

EDUCATION JANUARY 8, 2016 5:35 PM

Charter school supporters, lawmakers look to overcome court-issued hurdles

HIGHLIGHTS

Parents, students and private donors swing into action

Charters reorganize under homeschool, alternative learning models

Tacoma officials register objections





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Tacoma mom Amouret Lara has some busy weeks ahead.

She and other parents from Destiny Charter Middle School in Tacoma have at least 19 meetings scheduled with lawmakers in Olympia as the 2016 legislative session opens Monday.

They're battling for the survival of charter schools, in the wake of a state Supreme Court ruling that declared Washington's charter school law unconstitutional.

"We have been reaching out to all our senators and representatives, keeping a bug in their ear as far as charter schools, and what they have done for our children," Lara said.

ADVERTISING



Ever since the court overturned the voter-approved charter law in September, supporters have been scrambling to keep the doors open for the state's nine charter schools. Three of the nine are in Tacoma.

“We are taking it one day at a time, one week at a time, one month at a time,” said Thelma Jackson, who chairs the board for the SOAR Academy charter school, located in Tacoma’s Hilltop neighborhood. “And we are trying to keep everybody’s focus on the children.”

State funding for charters continued through the fall as attorneys filed requests for the court to take another look at its September decision. But in November, the court declined to reconsider. That eventually stopped the flow of state funding that had been guaranteed under the charter law, as well as some federal funding.

None of the charters was willing to fold halfway through the school year, however. So they have been raising private funds and exploring alternatives to keep their doors open.

Two high schools operated by the California-based Summit charter management organization, Summit Olympus in Tacoma and Summit Sierra in Seattle, opted to have their students register as home school students.

The two high schools have been rechristened as “tutoring centers” staffed by Summit teachers. But the educational offerings remain the same, Summit officials say. This week, Summit Olympus students were out in the Tacoma community on what are known as “expeditions,” learning drama, digital media arts, drumming, culinary arts, sports and more through Metro Parks Tacoma.

Jen Wickens, chief regional officer for Summit Washington, said the homeschool plan is a “temporary stopgap measure” designed to keep the school operating “while we wait for the Legislature to support our families and support the will of the voters to reinstate the public charter school law.”

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WE EXPECT YOUR BOARD TO RESPECT OUR AUTHORITY ...

Tacoma School Board President Karen Vialle, to the Mary Walker School District

Both SOAR and Destiny have chosen another route, which raised objections from Tacoma School District officials.

Those two schools, along with four other charters elsewhere in the state, have contracted with tiny Mary Walker School District in Stevens County, north of Spokane.

They are operating as alternative learning experience (ALE) programs, a state option that allows local school districts to run programs like online schools and other alternatives. According to the Office of the Superintendent of Public Instruction, the most important distinction between ALE and other state-funded education is that with ALE the learning occurs “in whole or in part independent from the regular classroom setting or schedule.” But it can include classroom as well as online instruction.

The key component, as far as the charters are concerned, is that unlike home-schoolers, ALE programs receive per-pupil state funding — just more than \$6,000 per student. That’s equivalent to the amount of funding community colleges get for Running Start high school students.

The ALE-charter students become, for state purposes, enrolled in the Mary Walker district — which has only about 500 students of its own. Mary Walker receives the funding, keeps a 4 percent administrative fee, then sends the rest to the charters.

Kevin Jacka, the Mary Walker superintendent, was formerly a member of the state Charter School Commission but resigned when it became apparent that charters needed an ALE district sponsor.

Mary Walker has no charters within its borders.

“I am a supporter of education opportunities, and the best opportunities for students,” Jacka said.

But where charters and Mary Walker see opportunity, Tacoma officials see red.

Throughout December, a flurry of emails were sent between officials from OSPI — which offered to help charter students transition to ALE status — and Tacoma Public Schools, Seattle Public Schools and Highline Public Schools, which all have charters within their boundaries.

In order for charter students to enroll as ALE students, they must obtain a “release” from the district in which they reside. When OSPI offered to expedite the process and wrote emergency regulations to speed things up, Tacoma said, essentially, “thanks, but no thanks.”

Superintendent Carla Santorno wrote that Tacoma wanted to continue to process release requests according to its own policies. In addition, Tacoma officials expressed concern that Tacoma could now be legally obliged to provide special education services to charter students at district expense.

