

2 **2SHB 2019 - H AMD 452 ADOPTED 4-4-97**

3 By Representative Talcott

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** INTENT. The legislature intends to
8 authorize the establishment of charter schools for the purpose of
9 providing a unique setting for learning that will improve pupil
10 achievement and provide additional public school choices for students,
11 parents, and teachers.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
13 requires otherwise, the definitions in this section apply throughout
14 this chapter.

15 (1) "Applicant" means a nonprofit corporation that has submitted an
16 application to a sponsor or an alternate sponsor to obtain approval to
17 operate a charter school. "Applicant" also means a person or group of
18 persons who have prepared an application to incorporate as a nonprofit
19 corporation and who have submitted an application to a sponsor or an
20 alternate sponsor to operate a charter school. The nonprofit
21 corporation must either be a public benefit nonprofit corporation as
22 defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW
23 24.03.005 that has applied for tax-exempt status under section
24 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec.
25 501(c)(3)). An applicant may not be a sectarian or religious
26 organization and must be approved or conditionally approved by the
27 internal revenue service for tax exempt status under section 501(c)(3)
28 of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) before
29 receiving any funding under section 15 of this act.

30 (2) "Charter" means a contract between an applicant and a sponsor
31 or an alternate sponsor. The charter establishes, in accordance with
32 this chapter, the terms and conditions for the management, operation,
33 and educational program of the charter school.

34 (3) "Charter school" means a public school managed by an
35 applicant's board of directors and operating independently of any

1 school district board under a charter approved in accordance with this
2 chapter.

3 (4) "Board of directors" means the board of directors of the public
4 benefit nonprofit corporation that manages and operates the charter
5 school.

6 (5) "Sponsor" means the school district in which the charter school
7 is located.

8 (6) "Alternate sponsor" means the state and regional universities
9 as defined in RCW 28B.10.016, or The Evergreen State College.

10 NEW SECTION. **Sec. 3.** CHARTER SCHOOLS--POWERS. (1) The charter
11 school's board of directors may hire, manage, and discharge any charter
12 school employee in accordance with the terms of this chapter and that
13 school's charter.

14 (2) The charter school's board of directors may enter into a
15 contract with any school district, or any other public or private
16 entity also empowered to enter into contracts, for any and all real
17 property, equipment, goods, supplies, and services, including
18 educational instructional services.

19 (3) Charter schools may rent, lease, or own property, but may not
20 acquire property by eminent domain. All charters and charter school
21 contracts with other public and private entities must include
22 provisions regarding the disposition of the property if the charter
23 school fails to open as planned, closes, or the charter is revoked or
24 not renewed. Charter schools may accept gifts and donations from other
25 governmental and private entities, excluding sectarian or religious
26 organizations. Charter schools may not accept any gifts or donations
27 the conditions of which violate this chapter.

28 (4) Charter schools may not charge tuition, levy taxes, or issue
29 bonds, however they may charge fees to the same extent as other public
30 schools and school districts.

31 NEW SECTION. **Sec. 4.** LEGAL STATUS. A charter school is a public
32 school including one or more of grades kindergarten through twelve,
33 operated according to the terms of a renewable five-year contract
34 granted by a sponsor or an alternate sponsor.

35 NEW SECTION. **Sec. 5.** CHARTER SCHOOLS--EXEMPTIONS. (1) A charter
36 school shall operate independently of any school district board, under

1 a charter approved by a sponsor or an alternate sponsor under this
2 chapter.

3 (2) Charter schools are exempt from all state statutes and rules
4 applicable to school districts and school district boards of directors
5 except as provided in this chapter and in the school's approved
6 charter.

7 (3) A charter school's board of directors may elect to comply with
8 one or more provisions of the statutes or rules that are applicable to
9 school districts and school district board of directors.

