



2019 ISSUE PAPER: CHARTER SCHOOLS

The League of Women Voters has always worked to promote the values and processes of representative government and believes in an open governmental system that is representative, accountable and responsive—one that assures opportunities for citizen participation in government decision-making.

Because of these deeply held convictions, the League of Women Voters of WA opposed the charter school initiatives of 1996 and 2000, the referendum of 2004, and the initiative that passed in 2012. LWVWA was a party to the lawsuit on which the State Supreme Court ruled September 4, 2015, and is a party to the Charter Litigation II that was filed on August 3, 2016.

League's position was based in part on the following:

- Washington's founders adopted unique State Constitutional provisions governing public education in Washington. These provisions required a school system that was controlled by and accountable to the voters whose taxes support the schools, that was general and uniform among all Washington's children, and that was fully funded by revenue that was protected from diversion to other uses.
- This founding vision for the State's public schools was confirmed shortly after the State Constitution's adoption by the Washington Supreme Court, which stated that a common school is open "to all children...free, and subject to, and under the control of, the qualified voters of the school district" and held unconstitutional a publicly funded experimental school whose management was not controlled by and accountable to the voters. (*School Dist. No. 20 v. Bryan*, 51 Wash. 498).
- Charter supporters in drafting the initiative that passed in 2012 ignored the unique provisions of the State Constitution and long-standing Washington Court precedent. Private boards selected by non-profit corporations rather than publicly elected by citizens will govern charter schools. Voters will lose their right to elect representatives to oversee the spending of their taxes.
- Charter schools will be exempt from state statutes and rules applicable to school districts and boards, creating a separate and unequal school system—even though Article IX of the Washington state Constitution requires a general and uniform system of public schools.

For these same reasons, LWVWA agreed with the Supreme Court's September 2015 decision that affirmed the King County Superior Court's ruling that Charter Schools are not common schools, are not eligible to receive restricted common school funding from the state and are thus unconstitutional.

The 2016 Legislature passed a revised Charter School bill that still contained the above concerns, prompting the LWVWA to join the current lawsuit filed in August 2016. The Superior Court Judge denied the plaintiffs' motion for summary judgment in February 2017, the case was appealed to the Supreme Court on March 2017, and a hearing was held in May 2018.

On October 25, 2018 the Supreme Court announced its decision to uphold Washington's charter school law except for the part that restricted charter school employees from unionizing across schools. League continues to believe it is wrong to divert public funds to privately run organizations that are not accountable to local voters.

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