



Washington State
CHARTER SCHOOL
COMMISSION

LEGACY REPORT

ALL COMMISSION-
AUTHORIZED SCHOOLS
DECEMBER 2015




WASHINGTON STATE
Charter School Commission
STUDENTS • INNOVATION • TRANSPARENCY

PURPOSE The Commission feels compelled to share our lessons learned and pass along the resources we have developed in hopes that future charter school authorizers in Washington can continue down the path we forged.

CONTENTS

| | | | |
|--|----|---|----|
| INTRODUCTION | 2 | SOAR Academy Public Charter School | 20 |
| THE COMMISSION | 3 | Summit Olympus | 22 |
| A Co-created Vision | 5 | Summit Sierra | 24 |
| DEVELOPMENT EFFORTS | 6 | APPROVED/NOT YET OPEN COMMISSION SCHOOLS | 26 |
| Authorization | 6 | Summit Atlas | 26 |
| Oversight | 8 | Green Dot Seattle | 28 |
| Performance Framework | 9 | Willow Public School | 30 |
| Onboarding | 9 | LESSONS LEARNED | 32 |
| COMMISSION PERFORMANCE | 10 | APPENDIX A: Strategic Plan | 35 |
| OPERATIONAL COMMISSION-APPROVED CHARTER SCHOOLS | 11 | APPENDIX B: Commissioners | 45 |
| Excel Public Charter School | 12 | APPENDIX C: Commission Budget | 50 |
| First Place Scholars | 14 | APPENDIX D: Commission Documents & Resources ... | 52 |
| Green Dot Destiny Middle School | 16 | APPENDIX E: Supreme Court Decision | 54 |
| Rainier Prep Charter School | 18 | | |



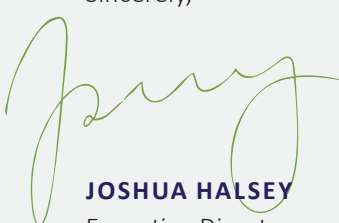
INTRODUCTION

The Washington State Charter School Commission (Commission) was a statewide charter school authorizer whose mission was to authorize high-quality public charter schools and provide effective oversight and transparent accountability to improve educational outcomes for at-risk students.

Governed by a Commission of nine members appointed by the Governor, Speaker of the House of Representatives and Lieutenant Governor, the Commission oversaw the opening of seven charter schools across Washington. These schools served more than 800 students. On September 4, 2015, Washington State’s Supreme Court struck down the entire Charter School Act, putting the more than 800 students enrolled in Commission-authorized charter schools at severe risk of their school closing. The Court’s decision was devastating to students, families, teachers, and leaders who have spent over two years preparing to serve underrepresented students through effective and innovative methods.

This report provides a brief history of the Commission, the charter schools it authorized and descriptions of processes and resources that were developed in service of developing a public charter school sector in Washington. The Commission feels compelled to share our lessons learned and pass along the resources we have developed in hopes that future charter school authorizers in Washington can continue down the path we forged of authorizing and providing high-quality transparent oversight to charter schools.

Sincerely,



JOSHUA HALSEY
Executive Director

Governed by a Commission of nine members appointed by the Governor, Speaker of the House of Representatives and Lieutenant Governor, the Commission oversaw the opening of seven charter schools across Washington. These schools served more than 800 students. On September 4, 2015, Washington State's Supreme Court struck down the entire Charter School Act, putting the more than 800 students enrolled in Commission-authorized charter schools at severe risk of their school closing. The Court's decision was devastating to students, families, teachers, and leaders who have spent over two years preparing to serve underrepresented students through effective and innovative methods.

Sincerely,

JOSHUA HALSEY
Executive Director

THE COMMISSION

The Washington Charter School Commission (Commission) was established in April 2013 and was tasked with the following:

- Establish itself as an **INDEPENDENT** state agency, including hiring staff or contracting for personnel support: RCW 28A.710.070 (1) and (7);
- Authorize **HIGH-QUALITY** public charter schools, particularly for **AT-RISK STUDENTS**: RCW 28A.710.070 (1);
- Ensure the highest standards of **ACCOUNTABILITY AND OVERSIGHT** for authorized schools: RCW 28A.710.070 (1) and 28A.710.180;
- Develop, negotiate, execute, manage, and enforce **CHARTER CONTRACTS** (maximum 5 years in length): RCW 28A.710.070 (1) and 28A.710.190;
- **DEVELOP A SOLICITATION AND EVALUATE RESPONSES TO SOLICITATIONS** (charter applications): RCW 28A.710.100 (1);
- **MONITOR PERFORMANCE AND LEGAL COMPLIANCE** of charter schools including, without limitations, education and academic performance goals and student achievement: RCW 28A.710.100 (1) and 28A.710.170;
- Promptly notify and take appropriate **CORRECTIVE ACTIONS** or **EXERCISE SANCTIONS** in response to a charter school's apparent deficiencies in school performance or legal compliance: RCW 28A.710.180 (3) and (4);
- Determine whether each charter school merits **RENEWAL, NONRENEWAL OR REVOCATION**: RCW 28A.710.100 (1) and 28A.710.190; and
- Develop a **TERMINATION PROTOCOL AND ASSOCIATED DUE PROCESS** for use when nonrenewal or revocation is indicated: RCW 28A.710.200

The Commission was formed with the mission of creating a rigorous and comprehensive new public charter school application (solicitation) process and holding charters accountable to high standards of quality. The Commission was an independent state agency that existed to authorize and oversee high-quality public charter schools throughout Washington with an emphasis on schools designed to expand opportunities for at-risk students, providing leadership and oversight that was consistent with national principles and standards of charter school authorizers and the provisions of Washington's charter school law. Charter schools were scheduled to operate in accordance with a five-year performance contract that the Commission negotiated and executed with each school. Depending on a charter school's performance, the charter contract could be renewed, revoked or terminated. When a charter contract is revoked or terminated, the school must close and it is the responsibility of the Commission to facilitate and monitor these processes.

What was the Governance Structure of the Commission?

The Commission consisted of nine members, no more than five of whom could be members of the same political party. Three members were appointed by the Governor, three by the Lieutenant Governor, and three by the Speaker of the House. The appointing authorities ensured diversity among the Commission members, including representation from various geographic areas of the state. Appointing authorities ensured that at least one member was a parent of a Washington public school student.

2013 COMMISSIONERS

- **GOVERNOR JAY INSLEE'S APPOINTEES:** Doreen Cato (Hoquiam); Steve Sundquist, Chair (Seattle); Chris Martin (Spokane)
- **LT. GOVERNOR BRAD OWEN'S APPOINTEES:** Kevin Jacka (Springdale); Cindi Williams (Bellevue); Larry Wright, Vice Chair (Sammamish)
- **SPEAKER FRANK CHOPP'S APPOINTEES:** Trish Millines Dziko, Commissioner At-Large (Vashon); Margit McGuire (Seattle); Dave Quall (Mt. Vernon)

2014 COMMISSIONERS

- **GOVERNOR JAY INSLEE'S APPOINTEES:** Raymond Navarro (Yakima); Steve Sundquist, Chair (Seattle); Roberta J. Wilburn (Spokane)
- **LT. GOVERNOR BRAD OWEN'S APPOINTEES:** Kevin Jacka (Springdale); Cindi Williams (Bellevue); Larry Wright, Vice Chair (Sammamish)
- **SPEAKER FRANK CHOPP'S APPOINTEES:** Trish Millines Dziko, Commissioner At-Large (Vashon); Margit McGuire (Seattle); Dave Quall (Mt. Vernon)

2015 COMMISSIONERS

- **GOVERNOR JAY INSLEE'S APPOINTEES:** Raymond Navarro (Yakima); Steve Sundquist, Chair (Seattle); Stacy Hill (Spokane)
- **LT. GOVERNOR BRAD OWEN'S APPOINTEES:** Kevin Jacka (Springdale); Cindi Williams, Vice Chair (Bellevue); Larry Wright (Sammamish)
- **SPEAKER FRANK CHOPP'S APPOINTEES:** Trish Millines Dziko, Commissioner At-Large (Vashon); Margit McGuire (Seattle); Dave Quall (Mt. Vernon)

The Commission facilitated a conversation with its seven authorized charter schools in the spring of 2015 to identify a collective vision of the future for charter schools and students in Washington.



VALUES

- ## VISION STATEMENT

LEGACY REPORT | 5



DEVELOPMENT EFFORTS

Authorization

On April 4, 2013, the Commission held its first open public meeting. From April to October, the Commission was supported by RaShelle Davis of the Governor's office and Aileen Miller, Assistant Attorney General. On October 7, 2013, the Commission hired Joshua Halsey as Executive Director. During the first six months of operations, the Commission developed agency rules regarding its authorization process (WAC 108-20). These rules led to the development and issuance of the first New School Application. The New School Application set clear criteria for prospective charter school operators to respond to and provided preference to operators who designed educational programs that target "at-risk" students (RCW 28A.710.005(1)(n)(ix)).

Each New School Application that was submitted was vetted for completeness and, once completeness was determined, a team of external evaluators reviewed the application. The external evaluators were chosen based upon their experience and knowledge regarding charter school operators, school finance, non-profit and school governance practices, and educational program evaluation. New school applicants participated in a three-hour Capacity Interview, including a performance task which allowed the external evaluators to fully assess a potential operator's readiness to open a high-quality charter school. The external evaluators worked with their team lead, a Commission employee, who drafted and submitted a recommendation to approve or deny the application to the Executive Director. The Executive Director presented the recommendation to the Commission during the Commission's monthly meeting.

The Commission conducted three New School Application cycles prior to the September 4, 2015 Supreme Court ruling. The three New School Application cycles produced 38 notices of intent (NOI) to apply, 25 applications and 10 charter schools authorized to open. Below is a summary of each New School Application cycle.

2013 NEW SCHOOL APPLICATION

The Commission relied heavily on the National Association of Charter School Authorizers (NACSA) to provide project coordination for all development, implementation and evaluation for its first new charter school application process.

Notices of Intent: 28

New Charter School Applications Reviewed: 19

New Charter Schools Approved: 7

2014 NEW SCHOOL APPLICATION PROCESS

The 2014 New School Application was marked by Commission staff performing more of the solicitation process. This included identifying, securing and managing the evaluation team; however, the Commission still relied upon NACSA for support of the due diligence reports.

Notices of Intent: 12

New Charter School Applications Reviewed: 4

New Charter Schools Approved: 1

2015 NEW SCHOOL APPLICATION PROCESS

The Commission continued to refine the New School Application process and increase Commission involvement in 2015. Commission staff led the New School Application evaluation teams and drafted the recommendation reports for the Executive Director to review and submit to the Commission. NACSA support was limited to preparation of due diligence reports. The Commission also involved prospective operators differently than in the past regarding the Public Forums. Prospective operators supported Commission staff in identifying a location and securing translators for the Forum.