10 (4) All approved charter schools shall:

11 (a) Comply with state and federal health, safety, and civil rights
12 laws and rules applicable to public schools;

13 (b) Meet or exceed the student academic and assessment standards as
14 established for students in other public schools, including the
15 essential academic learning requirements and academic standards
16 developed under a performance-based education system according to RCW
17 28A.630.885;

18 (c) Participate in nationally normed standardized achievement tests
19 as required in RCW 28A.230.190, 28A.230.230, and 28A.230.240;

20 (d) Employ certificated instructional staff in accordance with
21 chapter 28A.410 RCW;

22 (e) Comply with the employee record check requirements in RCW
23 28A.400.303;

24 (f) Be subject to financial audit by the state auditor;

25 (g) Comply with the annual performance report under RCW
26 28A.320.205;

27 (h) Report at least annually to its sponsor or alternate sponsor
28 and to parents of children enrolled at the charter school on progress
29 toward the student academic goals and other provisions specified in the
30 charter; and

31 (i) Comply with the open public meetings act in chapter 42.30 RCW.

32 NEW SECTION. **Sec. 6.** ADMISSION REQUIREMENTS. (1) A charter
33 school must enroll all students who submit a timely application. If
34 capacity is insufficient to enroll all students who submit a timely
35 application, the charter school must give enrollment priority to
36 students who reside within the school district boundaries in which the
37 charter school is physically located. Priority also must be given to
38 siblings of students who are currently enrolled in the school.

1 Students must be selected through an equitable selection process, such
2 as a lottery, to fill any remaining spaces.

3 (2) A charter school may not limit admission based on race,
4 religion, ethnicity, national origin, gender, income level,
5 intellectual ability, disabling condition, proficiency in the English
6 language, or athletic ability. A charter school may limit admission to
7 students within a given age group or grade level.

8 NEW SECTION. **Sec. 7.** CHARTER APPLICATION--CHARTERING PROCESS.

9 (1) An applicant may apply to a sponsor or alternate sponsor to
10 establish a charter school as provided in this section.

11 (2) Before July 1, 1999, an applicant for a charter school must
12 submit its application to the local school district board of directors
13 of the district in which the proposed school is to be located.
14 Alternate sponsors may not sponsor charter schools before July 1, 1999.
15 On and after July 1, 1999, an applicant must submit its application to
16 the local school district board of directors of the district in which
17 the proposed school is to be located before the applicant submits an
18 application to an alternate sponsor.

19 (3) The local school district board of directors must hold a public
20 hearing in the school district on the application within sixty days of
21 receipt of the application. The school board must either accept or
22 reject the application within thirty days after the hearing. The
23 thirty-day deadline for acceptance or rejection of the charter school
24 application may be extended for an additional thirty days if both
25 parties agree in writing.

26 (4) If the local school board rejects the application, the school
27 board must notify the applicant in writing of the reasons for the
28 rejection. The applicant may submit a revised application for the
29 school board's reconsideration. The school board may provide
30 assistance to improve the application. If the school board rejects the
31 application after submission of a revised application, the school board
32 must notify the applicant in writing of the reasons for the rejection.

33 (5) If the school board rejects the application, the applicant may
34 appeal the local school board's decision to the superintendent of
35 public instruction as provided in section 11 of this act, or on and
36 after July 1, 1999, may apply to an alternate sponsor for a charter.
37 The alternate sponsor must comply with the procedures specified in the
38 guidelines established by the superintendent of public instruction as

1 provided under section 8 of this act for consideration of the charter
2 application. The alternate sponsor is not bound by the school board's
3 findings or decision to deny the application.

4 (6) The superintendent of public instruction shall maintain copies
5 of all approved charter applications. An applicant may obtain copies
6 of those applications from the office of the superintendent of public
7 instruction.

8 NEW SECTION. **Sec. 8.** GUIDELINES FOR ALTERNATE SPONSORS. By
9 November 1, 1998, the superintendent of public instruction must develop
10 guidelines to implement the provisions of this chapter that authorize
11 alternate sponsors to sponsor charter schools on or after July 1, 1999.
12 Before July 1, 1999, only school districts may sponsor charter schools,
13 however institutions of higher education are encouraged to form
14 partnerships with school districts and applicants to assist with the
15 chartering process, operation, monitoring, and oversight of charter
16 schools.

