



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title:	<u>Charter Schools</u>	
As Related To:	<input checked="" type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps. <input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards. <input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system. <input type="checkbox"/> Other
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	How have the State Board of Education’s responsibilities for charter schools changed by enactment of E2SSB 6194 in the 2016 Legislative Session? What immediate duties does the Board have under the act, and how will it carry them out?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>On March 11, the Legislature passed E2SSB 6194, Relating to public schools that are not common schools. E2SSB 6194 re-enacted, with amendments, the charter school law that was invalidated by the state Supreme Court in September 2015. On April 1, the bill became law without the governor’s signature as Chapter 241, Laws of 2016. In this agenda item we will review the changes made from prior law by E2SSB 6194, with particular attention to impacts on the duties of the SBE. Staff will brief the Board on immediate responsibilities of the Board under the act, as well as on the timeline for resumption of the Board’s duties for approval of school districts as charter authorizers.</p> <p>In your packet you will find:</p> <ul style="list-style-type: none"> • The final bill report to E2SSB 6194; • A staff summary of changes made by E2SSB to the prior charter school law; • A CR-101 (Preposal Statement of Inquiry) filed with the Code Reviser for technical changes to Chapter 180-19 WAC (Charter Schools); • The text of sections of E2SSB 6194 concerning execution of a new contract with the present district authorizer; • A timeline showing key dates for the charter school process in statute and rule; and • A map chart showing the locations of the 12 currently approved charter schools. 	



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Changes Made to Chapter 28.710 RCW (Charter Schools) by E2SSB 6194

Chapter 28A.710 Section	E2SSB 6194 Section	Change
.010	101	<p>Clarifies that “authorizer” means the Washington State Charter School Commission or a school district approved to be a charter authorizer by the SBE.</p> <p>Strikes definitions of “conversion charter school” and “new charter school.” Conversion charter schools are eliminated by the act.</p>
.020	102	<p>Provides that a charter school established under this chapter is operated separately from the common school system as an alternative to traditional common schools.</p> <p>Adds the McKinney-Vento Homeless Assistance Act of 1987 to the federal laws with which charter schools must comply.</p>
.030	103	<p>Requires a charter school board to contract for an independent performance audit of the school, to be conducted the second year following the school’s first school year of operation and every three years thereafter.</p> <p>Requires a charter school board to 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.</p>
.050	105	<p>Clarifies that the “capacity” of a charter school, for purposes of enrollment, means “enrollment capacity.”</p> <p>Strikes provision on enrollment in conversion charter schools.</p> <p>Amends provision on use of a lottery for enrollment in the event that capacity is insufficient to enroll all students who apply. 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 Commission, a weighted enrollment preference for at-risk students or children of full-time employees of the school if the employees’ children reside in the state.</p>

.070	107	<p>Adds the Superintendent of Public Instruction or designee and the chair of the State Board of Education or designee to the membership of the Washington State Charter School Commission.</p> <p>Revises legislative appointments to the Commission. Two members are appointed by the Senate Majority Leader and one by the Senate Minority leader, rather than three by the President of the Senate, and two are appointed by the Speaker of the House and one by the House Minority leader, rather than three by the Speaker. The Governor continues to have three appointments to the Commission.</p> <p>Requires that initial appointments to the Commission be made by July 1, 2016.</p> <p>Provides that the Commission resides, for administrative purposes only, in OSPI, rather than in the governor’s office.</p>
.090	109	<p>Requires the State Board of Education to establish an initial process and timelines for applications from districts to be charter authorizers by July 1, 2016, rather than no later than 90 days after December 6, 2012. (The Board established a process and timelines in WACs 180-19-020 through 180-19-040.)</p>
.130	113	<p>Strikes requirements for an application to create a conversion charter school, as conversion schools are eliminated.</p>
.150	115	<p>Provides that the five-year period over which a maximum of 40 charter schools may be established begins with the effective date of this act.</p>
.160	116	<p>Requires the SBE to take reasonable and necessary steps to provide parties (i.e., school districts) to contracts entered into under the prior charter school law that were in effect on or had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same or substantially the same terms and duration as were in effect on December 1, 2015. Sec. 140, as referenced in Sec. 116, requires that the re-execution of such contracts take place within 60 days of the effective date of this act.</p> <p>Requires each authorizer to take reasonable and necessary steps to provide parties (i.e., charter school boards) to contracts entered into under the prior charter school law that were in effect or had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same or substantially the same terms and duration as were in effect on December 1, 2015. Sec. 140, as referenced in Sec. 116, requires that the re-execution of such contracts take place within 60 days of the effective date of this act.</p> <p>Provides that contracts executed pursuant to this provision do not count against the annual cap on the maximum number of charter schools.</p>
.220	122	<p>Specifies throughout this section that operating funding is “distributed” rather than allocated to charter schools by the SPI.</p>

