

SIXTY FOURTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 25, 2016

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cody Nichols and Sarah Pozil. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Bishop Charlotte Petty, Risen Faith Fellowship, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

January 20, 2016

2SHB 1118 Prime Sponsor, Committee on General Government & Information Technology: Creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 21, 2016

HB 1441 Prime Sponsor, Representative Sawyer: Concerning dental health services in tribal settings. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Appropriations.

January 21, 2016

E2SHB 1541 Prime Sponsor, Committee on Appropriations: Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Wilcox, Assistant Ranking Minority Member; Buys; Haler; MacEwen; Magendanz; Schmick; Stokesbary and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Ranking Minority Member; Condotta; Dent; Harris; Hunt, G. and Van Werven.

January 21, 2016

SHB 1737 Prime Sponsor, Committee on Appropriations: Addressing the availability of retired teachers as substitutes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hunt, G.; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Hudgins.

January 20, 2016

ESHB 1745 Prime Sponsor, Committee on State Government: Enacting the Washington

voting rights act. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Van Werven, Assistant Ranking Minority Member and Hawkins.

MINORITY recommendation: Without recommendation. Signed by Representative Holy, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 21, 2016
SHB 1790 Prime Sponsor, Committee on Education: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and McCaslin.

Passed to Committee on Rules for second reading.

January 21, 2016
HB 1804 Prime Sponsor, Representative Springer: Concerning the confidentiality of educator professional growth plans. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

January 20, 2016
ESHB 1808 Prime Sponsor, Committee on Transportation: Concerning passenger-carrying vehicles for railroad employees. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

Passed to Committee on Rules for second reading.

January 21, 2016
HB 1983 Prime Sponsor, Representative Pollet: Creating the TEACH pilot project of financial assistance for teachers taking basic skills and content tests for teacher certification programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Appropriations.

January 21, 2016
HB 2023 Prime Sponsor, Representative Parker: Changing the deadline for notices of nonrenewal of contracts for certificated school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 20, 2016
HB 2303 Prime Sponsor, Representative Van De Wege: Adopting the international wildland urban interface code by reference for

purposes of the state building code.
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2317 Prime Sponsor, Representative Van De Wege: Expanding the use of neighborhood and medium-speed electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2321 Prime Sponsor, Representative Stokesbary: Removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Passed to Committee on Finance.

January 20, 2016

HB 2322 Prime Sponsor, Representative Zeiger: Concerning the vehicle license cost recovery fee charged for certain rental car

transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2331 Prime Sponsor, Representative Chandler: Concerning the expiration date of the invasive species council and account. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 19, 2016

HB 2342 Prime Sponsor, Representative Hurst: Concerning performance of personal services by members of the liquor industry to retailers. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Scott; Van De Wege and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Wylie, Vice Chair.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2355 Prime Sponsor, Representative Kirby: Concerning registered service contract and protection product guarantee providers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice

Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016
HB 2356 Prime Sponsor, Representative Kirby:
 Concerning employer agreements to
 reimburse certain employee costs for the
 use of personal vehicles for business
 purposes. Reported by Committee on
 Business & Financial Services

MAJORITY recommendation: Do pass. Signed by
 Representatives Kirby, Chair; Stanford, Vice Chair;
 Vick, Ranking Minority Member; McCabe, Assistant
 Ranking Minority Member; Blake; Dye; Hunt, G.;
 Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016
HB 2358 Prime Sponsor, Representative Kochmar:
 Concerning water-sewer districts.
 Reported by Committee on Local
 Government

MAJORITY recommendation: Do pass. Signed by
 Representatives Appleton, Chair; Gregerson, Vice
 Chair; Taylor, Ranking Minority Member; Griffey,
 Assistant Ranking Minority Member; Fitzgibbon;
 McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

January 20, 2016
HB 2362 Prime Sponsor, Representative Hansen:
 Concerning video and/or sound recordings
 made by law enforcement or corrections
 officers. Reported by Committee on
 Judiciary

MAJORITY recommendation: Do pass. Signed by
 Representatives Jinkins, Chair; Kilduff, Vice Chair;
 Rodne, Ranking Minority Member; Goodman; Haler;
 Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and
 Stokesbary.

MINORITY recommendation: Do not pass. Signed by
 Representative Shea, Assistant Ranking Minority
 Member.

Passed to Committee on Rules for second reading.

January 21, 2016
HB 2366 Prime Sponsor, Representative Lytton:
 Concerning basic education obligations.
 Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass.

Signed by Representatives Dunshee, Chair; Ormsby,
 Vice Chair; Cody; Fitzgibbon; Hansen; Harris; Hudgins;
 Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew;
 Robinson; Sawyer; Senn; Springer; Stokesbary;
 Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by
 Representatives Chandler, Ranking Minority Member;
 Wilcox, Assistant Ranking Minority Member; Buys;
 Haler; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without
 recommendation. Signed by Representatives Condotta;
 Dent; Hunt, G. and MacEwen.

