

Agency: 359 WA Charter School Commission
Decision Package Code/Title: N1 Attorney General Services
Budget Period: 2015-17
Budget Level: PL - Performance Level

Recommendation Summary Text:

The Washington State Charter School Commission (CSC) requests \$71,000 per year to access ongoing legal services from the AGO Education Division relating to the education of children and legal advice concerning general government compliance issues.

Fiscal Detail

Operating Expenditures	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
001-1 General Fund - Basic Account-State	41,000	0	41,000
19L-1 Charter Schools Oversight Account-State	30,000	71,000	101,000
Total Cost	71,000	71,000	142,000

Package Description:

The CSC requests \$71,000 for the services of 0.35 FTE of an Assistant Attorney General and 0.1 FTE of a Legal Assistant in FY2016 and FY2017. This request is for ongoing legal services in support of the CSC. CSC was created in 2013 by Initiative 1240 and no funding was provided for legal services. In the first two years of CSC's operation, AAG legal services have been provided through an interagency agreement.

The CSC is charged with regulating the establishment of charter schools in the State of Washington. Its work involves rulemaking, contracting procurement, and regulatory oversight. The charter school system in Washington State is still developing with more contract procurement, review and authorizing activities to come. The CSC will begin to exercise its regulatory oversight function beginning fall 2014. This function will grow over into the 2015-17 biennium and will likely entail litigation once the CSC exercises its enforcement authority. The charter schools are established as just one component of the public school system and therefore the CSC is expected to face many legal interpretation issues concerning the interplay of state and federal education laws. CSC also faces the need for ongoing advice on general governmental issues common to all state boards and commissions.

The CSC contact for this request is Joshua Halsey, Executive Director, (360) 584-9272.

Narrative Justification and Impact Statement

What specific performance outcomes does the agency expect?

This request is for spending authority that is needed for essential legal services relating to the education of children and legal advice concerning general government compliance issues. Without this access to legal support, the CSC will be less apt to avoid legal issues that may result in expensive and time-consuming litigation.

Performance Measure Detail

Activity:

Incremental Changes

No measures submitted for package

Is this decision package essential to implement a strategy identified in the agency's strategic plan?

This budget request implements goal #1 of the CSC Strategic Plan-"Solidify the CSC's operational structure".

Does this DP provide essential support to one or more of the Governor's Results Washington priorities?

This request supports the Governor's priority of Budget Priorities. This request allows the CSC to operate more effectively and efficiently within available resources. It prevents the CSC from engaging in the onerous process of developing an interagency agreement, offering a more transparent and streamlined solution to the CSC's ongoing need for legal assistance in the upcoming biennium.

What are the other important connections or impacts related to this proposal?

The AGO has no option but to provide legal services to state agencies as the need arises; it is legally obligated to do so. Until charter schools become well-integrated into the state public schools system, the CSC will continue to face many legal questions in a unique and unchartered context beyond the legal capacity of the CSC staff.

What alternatives were explored by the agency, and why was this alternative chosen?

There is no reasonable alternative to providing legal services as required without increasing state legal and financial liability

What are the consequences of adopting or not adopting this package?

Funding this request provides resources to ensure that legal issues are timely and efficiently resolved and that the CSC is able to carry out its statutorily mandated mission.

What is the relationship, if any, to the state's capital budget?

None

What changes would be required to existing statutes, rules, or contracts, in order to implement the change?

None

Expenditure and revenue calculations and assumptions

In the 2013-15 biennium, the CSC paid for legal services through an interagency agreement. We assume these costs do not quantify the true ongoing legal services needs of the CSC. We assume stabilized use in FY2015-17 biennium and thereafter the assumption is 0.35 AAG and 0.1 LA.

Revenue estimate for the Charter School Oversight Account (19L) is estimated at \$186,142 in Fiscal Year 2016. That is not enough to cover the current spending authority in the account (\$22,000) plus the buyback package (\$106,000) and be able to fully fund this legal services package (\$71,000). Therefore, it is requested that a portion of the legal services package be funded from the general fund.

Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?

These costs are ongoing and will carry forward into future biennia.

<u>Object Detail</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
E Goods\Other Services	71,000	71,000	142,000