17 NEW SECTION. **Sec. 9.** APPLICATION REQUIREMENTS. The charter
18 school application is a proposed contract and must include:

19 (1) The identification and description of the nonprofit corporation
20 submitting the application, including the names and descriptions of the
21 individuals who will operate the school;

22 (2) The nonprofit corporation's proposed articles of incorporation,
23 bylaws, and most recent financial statement and balance sheet;

24 (3) A mission statement for the proposed school, consistent with
25 the description of legislative intent in this chapter;

26 (4) A description of the school's educational program, including
27 curriculum and instructional strategies;

28 (5) A description of the school's admissions policy and marketing
29 program, including deadlines for applications or admission;

30 (6) A description of student performance standards, which must meet
31 those determined under RCW 28A.630.885, and be measured according to
32 the assessment system determined under RCW 28A.630.885;

33 (7) A description of the plan for evaluating student performance
34 and the procedures for taking corrective action in the event that
35 student performance at the charter school falls below standards
36 established in its charter;

1 (8) A description of school performance standards, which must meet
2 those determined under any state-wide accountability system adopted by
3 the legislature under RCW 28A.630.885(3)(h)(i);

4 (9) A description of the financial plan for the school. The plan
5 shall include: (a) A proposed five-year budget of projected revenues
6 and expenditures; (b) a plan for starting the school; (c) a five-year
7 facilities plan; (d) evidence supporting student enrollment projections
8 of at least twenty students; and (e) a description of major contracts
9 planned for equipment and services, leases, improvements, purchases of
10 real property, and insurance;

11 (10) A description of the proposed financial management procedures,
12 including annual audits of the school's financial and administrative
13 operations, which shall meet or exceed generally accepted standards of
14 management and public accounting;

15 (11) An assessment of the school's potential legal liability and a
16 description of the types and limits of insurance coverage the nonprofit
17 corporation plans to obtain that are adequate. For purposes of this
18 subsection, a liability policy of at least one million dollars is
19 required;

20 (12) A description of the procedures to discipline and dismiss
21 students; and

22 (13) A description of procedures to assure the health and safety of
23 students, employees, and guests of the school and to comply with
24 applicable federal and state health and safety laws and regulations.

25 NEW SECTION. **Sec. 10.** APPROVAL CRITERIA. A school district
26 shall, or an alternate sponsor may, approve an application for a
27 charter school, if in the sponsor's or alternate sponsor's discretion,
28 after exercising due diligence and good faith, the sponsor or alternate
29 sponsor finds:

30 (1) The applicant is a public benefit nonprofit corporation and the
31 individuals it proposes to manage the school are qualified to operate
32 a charter school and implement the proposed educational program;

33 (2) The mission statement is consistent with the description of
34 legislative intent and restrictions on charter school operations in
35 this chapter;

36 (3) The school's proposed educational program is free from
37 religious or sectarian influence;

1 (4) The school's proposed educational program includes student
2 academic standards that meet those determined under RCW 28A.630.885 and
3 are measured according to the assessment system determined under RCW
4 28A.630.885;

5 (5) The application includes a viable plan for evaluating pupil
6 performance and procedures for taking appropriate corrective action in
7 the event that pupil performance at the charter school falls below
8 standards established in its charter;

9 (6) The application includes school performance standards, which
10 must meet those determined under any state-wide accountability system
11 adopted by the legislature pursuant to RCW 28A.630.885(3)(h)(i);

12 (7) The school's educational program, including curriculum and
13 instructional strategies, has the potential to improve student
14 performance as measured under section 9(8) of this act;

15 (8) The school's admissions policy and marketing program is
16 consistent with state and federal law;

17 (9) The financial plan for the school is designed to reasonably
18 support the charter school's educational program based on a review of
19 the proposed five-year budget of projected revenues, expenditures, and
20 facilities;

21 (10) The school's financial and administrative operations,
22 including its annual audits, meet or exceed generally accepted
23 standards of accounting and management;

