district board's performance framework; and

(c) The district charter school board's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles((~~; and~~

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

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

(6) No ((~~employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer~~)) superintendent or representative of the local school district board may receive compensation or payment from the district charter school board or receive a payment of any kind as an incentive to increase student enrollment in the district charter school.

(7) No school district board may authorize a district charter school to operate outside of its own district boundaries.

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

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

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

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

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

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

~~(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school~~)) Except as allowed under subsection (6) of this section, if a school district board intends to authorize a district charter school, the request for proposals must:

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

(b) Include or otherwise direct applicants to the performance framework that the school district board has developed for district charter school oversight and evaluation in accordance with RCW 28A.710.170;

(c) Provide the criteria that will guide the school district board's decision to approve or deny a district charter application;

(d) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful district charter school;

(e) Include the preference for geographic location of the school if there is a preference;

(f) Establish the initial maximum enrollment capacity of the district charter school;

(g) Provide a clear statement of the degree of flexibility, if any, that is to be granted to the district charter school in each of the five areas listed in RCW 28A.710.020(5); and

(h) Provide a clear description of any other preferences or restrictions as determined by the local school board that the district charter school must be bound to.

(2) Except as allowed under subsection (6) of this section, a district charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

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

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

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

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

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

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

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

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

(j) A description of the district charter school's proposed instructional design, including the type of learning environment; class size and structure; curriculum overview; and teaching methods;

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

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

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

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

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

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

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

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

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

(t) Plans for recruiting and developing district charter school leadership and staff;

(u) The district charter school's leadership and teacher employment policies, including performance evaluation plans and a clear description of the due process protections that are to be provided for the hiring and firing of district charter school employees;

(v) Proposed governing bylaws;

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

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

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

(z) Opportunities and expectations for parent involvement;

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

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

(cc) A description of the insurance coverage the district charter school will obtain;

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

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

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

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

~~(4)~~)) school district board shall establish additional application materials that document community and staff support for the proposal to convert the existing public school to a district charter school.

(4) Except as allowed under subsection (6) of this section, in the case of an application where the proposed district charter school intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

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

(b) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the ((~~governing~~)) district charter school board, the district charter school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract; and

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

(5) Except as allowed under subsection (6) of this section, in the case of an application from an applicant that operates one or more schools in any state or nation, the applicant must provide evidence of past performance, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(6) ((~~Applicants may submit a proposal for a particular public charter school to no more than one authorizer at a time~~)) In the case that a charter school previously approved under prior state law intends to submit an application to establish a district charter school under this chapter, the school district board of directors may develop and use an abbreviated application process that uses an updated version of the school's previous charter application.

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

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

~~(2)~~)) In reviewing and evaluating district charter applications, ((~~authorizers~~)) school district boards shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing((~~. Authorizers~~)) but only to the extent that those principles and standards are not in conflict with this chapter. School district boards shall give preference to applications for district charter schools that are designed to enroll and serve at-risk student populations: PROVIDED, That nothing in this chapter may be construed as intended to limit the establishment of district charter schools to those that serve a substantial portion of at-risk students or to in any manner restrict, limit, or discourage the establishment of district charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff, to learn about and provide input on each application.

((~~(3)~~)) (2) In deciding whether to approve an application, ((~~authorizers~~)) school district boards must:

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

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

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

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

((~~(4)~~)) (3) An approval decision may include, if appropriate, reasonable conditions that the district charter applicant must meet before a district charter contract may be executed.

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

(4) A school district board retains sole authority to deny an application.

(5) A school district board may not approve more than the greater of one or ten percent of the total number of public schools in the district as district charter schools to be operational in the district at the same time.

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

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

(2) Within ninety days of approval of a district charter application, the ((~~authorizer~~)) school district board and the ((~~governing~~)) district charter school board of the approved district charter school must execute a district charter contract by which, fundamentally, the ((~~public~~)) district charter school agrees to provide educational services that at a minimum meet the required basic education standards in return for an allocation of public funds to be used for such purpose ((~~all~~)) as set forth in this and other applicable statutes and in the district charter contract. The district charter contract must clearly set forth the academic and operational performance expectations and measures by which the district charter school will be judged and the ((~~administrative~~)) relationship between the ((~~authorizer~~)) school district board and district charter school, including each party's rights and duties. The performance expectations and measures set forth in the district charter contract must include but need not be limited to applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the district charter school is operating and has collected baseline achievement data for its enrolled students.

(3) The district charter contract must be signed by the president of the school district board of directors ((~~if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.~~

~~(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract~~)) and by the president of the district charter school board or, if the district charter school board has not yet been formed, a person authorized by the applicant to approve contracts.

(4) A district charter contract may govern one or more district charter schools to the extent approved by the school district board. A single district charter school board may hold one or more district charter contracts. However, each district charter school that is part of a district charter contract must be separate and distinct from any others.

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

(6) ((~~Authorizers~~)) School district boards may establish ((~~reasonable~~)) any preopening or ongoing requirements or conditions to monitor the ((~~start-up~~)) progress of ((~~newly approved~~)) district charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance, and other legal or district charter contract requirements for school opening and operations.

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

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

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

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

(a) Student academic proficiency;

(b) Student academic growth;

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

(d) Attendance;

(e) Recurrent enrollment from year to year;

(f) Graduation rates and postsecondary readiness, for high schools;

(g) Financial performance and sustainability; and

(h) District charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the district charter contract.

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

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

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

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

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

(1) Each ((~~authorizer~~)) school district board must continually monitor the performance ((~~and~~)), legal compliance, and financial solvency of the district charter schools it ((~~oversees~~)) has authorized, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the district charter contract.

