

## SB 5809 and HB 1897, to equalize funding and expand learning opportunities for Washington charter school families

By Liv Finne, Director, Center for Education

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### Key Findings

1. Washington state lawmakers currently discriminate against charter school families by denying them access to local levy, start-up and capital funding.
2. Charter schools are widely popular, especially in underserved urban communities.
3. Traditional public schools have consistently failed to close the achievement gap among black and Hispanic children and their white and Asian peers.
4. Charter schools offer families assigned to state-identified failing schools a chance to find a better public school for their children.
5. Washington's charter schools deliver better results for students, especially for minority and low-income students.
6. Currently more than 4,500 students attend 19 public charter schools in Washington.
7. SB 5809 and HB 1897 would provide up to \$1,550 per charter school student to partly make up for the state's denial of access to local levy funding.

### Introduction

In a bipartisan effort, Democrat and Republican lawmakers have introduced bills to equalize funding and expand public charter school opportunities for Washington's students. These bills are SB 5809 and HB 1897, to reduce local funding discrimination against charter school families by making charter schools eligible for \$1,550 per student.<sup>1</sup>

1 SB 5809, "Concerning enrichment funding for charter public schools," Washington state legislature, December 6, 2023, introduced by Senator Mark Mullet, at: <https://app.leg.wa.gov/billsummary?BillNumber=5809&Initiative=false&Year=2023>.

### Background

In 2012 voters passed Initiative 1240, making Washington the 42nd state to allow charter public schools.<sup>2</sup> The election result gave Washington one of the best charter school laws in the country.

In 2016 the legislature confirmed the decision of the voters by passing a bipartisan bill SB 6194, providing authorization for up to 40 new charter schools. Authorization was provided for five years, until 2021.<sup>3</sup>

Though a strong opponent of school choice, Governor Inslee allowed the bill to become law without his signature. In the years following, 19 public charter schools have opened, serving about 4,500 students in communities around the state. Despite their popularity, however, state lawmakers allowed the legal authorization to open new charter public schools to expire in 2021.

### Traditional public schools are failing to close the achievement gap

State data shows that traditional public schools in Washington have consistently failed to educate low-income, black and Hispanic children to the same standard as their white and Asian peers. The poor results indicate a failure in the state's constitutional paramount duty to provide for the education of every child living in the state.<sup>4</sup>

2 Initiative Measure No. 1240, An Act relating to public charter schools, passed November 6, 2012, at [https://sos.wa.gov/assets/elections/initiatives/finaltext\\_274.pdf](https://sos.wa.gov/assets/elections/initiatives/finaltext_274.pdf).

3 Senate Bill 6194, Concerning public schools that are not common schools, passed March 10, 2016, effective date April 3, 2016, at <http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/6194-S2.SL.pdf?q=20210128054534>.

4 "Constitution of the State of Washington, Article IX," November 11, 1889, at <https://leg.wa.gov/CodeReviser/Pages/WAConstitution.aspx>.

State education officials usually respond to reported failure by setting new targets for future improvement, while year after year these learning targets are not met. School officials then respond to the new failures by writing new goals.

Results from the 2022 Smarter Balance tests show only 34 percent of low-income students passing in English and 21 percent passing in math, as compared to 66 percent of non-low-income students passing in English and 53 percent passing in math.<sup>5</sup>

In addition, Washington has 117 state-identified failing public schools, officially labeled “Priority Schools,” which fail to educate about 44,000 students each year to the minimum levels set by the state.<sup>6</sup>

Failing public schools are among the lowest five percent of low-income (Title I) schools in the state, based on low academic achievement and lack of student progress. Many of these schools are located in large urban districts, serving mostly low-income, minority children.

### **Charter schools expand learning opportunities for all**

In Washington state, charter schools are designed to serve students most at risk of falling behind. Sixty percent of students at Washington’s charter schools are low-income, minority children.

Washington’s charter schools typically serve a higher proportion of students with special needs than other public schools. In addition, 34 percent of teachers at Washington’s charter schools come from racially diverse backgrounds, compared to 11 percent of teachers in Washington’s other public schools.<sup>7</sup>

### **Charter schools are popular**

During the five-year authorization period the Washington State Charter School Commission received many more community applications to open new charter schools than it approved. Most charter schools cannot take all children who apply and must maintain a waiting list. Since their approval by voters, there has been strong and consistent community interest across the state in opening more charter schools.

Since their inception, Washington’s charter schools have delivered on the promise of providing better results for students. The Charter School Association reports:

*“Washington’s charter public schools offer innovative, personalized learning models, and they are delivering promising academic results, high levels of parent satisfaction, and 99% high school graduation rates.”<sup>8</sup>*

Washington has approved a total of 19 charter schools, out of a possible 40 that were authorized by law. Charter schools are now operating in Seattle, Highline, Tukwila, Renton, Tacoma, Bremerton, Spokane, Pullman, and Vancouver, serving over 4,500 students.