24 (11) The assessment of the school's potential legal liability, and
25 the types and limits of insurance coverage the school plans to obtain,
26 are adequate. For purposes of this subsection, a liability policy of
27 at least one million dollars is required;

28 (12) The procedures the school plans to follow for discipline and
29 dismissal of students are reasonable and comply with federal law;

30 (13) The procedures the school plans to follow to assure the health
31 and safety of students, employees, and guests of the school comply with
32 applicable state and federal health and safety laws and regulations;

33 (14) The public benefit nonprofit corporation has been approved or
34 conditionally approved by the internal revenue service for tax exempt
35 status under section 501(c)(3) of the internal revenue code of 1986 (26
36 U.S.C. Sec. 501(c)(3)); and

37 (15) The approval of an application will not result in significant
38 financial impact on the district as a whole. The superintendent of
39 public instruction shall develop guidelines for determining what

1 constitutes a significant financial impact in consultation with the
2 chairs of the fiscal and education committees in the house of
3 representatives and senate and school district officials. The
4 guidelines must be developed by November 1, 1997.

5 NEW SECTION. **Sec. 11.** APPEAL TO THE SUPERINTENDENT OF PUBLIC
6 INSTRUCTION. If a sponsor or an alternate sponsor rejects a charter
7 application, the applicant may submit a motion for appeal within thirty
8 days to the superintendent of public instruction. The superintendent
9 of public instruction may select and convene a review panel to review
10 the appeal, to work with the sponsor or alternate sponsor and the
11 applicant to reach an agreement, to provide assistance to the applicant
12 to improve the application, and to make a recommendation to the
13 superintendent regarding the appeal. The superintendent shall conduct
14 the review using the substantial evidence test. If the superintendent
15 of public instruction approves an application to a school district
16 sponsor, the school district sponsor shall enter into a charter with
17 the applicant. If the superintendent denies an appeal from a
18 rejection of the application by a school district, the applicant may
19 not apply to an alternate sponsor. The superintendent of public
20 instruction may not require an alternate sponsor to enter into a
21 charter with an applicant.

22 NEW SECTION. **Sec. 12.** STUDY OF CHARTER SCHOOLS. The Washington
23 institute of public policy shall study the implementation and
24 effectiveness of this act. The institute shall make recommendations to
25 the legislature about the effectiveness of charter schools and the
26 impact of charter schools. The institute shall also recommend changes
27 to chapter 28A.-- RCW (sections 1 through 11, 13 through 21, 28, and 29
28 of this act) including improvements that could be made to the
29 application and approval process. A preliminary report of the study is
30 due to the legislature by September 1, 1999, and a final report is due
31 September 1, 2001.

32 NEW SECTION. **Sec. 13.** CHARTER AGREEMENT--AMENDMENT. (1) A
33 charter application approved by a sponsor or an alternate sponsor with
34 any changes made during the application process constitutes a charter.

1 (2) A charter may be amended during its term at the request of
2 either party and on the mutual approval of both the charter school
3 board of directors and the sponsor or the alternate sponsor.

4 NEW SECTION. **Sec. 14.** CHARTER RENEWAL AND REVOCATION. (1) An
5 approved plan to establish a charter school is effective for five years
6 from the first day of operation. At the conclusion of the first three
7 and one-half years of operation, the charter school may apply to the
8 sponsor or alternate sponsor, as applicable, for renewal. A request
9 for renewal must be submitted no later than six months before the
10 expiration of the charter.

11 (2) A charter school renewal application must include:

12 (a) A report on the progress of the charter school in achieving the
13 goals, student performance standards, and other terms of the charter;
14 and

15 (b) A financial statement that discloses the costs of
16 administration, instruction, and other expenditure objects and
17 activities of the charter school.

18 (3) The sponsor or alternate sponsor may reject the application for
19 renewal if, in its judgment, any of the following occurred:

20 (a) The charter school materially violated its contract with the
21 sponsor or alternate sponsor, as set forth in the charter;

22 (b) The students enrolled in the charter school failed to meet or
23 make reasonable progress toward achievement of the student performance
24 standards identified in the charter;

25 (c) The charter school failed to meet generally accepted standards
26 of fiscal management; or

27 (d) The charter school violated provisions in law that have not
28 been waived in accordance with this chapter.

