



# Charter Schools

October 20, 2015

# Charter School Overview

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- ▶ I-1240 passed in 2012 allowing 40 charter schools to open in Washington over a 5 year period.
  - ▶ Charter schools are publicly funded schools that are independently managed by non-profits. In Washington, they are overseen by either the Washington State Charter School Commission or an approved school district.
- ▶ Currently, 9 schools are open, serving approximately 1,300 students:
  - ▶ 3 in Tacoma
  - ▶ 2 in Spokane
  - ▶ 2 in Seattle
  - ▶ 1 in Kent
  - ▶ 1 in Highline



# Who is served by charter schools?

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- ▶ Charter schools are free and open to all students
- ▶ Of the open schools:
  - ▶ 5 of the schools serve more students that qualify for free and reduced price lunch than the surrounding district.
  - ▶ 3 of the schools serve more ELL students than the surrounding district.
  - ▶ 2 of the schools serve more special education students than the surrounding district.
  - ▶ 8 of the schools serve more black students than the surrounding district.
  - ▶ 3 of the schools serve more Hispanic students than the surrounding district.



# Current Situation—Supreme Court Ruling

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- ▶ In September, the Supreme Court ruled that I-1240 is unconstitutional.
  - ▶ The majority opinion held that charter schools are not common schools, and, therefore, cannot be funded
    - ▶ Charter schools are not common schools because they are not under the control of locally elected boards
    - ▶ Because they are not common schools, they cannot access any funds designated for common schools
    - ▶ Because the common school funds are comingled with the general fund, there is no way to make sure they are not spent on charter schools
    - ▶ Therefore, charter schools cannot access any basic education allocation out of the general fund
  - ▶ The majority also held that the voters would not have passed an initiative without a funding source, so that part of the law is not severable, meaning the whole law is unconstitutional



# Current Situation—Supreme Court Ruling

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- ▶ **There was a dissenting opinion to the ruling**
  - ▶ Agreed that charter schools are not common schools
  - ▶ Disagreed that they cannot access funding from the general fund
    - ▶ Previous rulings have allowed the state to fund non-common public school programs from the general fund
  - ▶ Disagreed that voters would not have passed the initiative without a funding source



# Current Situation—Legal Proceedings

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- ▶ The Supreme Court sent its ruling back down to the King County Superior Court to determine how to implement
  - ▶ The King County Superior court will not take action until the Supreme Court has ruled on the additional motions filed.
- ▶ In response to the Supreme Court's rulings, two types of motions have been filed by the state and intervenors (defendants)
  - ▶ Motion for a stay that would allow the schools to stay open for the remainder of the school year
  - ▶ Motions asking for the Supreme Court to reconsider its ruling



# What happens to the schools and kids?

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- ▶ If the Supreme Court does not grant the stay or reconsider its decision, the schools will no longer be able to operate as charter schools
- ▶ Schools may have to
  - ▶ Close
  - ▶ Contract with a district to become an Alternative Learning Experience Provider
  - ▶ Convert to a private school
- ▶ Students may have to
  - ▶ Change schools mid-year
  - ▶ Stay in the school/alternative program for a year, then return to district school



# What can we do?

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- ▶ Individual partner organizations have been working to support the schools:
  - ▶ Legal filings
  - ▶ Advocacy
  - ▶ Research
- ▶ Going forward, support may include:
  - ▶ Work on a legislative fix
  - ▶ Work on a new initiative



# Questions?

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