Chapter 28A.710 RCW
CHARTER SCHOOLS

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28A.710.901 Effective date—2016 c 241.

RCW 28A.710.010 Definitions. 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 nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03A.245, or a nonprofit corporation organized under chapter 24.03A RCW 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 the commission established in RCW 28A.710.070 or a school district 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.

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

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(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 state charter school commission established in RCW 28A.710.070.

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

(9) "Student" means a child eligible to attend a public school in the state. [2021 c 176 s 5210; 2016 c 241 s 101. Prior: 2013 c 2 s 201 (Initiative Measure No. 1240, approved November 6, 2012).]

Effective date—2021 c 176: See note following RCW 24.03A.005.

RCW 28A.710.020 Charter schools—Parameters. A charter school established under this chapter:

(1) Is a public school that is:

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

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

(2) May offer any program or course of study that any other 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;

(4) 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), the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.). [2016 c 241 s 102. Prior: 2013 c 2 s 202 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.030 Charter school boards—Powers. (1) To fulfill its duty to manage and operate the charter school, and to execute the terms of its charter contract, a charter school board may:

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

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

(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, pupil transportation services, and for the management and operation of the charter school, provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the 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. However, the charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. Debt issued under this subsection (1)(e) 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 charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding sectarian or religious organizations. A charter school board may not accept any gifts or donations that 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.

(2) A charter school board must obtain an accountability audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) at least every three years thereafter. An audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

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

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

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

(6) Each charter school board shall ensure that its members and administrative staff receive annual training to support the effective operation and oversight of the charter school, including compliance with requirements governing the employment of properly credentialed instructional staff, compliance with the requirements of chapters 42.30 and 42.56 RCW, and the permitted uses of public funds. [2023 c 356 s 2; 2016 c 241 s 103. Prior: 2013 c 2 s 203 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: "(1) The legislature finds that requirements governing the establishment and operations of public charter schools have proven insufficient. These schools have experienced a steady growth in student enrollment and often provide valuable educational opportunities for families in communities across Washington state.

(2) However, several of these schools have closed in the decade since Washington voters authorized the establishment of charter schools. As a result, students, parents, and staff in several Puget Sound locations and in Walla Walla were left to make alternative arrangements for school and work, unexpectedly and without adequate notice, when their school closed. Furthermore, in one western Washington school, the disappointment proved especially difficult as the charter school opened and permanently ceased operations within the span of a few months. Under no circumstances is a disruption of this nature acceptable to the many students, families, and staff that were profoundly impacted by the closure.

(3) The legislature also finds that the establishment and operational challenges of some public charter schools are not limited to school closures: Some public charter schools have failed to properly and timely comply with teacher certification requirements, but an additional reporting requirement for charter schools can reinforce existing requirements and help to avoid any future problems; some public charter school boards have demonstrated ineffective leadership and oversight, leading to charter school closures; and the charter school commission has authorized charter schools that were not able to deliver sustained education services in the manner set forth in their charter school application or charter contract, as evidenced by multiple closures and the disruptions they created for students, families, and staff.

(4) The legislature authorized the establishment of charter schools in 2016 after the supreme court invalidated charter school laws adopted through a voter initiative. As a result, the legislature has an obligation to ensure that the responsibilities for the oversight of charter public schools are clearly delineated and adequate to ensure the highest standards of practices and public accountability. The legislature is committed to ensuring all authorized public charter schools in Washington are successful in their mission to serve Washington students. The legislature, therefore, intends to clarify responsibilities and increase the accountability measures governing the effective delivery and oversight of public education services to public charter school students." [2023 c 356 s 1.]

RCW 28A.710.040 Charter schools—Requirements. (1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school 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), chapter 28A.640 RCW (sexual equality), chapter 28A.180 RCW (transitional bilingual instruction program), and chapter 28A.155 RCW (special education);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the state learning standards, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7), according to the same limited exceptions that apply to other public schools. Beginning November 1, 2023, and annually thereafter, charter schools shall report the employment of all noncertificated instructional staff hired in accordance with this subsection (2)(d) during the current and preceding school year to the executive director of the commission and the state board of education for inclusion in the annual report required by RCW 28A.710.250;

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

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

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

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

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

(j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public 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. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, 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. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures such as the Washington achievement index developed by the state board of education under RCW 28A.657.110, to the same extent as other public schools, except as otherwise provided in this chapter. [2023 c 356 s 3; 2018 c 75 s 9; 2016 c 241 s 104. Prior: 2013 c 2 s 204 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.050 Admission and enrollment of students—Capacity—Specialized learning environments. (1) Except as provided in subsection (3) of this section, a charter school may not limit admission on any basis other than age group, grade level, or

enrollment capacity. A charter school is open to any student regardless of his or her location of residence.

