

Legislature must fix charter school law to court's satisfaction

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The Washington Supreme Court did give some thought to September's ruling that deemed unconstitutional the state's voter-approved charter school law. But the thought process didn't go far enough, and the Legislature needs to step in and make the charter school setup comply with the court's wishes.

The court did take steps earlier this month to ease some concerns about the ruling's possible impact; unfortunately, the justices decided that they will not reconsider the ruling despite the entreaties of Attorney General Bob Ferguson and former state Supreme Court Justice Phil Talmadge, among others.

The nine-member court wasn't totally tone-deaf to the arguments of charter school advocates. Four justices did say they wanted to reconsider — meaning one justice had second thoughts about September's 6-3 ruling. They also removed one footnote that may have endangered valuable programs like Running Start and tribal schools.

A charter school is a public school that is open to all students but operates independently of school district management and administrative rules. The court, citing precedent in a 1909 ruling, said the state's "common schools" fund can be spent only by locally elected school boards, not the nine members of the Washington State Charter School Commission, who are appointed by the executive and legislative branches. The state has nine charter schools that serve about 1,200 students.

Charter schools operate in more than 40 states, but they have never been an easy sell in Washington. Starting in 1996, the state's voters rejected three charter school ballot measures before approving Initiative 1240 in 2012 with a narrow 50.7 percent yes vote,

The program is narrow in scope; the tightly drawn law allows a maximum of eight schools a year for five years, but even that's too many for the teachers' union leaders and other opponents that brought the lawsuit. Other states have had problems with charter schools, and the institutions' success depends on how they are implemented. But they can be valuable laboratories to determine what works in public education, and the state is missing out if efforts to shut down the program succeed.

For the sake of the students, parents, educators and community members who have invested their time and toil to set up the schools, the program needs to be allowed to succeed or fail on its own merits. A bipartisan group of lawmakers in the House and Senate is working on a bill that would allow the schools to receive state funding. This is a welcome development, and we hope this effort succeeds when the Legislature convenes in January.

Coincidentally — or not — the court's decision against reconsideration came the same day that charter school students testified before a joint state Senate committee about

the benefits of the schools. The focus needs to turn away from political interest of opponents and toward the educational interests of our state's students.

- Members of the Yakima Herald-Republic editorial board are Sharon J. Prill, Bob Crider, Frank Purdy and Karen Troianello.