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State AG will ask court to reconsider charter school ruling; governor says no special session



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State Attorney General Bob Ferguson said Friday he will ask the state Supreme Court to reconsider its Sept. 4 decision invalidating Washington's voter-approved system of charter schools.

But Democratic Gov. Jay Inslee said Friday he does not think it would be in the best interests of the state to call a special session of the Legislature on the charter issue.

"At this point, we don't have a final decision from the Supreme Court," Inslee said in a letter to legislators. He also noted that charter supporters are raising private funding to keep the state's nine charter schools open for the rest of the school year.

Inslee said in his letter that he opposed the charter initiative in 2012 because "I did not believe that public money belongs in schools that lack public oversight and accountability. That remains my position."

The attorney general will file the motion for reconsideration with the court by Sept. 24, according to a press release his office sent Friday.

Ferguson's news release didn't go into detail about what arguments he would make in the court filing. But it noted the Sept. 4 ruling affects not only charter schools "but also unnecessarily calls into question the constitutionality of a wide range of other state educational programs."

"These important programs range from Running Start to Washington State Skills Centers that provide career and technical education to high school students," the news release from the attorney general's office said.

Charter schools supporters have made similar arguments in recent days.

Washington voters narrowly approved charter schools with Initiative 1240 in 2012.

Nine charter schools currently operate in the state, eight of which began classes just a few weeks ago. Three of the schools are in Tacoma.

In its Sept. 4 ruling, the state Supreme Court said charter schools don't qualify as common schools under the state constitution and therefore can't receive public funding.

Key to the court's reasoning was that charter schools — unlike traditional public schools — are run by board members who are appointed rather than elected by the people.

Hugh Spitzer, an acting professor of law at the University of Washington, said the court is unlikely to reverse its ruling.

“Motions for reconsideration are not infrequent, but a reversal by a court is rare,” Spitzer wrote in an email. “I have seen it a couple of times in the past 25 years on matters that I worked on.”

Spitzer noted that the opinion was “firmly based in 100-plus years of previous court rulings, so odds are against a successful reconsideration.”



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