



INITIATIVE MEASURE 729

PROPOSED TO THE PEOPLE

Official Ballot Title:

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?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 729 begins on page 31.

Statement For

Charter schools are public schools designed and operated by non-profit organizations made up of parents, teachers or community leaders. The schools operate under terms of a contract –charter– negotiated with the sponsoring local school board or four-year public university.

CHOICE – INNOVATION – ACCOUNTABILITY

Charter public schools give parents another choice in guiding their children’s education within Washington’s public school system.

Because charter public schools are schools of choice, they are directly accountable to students, parents, teachers and their sponsor.

In exchange for freedom to innovate, they are accountable for their students’ ability to meet rigorous standards.

As part of the public school system, charter schools must meet high academic standards and use state certified teachers. They are required to give annual progress reports and may be audited at any time.

The sponsoring local school board or four-year public university monitors their quality and effectiveness and can withdraw sponsorship if the school is not performing.

The charter school spirit of innovation and competition will help propel all of our public schools forward.

INCLUSIVE

Charter public schools:

- Are open to all students.
- Must follow all health, safety and civil rights laws.
- Cannot charge tuition or have a religious affiliation.

DOES NOT INCREASE TAXES

Charter public schools cannot levy taxes. They receive the same amount of state funding per enrolled student as other public schools. Local levy tax money may be

allocated only when the charter school’s sponsor is the local school district.

CHARTER SCHOOL CHOICE IS ALREADY AVAILABLE IN 36 STATES

Washington’s families also deserve the quality public school choices charter schools will offer.

For more information, call 206.442.9160 or visit www.yes729.org.

Rebuttal of Statement Against

Parents, teachers, and children deserve choices beyond the status quo. Charter Public Schools are public schools.....open and free to all. The "special interest" they serve is children.

Charter Public Schools won’t raise taxes. I-729 is referred to as a "non-budget related" initiative.

In a diverse and increasingly complicated society, Charter Public Schools will spur innovation and learning. I-729 gives parents, teachers, and students choices in improving public education, while remaining accountable to the public.

Voters Pamphlet Statement Prepared by:

JUDITH BILLINGS, former Superintendent of Public Instruction; DOUG WHEELER, Executive Director, Zion Prep; DR. SAM SMITH, former President, Washington State University; ROBERTO MAESTAS, Executive Director, El Centro De La Raza; JEANNETTE HAYNER, former State Senator and school board member; MARI CLACK, Long-time public education advocate.

The law as it presently exists:

The state constitution imposes upon the state the paramount duty of making ample provision for the education of all resident children. This duty has been implemented by the legislature through the creation of a public school system.

Certain educational standards are set by the legislature, the superintendent of public instruction, and the state board of education. In addition, the legislature delegates to each locally elected school district board the responsibility for all public schools within its district. School district boards must comply with certain statewide standards but they select the number, size, and location of school buildings, the teachers, staff, curriculum, and textbooks.

Each school district has discretion to determine where a student attends school, except for students who are home-schooled or enrolled in private schools. Most districts assign students to schools, but may also offer students some choice of school or school program within a district. Occasionally, a student may attend school in another district, if certain requirements are met.

Currently, public schools are formed by the local school

boards and cannot be created or operated by any other entity. Private persons or organizations may establish private schools, which are subject to certain, but not all, standards and regulations applicable to public schools. Generally, these private school regulations are intended to ensure health, safety, and basic education requirements.

The state provides no funding for schools owned or operated by private entities, although public schools or agencies may, in limited circumstances, contract for the services of a private school, such as contracts for special education or other special programs.

The effect of the proposed measure, if it becomes law:

This measure would authorize the establishment of charter public schools. Each charter public school would be operated by a nonprofit corporation and sponsored by either (1) the school district where the school is located or (2) any state or regional university. The sponsoring university would approve the charter of a charter public school by action of the governing board or by an official or agency designated

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Statement Against

CHARTER SCHOOLS: UNCONSTITUTIONAL, UNFAIR, EXPENSIVE.

Washington State's constitution requires a "general and uniform system" of public schools. That is why, for nearly 200 years, our schools have been called "common schools." The public schools are for everyone. And yet the proponents of I-729 seek special treatment. They don't want the rules to apply to them...just to everybody else. Charter schools, by their very definition, cater to special interest groups.

