

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Apr 29, 2014, 10:02 am
BY RONALD R. CARPENTER
CLERK

No. 89714-0

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bjh

SUPREME COURT OF THE STATE OF WASHINGTON

LEAGUE OF WOMEN VOTERS OF WASHINGTON, a Washington non-profit corporation; EL CENTRO DE LA RAZA, a Washington non-profit corporation; WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS, a Washington non-profit corporation; WASHINGTON EDUCATION ASSOCIATION, a Washington non-profit corporation; WAYNE AU, PH.D., on his own behalf; PAT BRAMAN, on her own behalf; DONNA BOYER, on her own behalf and on behalf of her minor children; and SARAH LUCAS, on her own behalf and on behalf of her minor children,,

Appellants,

v.

STATE OF WASHINGTON,

Respondent.

**JOINT REQUEST TO
SUPPLEMENT THE
RECORD WITH A
STIPULATION OF
ADDITIONAL FACTS**

*4-29-2014: The
request to supplement
the record is granted.
Susan A. Calkins
Deputy Clerk*

Appellants League of Women Voters of Washington, El Centro de la Raza, Washington Association of School Administrators, Washington Education Association, Wayne Au, Ph.D., on his own behalf, Pat Braman,

on her own behalf, Donna Boyer, on her own behalf and on behalf of her minor children, and Sarah Lucas, on her own behalf and on behalf of her minor children (“Appellants”), Respondent State of Washington (“Respondent”), and Intervenors Washington State Charter Schools Association, the League of Education Voters, the Ducere Group, Cesar Chavez Charter School, Initiative 1240 Sponsor Tania de Sa Campos, and Matt Elisara (“Intervenors”), by and through their respective counsel, hereby request that the Court exercise its discretion under RAP 18.8(a) to serve the ends of justice and supplement the record on review with the following stipulated facts reflecting implementation of the Charter School Act since the filing of cross-motions before the trial court.

JOINT STIPULATION

The parties agree and stipulate as follows:

1. Subject to approval by the Court, the facts in this stipulation may be received into the record in lieu of further proof or evidence.

Timing of Charter School Act Implementation

2. On January 22, 2014, Spokane Public Schools authorized one charter school. The anticipated start date of that school is the Fall of 2015.

3. On January 30, 2014, the Washington State Charter School Commission authorized seven charter schools. The anticipated start date of one of those schools is the Fall of 2014; the remaining six schools' anticipated start date is the Fall of 2015.

4. The approved charter schools must satisfy a number of pre-opening conditions that are conditions precedent to the school opening. As such, it is uncertain whether all of the charter schools that were authorized will open.

5. The five-year term of each school's charter contract does not commence until the school's first day of operation (*i.e.*, the date the school opens).

6. Charter schools are not eligible to receive public funds before the first day of operation (*i.e.*, the date the school opens).

7. The State Board of Education prepared the following chart that sets out the timelines established in WAC 180-19-020 and 080:

Charter Authorizer Applications	2013 only	2014 forward
District notice of intent to submit authorizer application	April 1, 2013	Oct. 1
SBE posts district authorizer application	April 1, 2013	Oct. 1

Closing date for authorizer applications to SBE July 1, 2013 Dec. 31

Closing date for SBE decisions on authorizer applications	Sept. 12, 2013	April 1
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Last date for all authorizers to issue RFPs	Sept. 22, 2013	April 15
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School notice of intent to submit application Oct. 22, 2013 June 15

Closing date for charter application submissions	Nov. 22, 2013	July 15
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Closing date for authorizer approval or denial of applications Feb. 24, 2014 Oct. 15

Last date for authorizers to submit report of action	March 6, 2014	Oct. 25
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Enrollment and Budget Projections for Authorized Charter Schools

8. In their applications, the charter schools that were authorized prepared projections of student enrollment per year over the five-year term of the charter contract. The charter schools' projected student enrollments are as follows:

- a. Excel Public Charter School
 - i. *Year 1* – 150 students in grades 6-7

- ii. *Year 2* – 225 students in grades 6-8
 - iii. *Year 3* – 300 students in grades 6-9
 - iv. *Year 4* – 375 students in grades 6-10
 - v. *Year 5* – 450 students in grades 6-11
- b. Rainier Prep
- i. *Year 1* – 216 students in grades 5-6
 - ii. *Year 2* – 316 students in grades 5-7
 - iii. *Year 3* – 416 students in grades 5-8
 - iv. *Year 4* – 408 students in grades 5-8
 - v. *Year 5* – 400 students in grades 5-8
- c. First Place Public Charter
- i. *Year 1* – 98 students in grades K-5
 - ii. *Year 2* – 112 students in grades K-5
 - iii. *Year 3* – 126 students in grades K-5
 - iv. *Year 4* – 140 students in grades K-5
 - v. *Year 5* – 154 students in grades K-5
- d. SOAR Academy
- i. *Year 1* – 104 students in grades K-1
 - ii. *Year 2* – 154 students in grades K-2
 - iii. *Year 3* – 204 students in grades K-3