January 20, 2016
HB 2435 Prime Sponsor, Representative Hudgins:
 Enhancing election reconciliation reports.
 Reported by Committee on State
 Government

MAJORITY recommendation: Do pass. Signed by
 Representatives Hunt, S., Chair; Bergquist, Vice Chair;
 Holy, Ranking Minority Member; Van Werven,
 Assistant Ranking Minority Member; Frame; Hawkins
 and Moscoso.

Passed to Committee on General Government &
 Information Technology.

January 20, 2016
HB 2437 Prime Sponsor, Representative Hudgins:
 Concerning election year restrictions on
 state legislators. Reported by Committee
 on State Government

MAJORITY recommendation: Do pass. Signed by
 Representatives Hunt, S., Chair; Bergquist, Vice Chair;
 Holy, Ranking Minority Member; Van Werven,
 Assistant Ranking Minority Member; Frame; Hawkins
 and Moscoso.

Passed to Committee on Rules for second reading.

January 20, 2016
HB 2516 Prime Sponsor, Representative Kirby:
 Providing that commercial transportation
 services providers are not commuter ride-
 sharing arrangements. Reported by
 Committee on Business & Financial
 Services

MAJORITY recommendation: Do pass. Signed by
 Representatives Kirby, Chair; Stanford, Vice Chair;
 Vick, Ranking Minority Member; McCabe, Assistant
 Ranking Minority Member; Blake; Dye; Hunt, G.;
 Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2532 Prime Sponsor, Representative Kilduff: Studying public access to library services in local jurisdictions across Washington. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride; McCaslin and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Pike.

Passed to Committee on Rules for second reading.

January 21, 2016

HB 2697 Prime Sponsor, Representative Hunt, S.: Concerning campaign finance reporting requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Frame; Hawkins and Moscoso.

MINORITY recommendation: Without recommendation. Signed by Representative Van Werven, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, SUBSTITUTE HOUSE BILL NO. 1737 and HOUSE BILL NO. 2366 which were placed on the second reading calendar.

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 21, 2016

2EHB 2214 Prime Sponsor, Representative Reykdal: Increasing academic rigor and streamlining assessment requirements for high school students. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Buys; Cody; Condotta; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, G.; Hunt, S.; Jinkins; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Haler; Kagi and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Lytton.

There being no objection, HOUSE BILL NO. 2214 was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2366, by Representatives Lytton, Magendanz, Sullivan, Caldier, Kochmar, Rossetti, Muri, Haler and Santos

Concerning basic education obligations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2366 was substituted for House Bill No. 2366 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2366 was read the second time.

With the consent of the house, amendments (594) and (593) were withdrawn.

Representative Magendanz moved the adoption of amendment (596):

On page 2, line 37, after "(3)" strike all material through "construction" on page 3, line 4 and insert the following: "The task force must review available information to determine whether additional state legislation is needed to help school districts to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade"

Representatives Magendanz and Lytton spoke in favor of the adoption of the amendment.

Amendment (596) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lytton, Magendanz and Sullivan spoke in favor of the passage of the bill.

Representatives Manweller, Manweller (again) and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2366.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2366, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hickel, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, G. Hunt, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Orcutt, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Appropriations (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall and Gregerson)

Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1541 was substituted for Engrossed Second Substitute House Bill No. 1541 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

Representative Magendanz moved the adoption of amendment (595):

On page 1, line 17, after "success" insert "in a diverse array of educational environments"

On page 2, line 35, after "students," insert "including charter public schools,"

On page 3, line 1, after "(4)" insert "The legislature finds that Washington students benefit from diverse and individually tailored educational opportunities and

environments. When the most disadvantaged youth have been left behind by traditional schools, charter public schools provide these students with the opportunity to receive a personalized and high quality education.

(5)"

Correct any internal references accordingly.

On page 3, line 4, after "students." insert "The legislature further intends to establish charter public schools as a free, public educational opportunity for Washington students."

On page 36, after line 2, insert the following:

"PART IX

CHARTER PUBLIC SCHOOLS

Sec. 901. RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted and amended to read as follows:

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

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

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

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

(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 "~~(public)~~ 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 ~~((and includes))~~. The term "charter school" or "charter public school" may include a new charter school and a conversion charter school.