NO ACCOUNTABILITY – TO YOU, THE TAXPAYERS, OR TO THE STATE.

I-729 would send public tax dollars to these new schools with little or no accountability to any elected official...not your local school board, not the state superintendent of public instruction. And this, just when we all rightly demand more public accountability for our tax dollars, to ensure the success of all children.

\$16M OF YOUR TAX DOLLARS FOR PRIVATE SCHOOLS.

The state budget office predicts that these new schools will cost Washington taxpayers up to \$16M, to pay for youngsters now educated at home or in private schools. Make no mistake about it...I-729 is public funding for private schools.

YOU, THE VOTERS HAVE ALREADY SPOKEN!

Charter schools were on the ballot in Washington state in 1996. Two-thirds of our citizens soundly rejected that proposal. Two-thirds. Charter schools did not even receive 40% "yes" votes in any single county in Washington. What has changed since that resounding defeat? Nothing...and yet charter school zealots brought their rejected proposal back

to the legislature every year – where it was also rejected – every year.

Vote No on yet another unconstitutional initiative funded by special interests!

Vote No on private schools funded with your state dollars!

Vote No on I-729!

For more information, call 360.943.5721 or visit www.i729.org.

Rebuttal of Statement For

"Operated by non-profit organizations?" I-729 gives your tax dollars to private boards who can and do contract with for-profit corporations to run their experimental charter schools. Taxpayers should be extremely skeptical of schemes financed by special interests.

Washington ranks third highest in the nation in providing innovative, alternative public school choice. Higher academic standards and public accountability are already in place. Our schools need and deserve your support.

Keep the "public" in our public schools.

Voters Pamphlet Statement Prepared by:

ELIZABETH PIERINI, President, League of Women Voters of Washington; JON L. RABINE, President, Joint Council of Teamsters #28; CAROL MOHLER, President, Washington State Special Education Coalition; GLENN GORTON, President, Public School Employees of Washington; ANNE GOLDEN, Legislative Chair, Washington State School Directors Association; MILT SNYDER, Ph.D., Technology Corporations Consultant; Washington Association of School Administrators.



INITIATIVE MEASURE 729 (continued from page 15)

The effect of the proposed measure, if it becomes law (continued):

by the governing board. Only a school district could sponsor the conversion of a conventional public school to a charter public school.

Each charter public school would be administered by a board of directors with authority to hire employees, contract for goods and services, acquire property, and accept gifts and donations from governmental and private entities (except sectarian or religious organizations). Charter schools would not have the power of taxation or of eminent domain. Charter schools would be prohibited from charging tuition or issuing tax-backed bonds. Fees could be charged for optional noncredit extracurricular events.

Neither the charter public school sponsor nor the school district in which a charter public school is located would be liable for any of the acts or omissions of the charter public school.

A charter public school could issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of property and equipment. The credit of the state, of the sponsoring institution, the school district, and other political subdivisions and agencies could not be pledged for the payment of such debt.

A charter public school could operate one or more grades, kindergarten through twelve, as provided in a renewable five-year contract granted by the sponsoring district or institution. Charter public schools would be exempt from state statutes and rules applicable to public schools, except that they would be required to: comply with state and federal health, safety, and civil rights laws; participate in nationally normed standardized achievement tests; employ certificated instructional staff, with certain exceptions like apply to other public schools; comply with employee record check requirements; be subject to school district financial and audit requirements; comply with annual performance report requirements; report at least annually on progress toward meeting performance goals specified in their charters; and comply with the open public meetings act.

A charter public school would be required to enroll all students who submit a timely application, with priority for those residing in the school district where the school is located if capacity is insufficient. A charter public school could not limit admission based on race, religion, ethnicity, national origin, gender, income level, intellectual ability, disabling condition, proficiency in the English language, or athletic ability. A charter public school could limit admission to students within a given age group or grade level.

Charter applications would be made to a qualified sponsor and could be approved, renewed, modified, or revoked according to standards set forth in the measure. If the sponsor is a school district, the district would be required to provide prompt and timely funding for charter public schools on a per student basis in the amounts the schools would have received if the students were enrolled in conventional public schools in the district. Local levy moneys approved by the voters before the effective date of a charter would not be allocated to a charter public school unless the sponsoring school district determined it had authority from voters to allocate maintenance and operation excess tax levy money to the charter public school. After the effective date of a charter, charter public schools would be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district.

