

HB 2788 and SB 6550, to reduce funding discrimination against charter school families

In Washington, public charter school parents vote for local levies and pay local taxes for schools, then find that none of these resources benefit their own children

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Key Facts

- 1. Washington state has a policy of discrimination that denies charter school families access to local operating, capital and start-up funding.**
- 2. On average local levies provide \$2,300 per student, about 17 percent of operating revenue for most schools.**
- 3. These bills represent a step forward by providing up to \$1,550 per student in state assistance to make up in part for the denial of local funding.**
- 4. HB 2788 and its companion bill SB 6550 have attracted strong bipartisan support.**
- 5. Currently more than 3,500 students, mostly from minority, immigrant and low-income families, attend nine public charter schools in Washington.**
- 6. Charter schools are popular with parents (most have waiting lists) and use innovative student-centered approaches to learning with fewer union restrictions imposed on educators.**
- 7. Five more public charter schools are scheduled to open in 2020, serving a further 1,000 students.**

Introduction

HB 2788, and its companion bill in the Senate, SB 6550, represent a significant step towards ending Washington's policy of funding discrimination against charter school families. These bills have attracted strong bipartisan support in the state House and Senate.

This Legislative Memo describes Washington's public charter school program, describes the success and popularity of charters nationally and summarizes the ongoing political attacks against charter families. It also reviews the state's policy of funding discrimination and describes how HB 2788 proposes an equity-based solution that would provide fair treatment for all students.

Background

Washington's voter-approved public charter school law is the most innovative reform in the state's public education system in a generation. Passed in 2012 and confirmed by a bipartisan vote in the Legislature in 2016, the law provides parents with a choice of alternative public schools in communities where traditional schools fail to educate students.¹

The powerful WEA union sought to kill the idea, filing two lawsuits in an effort get charters shut down. These efforts failed. The union position is still to close every charter school in the state, and WEA union executives continue their hostility toward charter school

¹ Initiative Measure No. 1240, "An act relating to public charter schools," passed 2012, at [sos.wa.gov/_assets/elections/initiatives/FinalText_274.pdf](https://sos.wa.gov/assets/elections/initiatives/FinalText_274.pdf), and "Concerning public schools that are not common schools," Senate Bill 6194, passed April 1, 2016, at <https://app.leg.wa.gov/billsummary?BillNumber=6194&Year=2015>.

families, including efforts to deny equal funding to their children.²

Description of public charter schools

Charter schools are publicly funded and open to all students. Attendance is based on parent choice, rather than an administrator assigning a child to a school based on zip code. Currently, administrators in Washington send about 54,000 children a year to one of 252 state-identified failing public schools.³

As an alternative, charters tend to be popular, innovative, locally managed and accountable to parents. Overall, about 3,500 students, mostly from minority, immigrant and low-income families, attend nine public charter schools across the state. Communities served by charters include Seattle, Spokane, Tacoma, Tukwila, and Walla Walla. Most charter schools fill up quickly and have waiting lists.⁴

Five more public charter schools are scheduled to open this year in Seattle, Federal Way, Bellingham, Bremerton and Spokane. These new schools are expected to serve a further 1,000 students.

Charter schools are also popular with educators. Charter school teachers have greater freedom to help students without interference from school district bureaucracies and restrictive union rules. Also, union membership is voluntary; charter school teachers can join a union if they wish but are not compelled to do so. The result is a higher rate of professionalism, motivation and competence among charter school faculty.

Nationally, charter public schools are common and non-controversial. Most charters are strongly supported by education officials and do not face hostile union opposition. About 7,000 public charter schools serve over 3.2 million students in 44 states. They are so popular that enrollment has nearly tripled in ten years and most schools have waiting lists.⁵ Today, charters are an integral part of public education in most large, urban school districts.

Charter families are denied access to equal funding

Despite the success of charters, however, Washington state officials maintain a policy of funding discrimination against these popular public schools and the families that support them. Charter schools receive state and federal funding, but they are denied their share of local levy funding.

The money involved is significant. On average local levies provide \$2,300 per student, about 17 percent of operating revenue for most schools. Charter school students receive none of these local funds, although many are located in some of the state's poorest neighborhoods.

