

# POLICY BRIEF

## Update on charter schools – Legislature continues funding discrimination against charter school families

Liv Finne, Director, Center for Education

September 2019

### Key Findings

1. Since voters approved public charter schools, 14 schools have opened, four have closed, and five more will open next year.
2. In 2020, charter schools will serve about 4,000 students attending 15 schools.
3. Every year Washington's charter schools expand to meet strong parent demand for these successful schools.
4. Washington's charter schools are especially popular with minority and low-income families.
5. Washington's charter schools have waiting lists exceeding 1,000 students.
6. Washington's charter schools give low-income, minority students a better school option, especially in urban districts with failing traditional schools.
7. School officials deny charter school families access to a share of local levy funding, around \$2,300 per student, about 17 percent of operating revenue for most schools.
8. Charter schools are also denied access to public school buildings, so they are forced to pay rent.
9. Academic results and consistent public support show that Washington's charter schools have more than proven their worth in providing key benefits to families.
10. Lawmakers should end the policy of funding discrimination against charters, remove arbitrary limits placed on them, and respect the choices of parents and teachers in giving every child the best education possible.



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# Update on charter schools – Legislature continues funding discrimination against charter school families

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## Introduction

In 2012, voters passed Initiative 1240, making Washington the 42nd state to allow the opening of charter public schools.<sup>1</sup> The purpose of these schools is to offer learning alternatives to families that are underserved by traditional public schools.

Washington’s voter-approved public charter school law is one of the best in the country, providing the most innovative and fundamental reform in Washington state public education in a generation.

Washington currently has ten operating charter schools. The Washington State Charter Association reports these schools serve about 3,000 students. Roughly 60 percent of the students attending these schools are from low-income, minority families, often in urban areas with poor-quality traditional schools. Some charter schools have been successfully educating students for four years, since the 2015-16 school year, and most have waiting lists and growing enrollment.

This Policy Note provides an update of Washington’s charter schools and describes the Legislature’s decision in 2019 to institute a policy of funding discrimination against charter school families. This Policy Note also describes the popularity of charter schools locally and nationally and explains why more Washington families want access to more charter schools.

Finally, this Policy Note recommends lawmakers provide charter school families the same fair and equal funding they provide to other public school families, and that lawmakers remove the two-year authorization time limit and 40-school cap currently blocking the growth and expansion of Washington’s charter school sector.

## The WEA’s effort to close charter schools

Soon after voters passed Initiative 1240 in November 2012, the powerful Washington Education Association, which tends to dominate education policy in the state, sought to close all charter schools by filing a lawsuit against them.

The courts ultimately agreed to close the schools by cancelling their funding, but in 2016, lawmakers passed bi-partisan legislation (which Governor Inslee

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1 Initiative Measure No. 1240, “An act relating to public charter schools,” filed May 31, 2012, at [sos.wa.gov/\\_assets/elections/initiatives/FinalText\\_274.pdf](https://sos.wa.gov/_assets/elections/initiatives/FinalText_274.pdf). The measure passed in November 2012 by XX%.

allowed to become law without his signature) to provide stable state funding for all charter schools.<sup>2</sup>

The union soon filed a second lawsuit against charters, challenging the newly-passed bi-partisan charter school law.

In 2018, however, the state supreme court resolved the union-backed legal challenge by ruling that charter schools are part of Washington's public education system.<sup>3</sup> The decision appears to have ended the union's effort to close charter schools through court action.

## **Local funding is denied to charter school families**

Charter schools receive state and federal funding like other public schools, but school district administrators deny charter school families access to a share of local levy funding. The funding denied to charter schools amounts to, on average, around \$2,300 per student, about 17% of operating revenue for most schools. Most voters are unaware that the local education levies they pass do not benefit charter school families in the community.

In wealthy districts, the share of local funding can be even higher. In Seattle, for example, local taxpayers supplement the schools with \$3,000 per student, on top of state-provided funding. Yet Seattle officials deny access to this money to students attending the city's four charter public schools, which are all located in lower-income neighborhoods south of the city's ship canal.

Public schools based in largely white neighborhoods in the northern part of the city participate fully in receiving local money. Charter school families in Seattle pay school property taxes just like everyone else, but the policy of official discrimination means their children do not benefit from the resulting property levy revenue.

## **Capital funding is denied to charter school families**

Charter schools are also denied access to public school buildings, and to the public capital funding that supports school buildings. Other public schools use buildings and facilities funded by local and state taxpayers. Charter schools are forced to find private facilities to shelter their teachers and students. Charter schools must then pay rent from scarce resources, diverting limited money from classroom instruction and other functions of the school.

In some districts, charter schools are not permitted to use building and other public facilities, even when these buildings are empty and unused. In other cases, charters are allowed to use local buildings, but must pay monthly rent to the school district to do so.