Updates to the 2015 New School Application Process:

- Modified the Application to emphasize cultural competence, cultural inclusivity and cultural responsiveness. Also included new requirements for existing non-profits regarding their financial history and viability;
- Recommendation reports outlining the extent to which an application met application expectations were created by Commission staff and submitted to the Commission by the Executive Director;
- The Application Scoring Rubric was adjusted to create greater alignment with Commission expectations;
- Initiated Commissioner participation in the Public Forums; and
- Performance Task was developed and added as a component of the Capacity Interview;
- Applicant engagement in planning and conducting of Public Forums.
- Commission staff led evaluation teams;

Notices of Intent: 8

New Charter School Applications Reviewed: 2

New Charter Schools Approved: 2

2016 NEW SCHOOL APPLICATION PROCESS

While the 2016 New School Application will not be released due to the Supreme Court's ruling, the Commission updated and improved both the application and scoring rubric.

Oversight

CHARTER CONTRACT

Per RCW 28A.710.010(4), a charter contract means a fixed term (five-year), renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract. The Commission viewed the charter contract as more than just a legal agreement with the schools. The contract provided charter schools, parents, students, and the public with the Commission's performance expectations for each charter school. As such, over the two years of operations, the Commission devoted time and resources to developing and improving its charter contract.

By April 2014, the Commission had executed eight (8) charter school contracts. These contracts had been amended twice and in some cases three times. As the Commission revised and issued its third Request for Proposals (RFP) and initiated its oversight processes, the benefit of aligning all of the existing contracts became apparent.

Conversations with authorized charter school leaders were initiated in mid-February 2015 with the expectation that school leaders discuss the updated contract with their boards. The goal was to have all authorized charter schools sign and execute the updated contract by May 30, 2015. To facilitate this process, an overview of the substantive changes in the updated charter contract was provided to each school leader, again with the expectation that these changes be shared with their board. Beyond the substantive changes, the overall format and layout of the charter contract was also updated. These format and layout changes were designed to facilitate both the school leaders' and the charter board members' understanding of the contractual requirements of the charter school.

By July 2015, all of the authorized charter schools had approved adoption of the updated charter contract with the exception of First Place. First Place was not engaged in the contract update process due to the corrective action and sanctions they were subject to; however, by August 2015, the Commission agreed to move forward with First Place regarding updating their charter contract to align with all of the other charter contracts.

Performance Framework

Per RCW 28A.710.170, the performance provision within the charter contract must be based on a Performance Framework (Framework) that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide an authorizer's evaluation of each charter school. The Commission's Framework was a tool to "ensure the highest standards of accountability and oversight" (RCW 28A.710.070 (1)) and to engage in continuous learning and compliance conversations with charter schools. To this end, the Commission developed a series of agency rules (WAC 108-30-020) that outlined the purpose and content of its Framework. Once the rules were set, the Commission moved forward with engaging charter school operators and various stakeholders in the development of the indicators, metrics and targets for the Framework.

The Commission held that the Performance Framework is a critical tool that the Commission and charter schools would utilize as they collectively strived to create student-centered, academically rigorous, fiscally sound and organizationally vibrant public charter schools. Charter schools also viewed the Framework as a critical self-evaluation tool for both continuous improvement and compliance. The Framework ensured high standards and accountability for the schools not by dictating inputs or controlling processes, but rather by setting expectations and supporting schools in being responsible for results.

The Performance Framework was essentially three frameworks with associated measures and metrics that assured the Commission and the public of the school's academic growth and progress, financial health and viability, and compliance with state and federal regulations. It was designed to treat all schools as though they are the same only in terms of meeting minimum legal and ethical requirements, thus enabling charter schools to retain flexibility and autonomy in determining their mission, vision and educational program.

By September 2015, the Commission had finalized two of the three components of the Performance Framework: Organizational Framework and Financial Framework. The metrics, targets and guidance documents associated with these two components of the Framework were adopted by the Commission and used by Commission staff in the creation and implementation of oversight systems and processes. The Academic Framework, the third but most important component of the Performance Framework, was developed to the point of identifying the metrics; however, with Washington State's participation in the Smarter Balanced Consortium, the student assessment data that was needed to establish academic targets was delayed until the spring of 2016.

Onboarding, New School Orientation Guide, Yearly Compliance Calendar and Reporting Templates

By January 2015, the Commission had the capacity to formally onboard new charter school operators to the reporting requirements of both the Commission and the Office of Superintendent of Public Instruction (OSPI). Collaboration between the Commission, OSPI and the Washington State Charter School Association led to the development of a New School Orientation Guide and a Yearly Compliance Calendar.

COMMISSION PERFORMANCE

From the beginning, the Commission aspired to become the premier charter school authorizer in the United States.

In order for the Commission to realize this aspiration, it needed to develop a roadmap that would serve as its guide. As such, the Commission developed a five-year strategic plan to serve as a guide for its seminal years. Contained within the strategic plan were five goals ranging from operationalizing the functions of the Commission to engaging the various communities charter schools would serve.

In the eighteen months after the creation of the strategic plan, the Commission and its staff worked tirelessly to accomplish the goals it had set forth. From this work came several major successes. Most notably, as a steward of public funds, the Commission was dedicated to using all funds appropriated in the most socially conscious and cost-effective way possible. As a result, the Commission ended each fiscal year with a budget surplus.

The Commission was also successful in operationalizing a state agency with limited resources and staff in a new and emerging sector in Washington. Despite the limited resources, the Commission successfully completed three New School Application processes and conducted oversight of the charter schools it authorized.

Throughout most of this building, the Commission was staffed by three full-time employees. It is a testament to not only the hard but high-quality work of these individuals that when the Commission was audited by the State Auditor's Office, the report was clean and devoid of any findings.

While these results are very positive, the additional goals contained within the strategic plan needed additional time to be met. Unfortunately, the Commission was forced to cease operations as a result of the Supreme Court's ruling that the Charter School Act is unconstitutional.

**Summit
Sierra**

1025 S KING STREET,
SEATTLE, WA 98104

**First Place Scholars
Charter School**

172 20TH AVE,
SEATTLE, WA 98118

**Green Dot Public Schools
Washington: Seattle**

TBD, SOUTH SEATTLE

9601 35TH AVE SW,
SEATTLE, WA 98126

**Summit
Atlas**

**Rainier
Prep**

10211 S 12TH AVE,
SEATTLE, WA 98168

COMMISSION SCHOOLS

OPERATIONAL
SCHOOLS

APPROVED/NOT YET
OPENED SCHOOLS

**Excel Public
Charter School**

19300 108TH
AVE SE, KENT,
WA 98031

2136 MARTIN LUTHER
KING JR. WAY,
TACOMA, WA 98405

**SOAR
Academy**

**Green Dot Public Schools
Washington: Destiny
Middle School**

1301 EAST 34TH STREET,
TACOMA, WA 98404

**Summit
Olympus**

409 PUYALLUP AVE,
TACOMA, WA 98421

**Willow Public
School**

330 S PALOUSE STREET,
WALLA WALLA, WA 99362

OPERATIONAL COMMISSION CHARTER SCHOOLS

Excel Public Charter School

19300 108TH AVE. SE, KENT, WA 98031

Serving Kent School District | WWW.EXCELWA.ORG

MISSION: Excel Public Charter School (Excel) will provide all students with academically rigorous, STEM-focused, college-preparatory program that will help students achieve both academic and personal success in college and career. Further, Excel will empower students to become agents of change in their communities through character development and culturally-responsive pedagogy. Excel's aspiration is to see thousands of our students graduate from the colleges of their choice and return to play an integral role in the economic sustainability and cultural viability of the Kent, Washington area.

ADEL SEFRIQUI, SCHOOL LEADER | GILLIAN WILLIAMS, BOARD CHAIR

| | | | | |
|--|--|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | 6 th and 7 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 160 | 17% | 15% | 60% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 137 | 13% | 13% | 53% |
| Grades Served at Capacity: | 6 th through 12 th | | | |
| Projected Enrollment at Capacity: | 525-616 | | | |
| Operating Budget 2015/16¹: | \$2,550,465 | | | |
| Expenses Per Pupil 2015/16¹: | \$15,489 | | | |

| Goals | |
|-------|--|
| 1 | Students develop into proficient readers, speakers and writers. |
| 2 | Students demonstrate proficiency in the understanding and application of mathematical computation and problem solving. |
| 3 | Students demonstrate proficiency and improvement of skills and content knowledge in science. |
| 4 | Students demonstrate proficiency and improvement of skills and content knowledge in social studies. |

| | |
|----------|---|
| 5 | Students demonstrate college readiness in academic content, key cognitive strategies, and contextual college awareness. |
| 6 | Student attendance and retention is strong and consistent, promoting student learning. |
| 7 | Parents are satisfied with the academic rigor, level of structure, and communication offered by the school. |

| Objectives | |
|-------------------|---|
| 1 | Provide additional learning time to enhance student learning. |
| 2 | Provide for additional instruction in Literacy, Mathematics, and Science disciplines. |
| 3 | Provide learning opportunities in computer science. |
| 4 | Develop students' non-cognitive skills. |
| 5 | Provide teachers with additional professional support and development. |
| 6 | Develop strong parent and family ties with school. |

| Education Program Terms | |
|--------------------------------|--|
| 1 | Beginning in 7 th grade, all students will be enrolled in a computer science-focused course. |
| 2 | All students will be enrolled in additional math, science, and ELA coursework, totaling approximately 100 minutes per day. |

¹Source: 2015-16 Excel Public Charter Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

Excel opened their doors in August 2015 to serve 148 students in the City of Kent. Excel had a commitment to empower all students academically and socially by providing a rigorous, college educational curriculum and character development through culturally responsive teaching and school culture. Excel sought to employ people who believed they have the potential to ignite learning and development in each and every student. The school offered a high-quality learning environment in the areas of Mathematics, Science, Computer Science and Orchestra, in addition to English Language Arts, Social Studies and Physical Education.

First Place Scholars Charter School

172 20TH AVE, SEATTLE, WA 98118 | Serving Seattle School District

WWW.FPSCHOLARS.ORG

MISSION: First Place Scholars Charter School's mission is founded on the concept that scholars are life-long learners. To make sure that our scholars reach their full potential, the school will provide:

- A stable and nurturing environment in which children rise above personal circumstances, accelerate academically, and develop strength of character that will prepare them for college, careers, and success in life;
- An education program that is inclusive, academically rigorous and culturally relevant, with small classes, individualized instruction and consistently high standards; and
- Support services that address each scholar's social, emotional and physical needs, while fostering meaningful interaction with parents and the community in order to ensure our scholars' success.