29 (4) A sponsor or alternate sponsor shall give written notice of its
30 intent not to renew the charter school's request for renewal to the
31 charter school within one month of the request for renewal to allow the
32 charter school an opportunity to correct identified deficiencies in its
33 operation. At the request of the board of directors of the charter
34 school, the sponsor or alternate sponsor shall review its decision for
35 nonrenewal after the charter school has corrected any identified
36 deficiencies. The sponsor or alternate sponsor must issue a decision
37 within sixty days.

1 (5) The sponsor or alternate sponsor may revoke a previously
2 approved charter before the expiration of the term of the charter, and
3 before application for renewal, for any of the reasons specified in
4 subsection (3) of this section. Except in cases of emergency where the
5 health and safety of children are at risk, a charter may not be revoked
6 unless the sponsor or alternate sponsor first provides written notice
7 of the specific violations alleged, a public hearing, and a reasonable
8 opportunity for the charter school to correct the identified areas of
9 concern. The sponsor or alternate sponsor of a charter school shall
10 provide for an appeal process upon a determination by the sponsor or
11 alternate sponsor that grounds exist to revoke a charter.

12 NEW SECTION. **Sec. 15.** FUNDING. (1) When the sponsor is a school
13 district:

14 (a) For purposes of funding, students in charter schools shall be
15 considered students of the sponsoring district for general fund
16 apportionment purposes. The sponsoring school district shall provide
17 funding for charter schools on a per student basis in amounts the
18 schools would have received if the students were enrolled in a
19 noncharter school in the district except that a charter school shall
20 not generate eligibility for small school assistance. Funding for
21 charter schools shall include regular apportionment, categorical,
22 nonbasic education, and maintenance and operating levy funds, as
23 appropriate;

24 (b) No local levy moneys approved by the voters before the
25 effective date of a charter between a school district and an applicant
26 may be allocated to a charter school unless the sponsoring school
27 district determines it has received sufficient authority from voters to
28 allocate maintenance and operation excess tax levy money to the charter
29 school. For levies approved after the effective date of a charter,
30 charter schools shall be included in levy planning, budgets, and
31 funding distribution in the same manner as other schools in the
32 district; and

33 (c) A charter school is eligible for state matching funds for
34 common school construction if a sponsoring school district determines
35 it has received voter approval of local capital funds for the project.

36 (2)(a) The superintendent of public instruction shall develop
37 recommendations for funding charter schools sponsored by alternate
38 sponsors. The superintendent shall submit the recommendations to the

1 education and fiscal committees of the house of representatives and
2 senate by November 1, 1998.

3 (b) No local levy money may be allocated to a charter school if the
4 charter school is sponsored by an alternate sponsor.

5 NEW SECTION. **Sec. 16.** ADMINISTRATION FEE. To offset costs of
6 oversight and administering the charter, a sponsor may retain up to
7 three percent of state funding and local excess levy funding, if
8 applicable, that is being driven to the charter school. Except for the
9 administration fee in this section, no other offsets or deductions are
10 allowed, whether for central administration or other off-site support
11 services, from a charter school's per-pupil share of state
12 appropriations, local levies, or other funds, unless the charter school
13 has contracted with a school district to obtain specific additional
14 services.

15 NEW SECTION. **Sec. 17.** CHARTER SCHOOL LOAN ACCOUNT. (1) The
16 charter school loan account is created in the custody of the state
17 treasurer. All receipts from appropriations shall be deposited into
18 the account. Expenditures from the account may be used only to provide
19 financial loans to approved charter schools for start-up costs.
20 Charter schools may receive up to two hundred fifty dollars per student
21 for start-up costs. Only the superintendent of public instruction or
22 the superintendent's designee may authorize expenditures from the
23 account. The account is subject to allotment procedures under chapter
24 43.88 RCW, but no appropriation is required for expenditures.