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2 "Concerning public schools that are not common schools," Senate Bill 6194, passed April 1, 2016 with no signature from Governor Inslee. Accessible at <https://app.leg.wa.gov/bills/summary?BillNumber=6194&Year=2015>. Revised Code of Washington Chapter 28A.710 CHARTER SCHOOLS at <https://app.leg.wa.gov/RCW/default.aspx?cite=28A.710>.

3 *El Centro de la Raza et. al. vs. State of Washington*, No. 94269-2, October 25, 2018 at <https://www.courts.wa.gov/opinions/pdf/942692.pdf>.

## The WEA blocked equitable funding for charter schools

Many lawmakers are aware of how current policies work against charter school families and recently sought to remedy the situation. Supporters of charter schools in the Legislature attempted to end funding discrimination in the final hours of the 2019 legislative session. Former senator Guy Palumbo (D-Maltby) proposed an amendment to SB 5313, a measure to increase local education levies, so that charter schools could participate in local voter-approved funding. His amendment would have allowed charter schools to receive funding of up to \$1,550 per student in state aid to match local resources.<sup>4</sup>

All Republican members voted for the proposal, but most Democratic senators voted to deny this funding to charter school families, defeating Senator Palumbo's amendment. A similar effort at funding equalization is expected to be made in the 2020 legislative session, although it is not known whether any current senators will change their votes.

## Four charter schools close

First Place Charter School opened in Seattle in 2014 to serve low-income families and homeless youth. The school closed in a year, however, due to lack of funding. Seattle School District officials denied the school a share of local levy support and barred the school from access to school buildings and other public facilities.

In June 2019, just a month after the legislative session ended, two charter schools announced plans to close at the end of the school year. Officials at Excel Public Charter School, serving 189 middle-school students in Kent, and Destiny Middle School, serving 162 students in Tacoma, announced the closures. These schools primarily served low-income, minority working families.

The schools are managed by Green Dot Schools, a nationally-recognized educational non-profit. Joe Hailey, Chair of the Green Dot Board of Directors in Washington, indicated the Legislature's denial of charter schools' access to local public funding played a key role in the closings:

*“Green Dot’s mission to help transform public education means that our model is premised on sustainably operating on public financing. The ongoing fiscal gap that restricts public charter schools like ours from accessing local levy funding means that there would be a permanent structural deficit for our schools.”<sup>5</sup>*

Earlier in the year SOAR Academy, a charter school serving 220 children in Tacoma, also announced the school would close due to lack of funds.

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4 The bill cancels the \$1.50 lid, and allows districts to levy \$2.50 per \$1,000 of assessed value or \$2,500 per pupil, whichever is less. This bill broke the 2017 promise of levy tax relief, and reintroduced higher levies and inequity in school funding.

5 “Kent public charter school to close; Excel opened in 2015,” by Mark Klass, *Kent Reporter*, June 10, 2019, at <https://www.kentreporter.com/news/kent-public-charter-school-to-close/>.

In all, the families of 571 children lost access to their charter school in 2019, essentially as a result of the inequitable funding policy against charter schools. Many of these children will be sent to a state-identified failing public school in their area, one on mandatory assignment rather than parent educational choice.

## Ten operating charter schools

Following is a summary of the ten charter schools currently operating in Washington state, along with information on the five additional schools scheduled to open next year. In 2020, charter schools will serve about 4,000 students attending 15 schools.

Officials of the state Charter Schools Commission say that later this year they expect to receive additional applications for more schools.

### **Impact Puget Sound Elementary** Charter School in Tukwila

- Opened September 2018
- Serves about 250 students, expanding to grades K-5
- Learning program includes project-based learning and arts enrichment; each student has an adult mentor, personalized learning plan, and laptop computer

### **Pride Prep Middle School** and **Innovation High School** in Spokane

- Opened August 2015
- Serves about 400 students in grades 6-12
- Learning program focuses on science and technology, hands-on learning, and includes the International Baccalaureate curriculum

### **Rainier Valley Leadership Academy** in south Seattle

- Opened September 2016, part of the national Green Dot Charter Schools network
- Serves about 200 students in grades 6-10, expanding to grades 6-12
- Learning program includes a rigorous curriculum in Science, Technology, Engineering, Arts, and Math (STEAM), plus computer science and coding

### **Rainier Prep** Charter School in south Seattle

- Opened August 2015
- Serves about 350 students in grades 5-8
- Learning program includes a focus on science and technology

### **Spokane International Primary and Middle School** in Spokane

- Opened August 2015
- Serves about 500 students in grades K-8
- Learning program includes the International Baccalaureate curriculum