		<p>Strikes prior language on state allocation of operating funds to charter schools and replaces it with new sections addressing the funding by program.</p> <p>Strikes provisions concerning eligibility of charter schools for local levy funds.</p>
.230	123	<p>Specifies that appropriations for facilities for charter schools may not be made from the Common School Construction Fund.</p> <p>Amends and clarifies provisions on a charter school’s right of first refusal to purchase or lease at fair market value if a school district decides to sell or lease a school facility or property.</p> <p>Strikes provision on use of facilities by a conversion charter school.</p>
NEW	127	<p>Provides that the Legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington Opportunity Pathways Account for the operation of charter schools, amounts as determined in Sec. 128 of this act, and amounts authorized under RCW 28A.710.230(1) (Facilities) for state support to charter schools during the ensuing biennium.</p>
NEW	128	<p>Declares the intent of the Legislature that state funding for charter schools be distributed equitably with state funding provided to other public schools.</p> <p>Provides that for eligible students enrolled in charter schools, the SPI shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to statutory formulas specified in the budget act.</p> <p>Requires the SPI to separately calculate and distribute to charter schools moneys appropriated for General Apportionment under the same ratios as in RCW 28A.150.260 (Allocation of state funding to support basic education).</p> <p>Requires the SPI to separately calculate and distribute to charter schools, in accordance with the applicable formulas, moneys appropriated for categorical programs including Learning Assistance Program, Transitional Bilingual Instruction Program, Special Education, Highly Capable and Pupil Transportation</p> <p>Requires the SPI to adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.</p>
NEW	129	<p>Provides that the eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities is subject to rules adopted by the Washington Interscholastic Activities Association. Places certain conditions on participation by a charter school student in interschool athletic or other interschool extracurricular activities.</p>
NEW	130	<p>Requires appointed members of the Commission and members of a charter school board to file personal financial affairs statements with the PDC.</p>

NA	131	Amends RCW 28A.150.010 (Public schools) to clarify that charter schools are public schools but not common schools.
NA	132	Amends RCW 28A.315.005 (Governance structure) to delete the Washington Charter School Commission from the entities making up the governance structure for the state’s common school system.
.005	139	Repeals the “Findings” section of I-1240 as codified in Chapter 28A.710 RCW.
NEW	140	<p>Declares that sections 101 through 139 are remedial and curative in nature, and that the Washington State Charter School Commission and school district authorizers, and actions related to their establishment and operation that were in compliance with state laws before the effective date of this section, or that substantially complied with the provisions of this act before its effective date, are valid.</p> <p>Provides that contracts entered into under I-1240 that were in effect on December 1, 2015 may, with the agreement of all parties and within 60 days after the effective date of this section, be executed as new contracts with the same or substantially the same terms and duration as were in effect on December 1, 2015.</p> <p>Declares that nothing in this section entitles a charter school to retroactive payments under this act for services rendered after December 1, 2015 and before the execution of new contracts pursuant to this section.</p>
NEW	201	Amends the Washington Opportunity Pathways Account statute to add Chapter 28A.710 RCW (Charter schools) to eligible uses for expenditure from the account, while deleting Chapter 28B.101 RCW (Educational opportunity grant) and RCW 43.330.280 (Recruitment of entrepreneurial researchers, innovative partnership zones and research teams).
NEW	301	Declares that if any provision of the act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.
NEW	302	Adds an “emergency clause” providing that the act takes effect immediately. The effective date of E2SSB 61294 is April 2, 2016.

FINAL BILL REPORT

E2SSB 6194

Synopsis as Enacted

Brief Description: Concerning public schools that are not common schools.