Charter school families are also denied access to capital funding and to start-up funding. In fact, most charter schools have to pay rent on their buildings, an added burden that is unique among public schools.

Due to the state's policy of discrimination, charter school parents vote for local levies and pay local taxes for schools, then find that none of these resources benefit their own children.

Bipartisan support for HB 2788

HB 2788 was introduced by Representative Eric Pettigrew (D-Seattle) in the House. He is joined by other Democrat and Republican members; Representatives Drew Stokesbary (R-Auburn), Larry Springer (D-Kirkland), Mike Steele (R-Chelan), Amy Walen (D-Bellevue), Paul Harris (R-Vancouver),

2 "State's largest teachers union plans to sue over charter-school law," by John Higgins, *The Seattle Times*, April 7, 2016, at <https://www.seattletimes.com/seattle-news/education/wea-preps-lawsuit-against-new-charter-schools-law/>.

3 "How Washington's School Achievement Index became the School Spending Index," by Liv Finne, Washington Policy Center, June 2018 at <https://www.washingtonpolicy.org/library/doclib/Finne-HowWashington-s-School-Achievement-Index-became-theSchool-Spending-Index.pdf>.

4 "Why nearly 1,000 families are clamoring to get into Spokane's charter schools," by Wilson Criscione, *The Inlander*, July 5, 2018 at <https://www.inlander.com/spokane/why-nearly-1000-families-areclamoring-to-get-into-spokanes-charter-schools/> Content?oid=10731058.

5 "National Charter School Facts, 2016-17," National Alliance of Public Charter Schools, at <https://data.publiccharters.org/>

House Majority Leader Patrick Sullivan (D-Kent), Skyler Rude (R-Walla Walla), Laurie Dolan (D-Olympia), and Debra Lekanoff (D-San Juan).

The lead sponsor of the companion bill in the Senate 6550 is Senator Mark Mullet (D-Issaquah), who is joined by Senators John Braun (R-Centralia), Steve Hobbs (D-Lake Stevens), Ann Rivers (R-Vancouver), Dean Takko (D-Aberdeen), Mike Padden (R-Spokane Valley), Randi Becker (R-Yelm), Jeff Holy (R-Cheney) and Lynda Wilson (R-Vancouver).

The support of Democrats and Republicans for HB 2788 reflects the bipartisan support for the charter school funding bill that passed in 2016. Governor Jay Inslee, an opponent of charters, allowed that bill to become law without his signature. Given the popularity of charter schools, and the bipartisan support they enjoy in the Legislature, it is likely Governor Inslee would take the same approach with HB 2788, either signing it or letting it become law without his signature.

Text of the bill

HB 2788 would not end all funding discrimination against charter school families, but it would represent an important step forward. The bill provides that charter schools could access voter-approved local levy funding for public education up to a maximum of \$1,550 per student. (Full equity would provide an average of \$2,295 per student.)

Specifically, the bill text provides:

Section 1 (d): Beginning in calendar year 2022, for charter schools established under chapter 28A.710 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the charter school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased for inflation beginning in calendar year 2020 multiplied by the student enrollment of the charter school in

the prior year...⁶

Conclusion

As in other states, public charter schools in Washington are popular and successful. Washington's policy of unequal treatment in funding, however, introduces inequities that discriminate uniquely against charter school students, and disproportionately harm low-income, immigrant and minority families.

As a result, families lose out on thousands of dollars in publicly funded resources because they are not allowed to participate in local levy funding. This is true even though these families may vote to pass local levies and they pay the same taxes in support of public education as their neighbors.

The state constitution says it is the paramount duty of the state to make ample provision for the education of every child residing within its borders. A statewide inclusive policy based on the principle of equal access for all would end the practice of targeted discrimination, and would ensure that charter school families receive a fair share of the public support voters have approved for the education of children.

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Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body

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⁶ House Bill 2788, "Relating to local effort assistance for charter schools; and amending RCW 28A.500.015," introduced January 22, 2020, at <https://app.leg.wa.gov/bills/summary?BillNumber=2788&Chamber=House&Year=2019>.