

Latest charter-school fight plays out in King County courtroom

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The ongoing legal battle over the state's charter-school law continued Friday in King County Superior Court.

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The state's charter schools are well into their second school year, but they still remain in legal limbo with a lawsuit challenging their constitutionality before a King County Superior Court judge.

Judge John Chun heard oral arguments Friday in the most recent lawsuit filed by a coalition of parents, educators and civic groups. Attorneys for both sides made arguments that echoed the ones made in the first suit, focusing on whether charter schools can receive public funding under Washington's constitution.

Chun is expected to rule in February, though the decision is likely to be appealed.

Charter opponents won the first lawsuit, with the state Supreme Court ruling in 2015 that the charter school initiative's funding mechanism violated the state constitution because charter schools don't fit the definition of "common schools" and thus can't receive certain state funds.

The state's eight charter schools are public schools, open to any student, but are run by private organizations, and have much more flexibility than other public schools.

In response to the Supreme Court's decision, Washington lawmakers passed a new law in March 2016 to fund charters through lottery proceeds.

So charter opponents sued again, led by a coalition that includes El Centro de la Raza, the League of Women Voters and the Washington Education Association, the state's largest teachers union. The coalition alleges that the new law is still unconstitutional because, they claim, it still diverts restricted common school funds to charters.

While coalition lawyer Paul Lawrence argued that charter schools don't fit that "definition of a common school," Assistant Attorney General Aileen Miller argued that charter schools are public schools, and students can move between charter schools and other public schools and usually transfer most, if not all, their credits.

When Chun asked Lawrence if charter schools deny Washington children access to common schools, Lawrence said yes, because charter schools take away resources from other public schools.

Supporters argue that charters help students who have been underserved in other public schools. Parent Shirline Wilson said her son struggled at his past schools, but at Rainier Prep, a charter, teachers focus on his social and emotional needs. The legal battle is frustrating, she said before the hearing, because she would rather be putting all her energy toward campaigning in Olympia for increased funding for all public-school students. But she feels optimistic about charter schools' survival, especially after seeing how well her own 12-year-old has done.

After the first ruling, charter schools had to scramble to stay afloat financially — and succeeded with help from supporters like the Bill & Melinda Gates Foundation.

This story, originally published Jan. 27, has been corrected. Lawyers defending the state in a lawsuit over charter schools said charters are an alternative type of public school, not a “common school.” The story also clarifies that students who move from charters to other public schools can usually transfer most, if not all of their credits. Finally, the story clarifies that the lawsuit centers on whether charters can receive public funding raised through the state lottery.

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