

Charter school law before the Washington Supreme Court on Tuesday

By [Christina Salerno](#) | October 27, 2014 | 0 Comments
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The Washington Supreme Court will hear arguments Tuesday in a case that challenges the constitutionality of Initiative 1240, a measure approved by voters in 2012 that allows 40 public charter schools to open in Washington state over five years.

TVW will air the arguments live on **Tuesday, Oct. 28 shortly after 2 p.m.**

A coalition that includes the Washington Education Association, El Centro De La Raza and the League of Women Voters of Washington is seeking to have the charter school law declared unconstitutional.

The coalition writes in court filings that “education is the Legislature’s paramount duty” under Article IX of the state Constitution, and lawmakers must offer a “uniform basic education” though taxpayer-funded “common schools.”

The group argues the initiative diverts public funds for “experimental charter schools,” which it says are operated by private organizations and “not required to follow most of the uniform state laws” that apply to common schools. The schools are also outside the supervision of the Superintendent of Public Instruction, the coalition says.

State Attorney General **Bob Ferguson** wrote in response that plaintiffs are asking the court to “override the will of Washington’s voters based on an extreme, antiquated approach to Article IX.”

Ferguson wrote: “Moreover, plaintiffs ask this court to adhere rigidly to the framers’ supposed (but unstated) intent, while ignoring that the framers explicitly distinguished between ‘common schools’ and ‘high schools.’ Today, no one – not even plaintiffs – questions the legislature’s decision to classify high schools as common schools, and that Article IX is flexible enough to allow that classification.”

Read all the [court filings here](#).

A King County Superior Court judge last year upheld most of the charter school law, but ruled that some parts are unconstitutional. Judge **Jean Rietschel** [said in her ruling](#) that a “charter school cannot be defined as a common school because it is not under the control of the voters of the school district.” Since it is not a common school, she said it does not qualify for certain state money, such construction funds.

The Washington Supreme Court agreed to review the case.