

State attorney general asks high court to reconsider charter school ruling

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Attorney General Bob Ferguson asked the state Supreme Court on Thursday to reconsider its ruling that Washington's new charter school law is unconstitutional.

"Regardless of one's feelings about charter schools, the Court's reasoning in striking them down raises serious concerns about other important educational programs," Ferguson said in a news release.

Among those, he said, are programs such as Running Start.

Ferguson filed a separate motion asking the court to delay the date its ruling goes into effect until the end of the school year, if it chooses not to reconsider.

"Given the significant impacts of this ruling on Washington students and their families, we are respectfully asking the Supreme Court to take another look at this decision."

One worry is how programs like Running Start, tribal compact schools and specialized skill programs could be affected by the ruling. The dissenting opinion in the court's 6-3 ruling Sept. 4 expressed similar concerns.

"Now there are some unintended consequences," said Nathan Olson, spokesman for the Office of Superintendent of Public Instruction. "They just put the funding for those programs in jeopardy."

The court ruled that charter schools, privately run and publicly funded, do not fall under the common schools definition in the state constitution and thus cannot receive tax dollars. Charter school boards are not elected officials.

That's why programs like Running Start may be in jeopardy.

“All of those operations are governed in the same way,” said Washington State Charter Schools Association CEO Thomas Franta.

Running Start allows high school students to attend colleges for up to 15 credits tuition-free.

Spokane Public Schools administrators and Eastern Washington University leaders disagree that Running Start programs are in jeopardy as a result of the court decision. The ruling would only impact EWU’s Running Start program if a charter student enrolled, said Melinda Ackerman, director of EWU’s Running Start program.

“The money follows the kid,” she said.

Kevin Morrison, Spokane Public Schools spokesman, agreed with Ackerman, and said school districts decide which universities to partner with for such programs.

“That argument legally didn’t have legs,” Morrison said regarding concerns about Running Start. “It’s still going from one public institution to another public institution.”

Spokane Education Association President Jenny Rose’s critique of charter schools falls along similar lines.

“It is levy money that’s used,” she said. “People pay their taxes and they have no, absolutely no, control over charter schools.”

Regardless of the eventual Supreme Court outcome, Spokane Public Schools officials said they’re considering a number of ways to keep charter schools open.

One possibility is to fold the charter schools in the district as choice schools, preserving their own individual mission statements, said Chief Academic Officer Steven Gering. Administrators are looking at how Boston schools handled a similar issue. He emphasized that any decision the district makes will hinge on the court’s decision.

If the charter schools were integrated, the district would oversee the school’s finances and other administrative duties. Currently, Spokane’s two charter schools operate as separate districts.

“The public is obviously looking for choices,” Morrison said.

Spokane Public Schools has been supportive of the charter initiative from the beginning. The district is a charter school authorizer, which means it reviewed charter applications and approved the two schools that were founded in Spokane.

The charter school initiative passed with 50.7 percent in 2012 and made Washington the 42nd state to approve charter schools.

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