- iv. *Year 4* – 250 students in grades K-4
- v. *Year 5* – 300 students in grades K-5
- e. Green Dot Public Schools
 - i. *Year 1* – 200 students in grade 6
 - ii. *Year 2* – 400 students in grades 6-7
 - iii. *Year 3* – 600 students in grades 6-8
 - iv. *Year 4* – 600 students in grades 6-8
 - v. *Year 5* – 600 students in grades 6-8
- f. Summit Public Schools, Sierra
 - i. *Year 1* – 120 students in grade 9
 - ii. *Year 2* – 230 students in grades 9-10
 - iii. *Year 3* – 340 students in grades 9-11
 - iv. *Year 4* – 443 students in grades 9-12
 - v. *Year 5* – 448 students in grades 9-12
- g. Summit Public Schools, Olympus
 - i. *Year 1* – 120 students in grade 9
 - ii. *Year 2* – 230 students in grades 9-10
 - iii. *Year 3* – 340 students in grades 9-11
 - iv. *Year 4* – 443 students in grades 9-12
 - v. *Year 5* – 448 students in grades 9-12

- h. Pride Prep Charter
 - i. *Year 1* – 120 students in grades 6-7
 - ii. *Year 2* – 180 students in grades 6-8
 - iii. *Year 3* – 270 students in grades 6-9
 - iv. *Year 4* – 360 students in grades 6-10
 - v. *Year 5* – 450 students in grades 6-11

9. In their applications, the charter schools that were authorized prepared projected budgets in which they assumed that they would receive state per pupil allocations in the following amounts:

a.	Basic Education	\$5,297.00
b.	Special Education	\$5,048.00
c.	Learning Assistance Program	\$466.00
d.	Transitional Bilingual	\$891.00
e.	Highly Capable	\$9.00
f.	Transportation	\$381.00

10. These per pupil allocation assumptions were applied to the projected number of students for each of the charter school's five operating years based on assumptions about the student mix that would attend the charter school.

11. These budget projections and associated assumptions may

not be accurate. The charter schools may never open. The charter schools may not attract the number of students projected, or the assumptions about student mix may not bear out.

12. The charter school budgets also include projections about non-governmental funding sources such as donations and grants. Those charter schools anticipate receiving the non-governmental funding in the following amounts:

- a. Excel Public Charter School – \$575,000 from fundraising for the first year.
- b. Rainier Prep – \$300,000 from fundraising in the first and second years (combined).
- c. First Place Public Charter – \$1.7 million from philanthropic contributions and grants; \$100,000 in earnings and investments.
- d. SOAR Academy – \$200,000 from fundraising in the first year.
- e. Green Dot Public Schools – \$4.2 million grant that has already been awarded.
- f. Summit Public Schools, Sierra – \$1.5 million grant that has already been awarded.

g. Summit Public Schools, Olympus – \$2.5 million grant that has already been awarded; and \$100,000 donation that has already been secured.

h. Pride Prep Charter – \$500,000 from fundraising.

Education Programs at Approved Charter Schools

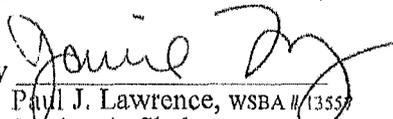
13. All of the authorized schools proposed to operate for at least 180 days and 1,000 hours. Some also proposed to offer an extended school day. Specific proposals are:

- a. Excel – 193 days; 1,500 hours.
- b. First Place – 182 days; 1,547 hours.
- c. Green Dot – 190 days; 1,170 hours.
- d. Rainier Prep – 188 days; 1,448 hours.
- e. SOAR Academy – 185 days; 1,421 hours.
- f. Summit Olympus – at least 180 days; 1,080 hours.
- g. Summit Sierra – at least 180 days; 1,080 hours.
- h. PRIDE Prep -- 190 days; 1,260 hours.

IT IS SO STIPULATED, this 25th day of April, 2014.

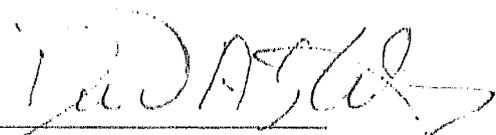
PACIFICA LAW GROUP LLP

By


Paul J. Lawrence, WSBA # 13357
Jessica A. Skelton, WSBA # 36748
Jamie L. Lisagor, WSBA # 39946

Attorneys for Appellants

ROBERT W. FERGUSON
ATTORNEY GENERAL

By 

David A. Stoler, WSBA # 24071
Rebecca R. Glasgow, WSBA # 32886
Colleen G. Warren, WSBA # 16506
Aileen B. Miller, WSBA # 27943