25 (2) Start-up moneys shall be distributed to schools with approved
26 charters on a first-come, first-served basis. The charter school must
27 repay the loan within five years. Interest shall be fixed at one-half
28 percentage point above the United States thirty-year treasury bill rate
29 in effect at the time of the loan.

30 NEW SECTION. **Sec. 18.** RULES--LOANS. The office of the
31 superintendent of public instruction shall adopt rules to implement
32 section 17 of this act.

33 If an applicant for a charter school receives a loan under section
34 17 of this act and fails to begin operating a charter school within the
35 next eighteen months, the applicant must immediately reimburse the

1 office of the superintendent of public instruction for the amount of
2 the loan.

3 NEW SECTION. **Sec. 19.** LEAVES OF ABSENCE. If a school district
4 employee makes a written request for an extended leave of absence to
5 work at a charter school, the school district shall grant the request.
6 The school district may require that the request for a leave be made up
7 to ninety days before the employee would otherwise have to report for
8 duty. The leave shall be granted for up to three years. If the
9 employee returns to the school district within the three-year period,
10 the employee shall be hired before the district hires anyone else with
11 fewer years of service, with respect to any position for which the
12 returning employee is certificated or otherwise qualified.

13 NEW SECTION. **Sec. 20.** CAPS ON CHARTER SCHOOLS. (1) Except as
14 provided in subsections (2) and (3) of this section, the maximum number
15 of charters that may be granted state-wide in the first school year
16 after the effective date of this section is twenty-five. The maximum
17 number of charters that may be granted in the first two school years
18 after the effective date of this section is fifty. The total number of
19 charters that may be granted under this chapter is fifty.

20 (2) The cap on charter schools shall not apply to public schools
21 that convert to charter schools.

22 (3) Neither a school district nor an alternate sponsor may sponsor
23 a charter school in a school district with a student enrollment of less
24 than one thousand students until June 1, 2000.

25 (4) For purposes of monitoring compliance with this section and
26 providing information to new charter school applicants, the
27 superintendent of public instruction shall maintain a running total of
28 the projected and actual enrollment at charter schools and the number
29 of charters granted.

30 (5) For purposes of implementing this subsection, a sponsor or
31 alternate sponsor shall notify the office of the superintendent of
32 public instruction when it receives a charter school application, when
33 it approves a charter school, and when a charter school is terminated.
34 Once fifty charter schools are approved, the office of the
35 superintendent of public instruction shall notify all school districts
36 and potential alternate sponsors. The office of the superintendent of
37 public instruction shall notify all school districts and potential

1 alternate sponsors when additional charter schools may be approved due
2 to charter school contract terminations.

3 NEW SECTION. **Sec. 21.** LABOR RELATIONS. (1) Employees of a
4 charter school are public employees. It is the intent of the
5 legislature that employees of a charter school may enter into
6 collective bargaining agreements with the board of directors of the
7 charter school under chapters 41.56 and 41.59 RCW, as applicable.
8 Employees of a charter school may join an appropriate bargaining unit
9 limited to the employees of the charter school or may join with an
10 appropriate unit within the district or educational service district.

11 (2) Teachers employed by charter schools are eligible for and
12 retain their status in the Washington state teachers' retirement system
13 under chapter 41.32 RCW.

14 (3) Classified employees employed by charter schools are eligible
15 for and retain their status in the public employees' retirement system
16 under chapter 41.40 RCW.

17 **Sec. 22.** RCW 28A.150.010 and 1969 ex.s. c 223 s 28A.01.055 are
18 each amended to read as follows:

19 Public schools shall mean the common schools as referred to in
20 Article IX of the state Constitution and those schools and institutions
21 of learning having a curriculum below the college or university level
22 as now or may be established by law and maintained at public expense.
23 A charter school as defined in section 4 of this act is a public
24 school.

25 NEW SECTION. **Sec. 23.** A new section is added to chapter 41.32 RCW
26 to read as follows:

27 Teachers employed by charter schools as defined in section 4 of
28 this act are members under this chapter. Charter schools are employers
29 under this chapter.