LINDA WHITEHEAD, SCHOOL LEADER | DAWN MASON, BOARD CHAIR

| | | | | |
|--|--------------------------------------|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | Kindergarten through 5 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 90 | 12.84% | 80% | 100% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 107 | 11% | 15% | 99% |
| Grades Served at Capacity: | Kindergarten through 5 th | | | |
| Projected Enrollment at Capacity: | 168 | | | |
| Operating Budget 2015/16¹: | \$2,107,721 | | | |
| Expenses Per Pupil 2015/16¹: | \$21,612 | | | |

| Goals | |
|-------|---|
| 1 | Students demonstrate improved performance in reading/language arts and math. |
| 2 | Students demonstrate improved social/emotional skills. |
| 3 | Students complete demonstration projects in arts, science, engineering, and technology. |
| 4 | Student attendance is strong. |
| 5 | Parents are satisfied with the academic program and support offered their children and communication with the school. |

| Objectives | |
|------------|--|
| 1 | Provide additional learning time through an extended school day from 8:30-4:15. |
| 2 | Provide teachers and para educators with staff development activities and opportunities. |
| 3 | All students have effective instruction based on periodic measures of student progress. |

| Education Program Terms | |
|-------------------------|---|
| 1 | An inclusive school environment is offered by FPS in which all students have access to general education. |
| 2 | All students have access to an extended school day. |
| 3 | All students have effective instruction based on periodic measures of student progress. |

¹Source: 2015-16 First Place Scholars Charter School Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

First Place Scholars was the first authorized charter school in Washington State, transitioning from a private to a public entity in the 2014-2015 school year. First Place sought to secure housing, instill hope and educate every student, and to remain aligned to their initial mission that began in 1989 as a transitional school for homeless children. First Place provided an integrated educational and mental health learning model to address social, emotional and behavioral challenges, as well as interventions to best serve the needs of students in and outside the classroom. First Place desired to fill the unmet needs of underserved students in Seattle, targeting children that coincided with future high school dropout rates.

Green Dot Public Schools

Washington: Destiny Middle School

1301 EAST 34TH STREET, TACOMA, WA 98404 | Serving Tacoma School District

WWW.WA.GREENDOT.ORG/DESTINY

MISSION: To prepare students for high school, college, leadership and life by providing a small, college-preparatory program where all stakeholders actively engage in the education process.

KYNA WILLIAMS, SCHOOL LEADER | MARGUERITE KONDRACKE AND ANDREW BUHAYAR, BOARD CHAIR

| | | | | |
|--|---|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | 6 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 200 | 17% | 9% | 60% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 180 | 22% | 1% | 83% |
| Grades Served at Capacity: | 6 th through 8 th | | | |
| Projected Enrollment at Capacity: | 495-600 | | | |
| Operating Budget 2015/16¹: | \$3,801,479 | | | |
| Expenses Per Pupil 2015/16¹: | \$19,007 | | | |

| Goals | |
|----------|--|
| 1 | Academic growth for all students. |
| 2 | Measures of culture and cultural data: including stakeholder feedback from teachers, students, families and staff, as well as violations of the code of conduct, attendance rates and tardies. |
| 3 | Professional growth for teachers. |

| Objectives | |
|------------|--|
| 1 | To provide a high-quality college-preparatory education that prepares Washington students for success in college, leadership and life. |
| 2 | To provide effective and efficient operations and financial management in support of the school. |
| 3 | To provide transparent and quality governance for students and families. |

| Education Program Terms | |
|-------------------------|---|
| 1 | Teaching and Instruction: Students will experience effective teaching aligned to our teaching framework and multiple assessments to measure growth and inform instruction. |
| 2 | College-going Culture: Students will experience college-going culture by participating in academic counseling, accessing college tours, and taking college-preparatory core content. |
| 3 | Eliminating Barriers to Learning: Students will access the academic intervention, counseling and clinical services as necessary to break down the barriers to learning. |
| 4 | Promoting Leadership and Life Skills: Students will learn a broad set of tools to prepare them for college and beyond through student leadership opportunities, partnerships with community programs, and attending an advisory program that will build students' academic behaviors and college awareness. |

¹Source: 2015-16 Green Dot Public Schools Washington: Destiny Middle School Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

Destiny Middle School was the inaugural Green Dot School in Washington State, opening its doors in August 2015 to 200 students from diverse neighborhoods in the Tacoma area. Green Dot Public Schools was founded in 1999 in response to the poor state of the Los Angeles public school system. Green Dot seeks to educate low-income, high-risk youth with the expectation to turn around schools by demonstrating a more effective way to provide public education. In addition to serving a diverse student population, Green Dot Destiny sought to employ ethnically and geographically diverse staff. Green Dot set out to prove they could achieve better outcomes with the same student population and lower per pupil funding than traditional public schools in the state of Washington, as they have in Tennessee and California. Green Dot Destiny doors closed with the school being in 100% compliance with the Washington State Charter School Commission.

Rainier Prep

10211 S. 12TH AVENUE, SEATTLE, WA 98168 | Serving Seattle School District

WWW.RAINIERPREP.ORG

MISSION: To prepare all students to excel at four-year colleges and to become leaders in their communities.

MAGGIE O'SULLIVAN, SCHOOL LEADER | ANDREW JASSY, BOARD CHAIR

| | | | | |
|--|---|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | 5 th and 6 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 162 | 13% | 31% | 85% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 168 | 8% | 30% | 75% |
| Grades Served at Capacity: | 5 th through 8 th | | | |
| Projected Enrollment at Capacity: | 400 | | | |
| Operating Budget 2015/16¹: | \$2,511,652 | | | |
| Expenses Per Pupil 2015/16¹: | \$14,537 | | | |

| Goals | |
|----------|---|
| 1 | Enroll every graduating 8 th grader into a college-prep high school program. |
| 2 | To prepare every scholar to excel at a four-year college. |
| 3 | To ensure that every scholar is ready to serve as a leader in their community. |

| Objectives | |
|------------|---|
| 1 | Students will have more time to learn the skills and concepts to meet the challenging college-prep curriculum of both our foundations and our inquiry classes. (Students will have at least 1,200 hours of school time annually compared to the minimum requirement of 1,000.) |
| 2 | Teachers will have significantly more time to collaborate and they will get high-quality, job-embedded professional development at least weekly. (10 days of teacher professional development prior to start of school. At least 3 hours of teacher professional development weekly.) |

| Education Program Terms | |
|-------------------------|--|
| 1 | Rainier Prep provides a longer school day to ensure that students have more time to learn. |
| 2 | Rainier Prep provides a daily advisory program. |
| 3 | Rainier Prep focuses on increasing achievement in STEM. |

¹Source: 2015-16 Rainier Prep Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

Rainier Prep launched their school year in September 2015, serving 168 students in the Highline neighborhood of Seattle, Washington. Rainier Prep aspired to close the gap between low-income and middle-class students' college access, while encouraging them to be leaders in their communities. Rainier Prep's curriculum and daily schedule was designed to ensure their students met these goals. They provided their students, staff and families with an acronym they recited daily to motivate their young learners: GUIDES: Grit, Urgency, Integrity, Discovery, Excellence, and Society. Academically, Rainier Prep's students would receive 5 distinct areas of learning per day: Advisory, Foundations, Science, Inquiry, Enrichment and Technology, and STEM Is The Future. Rainier Prep ended operations as a charter school in 100% compliance with the Washington State Charter School Commission.

SOAR Academy

2136 MARTIN LUTHER KING JR. WAY, TACOMA, WA 98405

Serving Tacoma School District | WWW.SOARACADEMIES.ORG

MISSION: To provide students with a rigorously engaged and personalized educational experience, allowing them to become positive contributing members of a diverse global society prepared and equipped academically and socially for success in college, career and beyond.

KRISTINA BELLAMY, SCHOOL LEADER | DR. THELMA JACKSON, BOARD CHAIR

| | | | | |
|--|--------------------------------------|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | Kindergarten and 1 st | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 78 | 18% | 12% | 75% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 84 | 12% | 5% | 69% |
| Grades Served at Capacity: | Kindergarten through 8 th | | | |
| Projected Enrollment at Capacity: | 450 | | | |
| Operating Budget 2015/16¹: | \$1,455,949 | | | |
| Expenses Per Pupil 2015/16¹: | \$16,930 | | | |

| Goals | |
|----------|--|
| 1 | Students will achieve mastery in Reading/Language Arts. |
| 2 | Students will achieve mastery in Mathematics. |
| 3 | Students will achieve mastery in Sciences. |
| 4 | Students will achieve proficiency in Habits of Mind skills. |
| 5 | SOAR Academy will be fully enrolled and demonstrate high levels of daily attendance and student retention. |
| 6 | Parents will demonstrate high satisfaction with the academic program and the clear and open communication of SOAR Academy. |

| Objectives | |
|------------|--|
| 1 | Extended School Day: School day will run 8:15-4:30pm. |
| 2 | Extended School Year: 185 School days representing 1,416 instructional hours. |
| 3 | Extensive hours of teacher planning and professional development year-round: Compared to traditional school districts, SOAR will offer teachers extensive opportunities for collaboration and planning. This total exceeds 500 hours per year. |
| 4 | Provide a personalized learning environment for all students: At SOAR students each receive a personalized learning plan that outlines their goals, strengths and areas of challenge. |

| Education Program Terms | |
|-------------------------|---|
| 1 | Arts-Integration: SOAR Academy is an arts-integrated school. Dance is the art form of focus in years 1-4 and is considered “foundational” to the academic program offered. Students take dance at least 3 times a week. |
| 2 | Extended School Year: SOAR Academy will offer an extended school year in excess of the state mandated 180 school days. (In the 2015-2016 school year, we will offer 185 instructional days.) |
| 3 | Extended School Day: SOAR offers an extended school day in excess of traditional elementary school offerings. SOAR’s day runs from 8:15-4:30pm (M, T, Th, F). |
| 4 | Inclusive Learning Environment: SOAR offers an inclusive learning environment in which all learners have access to their peers and the general education classroom. |

¹Source: 2015-16 SOAR Academy Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

SOAR Academy ignited their educational exploration in August 2015, serving 91 elementary students in the Hilltop neighborhood of Tacoma, Washington. SOAR aimed to transform educational experiences for all learners by introducing an arts-based education to their K-1 population. SOAR implemented 6 core values to be demonstrated in their community by teachers, leaders, students and families: Excellence, Diversity, Joy, Arts are Foundational, Individual and Community, and Continuous Growth Mindset. SOAR strived to establish and maintain a relationship with the community and parents of their students, believing that more participation and support from community and families was essential to their mission.