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

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

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

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

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

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

Sec. 902. RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted and amended to read as follows:

A charter school established under this chapter:

(1) Is a public~~((common))~~ 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) ~~((Is a public, common school offering))~~ May offer any program or course of study that ~~((a noncharter))~~ 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) ~~((Is a public school to which parents choose to send their children;~~

~~((S)))~~ Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

Sec. 903. RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted and amended to read as follows:

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

(a) Hire, manage, and discharge ~~((any))~~ charter school employees in accordance with the terms of this chapter and ~~((that))~~ 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 ~~((and including))~~, pupil transportation services, and for the management and operation of the charter school ~~((to the same extent as other noncharter public schools, as long as))~~, 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~~((: PROVIDED, That))~~. However, the ~~((public))~~ charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. ~~((The))~~ 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 ~~((from))~~ sectarian or religious organizations. A charter school~~((s))~~ board may not accept any gifts or donations ~~((the conditions of which))~~ 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 may not levy taxes or issue tax-backed bonds.

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

Sec. 904. RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(3) ~~((Public))~~ 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 ~~((, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement)).~~ Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies ~~((except policies made applicable in the school's charter contract)).~~

(4) ~~((No))~~ 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, to the same extent as other public schools, except as otherwise provided in this chapter ((2, Laws of 2013)).

Sec. 905. RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity ~~((and must enroll all students who apply within these bases)).~~ 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) A conversion charter school must provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process.

(4) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must ~~((select students through a lottery to ensure fairness. However, a charter school must give an enrollment preference to siblings of already-enrolled students))~~ grant an enrollment preference to at-risk students and siblings of enrolled students, with any remaining enrollments allocated through a lottery.

(5) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives

specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(6) 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.

Sec. 906. RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted and amended to read as follows:

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

Sec. 907. RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted and amended to read as follows:

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

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

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

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

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

(iii) The chair of the state board of education.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the president of the senate; and three members shall be appointed by the speaker 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 ~~((a))~~ the parent of a Washington public school student.

~~((4))~~ (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))~~ (5) Appointed members shall ~~((be appointed to))~~ serve four-year, staggered terms ~~((with))~~. The initial appointments from each of the appointing authorities ~~((consisting))~~ 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 ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

~~((6))~~ (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))~~ (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))~~ (8) Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who (8) The commission shall reside within the office of the governor for administrative purposes only.

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

Sec. 908. RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted and amended to read as follows:

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

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

(2) A school district board ~~((of))~~ directors ~~((that have been approved by the state board of education under RCW 28A.710.090 before authorizing a charter school,))~~ 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 ~~((own))~~ boundaries.

Sec. 909. RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted and amended to read as follows:

(1) The state board of education shall establish an annual application and approval process and timelines for ~~((entities))~~ school districts seeking approval to ~~((be))~~ become charter school authorizers. The initial process and timelines must be established ~~((no later than ninety days after December 6, 2012))~~ 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 request for proposals 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 ~~((entity))~~ applicant. The initial term of an authorizing contract ~~((shall))~~ must be six years. The authorizing contract must specify each approved entity'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 entity may commence charter authorizing without an authorizing contract in effect.

Sec. 910. RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted and amended to read as follows:

(1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

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

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

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

(e) 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; and

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

(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 ~~((, which))~~ 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 ~~((overseen by the authorizer))~~ 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.

Sec. 911. RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted and amended to read as follows:

(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which ~~((shall))~~ must be calculated as a percentage of the state operating funding ~~((allocated))~~ 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. ~~((The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's allocation under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.))~~

(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.

~~((4))~~ (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 ~~((may not be required))~~ to purchase contracted services ~~((from))~~ 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.

Sec. 912. RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted and amended to read as follows:

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

(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, 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 ~~((the))~~ 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 ~~((shall))~~ must have reasonable opportunity to respond and remedy the problems.

(5) If ~~((an authorizer persists))~~, 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) 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.

Sec. 913. RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted and amended to read as follows:

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

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

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

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

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

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

(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 ~~((targeted))~~ student population and ~~((the))~~ 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 ~~((governing))~~ 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~~((s))~~, class size and structure~~((s))~~, curriculum overview~~((s))~~, 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 ~~((they))~~ 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) In the case of ~~((an application to establish))~~ a conversion charter school, the applicant must also demonstrate support for the proposed conversion ~~((by))~~ through a petition signed by either a majority of teachers assigned to the school or ~~((a petition signed by))~~ a majority of parents of students in the school.

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

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

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

Sec. 914. RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted and amended to read as follows:

(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial ~~((, which))~~ 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 ~~((= PROVIDED, That))~~. 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 ~~((, to learn about and provide input on each application))~~.

(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 and operate a successful ~~((public))~~ 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.