If the sponsor is not a school district, students in a charter public school would be students of the district in which the school is located for general fund apportionment purposes, and funding for these students would be provided to the public charter school through the superintendent of public instruction. A charter public schools account would be created to receive appropriations and provide financial grants to approved charter public schools for start-up costs.

For the four years beginning on January 1, 2001, the maximum number of charters that could be granted under this measure would be 20 per year. These numbers would not include conventional public schools converting to charter schools. Until January 1, 2003, no charter school could be sponsored in a school district with a student enrollment of less than 1,000 students.

Chapter 41.56 and chapter 41.59 RCW concerning collective bargaining rights would apply to charter public schools, except that the employees of a charter public school could not be in the same bargaining units with employees of school districts or educational service districts. Charter public school employees would be eligible for membership in the same retirement systems as corresponding public school district employees, if consistent with federal law.



INITIATIVE MEASURE 745 (continued from page 19)

The effect of the proposed measure, if it becomes law (continued):

improvements to the traffic carrying capacity of roads, or maintenance of roads. The term "transportation funds" would include state and local government funds spent for transportation purposes, including the transportation fund, the highway fund, public transit and ferry operating accounts and reserves, public transit and ferry capital accounts and reserves, local government transportation accounts, public transportation authorities, transportation benefit districts, and the amounts placed in the high occupancy vehicle account (RCW 81.100.070). It does not include federal funds specifically provided for non-roadway purposes, transportation vehicle funds used by school districts, funds used by airports or port districts, or the fares paid by customers of transit and ferry systems. The term "roads" would include all publicly owned roads, streets, and highways.

The measure would also require a performance audit on each transportation agency, account, and program, including the state department of transportation, the state ferry system, and all public transit agencies. The first audit report for each agency would be submitted by December 31, 2001, and subsequent performance audits would be conducted as determined necessary by the state auditor. Transportation funds would be used to pay for the performance audits.

The measure would exempt, from sales and use taxes, materials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

The measure would also require the updating of comprehensive plans developed under Chapter 36.70A RCW (the growth management act) and the six-year transportation plans required by RCW 44.40.070, to reflect the provisions and priorities of this measure.



COMPLETE TEXT OF Initiative Measure 729

AN ACT Relating to education; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. INTENT. The People intend to authorize the establishment of charter public schools for the purpose of providing more, high-quality public school choices for families, students and teachers. High-quality public school choices are those proven and promising learning environments that are likely to result in improved student achievement.

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

(1) "**Applicant**" means a nonprofit corporation that has submitted an application to a sponsor to obtain approval to operate a charter public school. The nonprofit corporation must either be 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 section 12 of this act.

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

(3) "**Charter public school**" means a public school managed by an applicant's board of directors and operating independently of any school district board under a charter approved in accordance with this chapter.

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

(5) "**Sponsor**" means:

(a) The school district in which the charter public school is located; or

(b) any state or regional university as defined in RCW 28B.10.016.

Charter public schools sponsored under (b) of this subsection shall be approved by the governing board of the sponsoring institution or by an official or agency designated by and accountable to the governing board.

NEW SECTION. Sec. 3. CHARTER PUBLIC SCHOOLS-- POWERS.

(1) The charter public school's board of directors may hire, manage, and discharge any charter public school employee in accordance with the terms of this chapter and that school's charter.

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

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

(4) Neither a charter public school sponsor nor the school district in which the charter public school is located is liable for acts or omissions of a charter public school, including acts or omissions related to the application, the charter, the operation, and the performance of the charter public school.

(5) Charter public schools may not charge tuition, levy taxes, or issue tax-backed bonds, however they may charge fees for optional noncredit extracurricular events.

(6) Charter public schools may issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. No such issuance shall constitute an obligation, either general, special or moral of the state, the charter public school sponsor, the school district in which the charter public school is located or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of (a) the state, (b) the charter public school sponsor, (c) the school district in which the charter public school is located or (d) any other political subdivision or agency of the state may be pledged for the payment of such debt.

NEW SECTION. Sec. 4. LEGAL STATUS. A charter public school is a public school including one or more grades, kindergarten through twelve, operated by a public benefit nonprofit corporation, according to the terms of a renewable five-year contract granted by a sponsor.