Attorneys for Respondent

DAVIS WRIGHT TREMAINE LLP

By 

for Harry J.F. Korrell, WSBA # 23173
Michele Radosevich, WSBA # 24282, per email authorization
Joseph P. Hoag, WSBA # 41971

Attorneys for Intervenor

No. 89714-0

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LEAGUE OF WOMEN VOTERS OF
WASHINGTON, a Washington non-
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ASSOCIATION OF SCHOOL
ADMINISTRATORS, a Washington
non-profit corporation;
WASHINGTON EDUCATION
ASSOCIATION, a Washington non-
profit corporation; WAYNE AU,
PH.D., on his own behalf; PAT
BRAMAN, on her own behalf;
DONNA BOYER, on her own behalf
and on behalf of her minor children;
and SARAH LUCAS, on her own
behalf and on behalf of her minor
children,,

Appellants,

v.

STATE OF WASHINGTON,

Respondent.

PROOF OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the
United States, a resident of the State of Washington, over the age of 21
years, competent to be a witness in the above action, and not a party

thereto; that on the 29th day of April, 2014 I caused to be served a true copy of the following:

1. Joint Request to Supplement the Record with a Stipulation of Additional Facts; and
2. Proof of Service upon:

David A. Stoler
Colleen G. Warren
Aileen B. Miller
Rebecca R. Glasgow
Assistant Attorney General of
Washington
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100
Phone: 360.753.6200
Email: daves@atg.wa.gov
Email: colleenw@atg.wa.gov
Email: aileenm@atg.wa.gov
Email: rebeccag@atg.wa.gov

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via email
- via electronic court filing
- via hand delivery

*Attorneys for Respondent State of
Washington*

Harry Korrell
Michele Radosevich
Joseph P. Hoag
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Phone: 206.622.3150
Email: harrykorrell@dwt.com
Email: micheleradosevich@dwt.com
Email: josephhoag@dwt.com

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via email
- via electronic court filing
- via hand delivery

Attorneys for Intervenors

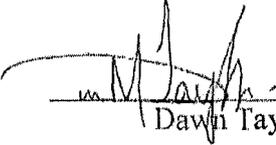
Robert M. McKenna
Brian T. Moran
Andrew Ardinger
Orrick, Herrington & Sutcliffe LLP
701 Fifth Avenue, Suite 5600
Seattle, WA 98104-7097
Phone: 206.839.4300
Fax: 206.839.4301
Email: rmckenna@orrick.com
Email: brian.moran@orrick.com
Email: aardinger@orrick.com

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via email
- via electronic court filing
- via hand delivery

*Attorneys for Amicus Stand for Children-
Washington, Washington Roundtable,
Technology Alliance and Teachers
United*

I declare under penalty of perjury under the laws of the State of
Washington that the foregoing is true and correct.

DATED this 29th day of April, 2014.


Dawn Taylor

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 29, 2014 10:03 AM
To: 'Dawn Taylor'
Cc: colleenw@atg.wa.gov; daves@atg.wa.gov; micheleradosevich@dwt.com; noahp@atg.wa.gov; brian.moran@orrick.com; aileenm@atg.wa.gov; rmckenna@orrick.com; harrykorrell@dwt.com; patriciaholman@dwt.com; josephhoag@dwt.com; rebeccag@atg.wa.gov; donnaalexander@dwt.com; aardinger@orrick.com; Paul Lawrence; Jessica Skelton; Jamie Lisagor; Bill Hill; Cindy Bourne
Subject: RE: League of Women Voters v. State: Cause No.: 87914-0: Joint Request to Supplement the Record

Rec'd 4-29-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Dawn Taylor [mailto:Dawn.Taylor@pacificallawgroup.com]
Sent: Tuesday, April 29, 2014 10:01 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: colleenw@atg.wa.gov; daves@atg.wa.gov; micheleradosevich@dwt.com; noahp@atg.wa.gov; brian.moran@orrick.com; aileenm@atg.wa.gov; rmckenna@orrick.com; harrykorrell@dwt.com; patriciaholman@dwt.com; josephhoag@dwt.com; rebeccag@atg.wa.gov; donnaalexander@dwt.com; aardinger@orrick.com; Paul Lawrence; Jessica Skelton; Jamie Lisagor; Bill Hill; Cindy Bourne; Dawn Taylor
Subject: League of Women Voters v. State: Cause No.: 87914-0: Joint Request to Supplement the Record

Good morning.

Attached please find a Joint Request to Supplement the Record with a Stipulation of Additional Facts and a Proof of Service for filing in the above-referenced matter.

Should you have any difficulty with the attachments, please do not hesitate to contact me.

Thank you.

Dawn M. Taylor
Assistant to Paul J. Lawrence;
Matthew J. Segal; Sarah C. Johnson
& Taki V. Flevaris



T 206.245.1700 D 206.245.1701 F 206.245.1751
1191 Second Avenue, Suite 2100, Seattle, WA 98101
dawn.taylor@pacificallawgroup.com

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