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Editorial: Court timing woeful on charter school ruling; action needed

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The Washington Supreme Court dropped a bombshell just as excited students geared up to attend – or had already attended – charter schools around the state.

The charter school initiative adopted by voters three years ago is unconstitutional, the court said in a 6-3 ruling; therefore such schools cannot collect public money. So what was a leisurely Labor Day weekend for most, turned into an emergency for staff and families who had chosen an alternative public school model available in 41 other states.

We cannot fathom the timing of this ruling. The court heard the case last October and knew many people had devoted their lives to charter schools and that families were relying on them. The justices' indifference to the impact of their ruling on all parties, including students, is troubling.

The court ruled that charters are not “common schools,” because they’re not controlled by the public via elected school boards. The most important feature of a “common school,” according to court precedents, is “complete control” by the public, “for it carries with it the right of the voters, through their chosen agents, to select qualified teachers, with powers to discharge them if they are incompetent.”

Have *you* ever been consulted on teacher hirings and firings? In the just-completed labor negotiations between the various unions and Spokane Public Schools, did you feel like you were in complete control, or left in the dark?

We’re not sure what kind of control the court’s majority had in mind, but it appears to be leaning on an antiquated notion of the early settlers erecting a schoolhouse and finding a teacher. Or, as Lisa Macfarlane, state director of Democrats for Education Reform, wrote on her organization’s blog, “What century are we in?”

In any event, Spokane Public Schools *chose* to be a charter school authorizer, meaning it can reject or accept applications. SPS *chose* two schools that complement its offerings. The district’s elected school board can pull a school’s charter if the school isn’t measuring

up. So it's not clear why the two charter schools in Spokane should be harmed by this ruling. The court ought to offer clarity on this point.

The court's minority indicates there are ways the Legislature still could fund charter schools, so lawmakers should consider doing that. The Washington Charter School Association has raised enough money to get the state's 10 charter schools through this year, so the Legislature has time to explore solutions. It may not be a big enough issue for a special session, but legislative leadership and the governor should make it clear they are committed to finding a way for charter schools to survive.

If the schools can't be exact replicas of what the public voted for, make the necessary adjustments.

Just don't wait until the last minute.

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