NEW SECTION. Sec. 5. CHARTER PUBLIC SCHOOLS-- EXEMPTIONS.

(1) A charter public school shall operate independently of any school district board, under a charter approved by a sponsor under this chapter.

(2) Charter public schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors except as provided in this chapter



COMPLETE TEXT OF Initiative Measure 729 (cont.)

and in the school's approved charter.

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

(4) All approved charter public schools shall:

(a) Comply with state and federal health, safety, and civil rights laws applicable to school districts;

(b) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.230 and the elementary, middle school, and high school standards and assessment examinations as required in RCW 28A.655.060;

(c) Employ certificated instructional staff as required in RCW 28A.410.010, however charter public schools may, like other public schools, hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260;

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

(e) Be subject to the same financial and audit requirements as a school district;

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

(g) Report at least annually to its sponsor and to parents of children enrolled at the charter public school on progress toward the student performance goals specified in the charter; and

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

NEW SECTION. **Sec. 6. ADMISSION REQUIREMENTS.**

(1) A charter public school must enroll all students who submit a timely application. If capacity is insufficient to enroll all students who submit a timely application, the charter public school must give enrollment priority to students who reside within the school district boundaries in which the charter public school is physically located. Priority also must be given to siblings of students who are currently enrolled in the school. Schools that convert to charter public schools must also give priority to the students who are currently enrolled in the school. When too many students of equal priority have applied, a lottery shall be used to select the specific students who are offered admission.

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

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

(1) An applicant may apply to a sponsor to establish a charter public school as provided in this section.

(2) An application for a charter public school may be submitted to any qualified sponsor.

(3) If an applicant applies to the local school district for sponsorship, the local school district board of directors must hold a public hearing in the school district on the application within sixty days of receipt of the application. The school board must either accept or reject the application within thirty days after the hearing. The thirty-day deadline for acceptance or rejection of the charter public school application may be extended for an additional thirty days if both parties agree in writing.

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

(5) If an applicant applies to a sponsor other than a local school district, that public agency must comply with the procedures specified in subsections (1) through (4) of this section for consideration of charter public school applications. Such a sponsor is not bound by another sponsor's findings or decision to deny the application, if any.

(6) The superintendent of public instruction shall maintain copies of all approved charter public school applications. Any interested person may obtain copies of those applications from the office of the superintendent of public instruction.

(7) Only the local school district may sponsor the conversion of a conventional public school to a charter public school.

NEW SECTION. **Sec. 8. APPLICATION REQUIREMENTS.**

The charter public school application is a proposed contract and must include:

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

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

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

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

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

(6) A description of student performance standards that must meet those determined under RCW 28A.655.060, and be measured according to the assessment system determined under RCW 28A.655.060;

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



COMPLETE TEXT OF Initiative Measure 729 (cont.)

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

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

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain that are adequate. For purposes of this subsection, a liability policy of between one million and five million dollars is required;

(11) A description of the procedures to discipline and dismiss students; and

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

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsor or alternate sponsor may approve an application for a charter public school, if in its reasonable judgment, after exercising due diligence and good faith, the sponsor or alternate sponsor finds:

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

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

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

(4) The school's proposed educational program includes student academic performance standards that meet those determined under RCW 28A.655.060 and are measured according to the assessment system determined under RCW 28A.655.060;

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

(6) The school's educational program, including curriculum and instructional strategies, is likely to improve student performance as measured under section 5 of this act;

(7) The application includes school performance standards, which must meet those determined under the state-wide accountability system adopted by the legislature pursuant to RCW 28A.655.060(3)(h)(i);

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

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

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

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

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

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

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

NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT.

(1) A charter application approved by a sponsor with any changes constitutes a charter.

(2) A charter may be amended during its term at the request of the charter public school board of directors and on the approval of the sponsor.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION.

(1) An approved plan to establish a charter public school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter public school may apply for renewal to its sponsor or an alternate sponsor. A request for renewal must be submitted no later than six months before the expiration of the charter. If the request is to an alternate sponsor, the alternate sponsor shall follow the procedures in section 7 of this act.