Sec. 915. RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted and amended to read as follows:

(1) A maximum of forty ~~((public))~~ charter public schools may be established under this chapter ~~((;))~~ over ~~((a))~~ the five-year period commencing with the effective date of this section. No more than eight charter schools may be established in any ~~((single))~~ year during the five-year period, except that if in any ~~((single))~~ year fewer than eight charter schools are established, ~~((then))~~ 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 ~~((, which))~~. 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 ~~((last))~~ latest annual date by which the authorizer ~~((must))~~ may submit the report. The state board of education must send to each authorizer notice of the date ~~((; each authorizer no later than))~~ 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.

Sec. 916. RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted and amended to read as follows:

(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 ~~((; fundamentally;))~~ the ~~((public))~~ charter school agrees to

provide educational services that, at a minimum, meet basic education standards, in return for ~~((an allocation))~~ a distribution of public funds ~~((that))~~ that will be used for ~~((such))~~ the purposes ~~((all as set forth))~~ established in the contract and in this and other applicable statutes ~~((and in the charter contract))~~. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be ~~((judged))~~ 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 ~~((if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by))~~ 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 may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools ~~((and))~~, ensure that they are prepared to open smoothly on the date agreed, and ~~((to))~~ ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

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

(8) In accordance with section 938(4) of this act:

(a) The state board of education must take all 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 on December 1, 2015, with an opportunity to reexecute the 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 all 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 on December 1, 2015, with an opportunity to reexecute the 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.

Sec. 917. RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted and amended to read as follows:

(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 ~~((each))~~ 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 ~~((, for high schools))~~;

(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.

Sec. 918. RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted and amended to read as follows:

(1) Each authorizer must continually monitor the performance and legal compliance of the charter schools (~~(it oversees)~~) 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, (~~(so long as)~~) if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance 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(~~(, unless)~~). However, if the problem warrants revocation (~~(in which case)~~) 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. (~~(Such)~~) These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

Sec. 919. RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted and amended to read as follows:

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms(~~(, although)~~). 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 (~~(that)~~) 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 (~~(if not timely rectified)~~). 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, (~~(which shall)~~) 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) (~~(Ground)~~) 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;

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

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

Sec. 920. RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted and amended to read as follows:

(1) An authorizer may revoke a charter contract (~~(may be revoked)~~) at any time, or (~~(not renewed)~~) 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 (~~(may not be renewed)~~) if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the (~~(accountability)~~) Washington achievement index developed by the state board of education under RCW 28A.657.110(~~(, unless)~~). 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 (~~(at a recorded public proceeding held for that purpose)~~);

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

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the 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 (~~(applicant)~~) charter school and (~~(to)~~) the state board of education(~~(, which)~~). 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.

Sec. 921. RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted and amended to read as follows:

(1) Before making a decision to not renew or to revoke a charter contract, an authorizer((s)) 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) ~~((In the event that))~~ If the nonprofit corporation ~~((applicant))~~ 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 ~~((an applicant))~~ 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 ~~((applicant))~~ 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.

Sec. 922. RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted and amended to read as follows:

(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 ~~((allocated))~~ distributed based on student characteristics.

(2) ~~((According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district))~~ In accordance with appropriations made under sections 927 and 928 of this act, the superintendent of public instruction shall distribute state

funding to charter schools according to the schedule established in RCW 28A.510.250.

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

~~((4))~~ Amounts ((payable)) distributed to a charter school under this section 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 ~~((paid))~~ distributed in the first year of operation to the amounts that would have been ~~((paid))~~ distributed based on actual student enrollment and make adjustments to the charter school's ~~((allocations))~~ distributions over the course of the second year of operation.

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

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

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

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

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

Sec. 923. RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted and amended to read as follows:

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

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

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

Sec. 924. RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted to read as follows:

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.

Sec. 925. RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted and amended to read as follows:

(1) By December 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 ~~((an annual))~~ a report on the performance of the state's charter schools ~~((for))~~ 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 ~~((noncharter))~~ 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 ~~((public))~~ charter public schools.

Sec. 926. RCW 28A.710.260 and 2014 c 221 s 911 are each reenacted to read as follows:

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.

NEW SECTION. Sec. 927. A new section is added to chapter 28A.710 RCW to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of charter schools amounts as determined in accordance with section 928 of this act, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium.

NEW SECTION. Sec. 928. A new section is added to chapter 28A.710 RCW to read as follows:

(1) The legislature intends that the state funding distributed for charter schools should be equitable to the state funding received by other public schools. 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 per each full-time equivalent student at statewide uniform rates. The calculations and distributions must be based upon the estimated statewide annual average per full-time equivalent student allocations under RCW 28A.150.260, 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, as applicable.

(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 (1) 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 underachieving students 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 student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(2) 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.