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

Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means
House Committee on Education

Background: Initiative 1240. In November 2012, Washington State voters approved Initiative 1240, which established a process for creating and operating a limited number of publically funded charter schools that operate independently of an elected school district board of directors as well as most state laws and school district policies. The first charter school began serving students in the 2014-15 school year. Nine charter schools served students in the 2015-16 school year. Seven of the schools were authorized by the Washington Charter School Commission and two were authorized by Spokane Public School District.

Charter School Lawsuit. On September 4, 2015, the Washington Supreme Court ruled the charter school law unconstitutional and declined to reconsider the ruling on November 19, 2015. The Court found that charter schools are not common schools because they are not subject to and under the complete control of the qualified voters of the school district. The Court also found that since charter schools are not common schools, they cannot receive funds from the common school construction fund or be funded by the common school state property tax, because under the state constitution both are to be used exclusively for common schools. The Court declared that because the charter school law could not be implemented without the impermissible funds the law in its entirety was unconstitutional and void.

Local School Levies. Article VII, section 2 of the Washington State Constitution requires that local school district levies be used for the support of common schools.

Prototypical School Funding Formula. In 2009, the Legislature adopted a statutory framework for a funding allocation model for public schools based on prototypical schools. The statute provides that the use of prototypical schools is intended to illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

instruction, and specified staff positions. Actual state funding allocations are adjusted from the school prototypes based on the actual number of students in each grade level at each school in the district.

Summary: Initiative 1240 is reenacted and amended to designate charter schools as schools which are not common schools which operate separately from the common school system. Charter schools are funded by the Washington Opportunity Pathways Account (WOPA). Additionally, clarifying grammar, terminology, and format changes are made.

Charter School Definition. A charter school is not a common school. It operates separately from the common school system and is open to all children. A charter school is exempt from most state laws and rules. It may offer, tuition-free, any program or course of study that a non-charter public school may offer, including one or more K-12 grades. It is managed and operated by a Charter School Board of Directors and governed by the terms of a renewable 5-year charter contract.

Chartering Process. An authorizer must annually solicit applications to establish a charter school. An applicant submits an application that contains specified information to an authorizer. An authorizer must evaluate and approve or deny the charter application. Authorizers must give preference to applications for charter schools that are designed to enroll and serve at-risk student populations but nothing limits a charter school to serving a substantial portion of at-risk students. If the application is approved then the authorizer and the Charter School Board must execute a five-year charter contract that contains specified components, including a student performance framework and targets. Authorizers must provide an opportunity for previously established charter schools to execute new contracts with the "same or substantially the same terms and duration." "Substantially the same terms and duration" includes contract modifications necessary to comply with applicable law.

Applicant. A charter school applicant must be a nonprofit corporation. Applicants may not be a sectarian or religious organization.

Authorizers. Two entities may be authorizers of charter schools: the Washington State Charter School Commission (Commission) and school district boards of directors that have received approval by the State Board of Education (SBE) to be an authorizer. Authorizer duties include approving and monitoring its authorized charter schools and may include taking corrective actions; imposing sanctions; and revoking, renewing or non-renewing a charter.

The Commission is established as an independent state agency to authorize charter schools throughout the state. The Commission has 11 members: the Superintendent of Public Instruction (SPI) or SPI's designee, the chair of the SBE or the chair's designee, three members appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. The legislative appointments will be made as follows: the largest caucus in each chamber will appoint two members of the Commission and the minority caucus in each chamber will appoint one member. The leaders in the caucuses in the Senate will make the appointments for the Senate and the Speaker of the House of Representatives and leader of the minority caucus will make the appointments for the House. No appointed member may serve more than two

consecutive four-year terms. The appointing authorities must ensure the diversity of the Commission members, including representation from various geographic areas of the state, who collectively possess relevant experience and expertise and have a commitment to charter schooling. At least one member must be a parent of a public school student. The members serve without compensation but may be reimbursed for travel expenses. Commission members must file personal financial affairs statements with the Public Disclosure Commission. The Charter School Commission resides within the Office of the SPI for administrative purposes only.

If approved by the SBE, a school district board of directors may authorize charter schools within the school district. The SBE must establish a process and timeline for approving school district authorizers, which includes specified information that must be submitted by the district. The authorization lasts for six years and may be renewed.

The SBE must establish an authorizer oversight fee for authorizers to use in order to fulfill its duties. The fee is deducted from each charter school's funding distribution and cannot exceed four percent of each charter school's annual funding.

Authorizers must 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 specified requirements for school opening.

