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## Washington Senate passes measure to fix charter school funding

By Rachel La Corte  
Associated Press

OLYMPIA — The state Senate moved quickly Wednesday to pass a bill that seeks a legal fix to the state's charter schools in light of a state Supreme Court ruling that found the system unconstitutional.

The chamber passed Senate Bill 6194 on a 27-20 vote, and the measure now heads to the House. The bill mirrors the voter-approved 2012 initiative that created charter schools, with a change in the way the schools are financed.

The bill would fund charter schools through the state's Opportunity Pathways Account, which has revenue from the state lottery. The charter system previously received money from the same place as traditional public schools, but the Supreme Court ruled that unconstitutional last fall.

In striking down the charter school law, the high court took issue with charter schools being supported with money from the state's general fund but governed by a board not elected by residents.

The court said charter schools do not qualify as "common" schools under Washington's Constitution and cannot receive public funding intended for those traditional public schools.

Sen. Steve Litzow, R-Mercer Island, said the bill agrees that the charter schools aren't common schools and wouldn't pay for them out of the general fund.

Instead, he said, they would be considered "uncommon schools" paid for with money from the lottery account, which is not restricted to common schools.

But opponents of the measure argued that constitutional questions surrounding charters schools would still remain even if the bill were enacted.

After the vote, Sen. Andy Billig, a Democrat from Spokane, said that money is just being shifted around and that ultimately the court will still take issue with the funding structure.

Litzow disagreed, saying the lottery money was a wholly separate fund, and said he was confident the measure would hold up in court if it was challenged.

Washington has eight open charter schools. The ninth school switched back to being a private school after the Supreme Court ruling. The eight schools will remain open through at least the end of the school year. None is on the North Olympic Peninsula.

Sen. Pramila Jayapal, a Democrat from Seattle, argued that the Legislature shouldn't be addressing charter schools while the state remains under a contempt order from the state Supreme Court, which has not been happy with the Legislature's progress on another one of its rulings.

In a 2012 ruling, known as the *McCleary* case, the court said the state was not meeting its paramount duty to fully fund basic education.

"There is a systematic disinvestment in our public school system in this state," she said.

"We can't substitute a solution on 1,200 kids in charter schools when we have not even begun to have a real discussion in this body about how we address the million kids around the state."

During debate on the floor, Sen. Bruce Dammeier, R-Puyallup, cited testimony lawmakers heard from charter school students during public hearings on the bill.

He noted many of the children at these schools were disadvantaged students who had trouble in traditional schools but improved dramatically at charters.

"We cannot turn our back on these children when they are getting a successful education," he said.

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