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State Senate votes to continue charter schools

HIGHLIGHTS

Would permit charter schools to operate after court declares them unconstitutional

Would fund the privately run schools with state lottery money

Opponents say Legislature should focus on fully funding all public schools, not just charters

BY MELISSA SANTOS
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The state Senate approved a measure Wednesday that aims to keep charter schools open, despite a September court ruling that declared them unconstitutional.

The proposal, Senate Bill 6194, would pay for charter schools through state lottery revenues, instead of through tax revenues that feed the state's general fund.

The bill's supporters said changing the funding source for the schools — which are publicly funded, but privately managed — would resolve problems that caused the state Supreme Court to strike down Washington's charter school law in 2015.

But the bill's opponents said it wouldn't address the biggest problem raised by the court: that charter schools aren't run by publicly elected boards, but by boards that are appointed.

Because of that issue, the court said, charter schools don't qualify as common schools under the state constitution and therefore can't be funded the same way as other public schools.

Sen. Steve Litzow, R-Mercer Island and the sponsor of the legislation, said the bill agrees with the court's ruling and therefore seeks to classify charter schools as "uncommon schools" that don't rely on constitutionally protected funds.

He said charter schools are particularly useful in helping educate minority students and those who come from low-income families, and that those families deserve to have additional choices.

"We have great schools. We have some great teachers," Litzow said. "But over the last 25 years, we know it doesn't work for everyone."

The bill passed the Senate on a 27-20 vote, with most of the chamber's Democrats opposing it.

Sen. Andy Billig, D-Spokane, said the bill sets up another court challenge over the state's charter school law, which voters approved by passing Initiative 1240 in 2012.

In particular, Billig said, the bill doesn't solve the problem of charter schools being privately run, despite receiving public funding. He predicted the court would strike it down, should it become law.

“It will not hold up,” Billig said. “It is just going to create more uncertainty.”

Several Democrats said the Legislature should instead focus on fully funding the state’s public schools system, which serves about 1 million students. The state is currently in contempt of court over its failure to deliver a plan to fully fund schools by 2018, as the state Supreme Court has ordered in the McCleary case.

Legislators estimated about 1,200 students attend the state’s eight charter schools, three of which operate in Tacoma. One in Seattle converted to a private school after the Supreme Court’s ruling.

Litzow said that allowing the state’s current charter schools to remain open, plus allowing up to 40 new charter schools statewide to open in the next five years, won’t compromise the Legislature’s ability to address its other school funding obligations. “We can do more than one thing,” he said.

The state currently operates more than 2,300 public schools that aren’t charters.

Some senators said they would like to see many more charter schools open in the future, along with fewer educational mandates coming from state government.

“Let’s have charter districts,” said Sen. Doug Ericksen, R-Ferndale. “Let’s have teachers who are free to go out and do their jobs, free of the bureaucratic nightmare that comes from Olympia.”

The bill now heads to the state House, which has a slim Democratic majority. Leaders there have expressed concerns that charter schools need to be operated under the umbrella of public school districts for them to be constitutional.

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