Caps and Limits. A maximum of 40 charter schools may be established over a five-year period. The five-year period begins immediately upon the signature of the legislation by the Governor. No more than eight charter schools may be established in a single year. If fewer than eight schools are established in a year, additional schools up to the difference between the number established and eight may be established in subsequent years. Schools established on or before December 1, 2015 do not count against the annual cap.

Charter School Board. The charter application provides for the formation of a charter school board to manage and operate one or more charter schools. The members of the board must file personal financial affairs statements with the Public Disclosure Commission.

The charter school board must:

- through website postings and written notice, 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; and
- contract for independent performance audits after the second year following the first school year of full operation and every three years thereafter. The performance audit must be conducted in accordance with United States General Accounting Office Government Auditing Standards. This performance audit does not inhibit the state Auditor's Office from conducting a performance audit of the school.

In accordance with the charter contract, the board may:

- hire, manage, and discharge charter school employees;
- establish additional graduation requirements and issue diplomas;
- receive and disburse funds;

- enter into contracts for management and operation - only with nonprofit organizations - for real property, equipment, goods, supplies, and services;
- rent, lease, or own real property;
- solicit and accept gifts, but not from sectarian or religious organizations; and
- issue secured and unsecured debt, which is not an 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.

A charter school board may not levy taxes, issue tax-backed bonds, or acquire property by eminent domain.

State and Federal Law. A charter school is exempt from all state laws and rules as well as school district policies, except those specifically in the legislation and in the approved charter contract. All charter schools must:

- comply with state and federal education, health, safety, parents' rights, civil rights, and non-discrimination laws applicable to school districts including the McKinney-Vento Act; employee record check requirements; the annual performance report; the Open Public Meetings Act; the Public Records Act; and future legislation enacted governing charter schools;
- provide a program of basic education that meets the basic education goals, and includes the essential academic learning requirements, participation in the statewide student assessment system, and be subject to the SBE's performance improvement goals;
- employ certificated instructional staff, except in exceptional cases, the same as public non-charter and private schools;
- adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor; and
- be subject to the supervision of the Superintendent of Public Instruction and the SBE, including accountability measures.

Student Admissions. A charter school is open to all children, tuition-free, and may not limit admission except by age group, grade level, or enrollment capacity. However, a charter school may organize around a special emphasis or theme, including focusing on services for particular groups of students. If student applications exceed the enrollment capacity of a charter school, then the school must grant an enrollment preference to at-risk students and siblings of enrolled students, with any remaining enrollments allocated through a lottery. A charter school may offer a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the employee's children reside within the state and the Commission has approved the admission policy. If a student transfers from a charter school to a non-charter school, the non-charter school must accept the student's credits in the same manner as non-charter school credits. School districts must provide information to parents and the public that charter schools within the district are an enrollment option for students.

Interscholastic & Extracurricular Programs. A charter school may participate in state- or district-sponsored interscholastic programs to the same extent as other public schools; and may charge for extracurricular events and activities in the same manner as other public schools. The Washington Interscholastic Activities Association (WIAA) rules apply to any proposal by a charter school to regulate the conduct of interschool athletic activities or other

interschool extracurricular activities and the eligibility of a charter school student to participate in interscholastic activities. The WIAA rules adopted must provide that a student attending a charter school may only participate in interscholastic activities offered by the student's resident school district unless approved by a nonresident school district or the WIAA; and that a charter school must pay the full cost, minus any student participation fee, for any student who participates in interscholastic activities.

Employees. Charter school employees are hired, managed, and discharged by the Charter School Board of Directors. The employees are included in the established state employee insurance and health care systems and are included in the state retirement systems if it does not jeopardize the status of the systems as governmental plans. The state collective bargaining laws for classified and certificated charter school employees apply. The bargaining units for charter schools must be separate from other school district bargaining units. Years of service in a charter school are included in the service calculation for the statewide salary allocation schedule but a charter school is not required to pay a particular salary.

Facilities. Charter schools are eligible for state funding for school construction but not from the common school construction fund. A charter school may purchase or lease facilities or property from a school district at fair market value and may rent from a public or private entity at fair market rent. 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. A purchase, lease, or continued rent free use of facilities requires a negotiated agreement with mutual consideration.