Sec. 929. RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted and amended to read as follows:

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

Sec. 930. RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted and amended to read as follows:

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

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

Sec. 931. RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to read as follows:

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

Sec. 932. RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to read as follows:

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

Sec. 933. RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations

from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 934. RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to read as follows:

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

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

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

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

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

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

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

41.05.021(1) (g) and (n); and (f) employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 935. RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted to read as follows:

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

Sec. 936. RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to read as follows:

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

NEW SECTION. Sec. 937. RCW 28A.710.005 (Findings—2013 c 2) and 2013 c 2 s 101 are each repealed.

NEW SECTION. Sec. 938. (1) Sections 901 through 937 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) Charter schools, 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) 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.

(4) 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 reexecuted 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.

PART X

EDUCATIONAL PROGRAMS THAT ARE NOT IN COMMON SCHOOLS

Sec. 1001. RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

An amount equal to basic and nonbasic education funding, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriations acts shall be ~~(allocated)~~ distributed directly to the military department for a national guard youth challenge program for students earning high school graduation credit under RCW ~~((28A.305.170))~~ 28A.300.165. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The state funds provided shall be from the Washington opportunity pathways account created in RCW 28B.76.526. The monthly full-time equivalent enrollment reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the

superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section.

Sec. 1002. RCW 28A.185.040 and 1990 c 33 s 169 are each amended to read as follows:

(1) The superintendent of public instruction shall contract with the University of Washington for the education of highly capable students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school as are now or hereafter established and maintained by the University of Washington.

(2) The superintendent of public instruction shall ~~(allocate)~~ distribute directly to the University of Washington an amount equal to all of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under RCW 28A.185.010 through 28A.185.030, any enrichment to those statutory formulae that is specified in the omnibus appropriations act, and federal moneys generated by a student while attending an early entrance program or transition school at the University of Washington. The state funds distributed under this subsection shall be from the Washington opportunity pathways account created in RCW 28B.76.526. The allocations shall be according to each student's school district of residence. The expenditure of such moneys shall be limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

(4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter 34.05 RCW implementing subsection (2) of this section ~~((before August 31, 1989))~~.

Sec. 1003. RCW 28A.193.080 and 1998 c 244 s 9 are each amended to read as follows:

The superintendent of public instruction shall:

(1) ~~((Allocate))~~ Distribute money appropriated by the legislature to administer and provide education programs under this chapter to school districts ~~((educational service districts, and other education providers selected under RCW 28A.193.020))~~ that have assumed the primary responsibility to administer and provide education programs under this chapter ~~((-))~~;

(2) Distribute moneys from the Washington opportunity pathways account created in RCW 28B.76.526 to educational school districts, and other education providers selected under RCW 28A.193.020 that have assumed the primary responsibility to administer and provide education programs under this chapter. The allocation of moneys to any private contractor is contingent upon and must be in

accordance with a contract between the private contractor and the department of corrections; and

~~((2))~~ (3) Adopt rules in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the biennial operating act effectively.

Sec. 1004. RCW 28A.205.070 and 2006 c 263 s 409 are each amended to read as follows:

In ~~((allocating))~~ distributing funds ~~((appropriated for))~~ to education centers, the superintendent of public instruction shall provide funds from the Washington opportunity pathways account created in RCW 28B.76.526 and also:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be ~~((allocated))~~ distributed from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

Sec. 1005. RCW 28A.215.060 and 2008 c 169 s 1 are each amended to read as follows:

(1) The Washington community learning center program is established. The program shall be administered

by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, professional development, advocacy, and programmatic support to the Washington community learning center programs and after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program. Grant funds provided to entities other than school districts must be provided from the Washington opportunity pathways account created in RCW 28B.76.526.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

Sec. 1006. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is ~~((allocated))~~ distributed based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be ~~((apportioned))~~ separately calculated and distributed by the superintendent of public instruction according to the schedule established under RCW 28A.510.250. The state funds distributed by the superintendent shall come from the Washington opportunity pathways account created in RCW 28B.76.526. The amount of state funds to be provided shall be determined in accordance with the state funding formulae, including general apportionment, special education, categorical, any enrichment to those statutory formulae that is specified in the omnibus appropriations act, and other nonbasic education moneys. ~~((Allocations))~~ Distributions for certificated instructional staff must be based on the average staff mix ratio of the school, as separately calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act. ~~((Allocations))~~ Distributions for classified staff and certificated administrative staff must be

based on the salary allocations of the school district in which the school is located, subject to conditions and limitations established by the omnibus appropriations act. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

NEW SECTION. Sec. 1007. A new section is added to chapter 28A.300 RCW to read as follows:

The legislature shall provide state funds to the superintendent of public instruction from the Washington opportunity pathways account created in RCW 28B.76.526 to cover the costs of the following:

(1) Distributing state funds under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

(2) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.050, and 28A.715.010.