Summit Olympus

409 PUYALLUP AVE, TACOMA, WA 98421 | Serving Tacoma School District

WWW.SUMMITPS.ORG/SCHOOLS/WASHINGTON/SUMMIT-OLYMPUS

MISSION: To prepare a heterogeneous student population for success in a four-year college, and to be thoughtful, contributing members of society.

GINA WICKSTEAD, SCHOOL LEADER | MICHAEL ORBINO, BOARD CHAIR

| | | | | |
|--|--|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | 9 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 105 | 13% | 3% | 50% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 101 | 14% | 5% | 70% |
| Grades Served at Capacity: | 9 th through 12 th | | | |
| Projected Enrollment at Capacity: | 448 | | | |
| Operating Budget 2015/16¹: | \$2,298,928 | | | |
| Expenses Per Pupil 2015/16¹: | \$19,356 | | | |

| Goals | |
|----------|---|
| 1 | To prepare every single student for college and career success. |

| Objectives | |
|------------|---|
| 1 | The School will receive a clean, external audit annually. |
| 2 | The School will maintain tight internal fiscal policies to ensure the most effective use of the School's funds to support its missions and to ensure that the funds are budgeted, accounted for, expended, and maintained appropriately. |
| 3 | Budgets will be created by the CFO and School leader, reviewed by the SPS-WA leadership team and SPS-WA Board of Directors Finance Committee, and then approved once per year by the SPS-WA Board of Directors at a public meeting. |
| 4 | The SPS-WA Board will ensure the successful operation of the School by creating, adopting and monitoring a long-term strategic plan and associated budget, and by employing and evaluating the Chief Regional Officer who oversees the School leader. |
| 5 | The SPS-WA Board will be trained annually on the Conflict of Interest Policy and the Open Public Meetings Act. |

| | |
|-----------|---|
| 6 | The SPS-WA Board may appoint one or more of the following committees that report to the full Board: compensation, nominating, finance, audit, facility, and compliance. |
| 7 | The School will be fully enrolled and will achieve a high level of average daily attendance. |
| 8 | All of the School's graduates will be eligible for four-year college, as defined by their coursework. |
| 9 | The School will maintain a high fall-to-fall student retention rate. |
| 10 | The School will maintain a high teacher retention rate. |
| 11 | The School will conduct approximately 40 days of professional development each year. |

| Education Program Terms | |
|--------------------------------|--|
| 1 | All students will have a Personalized Learning Plan (PLP) all four years at Summit Public Schools. |
| 2 | All students will participate in expeditions at Summit Public Schools where they will explore passions, participate in internships, engage in community service projects, and develop their Habits of Success. |
| 3 | All students will develop common core aligned cognitive skills throughout their four years at Summit Public Schools. |
| 4 | All students will have a mentor who will meet with them regularly to set goals, reflect on progress and develop action plans. |

¹Source: 2015-16 Summit Olympus Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

Summit Olympus began serving 123 diverse students in fall of 2015 from the South End, Hilltop and East Side neighborhoods of Tacoma, Washington. Summit sought to educate high-risk students to achieve academic goals regardless of their previous preparation and background. Summit desired to apply their academic model with specific needs to Tacoma, as they did in their California communities. Summit's academic model has successfully graduated and assisted 96% of their students being accepted into a four-year college/university. Summit provides all students with college-ready courses, as well as six Advance Placement classes (AP) and at least one AP test prior to graduation. Summit Olympus was in 100% compliance with the Washington State Charter School Commission upon closure.

Summit Sierra

1025 S KING STREET, SEATTLE, WA 98104 | Serving Seattle School District

WWW.SUMMITPS.ORG/SCHOOLS/WASHINGTON/SUMMIT-SIERRA

MISSION: To prepare a heterogeneous student population for success in a four-year college, and to be thoughtful, contributing members of society.

MALIA BURNS, SCHOOL LEADER | MICHAEL ORBINO, BOARD CHAIR

| | | | | |
|--|--|-------------------|---------------------------|------------------------|
| Grades Served 2015/16: | 9 th | | | |
| Projected Enrollment 2015/16¹: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 105 | 10% | 19% | 50% |
| Actual Enrollment 2015/16²: | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
| | 124 | 13% | 17% | 60% |
| Grades Served at Capacity: | 9 th through 12 th | | | |
| Projected Enrollment at Capacity: | 448 | | | |
| Operating Budget 2015/16¹: | \$2,351,028 | | | |
| Expenses Per Pupil 2015/16¹: | \$19,783 | | | |

| Goals | |
|-------|---|
| 1 | To prepare every single student for college and career success. |

| Objectives | |
|------------|---|
| 1 | The School will receive a clean, external audit annually. |
| 2 | The School will maintain tight internal fiscal policies to ensure the most effective use of the School's funds to support its missions and to ensure that the funds are budgeted, accounted for, expended, and maintained appropriately. |
| 3 | Budgets will be created by the CFO and School leader, reviewed by the SPS-WA leadership team and SPS-WA Board of Directors Finance Committee, and then approved once per year by the SPS-WA Board of Directors at a public meeting. |
| 4 | The SPS-WA Board will ensure the successful operation of the School by creating, adopting and monitoring a long-term strategic plan and associated budget, and by employing and evaluating the Chief Regional Officer who oversees the School leader. |
| 5 | The SPS-WA Board will be trained annually on the Conflict of Interest Policy and the Open Public Meetings Act. |

| | |
|-----------|---|
| 6 | The SPS-WA Board may appoint one or more of the following committees that report to the full Board: compensation, nominating, finance, audit, facility, and compliance. |
| 7 | The School will be fully enrolled and will achieve a high level of average daily attendance. |
| 8 | All of the School's graduates will be eligible for four-year college, as defined by their coursework. |
| 9 | The School will maintain a high fall-to-fall student retention rate. |
| 10 | The School will maintain a high teacher retention rate. |
| 11 | The School will conduct approximately 40 days of professional development each year. |

| Education Program Terms | |
|--------------------------------|--|
| 1 | All students will have a Personalized Learning Plan (PLP) all four years at Summit Public Schools. |
| 2 | All students will participate in expeditions at Summit Public Schools where they will explore passions, participate in internships, engage in community service projects, and develop their Habits of Success. |
| 3 | All students will develop common core aligned cognitive skills throughout their four years at Summit Public Schools. |
| 4 | All students will have a mentor who will meet with them regularly to set goals, reflect on progress and develop action plans. |

¹Source: 2015-16 Summit Sierra Budget

²Source: Washington State Charter Schools Association (October 23, 2015)

Summary Statement

Summit Sierra opened their doors in fall 2015, serving 121 students in the South Seattle neighborhood. Sierra is one of two Summit Public Schools that opened in Washington State for the 2015-2016 school year. Summit is proud of their academic model that has led 96% of their high-risk students to be accepted to a four-year college/university. Summit Sierra aimed to stay in alignment with Summit Public Schools' mission: targeting students from low-income neighborhoods to assist in closing the significant demographic achievement gap. Summit schools believe every student is capable of college and career readiness, and in hiring high-performing teachers to meet all students' unique needs. Summit Sierra seeks to develop a relationship and support every student along their educational journey. Upon closing as a charter school, Summit Sierra was in 100% compliance with the Washington State Charter School Commission.

APPROVED/NOT YET OPENED COMMISSION SCHOOLS

Summit Atlas

9601 35TH AVE SW, SEATTLE, WA 98126 | Serving Seattle School District
WWW.SUMMITPS.ORG

MISSION: To prepare a heterogeneous student population for success in a four-year college, and to be thoughtful, contributing members of society.

GREG PONIKVAR, SCHOOL LEADER | MICHAEL ORBINO, BOARD CHAIR

| Projected Enrollment 2016/17 ¹ : | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
|--|--|-------------------|---------------------------|------------------------|
| | 712 | 13% | 10% | 50% |
| Grades Served at Capacity: | 6 th through 12 th | | | |
| Projected Operating Budget 2016/17¹: | \$3,297,588 | | | |
| Expenses Per Pupil 2016/17¹: | \$14,070 | | | |

| Goals | |
|-------|---|
| 1 | To prepare every single student for college and career success. |

| Objectives | |
|------------|---|
| 1 | Monitor Summit Atlas' progress towards key academic, operational, financial, and governance objectives, including: achieving academic success; parent, student, and faculty satisfaction; enrollment. |
| 2 | Ensuring that the leadership is in place to execute on the mission. |
| 3 | Meeting compliance requirements. |
| 4 | Ensuring that the school is legally strong. |
| 5 | Ensuring effective and responsive governance. |
| 6 | Ensuring effective use of funds. |
| 7 | Ensuring that funds are budgeted, accounted for, expended, and maintained appropriately. |

| Education Program Terms | |
|-------------------------|---|
| 1 | Every Summit student has a dynamic Personalized Learning Plan and is able to access all of the learning tools and resources they need at any time. |
| 2 | Every Summit student has at least one adult mentor and coach, who individually supports them to set goals, makes a plan to achieve those goals and develop in their Habits of Success. A mentor also serves as college counselor, coach, family liaison and advocate. |
| 3 | All Summit students engage in real-world experiences that allow them to apply their knowledge and explore their passions. |
| 4 | All Summit students are provided a college-prep curriculum that meets or exceeds four-year college entrance requirements. |
| 5 | All teachers are supported to be high-performing with over 30 days of professional development built into the school year. |

¹Source: 2016-17 Summit Atlas Application Budget

Summary Statement

Summit Atlas was scheduled to open in West Seattle for the 2016-2017 school year. Atlas would have been the third Summit Public Schools in Washington State. Atlas planned to implement the Summit academic model that has led 96% of their high-risk students to be accepted to a four-year college/university. Summit Atlas aimed to stay in alignment with Summit Public Schools' mission: targeting students from low-income neighborhoods to assist in closing the significant demographic achievement gap.

Green Dot Public Schools Washington: Seattle

TBD, SOUTH SEATTLE | Serving Seattle School District

WWW.WA.GREENDOT.ORG

MISSION: To prepare students for high school, college, leadership and life by providing a small, college-preparatory program where all stakeholders actively engage in the education process.