Annual Reports. Each charter school authorizer must submit an annual report to the SBE that includes specified components, including the academic and financial performance of each charter school overseen by the authorizer. The SBE, in collaboration with the Commission, must submit to the public, Governor, and Legislature, an annual report based on the authorizer reports. The SBE report must contain specified information, including a comparison of the student performance of charter schools with non-charter schools. After five years, the SBE, in collaboration with the Commission, must recommend whether or not the Legislature should authorize additional charter public schools.

Renewal, Nonrenewal, and Revocation. Guidelines for charter contract renewal, nonrenewal and revocation are provided. A charter contract may be non-renewed or revoked if the authorizer determines that the charter school commits a material and substantial violation of the charter contract or laws applicable to the charter school; fails to meet or make sufficient progress toward the performance expectations in the charter contract; or fails to meet generally accepted standards of fiscal management. A charter contract may also not be renewed if at the time of the renewal application the charter school's performance falls in the bottom quartile of schools on the SBE's accountability index, unless the charter school demonstrates exceptional circumstances that the authorizer finds justifiable. Before nonrenewal or revocation of a charter contract, the authorizer must develop a charter school termination protocol to ensure an orderly transition. If the nonprofit corporation operator who was the applicant for the charter school should dissolve because of the termination of the charter contract then the public school funds of the charter school that have been provided in the last year preceding the dissolution must be returned to the state.

Funding. Specifies legislative intent that state funding for charter public schools be distributed equitably with state funding provided for other public schools. The SPI must calculate and transmit funding for charter schools based on: the prototypical school funding, any enrichment specified in the budget, and categorical program funding. OSPI must adopt rules for distribution of the funding and to comply with federal reporting requirements. Charter public schools may receive state funding for school construction but not from the common school construction fund. Charter schools are not eligible for local school district levy funds. Allowable expenditures from the Washington Opportunity Pathways Account is expanded to include charter schools. It is specifically provided that nothing in the act entitles a charter school to retroactive payments for services provided after December 1, 2015 and before the execution of new contract.

Votes on Final Passage:

Senate	27	20	
House	58	39	(House amended)
Senate	26	23	

Effective: Immediately.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: State Board of Education

Subject of possible rule making: Amendments to Chapter 180-19 WAC (Charter schools).

Statutes authorizing the agency to adopt rules on this subject: Chapter 28A.710 RCW (Charter schools)

Reasons why rules on this subject may be needed and what they might accomplish: E2SSB 6194, Relating to public schools that are not common schools, made extensive amendments to Chapter 28A.710 RCW (Charter schools). Technical amendments are needed to three sections of Chapter 180-19 WAC to reconcile language in rule with language in Chapter 28A.710 RCW as amended by E2SSB 6194. In addition, rule amendments would delete obsolete provisions in five sections of Chapter 180-19 WAC related to due dates for certain actions by the State Board of Education, charter school authorizers, and charter applicants which were superseded, effective May 15, 2015, by provisions setting other due dates. This would be a cleanup, not affecting intent or effect, which would make these sections more understandable for readers.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Other state agencies that regulate this subject are the Washington State Charter School Commission, which is the statewide authorizer of charter public schools, and the Superintendent of Public Instruction, who has certain rule-making authority for charter public schools and is a member of the Commission. The SBE will consult with these agencies on the amendments to be proposed to Chapter 180-19 WAC and solicit comment.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
April 12, 2016

NAME (TYPE OR PRINT)
Ben Rarick

SIGNATURE

TITLE
Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 13, 2016
TIME: 9:36 AM
WSR 16-09-029

E2SSB 6194

Execution of New Authorizing Contracts and Charter Contracts

Sec. 116. RCW [28A.710.160](#) and 2013 c 2 s 216 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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