Sec. 1008. RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

(1) The Washington opportunity pathways account is created in the state treasury. Expenditures from the account shall be used to cover the costs of the following:

(a) Distributing state funds under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

(b) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.050, and 28A.715.010.

(2) Expenditures from the account may be used ~~((only))~~ for programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), ~~((chapter 28B.104 RCW (educational opportunity grant),))~~ chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), and chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program) ~~((, and RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)))~~.

PART XI

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 1101. The sum of eight hundred twenty-six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the Washington opportunity pathways account to the charter school commission to perform its duties under this act.

NEW SECTION. Sec. 1102. The sum of eighteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the Washington opportunity pathways account to the office

of the superintendent of public instruction for the purposes of funding charter schools.

NEW SECTION. Sec. 1103. If any provision of this 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 SECTION. Sec. 1104. 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."

Correct the title.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (595) to Fourth Substitute House Bill No. 1541.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "In ruling upon the point of order that the amendment is outside the scope and object of the underlying bill, the Speaker finds and rules as follows:

The title of Fourth Substitute House Bill 1541 is "An act relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee." The entire bill is related only to recommendations made by the Educational Opportunity Gap Oversight and Accountability Committee. None of those recommendations or provisions of this bill involve any aspect of charter schools, which is the subject of the amendment at issue. For these reasons, the amendment is beyond the scope and object of the underlying bill and is not properly before us for consideration. The point of order is well-taken."

Representative Magendanz moved the adoption of amendment (598):

On page 3, at the beginning of line 5, strike all material through "2.53.045." on page 14, line 25

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Magendanz spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (598) to Fourth Substitute House Bill No. 1541 and the amendment was not adopted by the following vote: Yeas, 47; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove,

Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, G., Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, S., Hurst, Jenkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, and Wylie

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (598) to Fourth Substitute House Bill No. 1541.

Representative Van Werven, 42 District

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Ortiz-Self spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

There being no objection, the House deferred action on FOURTH SUBSTITUTE HOUSE BILL NO. 1541, and the bill held its place on the third reading calendar.

SECOND ENGROSSED HOUSE BILL NO. 2214, by Representatives Reykdal, Taylor, Pettigrew, Shea, Gregory, G. Hunt, Pollet, Holy, Ryu, Haler, Sells, Santos, Farrell, Tarleton, Bergquist, Appleton, Moscoso, Takko, Peterson, Dunshee, Riccelli, Sawyer, Tharinger, Condotta, Gregerson, Stanford, Robinson, Fitzgibbon, Kilduff, Orwall, Ortiz-Self, Van De Wege, Goodman, Kirby, Blake, Wylie, Moeller, Fey, McBride, Hurst, Schmick, S. Hunt, Griffey and Young

Increasing academic rigor and streamlining assessment requirements for high school students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2214 was substituted for Second Engrossed House Bill No. 2214 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2214 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reykdal, Magendanz and Santos spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Van De Wege, Representative Blake was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2214.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2214, and the bill passed the House by the following vote:

Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Buys, Caldier, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Harris, Kretz, Kristiansen, Lytton, Morris, Orcutt, Stokesbary and Wilcox.

Excused: Representative Blake.

SUBSTITUTE HOUSE BILL NO. 2214, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1737, by House Committee on Appropriations (originally sponsored by Representatives Orcutt, Santos, Magendanz, Bergquist, Ortiz-Self, Kilduff, Kagi, Zeiger, Tarleton, Muri, Condotta and Pollet)

Addressing the availability of retired teachers as substitutes.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1737 was substituted for Substitute House Bill No. 1737

and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1737 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Santos and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1737.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representative Blake.

SECOND SUBSTITUTE HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2860 by Representatives Johnson, Appleton, Chandler, Ryu, Holy, Hurst, Dent, McCabe, Stokesbary and Scott

AN ACT Relating to services provided by residential habilitation centers; and amending RCW 71A.20.010 and 71A.20.180.

Referred to Committee on Early Learning & Human Services.

HB 2861 by Representatives Schmick, Cody and Young

AN ACT Relating to fair payment for chiropractic services; amending RCW 48.43.190; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2862 by Representatives Rossetti, Santos, Reykdal, Magendanz, Riccelli, McCaslin, Hayes, Bergquist, Ortiz-Self, Moscoso and Ormsby

AN ACT Relating to preventing unfunded state mandates by requiring school district fiscal notes to identify revenue sources; and amending RCW 28A.300.0401.

Referred to Committee on Education.

HB 2863 by Representatives McCabe, Blake, Chandler, Dent and Johnson

AN ACT Relating to the administrative rules governing the provision of emergency drought relief funds for drinking water supply projects; and amending RCW 43.83B.430 and 43.83B.420.