TBD, SCHOOL LEADER | MARGUERITE KONDRACKÉ AND ANDREW BUHAYAR, BOARD CHAIR

| Projected Enrollment 2016/17 ¹ : | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
|---|--|-------------------|---------------------------|------------------------|
| | 1,190 | 16% | 13% | 74% |
| Grades Served at Capacity: | 6 th through 12 th | | | |
| Projected Operating Budget 2016/17 ¹ : | \$3,755,846 | | | |
| Expenses Per Pupil 2016/17 ¹ : | \$22,093 | | | |

| Goals | |
|-------|--|
| 1 | Academic growth for all students. |
| 2 | Measures of culture and cultural data: including stakeholder feedback from teachers, students, families and staff, as well as violations of the code of conduct, attendance rates and tardies. |
| 3 | Professional growth for teachers. |

| Objectives | |
|------------|--|
| 1 | To provide a high-quality college-preparatory education that prepares Washington students for success in college, leadership and life. |
| 2 | To provide effective and efficient operations and financial management in support of the school. |
| 3 | To provide transparent and quality governance for students and families. |

| Education Program Terms | |
|-------------------------|---|
| 1 | Teaching and Instruction: Students will experience effective teaching aligned to our teaching framework and multiple assessments to measure growth and inform instruction. |
| 2 | College-going Culture: Students will experience college-going culture by participating in academic counseling, accessing college tours, and taking college-preparatory core content. |
| 3 | Eliminating Barriers to Learning: Students will access the academic intervention, counseling and clinical services as necessary to break down the barriers to learning. |
| 4 | Promoting Leadership and Life Skills: Students will learn a broad set of tools to prepare them for college and beyond through student leadership opportunities, partnerships with community programs, and attending an advisory program that will build students' academic behaviors and college awareness. |

¹Source: 2016-17 Green Dot Public Schools Washington: Seattle Application Budget

Summary Statement

Green Dot Seattle was scheduled to be the second school opened in Washington State by Green Dot Public Schools. It was scheduled to open for the 2016-2017 school year. Green Dot Public Schools was founded in 1999 in response to the poor state of the Los Angeles public school system. Green Dot seeks to educate low-income, high-risk youth with the expectation to turn around schools by demonstrating a more effective way to provide public education. Green Dot set out to prove they could achieve better outcomes with the same student population and lower per pupil funding than traditional public schools in the state of Washington, as they have in Tennessee and California.

Willow Public School

330 S. PALOUSE STREET, WALLA WALLA, WA 99362 | Serving Walla Walla School District

WWW.WILLOWSCHOOLWALLAWALLA.ORG

MISSION: To prepare a diverse middle school population to excel in high school, college and careers, and inspire students to improve their community and the world.

DANIEL CALZARETTA, SCHOOL LEADER | JOE COOKE, BOARD CHAIR

| Projected Enrollment 2016/17 ¹ : | Enrollment | Special Education | English Language Learners | Free and Reduced Lunch |
|---|---|-------------------|---------------------------|------------------------|
| | 225 | 12.7% | 20% | 70% |
| Grades Served at Capacity: | 6 th through 8 th | | | |
| Projected Operating Budget 2016/17 ¹ : | \$1,754,208 | | | |
| Expenses Per Pupil 2016/17 ¹ : | \$13,837 | | | |

| Goals | |
|-------|--|
| 1 | 90 percent of students with us for at least two years will pass high school algebra by the end of 8 th grade. |
| 2 | 90 percent of students with us for at least two years will pass the Spanish exam by the end of 8 th grade, which will place them into honors/advanced Spanish in high school. |
| 3 | All students will successfully complete an 8 th grade culminating project. |
| 4 | Willow Public School will show high levels of daily attendance and student retention. |
| 5 | Parents will demonstrate high levels of satisfaction with the academic programs and outreach efforts of Willow Public School through an annual survey. |

| Objectives | |
|------------|---|
| 1 | Provide additional learning time to students through longer school days and a longer school year. |
| 2 | Provide Spanish language instruction to all students. |
| 3 | Provide project-based learning to all students. |
| 4 | Provide professional development for teachers focused on meeting the needs of our diverse population. |
| 5 | Develop and maintain strong ties to families and community. |

| Education Program Terms | |
|-------------------------|---|
| 1 | Project-based learning: teachers will use project-based teaching methods to create meaningful and engaging projects for students. |
| 2 | Personalization: each student will have a Personalized Education Plan developed between the advisor teacher, the student, and the family, to meet the specific goals and needs of each student. |
| 3 | Provide project-based learning to all students. |
| 4 | Provide professional development for teachers focused on meeting the needs of our diverse population. |
| 5 | Develop and maintain strong ties to families and community. |

¹Source: 2016-17 Willow Public School Application Budget

Summary Statement

Willow Public School conducted multiple community engagement activities throughout the development and submission of their charter school application. The Commission approved Willow’s charter application and Willow was scheduled to open for the 2016-2017 school year. Willow desired to serve an underrepresented minority population, with aspirations of their students becoming bilingual.

LESSONS LEARNED

The Commission operated as Washington State's only state-wide charter school authorizer for over two years.

During that time, the Commission embraced the concept and adopted practices associated with a learning organization by holistically and systemically reflecting on the impact of its actions and by soliciting and incorporating stakeholder feedback as it developed and improved systems, policies and practices. Regularly, the Commission took time during its monthly meetings to individually and collectively reflect on the impact of its actions as related to the Commission's vision of fostering innovation and ensuring excellence so that every student has access to and thrives in a high-quality public school. In becoming a learning organization, the Commission was able to respond to issues as they arose in a way that led to sustainable results.

The mission of the Commission was "to authorize high-quality public charter schools throughout the state, particularly schools designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools." To this end, the Commission identified two bodies of work: authorizing high-quality charter schools and providing transparent oversight to charter schools. As the Commission focused on implementing best practice for authorization and oversight, it produced a series of documents and systems that can be used to inform future chartering practices in Washington. This lessons-learned narrative attempts to capture the key learnings associated with these two bodies of work.

As a learning organization, the Commission sought feedback from stakeholders and reflected holistically and systemically on the oversight it provided to its first charter school during the 2014-2015 school year. Based upon stakeholder feedback and the Commission's collective reflections, the Commission learned:

- There is a need for a high level of expertise and background data during the application review process to properly evaluate the financial health of an existing non-profit organization that is applying to open a public charter school;
- Once a school is in crisis, it is difficult to intervene and right the ship; therefore, early warning systems that allow schools to learn while also course correcting are needed; and
- Starting a charter school can be daunting and the administrative learning curve and requirements to open charter schools is steep; therefore, schools need A LOT of support. Schools need tools and templates to help them in taking on these requirements.

The Commission devoted resources in order to fully understand the lessons learned and took the necessary steps to create and improve systems and processes in order for future charter schools to be as successful as possible. Below is a summary of the key areas of improvement.

CREATING AND IMPROVING THE NEW CHARTER SCHOOL APPLICATION AND APPROVAL PROCESSES

The Commission conducted three new charter school application cycles, with each presenting opportunities for learning and growth. Cumulatively, the Commission learned the importance of clarity which led to the development of a four-point application rubric. This rubric clarified the Commission's expectations and allowed the Commission to better assess the extent to which an application met its expectations. The Commission also improved several processes associated with the application process, from adding a performance task to the Capacity Interview to engaging directly with applicants in the planning and facilitation of Public Forums. These lessons learned led to the development of a rigorous and fair process by which charter school operators could apply to the Commission to open a high-quality charter school.

BALANCED AND TRANSPARENT ACCOUNTABILITY AND OVERSIGHT

Charters have no greater champion than the Commission. While guided by statute and administrative rule, within and beyond these guidelines the Commission's primary focus was the conscientious and responsible oversight of each charter school. We learned that fostering and maintaining a strong and trusting partnership with each school leader and board of directors is critical to the success of both charter schools and the Commission. Taking the time to engage, learn and develop partnership with each school fostered a climate of learning where crucial conversation, when needed, could occur. We have learned that a pre-opening site visit of each school needs to occur to verify that each school is ready to open. By verifying a school's readiness to open, we assure the students, families and communities that the school has developed the necessary systems and capacity to fulfill its promise of providing a high-quality educational experience for all students. From our experience in providing oversight to the first charter school in Washington, we learned the importance of developing systems, processes and templates for schools to use when preparing to open and during operations. These systems, processes and templates facilitated a charter school's reporting regarding the multitude of compliance expectations.

For financial oversight to be effective, a transparent financial reporting process must be in place. In our nation, 40% of the charter school failures are due to financial problems; therefore, the Commission devoted an immense amount of time and resources to develop a series of financial reporting templates to be used by a charter school to establish a yearly budget, as well as report to the Commission its financial status on a quarterly basis.

We have learned that special education policies and procedures need to be in place prior to the school opening. Having these policies and procedures in place prior to opening allows the charter school's special education program to be properly monitored by OSPI. We have learned that a Performance Framework is a necessary part of the charter contract rather than a tool of operation. Despite the timeline set-backs, the Commission made tremendous progress in the development of its Performance Framework. Much of the progress can be attributed to the collaboration with the National Association of Charter School Authorizer (NACSA) and the Commission's intentional and ongoing engagement with stakeholders.

CREATING CAPACITY AT THE COMMISSION

Based on what we learned, we recognized how understaffed the Commission was when it began operations and when it closed its doors. When the Commission began in April 2013, it was minimally staffed and had to rely on the Governor's office for staffing to support its mission. By December 2013, an Executive Director and Executive Assistant were hired to provide support to the Commission and did so until a Deputy Director was hired in January 2015. The Deputy Director was responsible for directing charter school authorizing and oversight activities. By August 2015 a School Quality and Accountability Director was hired who was responsible for creating data tracking systems for charter schools' annual accountability goals and communicating charter schools' performance. With these additions, the Commission significantly increased its capacity and had plans in place to increase capacity as the number of charter schools were authorized and open.

The Commission also established three additional standing committees composed of Commission staff and Commissioners.

- **FINANCE COMMITTEE:** This Committee reviewed charter school quarterly and yearly financial statements and audit reports. It also worked with the Executive Director and appropriate staff to review and recommend to the entire Commission the biennium budget and annual budget, and reviewed year-to-date actual and projected expenses versus budget.
- **AUTHORIZATION COMMITTEE:** This Committee worked with the Executive Director and appropriate staff to review the annual charter school solicitation calendar and documents and recommend to the entire Commission changes to the calendar and documents.
- **PERFORMANCE COMMITTEE:** This Committee reviewed data from charter schools pertaining to the Performance Framework and annual school reports. It also provided the entire Commission its recommendations concerning corrective action, revocation and closure of Commission authorized charter schools.

Conclusion

The Commission, both members and staff, were devoted and worked tirelessly in service of charter schools throughout the state. Despite a shortage of resources and the truncated timelines the Commission initially confronted, it successfully navigated a course that allowed a charter school sector in Washington to come alive. An immense amount of energy and human resources were called upon as the Commission developed its systems and processes for authorizing and overseeing charter schools. It is unfortunate that the Commission was unable to see the true fruits of its labor because those fruits needed time to mature. The Commission is proud of its work and has confidence that the foundation it laid will be useful to the charter school authorizers in Washington that follow, as well as those across the nation.