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

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

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

(3) The sponsor may reject the application for renewal if



COMPLETE TEXT OF Initiative Measure 729 (cont.)

any of the following occurred:

(a) The charter public school materially violated its contract with the sponsor, as set forth in the charter;

(b) The students enrolled in the charter public school failed to meet student performance standards identified in the charter;

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

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

(4) A sponsor shall give written notice of its decision to grant or deny the charter public school's request for renewal within three months of receiving the request for renewal. If its decision is to deny the request, the sponsor shall provide the charter public school with a reasonable opportunity to correct each identified deficiency in its operation. At the request of the board of directors of the charter public school, the sponsor shall review its denial of the request for renewal after the charter public school has corrected any identified deficiencies, and may, in its discretion, reverse its previous decision and grant the charter public school's request for renewal.

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

NEW SECTION. **Sec. 12. FUNDING.**

(1) If the sponsor is a school district:

(a) For purposes of funding, students in charter public schools shall be considered students of the sponsoring district for general fund apportionment purposes. Without violating the provisions of section 13 of this act, the sponsoring school district shall provide prompt and timely funding for charter public schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter public school in the district except that a charter public school shall not generate eligibility for small school assistance. Funding for charter public schools shall include regular apportionment, categorical, and nonbasic education funds, as appropriate and shall be based on enrollment and other financial information submitted by the charter public school to the school district as is required to determine state apportionment amounts;

(b) Local levy moneys approved by the voters before the effective date of a charter between a school district and an applicant shall not be allocated to a charter public school unless the sponsoring school district determines it has received sufficient authority from voters to allocate maintenance and operation excess tax levy money to the charter public school. For levies approved after the effective date of a charter, charter public schools shall be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district; and

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

(2) Conventional public schools which convert to charter public schools shall receive funding in the same manner as other district-sponsored charter public schools.

(3) If the sponsor is not a school district, students in the charter public school shall still be considered students of the district in which the charter public school is located for general fund apportionment purposes. Without violating the provisions of section 13 of this act, the superintendent of public instruction shall provide prompt and timely funding for charter public schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter public school in the district except that a charter public school shall not generate eligibility for small school assistance. The funding shall include regular apportionment, categorical, and nonbasic education funds and shall be based on enrollment and other financial information submitted by the charter public school to the school district and the superintendent of public instruction, as is required to determine state apportionment amounts.

(4) No local levy money may be allocated to a charter public school if the charter public school is sponsored by any public agency other than the local school district.

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

NEW SECTION. **Sec. 14. CHARTER PUBLIC SCHOOL ASSISTANCE ACCOUNT.** The charter public school assistance account is created in the custody of the state treasurer. All receipts from appropriations shall be deposited into the account. Expenditures from the account may be used only to provide financial grants to approved charter public schools for start-up costs. Charter public schools may receive up to two hundred fifty dollars per student for start-



COMPLETE TEXT OF Initiative Measure 729 (cont.)

up costs. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Start-up moneys shall be distributed to schools with approved charters on a first-come, first-served basis.

NEW SECTION. Sec. 15. RULES--GRANTS. The office of the superintendent of public instruction shall adopt rules to implement section 14 of this act. If an applicant for a charter public school receives a grant under section 14 of this act and fails to begin operating a charter public school within the next eighteen months, the applicant must immediately reimburse the office of the superintendent of public instruction for the amount of the grant.

NEW SECTION. Sec. 16. LEAVES OF ABSENCE. If a school district employee makes a written request for an extended leave of absence to work at a charter public school, the school district shall grant the request. The school district may require that the request for a leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for up to three years. If the employee returns to the school district within the three-year period, the employee shall be hired before the district hires anyone else with fewer years of service, with respect to any position for which the returning employee is certified or otherwise qualified.

NEW SECTION. Sec. 17. STUDY OF CHARTER PUBLIC SCHOOLS. The Washington institute of public policy shall study the implementation and effectiveness of this act. The institute shall make recommendations to the legislature about the effectiveness of charter public schools and the impact of charter public schools. The institute shall also recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by September 1, 2002, and a final report is due September 1, 2004.

NEW SECTION. Sec. 18. NUMBER OF CHARTER PUBLIC SCHOOLS.

(1) The maximum number of charters that can be granted under this chapter is twenty in any given year commencing January 1, 2001, for the first four years. These annual allocations shall be cumulative so that if the maximum is not reached in any given year the maximum shall be increased accordingly for the successive years.