Referred to Committee on Agriculture & Natural Resources.

HB 2864 by Representatives S. Hunt, Reykdal and Moscoso

AN ACT Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters; amending RCW 82.14.045; and providing an effective date.

Referred to Committee on Transportation.

HB 2865 by Representatives Cody, Harris and Ormsby

AN ACT Relating to hospital privileges for advanced registered nurse practitioners and physician assistants; and amending RCW 70.41.230.

Referred to Committee on Health Care & Wellness.

HB 2866 by Representatives Johnson, Tarleton, Chandler, Moscoso, Buys, Van Werven, Manweller, Haler and Stanford

AN ACT Relating to the establishment of a joint select committee to investigate the creation of a Washington state council for the Pacific Northwest economic region; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2867 by Representatives Scott, Shea, Taylor, Young, Short, Haler, G. Hunt, Schmick, Dent and Wilson

AN ACT Relating to authorizing conceal carry on campuses of institutions of higher education; amending RCW 9.41.010 and 9.41.0975; adding new sections to chapter 9.41 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2868 by Representatives Reykdal, Walsh, Sells, Moscoso, Ortiz-Self, Hayes, Van Werven, Harris, Haler, Tarleton, Stambaugh, Pollet, MacEwen, Wilcox, Kilduff, Johnson, Klippert, Pike, Young, Rossetti, Kagi, Senn, Clibborn, Wilson, Smith, Buys, Stanford, Fey, Bergquist, S. Hunt, Frame and Ormsby

AN ACT Relating to career and technical education materials, supplies, and operating costs; amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260; and providing effective dates.

Referred to Committee on Appropriations.

HB 2869 by Representatives Jinkins, Rodne and Kuderer

AN ACT Relating to preventing guardians from isolating incapacitated persons; and adding a new section to chapter 11.88 RCW.

Referred to Committee on Judiciary.

HB 2870 by Representatives Taylor, Dent, Manweller, Short, Chandler, Kretz, Schmick, Young and Scott

AN ACT Relating to prohibiting the department of fish and wildlife from requiring public access as a condition of receiving compensation under chapter 77.36 RCW; and amending RCW 77.36.110.

Referred to Committee on Agriculture & Natural Resources.

HB 2871 by Representatives Cody, Harris, Schmick, Tharinger, Kagi, Ortiz-Self and Ormsby

AN ACT Relating to the creation of a task force on high patient out-of-pocket costs; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2872 by Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby

AN ACT Relating to the recruitment and retention of Washington state patrol commissioned officers; adding a new section to chapter 43.43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2873 by Representatives Griffey, Orwall, McCabe, Smith, Wilson, Stambaugh, Pike, Kilduff, Hayes, Muri, Gregerson, Moscoso and Dent

AN ACT Relating to making felony sex offenses a crime that may be prosecuted at any time after its commission; and amending RCW 9A.04.080.

Referred to Committee on Public Safety.

HB 2874 by Representatives Pettigrew, Walsh, Sawyer, Senn, Kagi, Stanford, Bergquist, Ortiz-Self, Gregerson and Ormsby

AN ACT Relating to income eligibility for temporary assistance for needy families benefits; and repealing RCW 74.12.037.

Referred to Committee on Early Learning & Human Services.

HB 2875 by Representatives Smith, Morris and Magendanz

AN ACT Relating to establishing the office of data privacy, protection, and access equity; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2876 by Representatives Orwall, Kirby and Griffey

AN ACT Relating to foreclosure of deeds of trust; and creating a new section.

Referred to Committee on Judiciary.

HB 2877 by Representatives Hickel, Zeiger, Riccelli, Sawyer, Wilcox, Kochmar, Stanford, Gregerson and Ormsby

AN ACT Relating to the distribution of supplemental nutrition assistance program benefits; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2878 by Representatives Kilduff, Robinson, Muri and Ormsby

AN ACT Relating to creating a penalty assessment for crimes involving the abuse of children used to support child advocacy centers; adding a new section to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2879 by Representatives Nealey, Springer and Magendanz

AN ACT Relating to consolidating and simplifying the annual report and annual survey used for economic development tax incentives; amending RCW 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.2909, 82.04.294, 82.04.426, 82.04.4277, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; reenacting and amending RCW 82.04.260 and 82.32.790; adding a new section to chapter 82.32 RCW; adding new sections to chapter 50.13 RCW; repealing RCW 82.32.534 and 82.32.585; providing an effective date; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2880 by Representatives Cody and Schmick

AN ACT Relating to the filing and rating of group health benefit plans other than small group plans, all stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations; amending RCW 48.43.733; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2881 by Representatives Pollet, Reykdal, Stanford, Morris, S. Hunt, Ortiz-Self, Kilduff, Walkinshaw, Frame and Farrell

AN ACT Relating to responding to the educator shortage crisis by increasing training, recruitment, and retention, in order to enable Washington to lower class sizes; amending RCW 28B.145.005, 28B.145.010, 28B.145.040, 28B.145.070, and 28A.415.265; adding a new section to chapter 28B.102 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; making appropriations; and providing expiration dates.