30 NEW SECTION. **Sec. 24.** A new section is added to chapter 41.40 RCW
31 to read as follows:

32 Classified employees employed by a charter school as defined in
33 section 4 of this act are members under this chapter. Charter schools
34 are employers under this chapter.

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 41.56 RCW
2 to read as follows:

3 This chapter applies to charter schools as defined in section 4 of
4 this act and the charter school's employees included in the bargaining
5 unit. Employees of charter schools may join an appropriate bargaining
6 unit limited to the employees of the charter school or may join an
7 appropriate unit within the district or the educational service
8 district.

9 NEW SECTION. **Sec. 26.** A new section is added to chapter 41.59 RCW
10 to read as follows:

11 This chapter applies to collective bargaining agreements between
12 charter schools and the employees of charter schools included in the
13 bargaining unit. Employees of charter schools may join an appropriate
14 bargaining unit limited to the employees of the charter school or may
15 join an appropriate unit within the district or the educational service
16 district.

17 **Sec. 27.** RCW 41.59.080 and 1975 1st ex.s. c 288 s 9 are each
18 amended to read as follows:

19 The commission, upon proper application for certification as an
20 exclusive bargaining representative or upon petition for change of unit
21 definition by the employer or any employee organization within the time
22 limits specified in RCW 41.59.070(3), and after hearing upon reasonable
23 notice, shall determine the unit appropriate for the purpose of
24 collective bargaining. In determining, modifying or combining the
25 bargaining unit, the commission shall consider the duties, skills, and
26 working conditions of the educational employees; the history of
27 collective bargaining; the extent of organization among the educational
28 employees; and the desire of the educational employees; except that:

29 (1) A unit including nonsupervisory educational employees shall not
30 be considered appropriate unless it includes all such nonsupervisory
31 educational employees of the employer; and

32 (2) A unit that includes only supervisors may be considered
33 appropriate if a majority of the employees in such category indicate by
34 vote that they desire to be included in such a unit; and

35 (3) A unit that includes only principals and assistant principals
36 may be considered appropriate if a majority of such employees indicate
37 by vote that they desire to be included in such a unit; and

1 (4) A unit that includes both principals and assistant principals
2 and other supervisory employees may be considered appropriate if a
3 majority of the employees in each category indicate by vote that they
4 desire to be included in such a unit; and

5 (5) A unit that includes supervisors and/or principals and
6 assistant principals and nonsupervisory educational employees may be
7 considered appropriate if a majority of the employees in each category
8 indicate by vote that they desire to be included in such a unit; and

9 (6) A unit that includes only employees in vocational-technical
10 institutes or occupational skill centers may be considered to
11 constitute an appropriate bargaining unit if the history of bargaining
12 in any such school district so justifies; and

13 (7) Notwithstanding the definition of collective bargaining, a unit
14 that contains only supervisors and/or principals and assistant
15 principals shall be limited in scope of bargaining to compensation,
16 hours of work, and the number of days of work in the annual employment
17 contracts; and

18 (8) A unit that includes only employees of a charter school as
19 defined in section 4 of this act may be considered appropriate or the
20 employees may join other appropriate bargaining units in the school
21 district or educational service district. The employees may decide the
22 unit appropriate by a majority vote of the employees.

23 NEW SECTION. Sec. 28. RULES. The superintendent of public
24 instruction shall adopt rules to implement this chapter.

25 NEW SECTION. Sec. 29. CAPTIONS NOT LAW. Captions used in this
26 chapter do not constitute any part of the law.

27 NEW SECTION. Sec. 30. Sections 1 through 11, 13 through 21, 28,
28 and 29 of this act constitute a new chapter in Title 28A RCW.

29 NEW SECTION. Sec. 31. If specific funding for the purposes of
30 this act, referencing this act by bill or chapter number, is not
31 provided by June 30, 1997, in the omnibus appropriations act, this act
32 is null and void."

1 Correct the title.

--- END ---