### **Summit Sierra** Charter School in central Seattle

- Opened August 2015, part of the national Summit Charter School network
- Serves about 300 students in grades 9-12
- Each student has an adult mentor, individualized learning plan, and uses the innovative online Summit Learning Platform
- 98 percent of the first graduating class (2019) has been accepted to college

### **Summit Olympus** Charter School in Tacoma

- Opened August 2015, part of the Summit Charter School network
- Serves about 200 students in grades 9-12
- Each student has an adult mentor, individualized learning plan, and uses the innovative online Summit Learning Platform
- 98 percent of the first graduating class (2019) accepted to college

### **Summit Atlas** Charter School in West Seattle

- Opened August 2016, part of the Summit Charter School network
- Serves about 200 students in grades 9-12
- Each student has an adult mentor, individualized learning plan, and uses the innovative online Summit Learning Platform

### **Willow School** Charter School in Walla Walla

- Opened August 2018
- Student enrollment not available; serves students in grades 6-8
- Learning program includes the International Baccalaureate curriculum

### **Ashe Preparatory Academy** in Kent

- To open in August 2019
- Plans to serve 486 students in grades K-8
- Learning program includes teaching children how to reach high levels of academic achievement with methods that work for children of color, children learning English and children from low-income families

## Five approved charter schools opening in 2020

The Washington State Charter School Commission and Spokane Public Schools have approved five new charter schools to open in the near future. Here is an overview of these new schools:

### **Catalyst Public School** in Bremerton

- To open the fall of 2020
- Plans to serve 504 students in grades K-8
- Learning program to focus on small-group instruction and a culture of high expectations

### **Cascade Public School** in Midway neighborhood of Federal Way/Kent/Des Moines

- To open the fall of 2020
- Plans to serve 416 students in grades 9-12
- Learning program includes innovative competency-based credit system and project-based learning

### **Impact Salish Sea Elementary** in south Seattle

- To open the fall of 2020
- Plans to serve 504 students in grades K-5
- Learning program includes project-based learning and arts enrichment; adult mentors, personalized learning plans, and laptops for each student

### **Lumen High School** in Spokane

- To open the fall of 2020
- Plans to serve 120 students in grades 9-12
- Learning program includes providing teen parents individualized learning plans to help them graduate from high school

### **Whatcom Intergenerational High School** in Bellingham

- To open the fall of 2020
- Plans to serve 300 students in grades 9-12
- Learning program is modeled on “indigenous ways of knowing,” understanding regional culture and history, providing students the active support of retired volunteers.



## Washington’s charter schools are popular and successful

Spokane’s two charter schools have waiting lists of 1,000 students.<sup>6</sup> Charter schools in the Puget Sound area also have waiting lists. Charter schools are popular with families and teachers for many reasons.

Charter schools give educators the freedom to create innovative school models. Charter schools are teaching new and traditional subjects in exciting, innovative ways. This independence generates energy and enthusiasm, a team spirit among charter school teachers. Parents like this energy and enthusiasm because they know their children will directly benefit.

Charter schools are a voluntary option, not a mandatory school assignment. This arrangement respects and engages parents by putting parents in the “driver’s seat.” Charter schools must persuade and engage parents in order to attract students and the funding that goes with them. As a result, charter school leaders and teachers are dedicated to creating and maintaining strong relationships with parents. This close bond benefits students, since children learn better when schools and parents work closely together.

Parents like the safe and disciplined charter school learning environments. Many charter schools require students to wear school uniforms, a policy many families prefer. Other charter schools teach students important character traits, such as honesty, trustworthiness, and the importance of “never giving up.”<sup>7</sup>

## The success of charter schools nationally

Nationally, charter public schools are common and non-controversial. Most are enthusiastically supported by local education officials and do not face hostile union opposition as in Washington state. About 7,000 public charter schools now serve over 3.2 million students in 44 states. They are so popular that enrollment has nearly tripled in ten years.<sup>8</sup>

Charter schools are an integral part of public education in most large, urban school districts. For example, in the Los Angeles Unified School District, the nation’s second-largest, one in five students now attends a public charter school.<sup>9</sup>

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6 “Why 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-are-clamoring-to-get-into-spokanes-charter-schools/Content?oid=10731058>

7 “Charter schools need legislature to act,” by Travis Franklin, founder and director of Spokane International Academy, and Brenda McDonald, founder and director of PRIDE Prep, January 30, 2016, *The Spokesman-Review* at <http://www.spokesman.com/stories/2016/jan/30/charter-schools-need-legislature-to-act/>.

8 “Estimated Charter Public School Enrollment, 2016-17,” National Alliance for Public Charter Schools, at <https://www.publiccharters.org/publications/estimated-charter-public-school-enrollment-2016-17>.