Referred to Committee on Education.

HB 2882 by Representatives Appleton and Moscoso

AN ACT Relating to collecting data regarding occasions of justifiable homicide or use of deadly force; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Public Safety.

HB 2883 by Representatives Senn, Chandler and Ormsby

AN ACT Relating to government efficiency by eliminating or revising the requirements for state agency reports; amending RCW 28B.10.029, 43.19.642, 43.43.480, 49.04.190, 50.22.157, 70.41.045, 72.10.020, 74.14A.060, and 79A.25.350; reenacting and amending RCW 34.05.328, 46.52.120, and 77.85.140; and repealing RCW 18.27.342, 28A.345.060, 43.22.330, 46.01.325, 43.88.500, 43.88.505, 43.88.510, and 43.88.515.

Referred to Committee on State Government.

HB 2884 by Representatives Clibborn, Fey and Moscoso

AN ACT Relating to modifying the business and occupation tax and public utility tax credits for alternative fuel commercial vehicles; amending RCW 82.04.4496 and 82.16.0496; and amending 2015 3rd sp.s. c 44 s 410 (uncodified).

Referred to Committee on Transportation.

HB 2885 by Representatives Stambaugh, Cody, Caldier, Smith, Van Werven, Wilson, Robinson and Ormsby

AN ACT Relating to establishing a maternal mortality review panel; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 2886 by Representative Manweller

AN ACT Relating to electrical scope of practice; amending RCW 19.28.095 and 19.28.191; and reenacting and amending RCW 19.28.400.

Referred to Committee on Labor & Workplace Standards.

HB 2887 by Representatives Halder, Sells, Stambaugh, Pollet and Stanford

AN ACT Relating to the graduate higher education loan program report; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2888 by Representatives Van De Wege, Pettigrew, Stanford, Morris, Kuderer, S. Hunt, Appleton, Peterson, Fitzgibbon, Hurst, Pollet and Farrell

AN ACT Relating to cetacean captivity; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2889 by Representatives Short, Kretz and Magendanz

AN ACT Relating to absences from the meetings of a school district board of directors because of a temporary absence resulting from travel for work, duties as an elected or appointed official, or military service; and amending RCW 28A.343.390.

Referred to Committee on Education.

HB 2890 by Representatives Halder, Zeiger, Kilduff, Muri, Bergquist, S. Hunt, Ormsby and Pollet

AN ACT Relating to student voters; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 2891 by Representative Halder

AN ACT Relating to payments to counties in lieu of property taxes by the department of fish and wildlife; amending RCW 77.12.203; repealing RCW 77.12.201; and providing an effective date.

Referred to Committee on Appropriations.

HB 2892 by Representatives DeBolt and Morris

AN ACT Relating to improving the accuracy and transparency of the reporting and calculation of the fuel mix information to retail electric customers; amending RCW 19.29A.060, 19.29A.070, and 19.29A.080; and reenacting and amending RCW 19.29A.010.

Referred to Committee on Technology & Economic Development.

HB 2893 by Representatives Kuderer, Robinson, Senn, Fitzgibbon, Gregerson, Frame and Van De Wege

AN ACT Relating to procedures following certain initial detention determinations under the involuntary treatment act; amending RCW 9.41.047; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Judiciary.

HJR 4215 by Representatives Orcutt, Scott, Manweller, Magendanz, McCaslin, Griffey, Hargrove, Wilson, Van Werven, Caldier, Condotta, Rodne, Taylor, Shea, Harmsworth, Vick, Johnson, Holy, Buys, McCabe, Dye, Pike, Chandler, Hayes, Smith, Kochmar, Klippert, Dent, Wilcox, Muri, Schmick, Short, Nealey, Halder, Young, Stokesbary, Stambaugh and Zeiger

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE JOINT RESOLUTION NO. 4215.

MOTION

Representative Orcutt moved that the rules be suspended and that HOUSE JOINT RESOLUTION NO. 4215 be placed on the second reading calendar.

Representative Orcutt spoke in favor of the motion to suspend the rules.

Representative Sullivan spoke against the motion to suspend the rules.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance HOUSE JOINT RESOLUTION NO. 4215 to the second reading calendar. The motion was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, G. Hunt, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Appleton, Bergquist, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Excused: Representative Blake.

There being no objection, HOUSE JOINT RESOLUTION NO. 4215 was referred to the Committee on Finance.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., January 26, 2016, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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