

**Agency:** 359 WA Charter School Commission  
**Decision Package Code/Title:** AJ League of Women Voters vs WA  
**Budget Period:** 2015-17  
**Budget Level:** M2 - Inflation and Other Rate Changes

### Recommendation Summary Text:

The Washington State Charter School Commission anticipates the cost of legal challenges will exceed initial estimates. Funding is requested to cover the anticipated increase in cost.

### Fiscal Detail

<b>Operating Expenditures</b>	<b><u>FY 2016</u></b>	<b><u>FY 2017</u></b>	<b><u>Total</u></b>
001-1 General Fund - Basic Account-State	20,000	0	20,000
<b>Total Cost</b>	<b>20,000</b>		<b>20,000</b>

### Package Description:

This package would support the defense of a lawsuit seeking to invalidate Initiative I-1240, (the Charter Schools Act, RCW 28A.710). I-1240 established the Washington State Charter School Commission as a new state agency (RCW 28A.710.070) that, along with the State Board of Education, is charged with implementing the Charter Schools Law.

The Charter Schools Law authorizes the establishment of a limited number of public charter schools in Washington. This lawsuit brought by the League of Women Voters seeks to invalidate the law, shut down the Washington State Charter School Commission and prohibit any charter schools from operating.

The agency has been working with the Office of Attorney General on this lawsuit. On September 4, 2015, the State Supreme Court ruled that Initiative I-1240 was unconstitutional, and struck down the Charter School Law in its entirety. However, State Attorney General, Robert Ferguson, has identified far-reaching concerns with the ruling, and has made a motion for reconsideration and a stay in the matter. This motion has been filed with the State Supreme Court and is scheduled for a decision October 23, 2015. As a result, during this fiscal year the Attorney General's Office has billed, and will continue to bill, for time spent litigating the case and preparing for the Supreme Court's final decision. The total amount already billed during this fiscal year exceeds the funds allocated for the costs of this litigation and it is anticipated that the additional \$20,000 being requested is necessary to cover the litigation costs. .

The agency contact for this request is Joshua Halsey, Executive Director, and he can be reached at (360) 584 9272.

## **Narrative Justification and Impact Statement**

### ***What specific performance outcomes does the agency expect?***

The Washington State Charter School Commission's mission is to provide effective oversight and transparent accountability to improve educational outcomes for at risk students. The agency has a vision to foster innovation and ensure excellence so that every student has access to and thrives in a high quality public school. This Decision Package explains how the costs the agency is projected to incur exceed FY2016 budget parameters negatively impact the agency's mission, vision and strategic plan to solidify the agency's operational structure.

### **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 package is essential to the Washington State Charter School Commission's mission to provide effective oversight and transparent accountability to improve educational outcomes for at risk students. The agency has a vision to foster innovation and ensure excellence so that every student has access to and thrives in a high quality public school. The first strategy of the agency's strategic plan is to operationalize the work of the agency. Without adequate resources, the agency will not be able to operationalize its statutorily required work.

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

Yes, this supports the Governor's goal of providing world class education to the students of Washington State. Reconsideration of the Implementation of the Peoples' initiative would provide alternative opportunities for students to help them succeed in achieving an education that will prepare them for a healthy and productive life and success in school, careers and in their communities.

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

The Office of Attorney General supports this budget request.

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

Given the potential impact of should the Supreme Court not reconsider its ruling, there is no reasonable alternative than to vigorously defend the state.

There are no statutory, regulatory, or other changes or negotiation possibilities that would reduce the costs of this legal defense. There is no alternative source of income.

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

The Washington State Charter School Commission will be unable to support the cost of necessary legal services to complete the defense of this litigation.

### ***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***

Expenditure estimates were provided by the Office of Attorney General.

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

These costs are one time and will not carry forward.

<b><u>Object Detail</u></b>	<b><u>FY 2016</u></b>	<b><u>FY 2017</u></b>	<b><u>Total</u></b>
E Goods\Other Services	20,000		20,000