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

(4) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the 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.

(5) Nothing in this section prevents formation of a 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 charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract. [2020 c 49 s 1; 2016 c 241 s 105. Prior: 2013 c 2 s 205 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.060 Enrollment options information—Earned credits—Participation in district-sponsored interscholastic programs. (1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

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

(3) A charter school may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools. [2016 c 241 s 106. Prior: 2013 c 2 s 206 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.070 Washington state charter school commission. (1) The Washington state charter school commission is established as an independent state agency whose mission is to:

(a) Authorize high quality charter public schools throughout the state, especially schools that are designed to expand opportunities for at-risk students;

(b) Ensure the highest standards of accountability and oversight for these schools; and

(c) Hold charter school boards accountable for: Ensuring that students of charter public schools have opportunities for academic success; and exercising effective educational, operational, and financial oversight of charter public schools.

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

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

(i) Nine appointed members;

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

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

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is the parent of a Washington public school student.

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

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

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

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

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

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

(10) RCW 28A.710.090 and 28A.710.120 do not apply to the commission. [2023 c 356 s 4; 2020 c 49 s 2; 2016 c 241 s 107. Prior: 2013 c 2 s 208 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.080 Charter school authorizers. The following entities may be authorizers of charter schools:

(1) The commission may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district board of directors may exercise the authority granted under this section only after receiving approval from the state board of education under RCW 28A.710.090, and only for charter schools located within the school district's boundaries. [2016 c 241 s 108. Prior: 2013 c 2 s 207 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.090 Charter school authorizers—Approval process. (1) The state board of education shall establish an annual application and approval process and timelines for school districts seeking approval to become charter school authorizers. The initial process and timelines must be established by July 1, 2016.

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

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

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

(c) A draft or preliminary outline of the annual charter school application process that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

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

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

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

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

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

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must

execute a renewable authorizing contract with the applicant district. The initial term of an authorizing contract must be six years. The authorizing contract must specify each approved applicant district's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved school district may commence charter authorizing without an authorizing contract in effect. [2016 c 241 s 109. Prior: 2013 c 2 s 209 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.100 Charter school authorizers—Powers and duties—Delegation of authority—Annual report—Liability. (1) Authorizers are responsible for:

(a) Holding the charter school board of each authorized charter school accountable for: Ensuring that students in the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school;

(b) Soliciting and evaluating charter applications;

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

(d) Denying charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(e) Negotiating and executing charter contracts with each authorized charter school;

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

(g) Determining whether each charter contract merits renewal, nonrenewal, or revocation; and

(h) Ensuring that charter school boards comply with the annual training requirements in RCW 28A.710.030(6).

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

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

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

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

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

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

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories:

(i) Approved but not yet open; (ii) operating; (iii) renewed; (iv) transferred; (v) revoked; (vi) not renewed; (vii) voluntarily closed; or (viii) never opened;

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

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

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

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer. [2023 c 356 s 5; 2016 c 241 s 110. Prior: 2013 c 2 s 210 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.110 Authorizer oversight fee—Establishment—Use. (1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which must be calculated as a percentage of the state operating funding distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding.

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

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

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

(5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school to purchase contracted services provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education. [2016 c 241 s 111. Prior: 2013 c 2 s 211 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.120 Oversight of authorizers—Notification of identified problems—Process for revocation of authorizer's authority—Timelines for actions. (1) The state board of education is

responsible for overseeing the performance and effectiveness of all authorizers.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, a high percentage of charter school closures during the preceding 10-year period, or other objective circumstances may trigger a special review by the state board of education.

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

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

(5) Except as provided otherwise in subsection (7) of this section if, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

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

(7) If the commission is the subject of the special review under this section, the state board of education shall have one year from the initiation of its review to complete the review and provide a report with findings and recommendations, including any recommendations for statutory revisions it deems necessary, to the governor, the superintendent of public instruction, and the appropriate committees of the house of representatives and the senate.