(2) ((~~An authorizer~~)) A school district board may conduct or require oversight activities that enable the ((~~authorizer~~)) school district board to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this chapter, adhere to the terms of the district charter contract, and do not unduly inhibit the ((~~autonomy granted~~)) flexibility the school district board has delegated to the district charter schools.

(3) In the event that a district charter school's performance ((~~or~~)), legal compliance, or finances appear((~~s~~)) unsatisfactory, the ((~~authorizer~~)) school district board must promptly notify the district charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation in which case the revocation procedures under RCW 28A.710.200 apply.

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

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

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

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

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

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

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

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

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

(5) In making district charter contract renewal decisions, ((~~an authorizer~~)) a school district board must:

(a) Ground its decisions in evidence of the district charter school's performance over the term of the district charter contract in accordance with the performance framework set forth in the district charter contract; and

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

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

(6) Nothing in this section restricts a school district board from nonrenewal of a district charter school for any reason.

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

(1) A district charter contract may be revoked without notice and at any time or not renewed if the ((~~authorizer~~)) school district board determines that the district charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

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

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

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

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

(2) A district charter contract may ((~~not be renewed if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the accountability index developed by the state board of education under RCW 28A.657.110, unless the charter school demonstrates exceptional circumstances that the authorizer finds justifiable~~)) be revoked entirely at the discretion of the school district board but only if notice is provided by September 1st of the year prior to the school year that the revocation is intended to take effect.

(3) Each ((~~authorizer~~)) school district board that authorizes a district charter school must develop revocation and nonrenewal processes that:

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

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

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

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

~~(e)~~)) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the district charter school board; and

(e) Provide a process for liquidation of assets and district financial recovery of outstanding debts.

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

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

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

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

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

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

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

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

(2) According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a district charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the ((~~statewide~~)) district average staff mix ratio ((~~of all noncharter public schools from the prior school year~~)) and the school's ((~~actual~~)) full-time equivalent enrollment. Categorical funding must be allocated to a district charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the district charter contract. A district charter school is eligible to apply for state grants on the same basis as a school district and must coordinate such application through the school district board.

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

(4) Amounts payable to a district charter school by the office of the superintendent of public instruction and the school district under this section in the district charter school's first year of operation must be based on the projections of first-year student enrollment established in the district charter contract. The office of the superintendent of public instruction must reconcile the amounts paid in the first year of operation to the amounts that would have been paid based on actual student enrollment and make adjustments to the district charter school's allocations over the course of the second year of operation. The district's apportionment payments must be adjusted by the office of the superintendent of public instruction to ensure the state's recovery of the funds.

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

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

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

~~(8)~~)) School districts must provide district charter schools with levy and local effort assistance revenue on a per pupil basis. The method for determining the amount of local levy and local effort assistance revenue must be agreed to by the school district board and the district charter school board as part of the district charter contract.

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

((~~(9)~~)) (8) Any moneys received by a district charter school from any source and remaining in the school's accounts at the end of any budget year shall remain in the school's accounts for use by the school during subsequent budget years.

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

(1) ((~~Charter schools are eligible for state matching funds for common school construction~~)) District charter schools should be included in district facility planning. School districts providing facilities that serve district charter school students are eligible for state matching funds for common school construction. District charter school facilities not owned by the school district may request state construction funds through the office of the superintendent of public instruction's biannual budget request process. The superintendent of public instruction may create rules for a district charter school facility funding process.

(2) A district charter school has a right of first refusal to purchase or lease at or below fair market value a closed public school facility or property or unused portions of a public school facility or property located in ((~~a school district from which it draws its students if the school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120~~)) the school district in which the district charter school is located.

(3) A district charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at or below fair market rent. The health and safety regulations applicable to kindergarten through twelfth grade public schools are still applicable to any facilities used under the authority of this section.

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 41.32.033 and 2013 c 2 s 303 are each amended to read as follows:

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

**Sec.**  RCW 41.35.035 and 2013 c 2 s 304 are each amended to read as follows:

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

**Sec.**  RCW 41.40.025 and 2013 c 2 s 305 are each amended to read as follows:

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

**Sec.**  RCW 41.56.0251 and 2013 c 2 s 307 are each amended to read as follows:

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

**Sec.**  RCW 41.59.031 and 2013 c 2 s 308 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 28A.150.220 and 2014 c 217 s 201 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Except as allowed for district charter schools under the provisions in chapter 28A.710 RCW, each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased beginning in the 2015-16 school year to at least one thousand eighty instructional hours for students enrolled in grades nine through twelve and at least one thousand instructional hours for students in grades one through eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through twelve; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, beginning with the graduating class of 2019 or as otherwise provided in RCW 28A.230.090. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

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

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

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

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5)(a) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315.

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes including, but not limited to, the observance of graduation and early release from school upon the request of a student. All such students may be claimed as a full‑time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 28A.710.005 (Findings—2013 c 2 (Initiative Measure No. 1240)) and 2013 c 2 s 101;

(2)RCW 28A.710.070 (Washington charter school commission) and 2013 c 2 s 208;

(3)RCW 28A.710.080 (Charter school authorizers—Eligibility) and 2013 c 2 s 207;

(4)RCW 28A.710.090 (Charter school authorizers—Approval process) and 2013 c 2 s 209;

(5)RCW 28A.710.110 (Authorizer oversight fee—Establishment—Use) and 2013 c 2 s 211;

(6)RCW 28A.710.120 (Oversight of authorizers—Notification of identified problems—Process for revocation of authorizer's authority—Timelines for actions) and 2013 c 2 s 212;

(7)RCW 28A.710.150 (Maximum number of charter schools—Process—Certification—Lottery—Notice) and 2013 c 2 s 215; and

(8)RCW 28A.710.250 (Annual reports—Recommendation regarding additional schools) and 2013 c 2 s 225.

**--- END ---**