APPENDIX A: **STRATEGIC PLAN**

STRATEGIC PLAN

WSCSC Strategic Planning Process Overview

In November 2012, voters approved Initiative 1240, making Washington the 42nd state to have public charter schools. Shortly thereafter nine newly appointed Commissioners began the task of establishing the Washington Charter School Commission as an independent state agency to authorize charter schools. In that first year, the volunteer Commissioners developed rules, ran the first Charter application process in Washington, and hired an Executive Director in October of 2013.

In April of 2014, at the initiation of the Executive Director, the WSCSC began a five-month strategic planning process that took place as part of the monthly Commission meetings. TrustWorks, a consulting group based in Lacey, Washington, facilitated the strategic planning process. The nine Commissioners and staff devoted a few hours of each monthly meeting to strategic planning. The process took place as follows:

- **APRIL 29TH:** Overview, mission, vision, values and initial SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis;
- **MAY 22ND:** Revisited mission, vision and values, completed SWOT (external opportunities and threats), converted and prioritized weaknesses and threats;
- **AUGUST:** Obtained and incorporated stakeholder input, final document edits; and
- **SEPTEMBER 23RD:** Plan approval.

The strategy development process included a first-round prioritization, discussion and addition of other items, then a final prioritization. Utilizing the items from the SWOT analysis and Commissioner input, WSCSC Staff and TrustWorks collectively worked to develop the milestones and deliverables for each strategy, the logic model and timeline, and to obtain stakeholder feedback.

MISSION STATEMENT

To authorize high-quality public charter schools and provide effective oversight and transparent accountability to improve educational outcomes for at-risk students.

VALUES

- Student-Centered
- Cultural and Community Responsiveness
- Excellence and Continuous Learning
- Accountability/Responsibility
- Transparency
- Innovation

VISION STATEMENT

Foster innovation and ensure excellence so that every student has access to and thrives in a high-quality public school.

Washington State Charter School Commission **STRATEGIES**

As the WSCSC successfully engages in the following strategies, we believe that the ultimate outcome of creating and fostering an enabling environment for high-quality public charter schools to thrive will be realized.

1 **SOLIDIFY STRUCTURE**

Solidify the Washington State Charter School Commission's (WSCSC) operational structure.

2 **BUILD UNDERSTANDING**

Build statewide understanding about charter schools in general and, more specifically, the Commission's work, mission, and approved schools.

3 **ENGAGE COMMUNITIES**

Engage communities of color in charter school awareness and capacity building opportunities.

4 **CLOSER CONNECTION**

Foster the development of connections between public charter schools and traditional public schools and school districts.

5 **POLITICAL CLIMATE**

Foster positive political climate and support.

STRATEGY 1: Solidify the Washington State Charter School Commission's (WSCSC) operational structure.

SUMMARY: The WSCSC is an independent state agency that is statutorily required to authorize and provide effective oversight to high-quality public charter schools throughout Washington State. This strategy seeks to identify how the WSCSC will function as a state agency so that it can authorize and provide effective oversight of public charter schools.

Major Milestones/Deliverables:

WSCSC AS A STATE AGENCY

■ Engage in sound hiring practices.

→ Deliverables:

- Staff on-boarded for increased number of schools (Summer 2015);
- Roles and responsibilities between WSCSC, OSPI, SBE and SAO delineated; and
- Increase head count/FTE for WSCSC from 2.2FTE to 6.0FTE (Fall 2018).

■ Provide ongoing professional development to build staff and Commissioner capacity.

→ Deliverable:

- Evaluate performance of the WSCSC and staff.

■ Ensure continued access to technology and data systems.

→ Deliverables:

- Functional and accessible public website (October 2014); and
- Monitoring data system developed and implemented.

■ Develop clear understanding of biennium budgeting process.

→ Deliverable:

- WSCSC biennium budget request approved.

■ Acquire adequate and diverse funding for WSCSC functions.

→ Deliverables:

- Revise charter school law and regulations to ensure optimal conditions for the WSCSC to pursue grants and receive funds (June 2015); and
- Apply for state-level federal Charter School Program grant (2015).

■ **Align regulatory and statutory framework and deliverables.**

→ Deliverable:

- Identify proposed necessary regulatory changes (Fall 2014).

WSCSC AUTHORIZING

■ **Institutionalize the application process within the WSCSC.**

→ Deliverables:

- Clear and transparent application process including application scoring rubric;
- Published annual calendar of key events associated with Authorizing;
- Increased capacity within Washington State to review charter school applications; and
- Published, on WSCSC website, the application, Frequently Asked Questions and webinar orientations.

WSCSC OVERSIGHT

■ **Increase the number of high performing charter school seats each year.**

→ Deliverables:

- Define “high-quality” charter school seats based on student achievement data; and
- The first charter school in Washington (First Place Scholars) opens and demonstrates success as measured by the Performance Framework (Spring 2015).

■ **Develop a clear and transparent monitoring and reporting system for charter schools (Spring 2015).**

→ Deliverables:

- Implement Charter Contract and Performance Framework (Academic, Financial, Organizational) in Year 1;
- Develop and post a standard yearly calendar for charter school reporting requirements and data submissions;
- Develop monitoring process and data collection system (December 2014); and
- Finalize renewal decisions and subsequent closure activities and procedures.

■ **Foster and sustain Office of Superintendent of Public Instruction (OSPI), State Board of Education (SBE), State Auditor’s Office (SAO), Washington Charter Schools Association (WCSA) collaborations and other partnerships.**

→ Deliverable:

- Collaborative efforts demonstrated by ongoing meetings, communications and, where applicable, joint charter school policy development.

■ **Develop financial monitoring reports and timelines for years one and two.**

→ Deliverable:

- Develop and post a standard yearly calendar for charter school reporting requirements and data submissions.

■ **Minimize barriers for charter schools.**

→ Deliverables:

- Address risk management pool access for charters;
- Explore with SAO and OSPI multiple financial audits concern;
- Ensure a level playing field for charter schools;
- Mitigate potential over-regulation/micromanagement toward a traditional public school model;
- Increase/build capacity in charter school governance as demonstrated by schools meeting standards on the Organizational Framework Governance Section;
- Increase the number of philanthropies and financiers working in Washington;
- Advocate for state support of charter school facilities financing; and
- Create a bigger marketplace to bring stronger schools to Washington.

STRATEGY 2: Build statewide understanding about charter schools in general and, more specifically, the Commission's work, mission, and approved schools.

SUMMARY: Communicating to the public on the work of the WSCSC and the results of public charter schools is critical for the public to increase its understanding and support of public charter schools.

Major Milestones/Deliverables:

■ **Develop and implement a clear communication plan about charter schools in Washington.**

→ Deliverables:

- Establish and develop communications capacity within the Commission;
- Improve processes to allow for clearer, more direct lines of communication between WSCSC and schools; and
- Increased level of public understanding and acceptance of charter schools; increased number of high-quality applicants; and increased number of charter school seats.

■ **Develop a WSCSC website.**

→ Deliverables:

- WSCSC website populated with up-to-date relevant and easily accessible information, such as charter school information page, application timelines, school openings, monitoring and reporting requirements, and other communication documents about charter schools in Washington (Spring 2015 and ongoing).

■ **Proactively educate key stakeholders (i.e. communities served by charter schools, partner state agencies, legislative and policy staff, and the media) about charter schools.**

→ Deliverables:

- WSCSC regularly presents on the outcomes, successes, and opportunities for improvement at relevant stakeholder conferences and meetings, and advocates/educates districts, ESDs, state agencies and community partners; and
- Fall election outcomes demonstrate major political figures in support of charters.

■ **Partner with existing and emerging pro-charter organizations and leaders to increase capacity to support Washington charter schools.**

→ Deliverables:

- Demonstrated evidence of proactive relationship building, increased partners, supportive elected officials; and
- Participate in national dialogue about authorizer oversight best practices.

STRATEGY 3: Engage communities of color in charter school awareness and capacity building opportunities.

SUMMARY: The WSCSC values being responsive to the communities and cultures that can be positively impacted by high-quality charter schools; therefore, dedicating time and resources to developing outreach strategies to communities of color is a critical component to the success of the WSCSC and public charter schools.

Major Milestones/Deliverables:

- **Seek out and build strong relationships with state and local organizations that represent and/or support communities of color.**

→ Deliverables:

- Maintain a listserv of state and local community and civic organizations that provide outreach and engagement to communities of color;
- Regularly communicate and engage these organizations in dialogue regarding how the WSCSC authorizes, and charter school areas of potential concern; and
- Increased number of high-quality applications from members representing communities of color within Washington.

- **Include communities of color in a partnership at all levels of charter school development and authorization.**

→ Deliverables:

- Maintain an ongoing presence with communities of color as demonstrated by increased relationship building and participation in community activities and events.

- **Provide capacity-building opportunities both in conjunction with and on behalf of communities of color to provide a continuing growth in understanding charter schools and improved educational opportunities for students.**

→ Deliverables:

- Research and explore options for incorporating community engagement practices (e.g. Chicago Neighborhood Advisory Council, Tennessee community engagement); and
- Use tools for communicating that are inclusive and acceptable (i.e. communications, social media technology and how to make this technology an accessible tool for different populations). Translate information when appropriate and necessary.

STRATEGY 4: Foster the development of connections between public charter schools and traditional public schools and school districts.

SUMMARY: The WSCSC believes that for all students in Washington State to benefit from the best promising and innovative practices in traditional and charter public schools, strong connections between charter and traditional public schools must exist.

Major Milestones/Deliverables:

- **Foster the development of respectful and dialogue-driven relationships between the WSCSC, its staff and school boards of the districts that charter schools are sited within.**

→ Deliverables:

- Develop strong lines of communication between WSCSC staff and district staff (ongoing); and
- Deepen WSCSC understanding of the hopes and fears districts have concerning public charter schools operating within their boundaries.

- **Collaborate with OSPI and SBE to develop guidance to districts concerning legal obligations associated with public charter schools sited within their boundaries (surplus buildings, levies, etc.).**

→ Deliverables:

- Publish on WSCSC, OSPI, and SBE websites Frequently Asked Questions (FAQ) concerning district legal obligations associated with public charter schools sited within their boundaries; and
- Publish on WSCSC website FAQ concerning how districts can best collaborate and develop synergistic relationships with public charter schools.

- **Develop a strong understanding of Charter District Compacts and develop a plan for Washington Charter/District collaborative relationships.**

→ Deliverables:

- Provide information to districts concerning examples from Washington State and the nation of high functioning mutually beneficial relationships between districts and public charter schools. This will focus on districts that are not authorizers of public charter schools;
- Develop and implement a plan for increased Washington Charter/District relationships; and
- Publish on WSCSC website innovative practices that public charter schools are engaging in.