(8) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer. [2023 c 356 s 6; 2016 c 241 s 112. Prior: 2013 c 2 s 212 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.130 Charter school applications—Solicitation for proposals, content—Charter school application, content. (1)(a) Each authorizer must annually issue and broadly publicize a solicitation

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 solicitation 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.

(2) A 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 charter school, including identification of the student population and community the school hopes to serve;

(c) The location or geographic area proposed for the 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 charter contract;

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

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

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

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

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

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

(m) The 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 those programs 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 school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting

between the governing board, 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 school;

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

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

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

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

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a 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 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 school start-up plan, identifying tasks, timelines, and responsible individuals;

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

(cc) A description of the insurance coverage the 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) If an applicant 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: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

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

(4) If an applicant operates one or more schools in any state or nation, the applicant must provide evidence of the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(5) Applicants may submit a proposal for a particular charter public school to no more than one authorizer at a time. [2016 c 241 s 113. Prior: 2013 c 2 s 213 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.140 Charter applications—Submission—Approval or denial. (1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial that must be followed by all authorizers.

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

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

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

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

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

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

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

(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. [2023 c 356 s 7; 2016 c 241 s 114. Prior: 2013 c 2 s 214 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.150 Maximum number of charter public schools—Process—Certification—Lottery—Notice. (1) A maximum of forty charter public schools may be established under this chapter over the five-year period commencing with April 3, 2016. No more than eight charter schools may be established in any year during the five-year period, except that if in any year fewer than eight charter schools

are established, additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

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

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and the state board of education. The report 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 and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the latest annual date by which the authorizer may submit the report. The state board of education must send to each authorizer notice of the date by which a report must be submitted at least six months before the date established by the board.

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

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached. [2016 c 241 s 115. Prior: 2013 c 2 s 215 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.160 Charter contracts. (1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which the charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for a distribution of public funds that will be used for the purposes established in the contract and in this and other applicable statutes. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the 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

charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair of the commission and 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.

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

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

(7) No charter school may commence operations without a charter contract executed in accordance with this section. [2020 c 49 s 4; 2016 c 241 s 116. Prior: 2013 c 2 s 216 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.170 Charter contracts—Performance framework. (1) The performance provisions within a 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 evaluations of a charter school within its jurisdiction.

(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) High school graduation rates and student postsecondary readiness;

(g) Financial performance and sustainability; and

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

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

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the 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 charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance. [2016 c 241 s 117. Prior: 2013 c 2 s 217 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.175 Willful noncompliance with state law. (1) Except as provided otherwise by this section, RCW 28A.300.0711 through 28A.300.0714 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

(2) RCW 28A.300.0711(4) governs school operation and management under RCW 28A.710.040 and applies to charter schools to the extent that a statute or chapter listed in RCW 28A.300.0711(4) applies to charter schools under RCW 28A.710.040. [2025 c 369 s 312.]

Rule-making authority—2025 c 369 ss 302-305, 312, and 313: See note following RCW 28A.300.0711.

Intent—2025 c 369 ss 302-315: See note following RCW 28A.300.0711.

Effective date—2025 c 369: See note following RCW 28A.320.209.

RCW 28A.710.180 Charter schools—Oversight—Corrective action. (1) Each authorizer must continually monitor the performance and legal compliance of the charter schools under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations. Examples of permitted reasons for conducting or requiring oversight activities under this section include, but are not limited to: The persistent unsatisfactory performance of a charter school; a pattern of well-founded complaints about a charter school;

the authority to conduct such oversight activities as provided by statute, rule, or charter contract; or other objective circumstances.

(3) In the event that a charter school's performance, financial status, or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem. However, if the problem warrants revocation of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame. [2023 c 356 s 8; 2016 c 241 s 118. Prior: 2013 c 2 s 218 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.183 Technical assistance. (1) Beginning with the 2023-24 school year, the commission shall promote the effective administration and operation of charter schools through the provision of technical assistance to requesting charter schools, charter school boards, or both.

