

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- A description of the State's applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
 - The number of charter school applications made in the State.
 - The number of charter school applications approved.
 - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
 - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Recommended maximum response length: Six pages

(F)(2) Ensuring Successful Conditions for High-Performing Charter Schools and Other Innovative Schools

Washington State Charter School History

Since the mid-1990s, there have been numerous efforts to adopt legislation to authorize the creation of charter schools in Washington. None of the proposals has been adopted, and currently Washington does not have a law authorizing charter schools. A brief summary of the attempts is presented here.

Charter school legislation was first considered in 1995. House Bill 1147 passed the House of Representatives, but was not taken up in the Senate. Washington’s Constitution allows

citizens to bring issues to the attention of the Legislature via the initiative process. In 1995, Initiative 177 was submitted to the Legislature asking for the creation of schools that would be supported by public funds, and exempted from certain state requirements, but operated by independent organizations. The measure was not considered during the 1996 legislative session. As provided in the state's Constitution, the initiative was submitted to the voters in November 1996. It was rejected by a vote of 762,367 in favor and 1,380,816 against.

In 1997, charter school legislation was introduced in both the House and Senate (House Bill 2019 and Senate Bill 5764). The House bill passed the House of Representatives but died in the Senate; the Senate bill died in the Senate Ways & Means Committee. The same scenario occurred again during the 1998 legislative session. Charter legislation was considered during the 1999 session in the House (House Bill 2415) but was not passed to the Senate.

In 2000, a group of citizens gathered enough signatures for a ballot initiative that would authorize charter schools. After a spirited campaign, Initiative 729 was rejected with 52 percent of voters opposed and 48 percent of the voters in support. Opponents of the initiative successfully argued that Washington state law already provided sufficient flexibility to create "charter-like" schools and that control and oversight of schools needed to remain with publicly-elected school boards.

In 2004, charter school legislation was re-introduced in the Legislature. This legislation was passed and signed by the Governor. However, charter school opponents gathered a sufficient number of signatures to place the law on the ballot as a referendum to voters, Referendum 55, asking whether the law should be retained or repealed. Voters chose to repeal the law with 58 percent voting to repeal it and 42 percent voting to retain it. Legislation to authorize charter schools has not been considered since that election.

Charter School Issues on the Ballot – History

Source: Secretary of State Website

INITIATIVE TO THE LEGISLATURE NO. 177

(Shall voters be authorized to create “renewed” school districts where nonprofit organizations may operate publicly funded “independent” public schools with parental choice and revised state regulation?) Filed on July 17, 1995, by James R. Spady of Seattle. 248,482 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 30, 1996. The Legislature failed to take action, and as provided by the state Constitution, the measure was submitted to the voters at the November 5, 1996 general election. It was rejected by the following vote: For - 762,367 Against - 1,380,816.

INITIATIVE MEASURE NO. 729

(Shall school districts and public universities be authorized to sponsor charter public schools, independently operated, open to all students, and subject to revised state regulation?) Filed on February 23, 2000, by James R. Spady of Seattle. 306,361 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 7, 2000, general election and rejected by the following vote: For – 1,125,766 Against – 1,211,390.

REFERENDUM MEASURE NO. 55

Chapter 22, Laws of 2004 (Statement of the Subject: The legislature passed Engrossed Second Substitute House Bill 2295 (E2SHB 2295 concerning charter public schools). Concise Description: This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.) Filed on March 29, 2004, by Charles E. Hasse of Federal Way. 153,718 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 2, 2004, general election and was rejected by the following vote: Approved, 1,122,964; Rejected, 1,572,203. As a result, E2SHB 2295 did not become law.