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U.S.

Strike by Seattle Teachers Adds to School Turmoil in State

By **KIRK JOHNSON** SEPT. 8, 2015

SEATTLE — The union representing about 5,000 teachers and other workers in the Seattle public schools said Tuesday night that contract talks had broken down and that the first teachers strike here in 30 years would begin on Wednesday, which had been the first scheduled day of classes.

The union and the city had been far apart through a long holiday weekend of negotiations, but with the deadline looming for the opening bell of school, key questions over pay, staffing levels and student testing could not be resolved.

The strike promises to throw Washington's public school system, which was already struggling with a huge fight over funding, into even further turmoil.

Washington State's highest court declared last week that much of the law underpinning the new charter school system around the state was unconstitutional. The court set a 20-day clock, at which time the charter system could be dismantled — a step that legal experts said no other state court had ever taken. The State Supreme Court, the panel that struck down the charter law, last month began assessing \$100,000 a day in fines on the state until the Legislature comes up with a plan to better fund the system as a whole.

So even before the strike, charter schools like Summit Sierra School here in Seattle were struggling to understand their legal status.

“They’re sort of taking away our choice,” said Lashaunyce O’Cain, 14, a student at Summit Sierra, after raising her hand in a classroom discussion about what the court did “I want to be here,” she said.

The new order on charter schools, though it affects only nine schools around the state and about 1,200 students, will intensify that fight over money, people on both sides said, partly by introducing a new combatant into the ring. Parents, students and organizations that support publicly funded but privately managed charter schools are pledging to fight for funding alongside groups like teachers’ unions that want to save and bolster traditional schools. The two camps have sharply different goals, but both want something from the Legislature, which is split, with a Republican-led coalition controlling the Senate and Democrats in charge in the House.

“We are now firmly on that chess table,” said Thomas Franta, the chief executive of the Washington State Charter Schools Association.

Plenty of traditional schools were facing a rocky start. In addition to Seattle, at least three other school systems have struggled in contract talks this year. Teachers in Pasco are already on strike while teachers in Spokane were expected to vote on a new contract Tuesday. The South Whidbey district had reached an agreement and was ready to begin classes.

The charter school case was brought by the League of Women Voters of Washington, with parents, the teachers’ union and other groups. The court ruled that under the State Constitution, charter schools had to be run by a locally elected school board because they are operated with public money.

Mr. Franta said that he was optimistic that a political solution would be found to allow the charter schools to operate, and that he hoped Gov. Jay Inslee, a Democrat, would call a special session of the Legislature soon to tackle the public schools funding crisis more broadly. Mr. Inslee has not said whether he will do that.

Mr. Franta said in interview that the Charter Schools Association would keep its schools open regardless of court orders. But he said the political terrain had gotten tricky because with two giant education issues facing the Legislature, the pressure

would be immense to tackle them at the same time in a special session. “And doing them both at the same time is going to be more difficult,” he added.

Rich Wood, a spokesman for the Washington Education Association, a teachers’ union, said the new order simply made the underlying problem of the system more stark: “It’s a reminder that the state is failing its paramount duty to fully fund education.”

Teachers and their unions across the state have harped on that message for months, laying the groundwork for a larger conflict, even before Tuesday night’s strike declaration. Rallies were held in many communities to support or condemn members of the Legislature as budget bills to address the high court’s funding orders were being debated at the capital in Olympia.

In Seattle, teachers complained about six years with no state cost-of-living pay increase, even as the city began to boom with rising rents; five years with no state increase in funding for educator health care; and overwhelmed education aides who were not able to help students.

The Seattle Public Schools said on its website that it hoped for resumption of the talks, but that for now, parents and students would have to prepare for something not seen here in a generation.

“Bargaining teams for both sides have worked hard over the past months and practically round the clock in recent days,” the school system said in a statement. “We are hopeful talks can resume”

Some experts on school financing and state charter school laws said that they believed the Washington court defined public schools differently — the court cited a 1909 legal precedent requiring schools to be governed by locally elected boards — and that it was very unlikely that charter school foes could mount similar cases in other states.

But David Sciarra, the executive director of the Education Law Center, which advises lawyers on education financing cases, said the Washington ruling could foreshadow fights over charter school funding and how it affects traditional public

schools. Particularly in communities with large numbers of charter schools, legacy school districts struggle with declining enrollments that can lead to school closings and leave the remaining schools with students who often are the most difficult to educate.

Washington's education funding problem had already been focused on fairness and balance. In the overarching schools case, *McCleary v. State of Washington*, which led to the order last month on fines, the court said years of underfunding had created a patchwork of rich and poor, with some districts better able to raise taxes and money for their schools than others. The court said it would put the \$700,000 a week in contempt-order fines assessed on the state into an education fund and keep collecting the money until a new plan was approved.

In its new 6-to-3 ruling on the charter schools case, *League of Women Voters of Washington v. State of Washington*, the court said that public funding and local control were intertwined and enshrined in Washington law and that privately run charter school boards did not constitute that elected control.

"The fiscal impact of the initiative was merely to shift existing school funding from existing (common) schools to charter schools," the court said.

At the state commission created by a 2012 referendum to oversee the charter schools, meanwhile, officials are preparing to turn out the lights in 20 days.

"Four employees here, all laid off as soon as this ruling is final, including me," said Joshua Halsey, the executive director of the Washington State Charter Schools Commission.

Motoko Rich contributed reporting from New York.

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