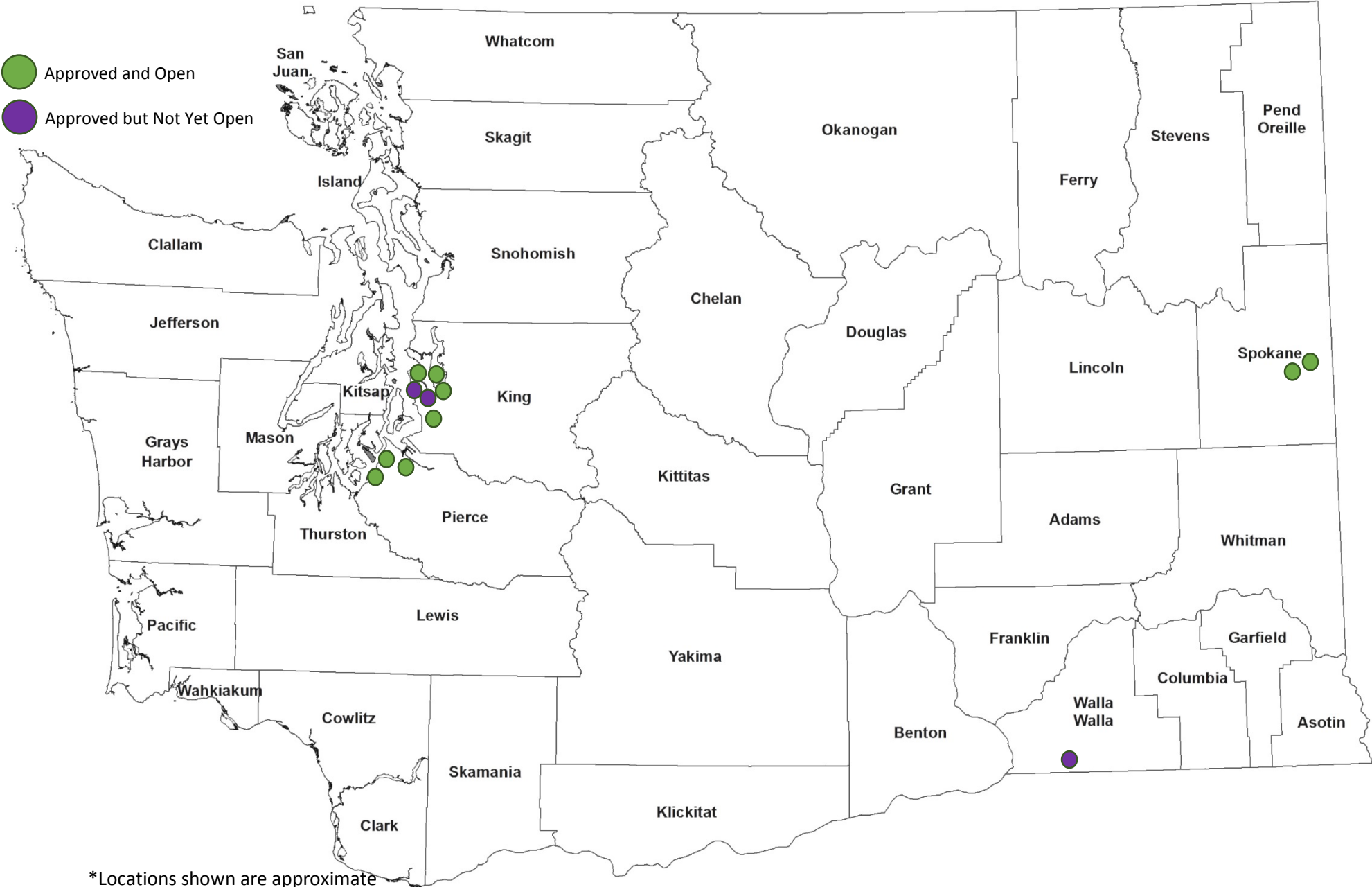
**Charter Schools Timeline
Chapter 180-19 WAC**

Action	WAC	Until May 15, 2015	Effective May 15, 2015
Last date for posting of authorizer application by SBE	180-19-030	October 1	May 15
Last date for school district notice of intent to submit authorizer application	180-19-020	October 1	June 15
Last date for a district to submit an authorizer application	180-19-030	December 31	October 15
Last date for SBE to approve or deny an authorizer application	180-19-040	April 1	February 1
Last date for all authorizers to issue RFP's for charter applications	180-19-070	April 15	March 1
Last date for SBE to execute an authorizing contract with an approved district	180-19-050	April 30	March 1
Last date to submit charter applications to authorizers	180-19-080	July 15	June 1
Last date for authorizers to approve or deny charter applications	180-19-080	October 15	September 1
Last date for authorizers to report approval or denial of charter applications to SBE	189-19-080	October 25	Not stated. ¹

¹The due date for authorizers to report approval or denial of charter applications to the SBE is set in RCW 28A.170.150(2) at ten days from the action to approve or deny.

Charter School Approvals by County*

Updated April 27, 2016



*Locations shown are approximate