Finally, Tacoma officials contend that for Mary Walker to operate a program here, it needs an interlocal agreement with Tacoma. Mary Walker proposed one, but Tacoma board members — most of them outspoken charter school critics — haven't signed off. The Tacoma board is scheduled to meet again Thursday.

In a letter sent this week to the Mary Walker School Board, Tacoma School Board President Karen Vialle said, "Our understanding is that the Mary Walker School District ... intends to have the former charter schools provide services under contract — under the guise of an Alternative Learning Experience — and requires the Tacoma School District's approval to accomplish this."

Vialle said Tacoma believes there is "no lawful basis" for Mary Walker to register Tacoma students, and she also criticized OSPI, saying it had no statutory authority to support its emergency rules.

"We expect your board to respect our authority as elected officials to make decisions related to what is best for the Tacoma School District," Vialle's letter to Mary Walker stated.



THE SUPREME COURT DIDN'T SAY CHARTER SCHOOLS ARE GOOD OR BAD.

Sen. Andy Hill, R-Redmond

Charter supporters, like spokeswoman Cynara Lilly of Act Now for Washington Students, view the ALE arrangement as a "temporary patch" designed to see the state's 1,100 charter kids through to the end of this school year. They are hopeful that lawmakers will be able this session to fix what the court said was wrong with the charter law approved in 2012.

Lilly said charter supporters are disappointed over Tacoma's reaction to the temporary patch.

“We are hopeful that the district will stand down,” she added.

Meanwhile, lawmakers are already proposing remedies.

The court said that charter schools could not be considered part of Washington’s system of “common schools” because they were operated by appointed boards, rather than elected ones. Further, the court ruled that failure to qualify as common schools disqualified charters from receiving funding designed for the state’s common school system.

A bipartisan bill proposed by Spokane Sens. Andy Billig and Michael Baumgartner would put charters under the authority of local school districts. Charters would have to negotiate with districts for the freedom to innovate. That arrangement is already at work in Spokane, where the school district authorized the opening of two charter schools.

But Spokane was the only district in the state to do so. Other districts such as Tacoma considered going that route, but decided not to. So charters in Seattle, Tacoma and elsewhere had to apply and be approved by the appointed state Charter School Commission.

Charter supporters say they welcome any legislative support for charters, but they fear the proposal from the Spokane lawmakers would leave Spokane as the only city with charter schools.

They are more enthusiastic about a proposal in the state Senate by Republican Steve Litzow and others. It would keep much of the 2012 charter law intact — including its provision for a statewide charter authorizer — but avoid the funding problem by drawing money from the state’s Opportunity Pathways Account. It is fueled by state lottery revenues that are not restricted to “common schools.”

“The Supreme Court didn’t say charter schools are good or bad,” said Senate budget writer Andy Hill, R-Redmond. “It said the way the initiative paid for them is incorrect. It’s basically a glitch in the initiative, and it should be a fairly straightforward fix.”

Added Hill, “It’s not uncommon for us to fix initiatives.”

House Democratic leaders are more skeptical. House Speaker Frank Chopp said part of the issue is that the schools aren’t publicly governed, and fiddling with how they’re funded doesn’t fix that, in his view. The Seattle representative said he favors a model in which charter schools operate under the auspices of school districts as alternative programs.

Charter supporters hope to keep the pressure on lawmakers to act. Students and parents have already delivered hand-written postcards and home-baked cookies with their pro-charter messages. They'll be operating phone banks during the session.

They've been assisted by the Act Now coalition of charter supporters, which sponsored pro-charter TV ads that aired during a December Seattle Seahawks game and has sent mailings to voters' homes. A political action committee, WA Charters PAC, contributed to the campaign accounts of 24 lawmakers it dubs "charter champions" before the legislative fundraising deadline in December. Altogether, the donations totaled more than \$20,000. The PAC has pledged, with the help of other education reform groups, to raise more than \$500,000 by the end of the legislative session.

Parents like Amouret Lara are hoping lawmakers will find a way to keep Washington charters alive for students like her daughter, kids who were "falling through the cracks" in traditional public schools but are now enjoying success in charters.

Lara said her daughter struggled through a tearful year of fifth grade in her traditional public school, where she was below grade level in reading and often begged her mom to let her stay home.

"Since she's been at Destiny, it's been a complete turnaround," Lara said. "She's there every day at 8 a.m., she's there every day for after-school programs until 5 p.m., and she can't wait to go back."

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