(2) The principal objective of technical assistance provided in accordance with this section, which may be provided by commission staff or through a contractor, must be to support charter schools and charter school boards in achieving and maintaining compliance with the requirements of this chapter and other provisions of Title 28A RCW governing the operation of charter schools. In responding to requests for technical assistance, the commission shall prioritize the provision of assistance to charter schools that have been in operation for three or fewer school years.

(3) Technical assistance provided in accordance with this section: May only be provided at the request of the applicable charter school or charter school board; and is unrelated to, and does not affect or otherwise modify, duties of the commission in its role as an authorizer.

(4) For the purposes of this section, "technical assistance" means the provision of training, which may be provided by commission staff or through a contractor, to support charter schools and charter school boards in their responsibility to achieve and maintain compliance with applicable state and federal laws and with their charter school contract. [2023 c 356 s 10.]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.185 Online system for complaints—Procedure—Willful noncompliance with state law—Rules. (1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging

noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b)(i) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint, unless the complaint is alleging willful noncompliance with state law as defined in RCW 28A.300.0711.

(ii) After determining that a person has exhausted any available complaint procedures in accordance with RCW 28A.300.0712(2)(c), the commission shall forward any complaints alleging willful noncompliance with state law as defined in RCW 28A.300.0711 to the office of the superintendent of public instruction and these complaints must follow the process established under RCW 28A.300.0712 through 28A.300.0714.

(2) The commission shall adopt and revise as necessary rules to implement this section. [2025 c 369 s 311; 2023 c 356 s 11.]

Intent—2025 c 369 ss 302-315: See note following RCW 28A.300.0711.

Effective date—2025 c 369: See note following RCW 28A.320.209.

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.187 Posting of complaint process—Designated point of contact. Each charter school shall prominently post and maintain on its website information about the school's process and instructions for submitting complaints about the operation and administration of the charter school by its enrolled students and their parents. This information must include a designated point of contact at the charter school and a link to the complaint system of the commission that is required by RCW 28A.710.185. [2023 c 356 s 12.]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.190 Charter contracts—Renewal. (1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

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

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

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

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

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

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

(a) Hold the charter school board accountable for: Ensuring that students of the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school;

(b) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

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

(d) Provide a public report summarizing the evidence basis for its decision. [2023 c 356 s 9; 2016 c 241 s 119. Prior: 2013 c 2 s 219 (Initiative Measure No. 1240, approved November 6, 2012).]

Findings—Intent—2023 c 356: See note following RCW 28A.710.030.

RCW 28A.710.200 Charter contracts—Revocation or refusal to renew. (1) An authorizer may revoke a charter contract at any time, or may refuse to renew it, if the authorizer determines that the 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 charter contract;

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

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

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

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

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

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

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

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents

and give testimony challenging the rationale for closure and in support of the continuation of the school;

(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 charter school board.

(4) If an authorizer revokes or does not renew a charter contract, 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 charter school and the state board of education. The report 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. [2016 c 241 s 120. Prior: 2013 c 2 s 220 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.210 Charter school termination protocol—Dissolution of nonprofit corporation applicant—Transfer of charter contract. (1) Before making a decision to not renew or to revoke a charter contract, an authorizer must develop a 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 charter school and the authorizer.

(2) If the nonprofit corporation operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the 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 a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education 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 charter school's students. [2016 c 241 s 121. Prior: 2013 c 2 s 221 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.220 Student enrollment reporting—Funding—Distribution and reconciling of funding in school's first year of operation. (1) 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. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is distributed based on student characteristics.

(2) In accordance with appropriations made under RCW 28A.710.270 and 28A.710.280, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

(3) Amounts distributed to a charter school under RCW 28A.710.280 in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts distributed in the first year of operation to the amounts that would have been distributed based on actual student enrollment and make adjustments to the charter school's distributions over the course of the second year of operation.

(4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of a budget year must remain in the school's accounts for use by the school during subsequent budget years. [2016 c 241 s 122. Prior: 2013 c 2 s 222 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.230 Facilities—State funding for common school construction. (1) Charter schools are eligible for state funding for school construction. However, such appropriations may not be made from the common school construction fund.