STRATEGY 5: Foster positive political climate and support.

SUMMARY: The WSCSC recognizes that political support for public charter schools is critical to the success of public charter schools. While Initiative 1240 passed in the fall of 2012, it did so by a narrow margin. Washington’s public charter school law, while nationally recognized as strong, is open for modification that can either strengthen or weaken it. Therefore, it is a focus of the WSCSC to foster political support of and a positive political climate for public charter schools in Washington State.

Major Milestones/Deliverables:

- **Develop clear messages to communicate to legislators and their staff concerning the WSCSC and public charter schools in Washington State.**
 - Deliverables:
 - Annual legislative engagement strategy; and
 - A legislature that is educated and informed about charter schools.
- **Educate legislative staff who can impact issues important to the WSCSC and public charter schools (i.e. Senate and House Education and Finance Committees, Caucus, etc.).**
 - Deliverables:
 - A legislature that is educated and informed about charter schools; and
 - Legislative support of public charter schools.
- **Foster relationships with education reform organizations and entities that support public charter schools in order to positively influence legislative policies impacting public charter schools.**
 - Deliverable:
 - Legislative support of public charter schools.

APPENDIX B: **COMMISSIONERS**

COMMISSIONERS



Trish Millines Dziko

COMMISSIONER AT-LARGE

Trish Millines Dziko founded Technology Access Foundation (TAF) in 1996 after spending 15 years as a developer, designer and manager in the high tech industry. A native of New Jersey who attended Monmouth College (now Monmouth University) on a basketball scholarship, she graduated with a B.S. in Computer Science in 1979 at a time when few people of color and few women were entering the field. Her successful career brought her to Microsoft in the mid-1980s, just as the pioneering software company was set to become a worldwide brand.

Over the next decade of tremendous growth, she saw very little change in the high tech industry: women and people of color remained grossly underrepresented. After looking closely at the problem as Microsoft's first Sr. Diversity Administrator, she determined the only solution was to increase the number of qualified people graduating from college. She traced the root of the problem to the lack of access to rigorous, relevant technology training in our public schools, particularly those in traditionally underserved communities of color. Trish left Microsoft in 1996, the same year she founded TAF.

In addition to her work at TAF, Trish remains a committed, proactive leader and serves on the boards of several organizations that focus on children and education. Trish has received dozens of local and national awards for her work improving the educational opportunities for children of color.

Trish and her partner live on Vashon Island and are the proud parents of 4 children.



Dr. Stacy Hill

Dr. Stacy Hill has been a committed educator for 18 years, and currently serves as an Assistant Professor of Education at Whitworth University. Her areas of expertise include high-poverty schools, child and adolescent development, social studies education, and university/school partnerships. She has presented on language development, cultural awareness in children, and school partnerships. She has reviewed manuscripts for AILACTE as well as reviewed books for Sage Publications. Prior to working in higher education, Dr. Hill taught high school social studies and English at Mt. Spokane High School.

Currently, she serves on the Board of Directors at Spokane International Academy as well as on the Council for Learning Improvement at Prairie View Elementary and Northwood Middle School. Dr. Hill has a passion for high-quality education and strives to make it accessible for all children. She holds a B.A. in political science from Western Washington University, an MIT in secondary education from Whitworth University, and a doctorate in teacher leadership from Washington State University.

She and her husband, James, are the parents to five young children, four girls and one boy.



Dr. Margit McGuire

Margit E. McGuire is Director and Professor of Teacher Education at Seattle University and former president of the National Council for the Social Studies (NCSS) and a recipient of the Washington Award for Excellence in Teacher Preparation. She has presented nationally and internationally on topics related to social studies and teacher preparation. Her leadership positions have included the National Geographic Literacy Council, NAEP Civics Advisory Board, and chairperson of the Elementary Social Studies Framework for Washington's Office of Superintendent of Public Instruction.

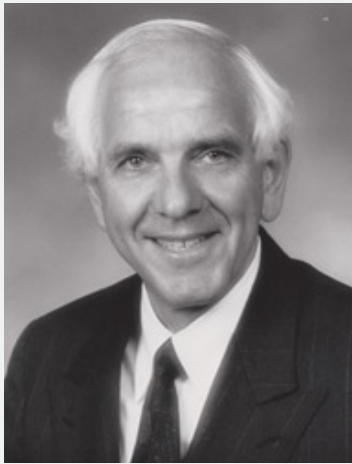
Currently she serves as Washington State's liaison for higher education for the national Teacher Performance Assessment (edTPA). She is the author of the Storypath Program and recently co-edited the NCSS Bulletin, *Making a Difference: Revitalizing Elementary Social Studies*.



Raymond Navarro, Jr.

Mr. Navarro, Jr. currently serves on the Yakima School District Board of Directors and is the board's WIAA Representative. He holds a M.Ed. in Guidance and Counseling from Heritage University and a MA in Human and Organization Systems from Fielding Graduate University. Mr. Navarro, Jr. is Director of the Central Washington University Academic Achievement Programs, Principal Investigator for the TRIO SSS and EOC Programs. He has been an active volunteer in the Yakima community for many years, serving as coach and mentor for the Southeast Yakima Saints Grid Kids Football program and mentor for the YMCA ASPIRE Program.

Mr. Navarro, Jr. is a proud Army veteran, serving as a Squad Leader with C Company, 307th Combat Engineer Battalion, 82nd Airborne Division at Fort Bragg, North Carolina. He currently serves as the Chair of the Yakima County Veterans Advisory Board. Mr. Navarro, Jr. has three children who have attended Washington State public schools.

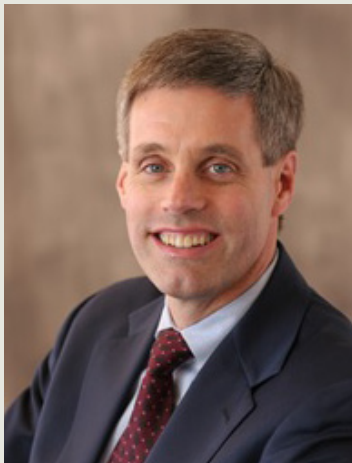


Dave Quall

Dave Quall has lived in Washington all his life, attending several schools as a child of a Methodist pastor. He graduated from Seattle Pacific University with a B.A. in Education and an M.A. in Guidance and Counseling. He is a former teacher, counselor and basketball coach serving in these capacities for thirty-eight years. His wife, Allene, was a 34-year veteran as a first grade teacher. He has two daughters, both active in professional careers as a surgical nurse and teacher. He has six exceptional grandchildren.

Dave served in the Legislature as a representative from 1993-2011.

Eight of those years, he was chair of K-12 Education Committee. He has had a commitment to charter schools visiting several high-quality ones throughout the country. He drafted Charter School Legislation in 1995 (HB1147), 1997-1998 (HB2019) where it passed the house with no action in the Senate. In 2004 (HB2295) passed the legislature, was signed by Governor Locke, but overturned by the voters.



Steve Sundquist

CHAIR

Steve Sundquist is active in the business and civic life of the Pacific Northwest through his involvement in a number of local organizations. Most recently, he was an elected School Board Director on the Seattle School Board from 2007 to 2011. In that capacity he served one year as Board President and two years as Vice President. Per school board custom he also served as a board member of Seattle's Alliance for Education in 2011. He is currently a member of the Our Schools Coalition in Seattle.

Separately, he is serving on the boards of Climate Solutions, Conservation Northwest, and Seattle Northwest Securities Corporation, and is a member of downtown Seattle Rotary, Social Venture Partners, and Fauntleroy Church, UCC. Prior to his recent board work, Mr. Sundquist enjoyed a long career at the Russell Investment Group, where he led their IT function and National Accounts group among other responsibilities over a 22 year span ending in 2005. Mr. Sundquist earned an MBA from the University of Chicago, and a B.S. in Computer Science from Washington State University.

Steve and his wife, Liann, live in Seattle and are the proud parents of two daughters.



Cindi Williams

VICE CHAIR

Cindi Williams serves as a Principal at HCM Strategists, a leading DC-based education and health public policy firm, where she provides communications and advocacy strategy for a portfolio of clients dedicated to improving student outcomes for low income students.

Williams recently joined HCM after having spent four years on the US leadership team at the Bill and Melinda Gates Foundation. Williams served as the Director for US Communications across its domestic portfolio and worked with grantees and partners across the country to create a national dialogue about the need for education reform. Prior to joining the Gates Foundation, Williams worked in a variety of policy and communications roles, serving as Senior Advisor to the U.S. Secretary of Education where she focused on reauthorization of No Child Left Behind, along with serving as Deputy Assistant Secretary of Education for Communications and Outreach.

In addition to her work at the Department of Education, Williams served as a Special Assistant in the White House Office of Public Liaison, where she led efforts related to women's outreach, small business and education. In the aftermath of September 11, she also worked on behalf of the White House alongside the State Department and USAID to launch the US-Afghan Women's Council, a public-private partnership created to meet the needs of women in Afghanistan. Williams has worked on three Presidential campaigns and has held leadership roles in the U.S. House of Representatives and the American Red Cross. She is a member of the Bush Institute's Education Advisory Council, the US-Afghan Women's Council, and Northwest Center Foundation Board, the STAND for Children Advisory Board and the Center for Reinventing Public Education (CRPE) Advisory Committee.

She lives in Bellevue with her husband, Tony, and two boys, Jacob and Joshua.



Larry Wright

Larry Wright is the Chief Operating Officer at the College Success Foundation, Washington State. Prior to joining the foundation, he served as CEO of the National Mentoring Partnership in Washington DC and as executive director of their Washington State affiliate, Washington State Mentors.

He is committed to community service and sits on the boards of the Washington State Mentors and Big Brothers Big Sisters of Puget Sound.

He received his PhD in communication from the University of Wisconsin-Madison and his MA and BA from Washington State University. He lives in Sammamish with his wife and two children.