(2) A sponsor may not sponsor a charter public school in a school district with a student enrollment of less than one thousand students until January 1, 2003.

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

(4) For purposes of implementing this subsection, a sponsor shall notify the office of the superintendent of public instruction when it receives a charter public school application, when it approves a charter public school, and when a charter public school is renewed or terminated.

(5) The maximum number of charter public schools allowed under this section does not include conventional public schools converting to charter public schools.

NEW SECTION. Sec. 19. A new section is added to chapter 41.56 RCW to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

This chapter applies to charter public schools as defined in section 2 of this act and the charter public school's employees included in the bargaining unit. The bargaining unit of employees of charter public schools must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. Sec. 20. A new section is added to chapter 41.59 RCW to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

This chapter applies to collective bargaining agreements between charter public schools and the employees of charter public schools included in the bargaining unit. The bargaining unit of employees of charter public schools must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

Sec. 21. RCW 41.59.080 and 1998 c 244 s 11 are each amended to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

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

(1) A unit including nonsupervisory educational employ-



COMPLETE TEXT OF Initiative Measure 729 (cont.)

ees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

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

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

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

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

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

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

(8) The bargaining unit of certificated employees of school districts, educational service districts, or institutions of higher education that are education providers under chapter 28A.193 RCW must be limited to the employees working as education providers to juveniles in each adult correctional facility maintained by the department of corrections and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education; and

(9) The bargaining unit for employees of charter public schools as defined in section 2 of this act must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. **Sec. 22.** A new section is added to chapter 41.32 RCW under subpart "Provisions applicable to plan I, plan II, and plan III" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter pub-

lic school teachers are members under this chapter.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such 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.

(3) "Charter public school" means the same as defined in section 2 of this act.

NEW SECTION. **Sec. 23.** A new section is added to chapter 41.35 RCW under subpart "Provisions applicable to plan II and plan III" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter public school employees other than teachers are members under this chapter.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such 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.

(3) "Charter public school" means the same as defined in section 2 of this act.

(4) This section takes effect September 1, 2001.

NEW SECTION. **Sec. 24.** A new section is added to chapter 41.40 RCW under subpart "Provisions applicable to plan I and plan II" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter public school employees other than teachers are members under this chapter. RCW 41.40.750 applies to charter public school employees who are not in plan I under this chapter on September 1, 2001.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such 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.

(3) "Charter public school" means the same as defined in section 2 of this act.

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

NEW SECTION. **Sec. 26. NEW CHAPTER IN TITLE 28A RCW.** Sections 1 through 18 and 25 of this act constitute a new chapter in Title 28A RCW.



COMPLETE TEXT OF Initiative Measure 729 (cont.)

NEW SECTION. **Sec. 27. SEVERABILITY CLAUSE.** 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. 28. INTEGRATION WITH OTHER STATUTES.** Within one year of the enactment of this act, the house of representatives and senate committees on education shall develop and recommend legislation, if any is necessary, to bring Title 28A RCW into compliance with this act. Any failure to pass any such legislation shall not, however, affect the validity and enforceability of this act.

NEW SECTION. **Sec. 29. CHOICE OF LAW.** If any provisions of this initiative are in conflict with the provisions of any other initiative enacted by the People at the same election, the provisions of this initiative shall be given precedence.



COMPLETE TEXT OF Initiative Measure 732

AN ACT Relating to an annual cost-of-living increase for K-12 teachers and other school employees and for community and technical college faculty and other technical college employees; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28B.50 RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The Washington Constitution establishes "the paramount duty of the state to make ample provision for the education of all children." Providing quality education for all children in Washington requires well-qualified and experienced teachers and other school employees. However, salaries for educators have not kept up with the increased cost-of-living in the state. The failure to keep up with inflation threatens Washington's ability to compete with other states to attract first-rate teachers to Washington classrooms and to keep well-qualified educators from leaving for other professions. The state must provide a fair and reasonable cost-of-living increase to help ensure that the state attracts and keeps the best teachers and school employees for the children of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.400 RCW to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase for the salaries, including mandatory salary-related benefits, of all employees of the district.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for all school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the state-wide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(d) Beginning with the 2001-02 school year, the state shall fully fund the cost-of-living increase in this section as part of its obligation to meet the basic education requirements under Article IX of the Washington Constitution.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "academic employee" has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with