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

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

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations. [2016 c 241 s 123. Prior: 2013 c 2 s 223 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.240 Calculation of certificated instructional staff service years. Years of service in a 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 charter school to pay a particular salary to its staff while the staff is employed by the charter school. [2016 c 241 s 124. Prior: 2013 c 2 s 224 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.250 Annual reports—Recommendation regarding additional schools. (1) By March 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue a report on the performance of the state's charter schools during the preceding school year to the governor, the legislature, and the public at large.

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

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional charter public schools. [2020 c 49 s 3; 2016 c 241 s 125. Prior: 2013 c 2 s 225 (Initiative Measure No. 1240, approved November 6, 2012).]

RCW 28A.710.260 Charter schools oversight account. The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter. [2016 c 241 s 126. Prior: 2014 c 221 s 911.]

Effective date—2014 c 221: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 4, 2014]." [2014 c 221 s 927.]

RCW 28A.710.270 Appropriations from Washington opportunity pathways account. The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with RCW 28A.710.280, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium. [2016 c 241 s 127.]

RCW 28A.710.280 Distribution of funding—Rules. (1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

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

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

(i) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) 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;

(iii) 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;

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

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

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements. [2021 c 111 s 12; 2018 c 266 s 403; 2016 c 241 s 128.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

RCW 28A.710.290 Personal financial affairs statements—Commission members—Charter school board members. (1) Members of the commission must file personal financial affairs statements with the public disclosure commission.

(2) Members of a charter school board must file personal financial affairs statements with the public disclosure commission. [2016 c 241 s 130.]

RCW 28A.710.300 Interschool athletic activities—Washington interscholastic activities association rules. (1) The eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

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

(3) The charter school is responsible for the full cost, minus any student participation fee, for any student who participates in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association. [2017 c 60 s 1; 2016 c 241 s 129.]

RCW 28A.710.310 Notifications—Appeals. The administrator of a charter public school governed by this chapter must comply with the notification provisions of RCW 28A.320.163 that apply to superintendents, designees of superintendents, and principals. [2020 c 167 s 3.]

RCW 28A.710.350 School employees' benefits board—Insurance benefits. (1) A function of the school employees' benefits board established under RCW 41.05.740 is to design and approve insurance benefit plans and to establish eligibility criteria for participation in insurance benefit plans by January 1, 2020. In order for the school employees' benefits board to develop these benefit plans, charter school employees' information must be provided to the school employees' benefits board and the health care authority.

(2) Charter schools and their benefit providers must submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a charter school must make available to the charter school the benefit plan descriptions and, where available, the demographic information on plan subscribers that the charter school and benefit providers are required to report to the health care authority under this section.

(4) Each charter school must:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those actions necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority. [2018 c 260 s 24.]

RCW 28A.710.355 School safety and security staff. RCW 28A.320.1241, 28A.400.345, 28A.320.1242, and 28A.320.124 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2021 c 38 s 7.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

RCW 28A.710.360 Professional development. RCW 28A.343.100 and 28A.415.445 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under chapter 28A.710 RCW [this chapter]. [2021 c 197 s 9.]

Finding—Intent—2021 c 197: See note following RCW 28A.415.443.

RCW 28A.710.370 Student transportation allocation—Additional uses under emergency. RCW 28A.160.185 governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter. [2021 c 234 s 4.]

Intent—Effective date—2021 c 234: See notes following RCW 28A.160.185.

RCW 28A.710.380 Office of the education ombuds—Notification. RCW 28A.600.510 (1) and (2), related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2022 c 222 s 4.]

Intent—2022 c 222: See note following RCW 28A.600.510.

RCW 28A.710.390 Arts instruction. RCW 28A.230.305, related to arts instruction, governs school operation and management under RCW 28A.710.040 and applies to charter schools with more than 200 enrolled students established under this chapter. [2022 c 250 s 4.]

Intent—2022 c 250: See note following RCW 28A.230.020.

RCW 28A.710.400 Language access program. RCW 28A.183.040 and 28A.183.050 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. [2022 c 107 s 7.]

Findings—Intent—2022 c 107: See note following RCW 28A.183.010.

RCW 28A.710.410 Comprehensive system of instruction and services in reading and early literacy. RCW 28A.230.025 governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter. [2026 c 190 s 4.]

Findings—Intent—2026 c 190: See note following RCW 28A.230.025.

RCW 28A.710.901 Effective date—2016 c 241. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 2016]. [2016 c 241 s 302.]