

Calls for quick legislative fix after charter-school ruling

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Freshman Teiji Burrus, 14, stands with his parents, Tim and Sheila, outside Summit Sierra Charter School in the Chinatown International District on Saturday. Burrus' parents hope the school will remain open despite the court's ruling. (Lindsey Wasson/The Seattle Times)

Parents, politicians and lawyers huddled to figure out next steps in the wake of the court decision making Washington the first state to strike down charter schools entirely.

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When freshman Teiji Burrus begins his fourth week of classes Tuesday at the new Summit Sierra Charter School in Seattle, he won't know if his inaugural class will also be the last.

Late Friday afternoon, the state Supreme Court struck down as unconstitutional the 2012 law that allowed his school, and eight others so far in the state, to operate with taxpayer dollars, even though their boards aren't elected.

The court's long-awaited ruling — the first in the nation to strike down charter schools in their entirety — shocked parents, advocates, legislators, lawyers and government officials who huddled in the midst of the Labor Day weekend to figure out what happens next.

While many parents may be wondering whether they will need to quickly find another school for their children, officials questioned whether a legislative fix might at least buy some time.

Burrus' parents, among the families of 1,200 students affected by the court's decision, were hopeful that somehow their son's school would stay open.

"I feel like this is the first time in many years that my child is getting the education he deserves," Sheila Burrus said Saturday. "I don't want that to just go away and have him be another number in another public school."

The parties have 20 days to ask the court for reconsideration before the ruling becomes final and wipes out the law voters narrowly approved three years ago.

That leaves little time for schools to decide whether to close or try to survive without state funding.

State Sen. Steve Litzow, R-Mercer Island, said Saturday he will recommend that the Senate Majority Coalition Caucus call on Gov. Jay Inslee to bring legislators back into a special session immediately.

"Let the kids finish the year out and give the Legislature time to figure out a solution," said Litzow, chairman of the Senate education committee. "But we don't want to do this in such a way that the kids, once again, are getting hurt in the crossfire of a political move."

The National Alliance for Public Charter Schools also Saturday urged Inslee to call a special legislative session.

“The governor is, I think, on an airplane now coming back from Japan, but his staff has been talking to the Attorney General’s Office since yesterday,” said his spokesman, David Postman, on Saturday afternoon. “It would be great if everybody wanted to give up their Labor Day weekend ... but it’s not practical.”

The Washington State Charter School Commission also conferred with the Attorney General’s Office on Saturday, but many questions remain, said Joshua Halsey, the commission’s executive director.

“In all likelihood, in 20 days we’re going to need to look at how do we close things down,” Halsey said.

The commission’s procedures for closing schools can take 15 to 30 days, so the commission and the schools will have to decide soon what to do.

No school has received state money yet — the first payment was due at the end of September — except First Place Scholars in Seattle, a private school that became a charter and opened last year.

The commission figures it would take \$14 million to operate the seven schools it has approved in the Seattle-Tacoma area for the coming year, which may include some philanthropic support.

Parents on Saturday were still hopeful that something could be worked out.

Katherine O’Neal, of Bellevue, said she has learned from her three children that each child’s classroom needs are different.

Her son, Elijah, for example, doesn’t do well sitting, listening to lectures and taking notes in class, she said. Even in Bellevue, which has some of the best-performing public schools in the area, O’Neal wanted a different option for her son.

Not able to afford to send Elijah to a private school such as University Prep, where she works, O’Neal started looking into charter schools, which she voted for in 2012. Finding Summit Sierra and seeing her son’s excitement after an open house, they decided it was a perfect fit.

Elijah is camping this weekend, and O’Neal is not looking forward to telling him the news. Still, she says she is optimistic.

“I think charter schools are here to stay,” O’Neal said. “While this may be a setback, it is going to happen because clearly the public school system is not serving all of the students equally well.”

Some are more worried.

Jen Hey, of Seattle, said she is trying to have faith that everything will work out. Otherwise, she says, she will probably move.

“I love Washington, I was raised here,” said Hey. “But the fact that we are behind in the education system is a huge disappointment.”

Hey saw a flier for Summit Sierra at a Starbucks in December. Knowing she didn’t want her 14-year-old son Mark to go to a traditional high school, she started researching charter schools and went to an information session in February. She was quickly persuaded and let Seattle Public Schools know Mark would not be attending Chief Sealth International High School in the fall.

Lynn Gilliland, whose daughter is also enrolled at Summit Sierra, said she thinks the governor “should call a special session and have the Legislature come in and write a charter law that would solve the issues.”

But first, lawmakers will have to figure out what the ruling means.

In the 6-3 decision, Chief Justice Barbara Madsen wrote that charter schools aren’t “common schools” as defined in the state constitution because they’re governed by appointed rather than elected boards. All the justices agreed.

They disagreed about whether the Legislature could use the state’s general fund to pay for charter schools.

The case will be sent back to King County Superior Court for “an appropriate order.”

State Rep. Gerry Pollet, D-Seattle, said Saturday he would oppose a special legislative session to rescue schools that have been ruled unconstitutional.

He also criticized the state charter commission for not doing more to prepare parents for the possibility that the Supreme Court would overturn the charter-school law.

“It was totally irresponsible of the commission to proceed to have the schools open and not even have a communication and fallback plan ... for what was a clearly possible outcome,” Pollet said.

However, Greg Richmond, president and CEO of the National Association of Charter School Authorizers, disagreed, noting that 42 states and the District of Columbia all allow charter schools.

“Every state has its own laws, but there is a national track record on this,” said Richmond, whose organization helped the commission evaluate applicants to run charter schools.

“If it were a case where you were seeing other states invalidate charter-school laws, then you would have been prudent to be more cautious,” Richmond said. “But these exact same issues have been raised in other states and the courts have never invalidated charter schools because of them.”

The Burrus family and other Summit Sierra parents got an email Friday night from the school’s executive director saying classes will continue for the time being.

Parents are invited to the school Tuesday morning to discuss the next moves.

Burrus plans to be there, ready to make phone calls and write letters.

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