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Editorial: Court fails to clarify charter school ruling

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About 400 students, parents and educators delivered impassioned testimony in support of Washington’s charter schools at a Thursday legislative hearing, while across the Capitol campus the state Supreme Court readied a decision that would ruin their day.

And Spokane Public Schools and its two charters were left in the dark, yet again, as to how the initial ruling pertains to their unique arrangement.

The timing mirrored the court’s Sept. 4 decision, issued just as the school’s were opening. The court ruled that the state’s nine charter schools were not “common schools,” and so cannot receive money from the general fund. The court was urged to clarify or reconsider its initial ruling because it caused considerable confusion and consternation.

In an extraordinary bipartisan move, the four living former attorneys general — Rob McKenna, Chris Gregoire, Slade Gorton, and Kenneth Eikenberry — collaborated on a brief calling for reconsideration.

Attorney General Bob Ferguson also wanted clarity. The ruling appeared to put programs such as Running Start, tribal compact schools and specialized skill programs into jeopardy because they aren’t run by elected boards.

The court also lumped Spokane’s two charter schools with those on the West Side, which were authorized by the Washington State Charter Commission, a board of unelected officials. However, Spokane Public Schools, which has an elected board, chose to become a charter school authorizer, which means the board had a role in deciding which charters would be approved.

But rather than starting over or clarifying its reasoning, the court, on a 5-4 vote, merely ruled that it wouldn’t reconsider, instead deleting without explanation the footnote pertaining to Running Start and other programs. That raises the question of why charter schools are treated differently on this point.

Why the court majority rejected Spokane’s arrangement also remains a mystery.

All of the dissenting justices agreed on the deletion of the footnote. Three justices wanted a full reconsideration of the case. Justice Mary Yu wanted clarification on the funding aspect.

“We should be open to modifying the language in our decision for the sake of clarity,” Yu wrote.

That’s reasonable, but without further action the ruling is set to become final on Dec. 14. The schools have enough private funding to last the school year.

The lack of clarity puts legislators in the ticklish position of trying to find a way to finance charter schools without being certain they’re avoiding legal land mines.

Fortunately, several key legislators, including the Senate Republicans’ budget writer, Sen. Andy Hill, is willing to try. He and other believe there are ways to segregate funds so that charters aren’t receiving money reserved for common schools.

Charter schools are worth preserving. Just read the testimony of the people who traveled to Olympia, or ask the students, parents and educators at Spokane International Academy and Pride Prep.

They’re sure to give you a clear response.

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