### **Charter schools successfully served children during the COVID-19 lockdown**

In March 2020 Governor Inslee ordered the closing of all schools in response to COVID-19. Later, private schools were allowed to open under health guidelines, but most public schools remained closed to in-person instruction.

In the fall of 2020, when enrollment in traditional public schools dropped by 3% statewide, enrollment at Washington’s public charter schools jumped by 35%.<sup>9</sup> Nationally, enrollment in charter schools grew by more than

5 “School Report Card, State Total, Student Performance, Assessment, 2022,” Office of Superintendent of Public Instruction, at <https://www.k12.wa.us/ReportCard/ViewSchoolOrDistrict/103300>.

6 “ESEA Priority and Focus Schools, 2017-18,” Washington Office of Public Instruction, at <https://www.k12.wa.us/policy-funding/school-student-performance/every-student-succeeds-act-essimplementation/elementary/priority-schools>.

7 “Frequently Asked Questions, Who Teaches at Washington charter public schools?” by Washington State Charter Schools Association, at <https://wacharters.org/get-the-facts/frequently-asked-question/>

8 Washington State Charter Schools Association, accessed January 27, 2021, at <https://wacharters.org/>.

9 “How is School Enrollment in Washington State Shifting during COVID-19?” by Sivan Tuchman and Georgia Heyward, Center for Reinventing Public Education, University of Washington, January 2021, at <https://crpe.org/how-is-school-enrollment-in-washington-state-shifting-during-covid-19/>.

300,000 students between 2019-20 and 2022-23, a 9% increase.<sup>10</sup>

Charter public schools proved more adaptable than other public schools in serving students. With less union control and greater flexibility in scheduling, curriculum, and how teachers interact with students, charter schools were more nimble in responding to the health crisis.

The Executive Director of Summit Sierra Charter School in Seattle noted:

*“Our school very fluidly moved into virtual school. Being a school that’s already one to-one computers, our curriculum already being online and having a platform, we had the tools available and we spent a lot of time supporting our students socially, emotionally and academically.”<sup>11</sup>*

Washington’s charter schools have received national recognition for their work. In 2020, Impact Public Schools in Seattle, Tukwila and Tacoma received the national Above and Beyond Award for Outstanding Service During the Pandemic.<sup>12</sup>

## **Charter families are denied access to equal funding**

Despite the success of charters Washington state officials have maintained a policy of funding discrimination against charter school families. Charter schools receive full state and federal funding, but they are denied their share of voter-approved local levy funding.

10 “New Report: Charter Schools Gained 300,000 Students in 40 States from 2019-23; District schools have lost 1.5 million kids. Families who left during COVID don’t seem to be coming back, and new ones aren’t coming to fill the gap,” by Debbie Veney, December 16, 2023, at <https://www.the74million.org/article/new-report-charter-schools-gained-300000-students-in-40-states-from-2019-23/>.

11 “From in person to online: See how charter schools made the switch,” Washington State Charter School Association, August 4, 2020, at <https://wacharters.org/2020/08/04/from-in-person-to-online-see-howcharter-schools-made-the-switch/>

12 “Ten Charter Schools Honored with Above and Beyond Award for outstanding service during the COVID pandemic,” National Alliance for Public Charter Schools, May 12, 2020, at <https://www.publiccharters.org/latest-news/2020/05/12/ten-charter-schoolshonored-above-and-beyond-awards-outstandingservice>.

The amount of money involved is significant. On average local levies and other local revenue provide \$2,700 per student per year, about 15 percent of operating revenue for most schools.<sup>13</sup> Charter school students receive none of these local funds, although many charter schools are located in some of the state’s poorest neighborhoods.

Charter school families are also denied access to capital funding and start-up funding. In fact, most charter schools have to pay market 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.

## **Text of the bill to improve charter school funding**

SB 5809 would not end all funding discrimination against charter school families, but it would reduce funding inequities. The bill provides that charter schools could access state local effort assistance enrichment grants up to a maximum of \$1,550 per student. (Full equity is an average of \$2,700 per student.)

## **Conclusion**

Voters in 2012 and bi-partisan legislators in 2016 passed the charter school law to help children from low-income, minority families attend a high-quality public school. The law reflects the widely-shared value of the people of Washington state that every child should have access to a good education.

Improved graduation rates, higher academic test scores and wider learning opportunities for black and Hispanic students demonstrate the effectiveness of Washington’s charter public schools.

As a result, charter schools are popular in Washington’s communities. Families that would otherwise be assigned to a state-identified failing school are given a better option. Most charter schools are fully enrolled, and many maintain

13 “Workload, Staffing, Finance, Statewide, 2021-22,” K-12 Public Schools: District Staffing and Finance Data, Washington State Fiscal Information, at <https://fiscal.wa.gov/K12/K12FinanceStatewide>.

waiting lists and must conduct yearly lotteries to admit more students.

Ending the state's policy of funding discrimination against charter school families would further the public interest by retaining charter schools as a popular learning option within the state's broader system of education.

*Liv Finne is the Director of  
the Center for Education.*

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