

Agency: 359 WA Charter School Commission
Decision Package Code/Title: AJ League of Women Voters vs WA
Budget Period: 2013-15
Budget Level: PL - Performance Level

Recommendation Summary Text:

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

Fiscal Detail

Operating Expenditures	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
001-1 General Fund - Basic Account-State		20,000	20,000
Total Cost		20,000	20,000

Package Description:

This package would support the defense of a lawsuit seeking to invalidate Initiative I 1240, (the Charter Schools Act). I 1240 established the CSC as a new state agency that, along with the State Board of Education, is charged with implementing the Charter Schools Act.

The Charter Schools Act authorizes the establishment of a limited number of public charter schools in Washington. This lawsuit seeks to invalidate the law, shut down the CSC and prohibit any charter schools from operating.

A charter school is a school that is operated by a private non profit organization. Schools must enter into a charter contract with CSC or with an authorizing school district in order to operate. The Charter Schools Act describes the rules that the school must adhere to and the performance expected. The State Board of Education and the CSC have been working to establish the infrastructure for the charter process. The CSC has signed seven charter school contracts and the first charter school opened on September 3, 2014. As such the CSC has also been implementing its performance framework and oversight process.

The CSC has been working with the Office of Attorney General on this lawsuit. This litigation is in the State Supreme Court and scheduled for oral argument on October 28, 2014. 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 argument. 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. A decision from the Supreme Court is anticipated to be released between November 2014 and February 2015.

The CSC 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 CSC's mission is to authorize high quality public charter schools and provide effective oversight and transparent accountability to improve

educational outcomes for at risk students. The CSC 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 FY2015 budget parameters negatively impact the CSC's mission, vision and strategic plan to solidify the CSC'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 CSC's mission to authorize high quality public charter schools and provide effective oversight and transparent accountability to improve educational outcomes for at risk students. The CSC 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 CSC's strategic plan is to operationalize the work of the CSC. Without adequate resources, the CSC will not be able to operationalize its statutorily required work.

Does this decision package provide essential support to one of the Governor's priorities?

Yes, this supports the Governor's goal of providing world class education to the students of Washington state. 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.

Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?

Yes, Initiative 1240 established the CSC as an independent state agency whose mission is to authorize high quality charter schools throughout the state, particularly schools designed to expand opportunities for at risk students.

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 adverse rulings in this case, 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 not funding this package?

The CSC 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.

<u>Object Detail</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
E Goods\Other Services		20,000	20,000