9 Los Angeles Unified School District enrolls about 600,000 students. Of this number, 138,000 students select a public charter school. See: “About Charter Schools,” Los Angeles Unified School District, at <https://achieve.lausd.net/Page/1816>.

In the District of Columbia, 47 percent of students attend a public charter school.<sup>10</sup> In New Orleans, 98 percent of students attend a charter school, and by 2020 the district will be all-charter.<sup>11</sup>

A recent poll shows strong support for school choice: 65 percent of voters say access to charter schools, magnet schools and career academies is a very important priority for them, and charter schools are particularly popular with minority parents and young people.<sup>12</sup>

## **Charter schools allow parents to avoid failing and dangerous schools**

In 2019 the state Superintendent of Public Instruction reported that 232 Washington public schools (out of 2,350) scored between one and four on a ten-point quality scale.<sup>13</sup> Even so, school officials sent 55,000 students to these schools. Officials hide the failure of these schools by describing them as requiring “Tier 3, Comprehensive Supports” and “Tier 3, Comprehensive Supports\_\_LowGrad.” Officials have also identified these “Tier 3” public schools as among the most dangerous for children, based on reports received from teachers and students.

Communities with a large number of failing “Tier 3” public schools show the strongest support for opening charter schools. For example, Tacoma Public Schools has eight of these failing schools, Seattle Public Schools has eight and Spokane Public Schools has six. The poor neighborhoods of these cities are precisely where the most popular charter schools are located.

## **Policy recommendations**

Washington state currently maintains a two-tier public education system, with some schools – charters – relegated to second-class status in regard to operational funding, capital funding and facilities support. Under this discriminatory policy charter school families do not receive the same level of “ample funding” as other public school families, in violation of the legal principle written into the state constitution and as endorsed by the state supreme court’s McCleary school funding decision.

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10 “Quick Stats: Public Schools in the District of Columbia, 2017-18 Enrollment Audit Report,” Office of the State Superintendent of Education at <https://osse.dc.gov/page/data-and-reports-0>.

11 “Following New Orleans’s lead on charter-school education,” by Emily Langthorne, *The Washington Post*, July 1, 2018 at [https://www.washingtonpost.com/opinions/following-new-orleans-lead-on-charterschool-education/2018/07/01/560814ae-7ae8-11e8-80be6d32e182a3bc\\_story.html?utm\\_term=.3b67def8391b](https://www.washingtonpost.com/opinions/following-new-orleans-lead-on-charterschool-education/2018/07/01/560814ae-7ae8-11e8-80be6d32e182a3bc_story.html?utm_term=.3b67def8391b).

12 “National Education Polling Results,” The Berenson Group, August 2018, at <http://dfer.org/wp-content/uploads/2018/08/DFER-Benenson-Interested-PartiesMemo-FIN.pdf>.

13 “Washington School Improvement Framework, 2018,” Office of Superintendent of Public Instruction, at <https://www.k12.wa.us/policy-funding/grants-grant-management/every-student-succeeds-act-essa-implementation/washington-0>.

To end this inequity and provide equal treatment for all Washington school children, the Legislature should adopt three key policy changes.

First, ensure that charter school families receive the same level of public funding as children who attend other types of public schools. This can be done by either giving charter schools equal access to local education levy funding as approved by the voters in their communities, or by providing sufficient additional state funding to make up for the denial of local funds.

Second, the lawmakers should ensure that charter school children have access to modern, clean and safe school facilities for classroom learning on an equal basis as other public schools. Safe and sanitary conditions are essential to providing a productive learning environment, and charter schools should not be forced to re-direct instructional resources simply to meeting basic capital needs, like providing buildings, and heat and lighting for daily operations.

Third, lawmakers should lift the two-year authorization time limit and the arbitrary cap on the number of allowed charter schools, currently set at no more than 40 schools, so that more schools may open as necessary to serve the community. Charter schools are popular. Most have waiting lists and cannot meet current parent demand. Public policy should not arbitrarily limit children's access to a charter school, and the cap simply serves to protect incumbent power interests within the system and to limit parent's choices.

## **Conclusion**

Charter school families have survived extensive legal and political attacks from the WEA against their schools. These political and legal attacks have discouraged communities from applying to open the new charter schools many families need and want.

Having survived despite this hostility, it is unfair to continue a policy that provides charter schools with less public funding than traditional public schools receive. It is also unfair to maintain these arbitrary time and number limits on charter school growth, while violating the Legislature's paramount constitutional duty of making "ample provision" for the education of every child residing within the borders of the state.

Academic results and consistent public support show that charter schools have more than proven their worth, both in Washington and in other states, in providing key benefits within a broader system of public education. Given the strong demand for these high-quality public schools, lawmakers should end the policy of funding discrimination, should remove arbitrary limits placed on charters, and should respect the choices of parents and teachers in deciding how to provide the best education for every child.



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