APPENDIX C: **COMMISSION BUDGET**

WASHINGTON CHARTER SCHOOL COMMISSION

Review of Fiscal Years

2013-14 thru 2015-16

Financial Plan and Monthly Expenditure Report Analysis

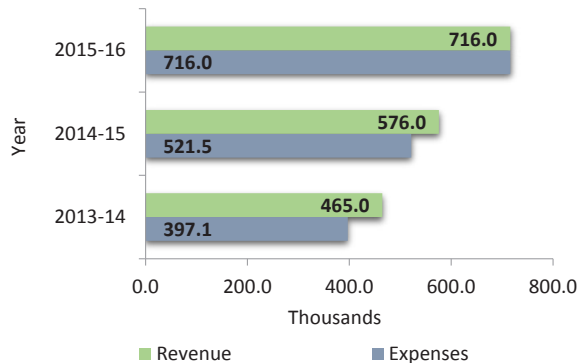
| PRIOR YEARS | | CURRENT YEAR | | | |
|-------------|---------|--------------|-------------------|--------------|----------|
| 2013-14 | 2014-15 | 2015-16 | | | |
| Total Year | | Budget | Actual (NOVEMBER) | Actual (YTD) | Variance |

| Revenue | | | | | | |
|--------------------------------|-------------------|-------------------|-------------------|------------------|-------------------|-------------------|
| Salaries and Wages | \$ 99,357 | \$ 160,108 | \$ 317,904 | \$ 26,744 | \$ 130,696 | \$ 187,208 |
| Employee Benefits | 28,322 | 45,855 | 100,528 | 8,423 | 41,569 | 58,959 |
| Professional Service Contracts | - | 100,000 | 216,284 | 3,950 | 22,250 | 194,034 |
| Goods and Other Services | 280,814 | 217,438 | 35,400 | 17,857 | 87,869 | (52,469) |
| Travel | 52,707 | 48,599 | 42,092 | 2,387 | 19,220 | 22,872 |
| Capital Outlays | 3,800 | 4,000 | 3,792 | - | 3,792 | - |
| Total | \$ 465,000 | \$ 576,000 | \$ 716,000 | \$ 59,361 | \$ 305,396 | \$ 410,604 |

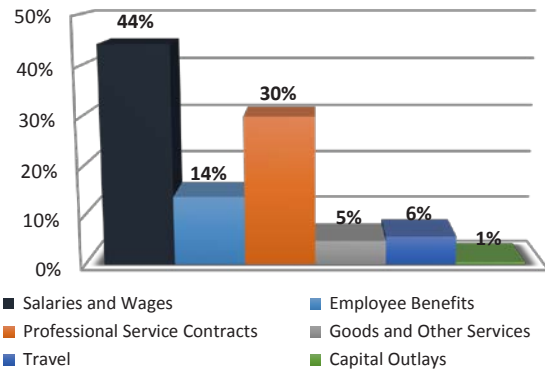
| Expenses | | | | | | |
|--------------------------------|-------------------|-------------------|-------------------|------------------|-------------------|-------------------|
| Salaries and Wages | \$ 99,360 | \$ 180,534 | \$ 317,904 | \$ 27,568 | \$ 127,090 | \$ 190,815 |
| Employee Benefits | 28,075 | 50,733 | 100,528 | 8,715 | 39,634 | 60,894 |
| Professional Service Contracts | 1,575 | 66,689 | 216,284 | 450 | 5,121 | 211,163 |
| Goods and Other Services | 225,707 | 188,592 | 35,400 | 20,608 | 115,956 | (80,556) |
| Travel | 38,213 | 31,250 | 42,092 | 1,003 | 10,582 | 31,510 |
| Capital Outlays | 4,206 | 3,655 | 3,792 | - | 840 | 2,952 |
| Total | \$ 397,136 | \$ 521,452 | \$ 716,000 | \$ 58,344 | \$ 299,222 | \$ 416,778 |

| VARIANCE; SURPLUS/DEFICIT | | | | | | |
|--------------------------------|------------------|------------------|-------------|-----------------|-----------------|-------------------|
| Salaries and Wages | \$ (3) | \$ (20,426) | \$ - | \$ (824) | \$ 3,607 | \$ (3,607) |
| Employee Benefits | 247 | (4,878) | - | (292) | 1,935 | (1,935) |
| Professional Service Contracts | (1,575) | 33,311 | - | 3,500 | 17,129 | (17,129) |
| Goods and Other Services | 55,107 | 28,846 | - | (2,751) | (28,087) | 28,087 |
| Travel | 14,494 | 17,349 | - | 1,384 | 8,638 | (8,638) |
| Capital Outlays | (406) | 345 | - | - | 2,952 | (2,952) |
| Total | \$ 67,864 | \$ 54,548 | \$ - | \$ 1,017 | \$ 6,174 | \$ (6,174) |

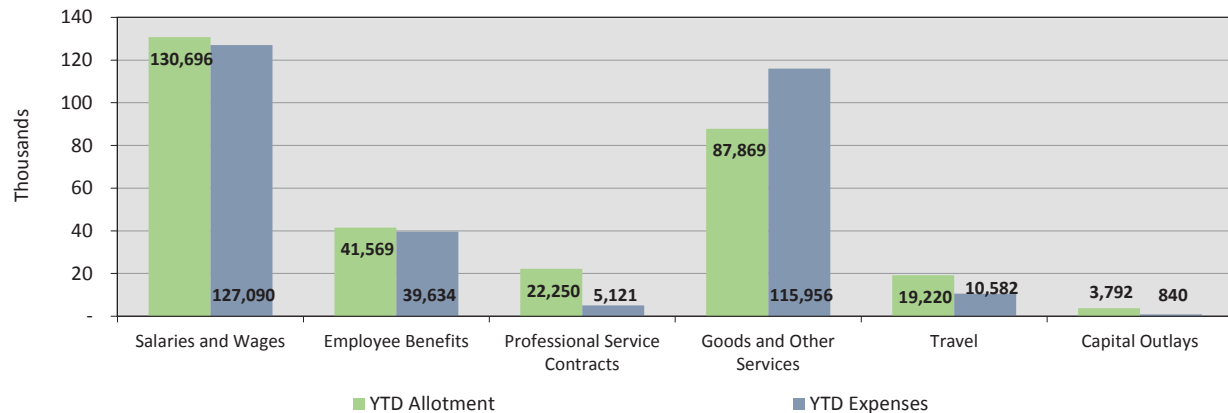
Allotment vs. Expenses



Current Year Budget



Current Year Actuals



APPENDIX D: **COMMISSION** **DOCUMENTS &** **RESOURCES**

COMMISSION DOCUMENTS & RESOURCES

Documents

AUTHORIZATION

- Request for Proposal
- Request for Proposal Rubric
- Request for Proposal PowerPoints (Training)
- Capacity Interview
- Evaluation Training PowerPoints
- Recommendation Report
- Strategic Plan
- Frequently Asked Questions

ONBOARDING

- Charter Contract
- Mission-Specific Measures
- Intervention Protocol
- Pre-Opening Conditions Calendar
- Orientation Guide

OVERSIGHT

- Annual Calendar
- Board Observation Form
- Site Visit Guide
- Monitoring Protocols
- Performance Framework
- Academic Framework
- Academic Guidance Document
- Organizational Framework
- Organizational Guidance Document
- Financial Framework
- Financial Guidance Document

APPENDIX E: **SUPREME COURT** **DECISION**

FILE

IN CLERKS OFFICE

SUPREME COURT, STATE OF WASHINGTON

DATE **SEP 04 2015**

[Signature]
for **CHIEF JUSTICE**

This opinion was filed for record
at 3:55 pm on Sept. 4, 2015

[Signature]
Ronald R. Carpenter
Supreme Court Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

LEAGUE OF WOMEN VOTERS OF)
WASHINGTON, a Washington nonprofit)
corporation; EL CENTRO DE LA RAZA, a)
Washington nonprofit corporation;)
WASHINGTON ASSOCIATION OF)
SCHOOL ADMINISTRATORS, a Washington)
nonprofit corporation; WASHINGTON)
EDUCATION ASSOCIATION, a Washington)
nonprofit corporation; WAYNE AU, PhD,)
on his own behalf; PAT BRAMAN, on her)
own behalf; DONNA BOYER, on her own)
behalf and on behalf of her minor children; and)
SARAH LUCAS, on her own behalf and on)
behalf of her minor children,)

Appellants,)

v.)

STATE OF WASHINGTON,)

Respondent,)

and)

WASHINGTON STATE CHARTER)
SCHOOLS ASSOCIATION; LEAGUE OF)
EDUCATION VOTERS; DUCERE GROUP;)
CESAR CHAVEZ CHARTER SCHOOL;)
INITIATIVE 1240 SPONSOR TANIA DE SA)
CAMPOS; and MATT ELISARA,)

Respondents/Intervenors.)

No. 89714-0

En Banc

Filed SEP 04 2015

MADSEN, C.J.—This case is a direct review of a King County Superior Court decision that found certain portions of Initiative 1240 (I-1240) (Charter School Act or Act), codified at chapter 28A.710 RCW, unconstitutional but left the remainder of the Act standing. We hold that the provisions of I-1240 that designate and treat charter schools as common schools violate article IX, section 2 of our state constitution and are void. This includes the Act’s funding provisions, which attempt to tap into and shift a portion of moneys allocated for common schools to the new charter schools authorized by the Act. Because the provisions designating and funding charter schools as common schools are integral to the Act, such void provisions are not severable, and that determination is dispositive of the present case.

FACTS

In November 2012, Washington voters approved I-1240, codified in the Act, providing for the establishment of up to 40 charter schools within five years. Clerk’s Papers (CP) at 39-78; RCW 28A.710.150(1). The Act was intended to provide parents with “more options” regarding the schooling of their children. RCW 28A.710.005(1)(f); *see also* RCW 28A.710.020(1) (new charter schools are public “common school[s] open to all children free of charge”). But the new schools came with a trade-off: the loss of local control and local accountability. Charter schools must provide a basic education, similar to traditional public schools, including instruction in the essential academic learning requirements, which are developed by the superintendent of public instruction.

See RCW 28A.710.040(2)(b); former RCW 28A.655.070(1)-(2) (2013). However, under the Act's provisions, charter schools "free teachers and principals from burdensome regulations that limit other public schools" thereby giving charter schools "the flexibility to innovate" regarding staffing and curriculum. RCW 28A.710.005(1)(g). Charter schools are exempt from many state rules. With the exception of "the specific state statutes and rules" identified in RCW 28A.710.040(2) and any "state statutes and rules made applicable to the charter school in the school's charter contract," charter schools are "not subject to and are exempt from all other state statutes and rules applicable to school districts and school district boards of directors . . . in areas such as scheduling, personnel, funding, and educational programs." RCW 28A.710.040(3).

Under the Act, charter schools are devoid of local control from their inception to their daily operation.¹ Charter schools can be approved in two ways. First, the Washington Charter School Commission, which is an "independent state agency" established by the Act and made up of nine appointed members, has the power to establish charter schools anywhere in the State. *See* RCW 28A.710.070(1)-(2), .080(1).² Second, school districts may apply to the Washington State Board of Education for permission to authorize charter schools. RCW 28A.710.080(2). The commission and approved school districts (referred to as "charter school authorizers") solicit charter applications, approve or deny applications, and negotiate and execute charter contracts.

¹ Charter schools are formed upon the application of a nonsectarian, nonprofit corporation, *see* RCW 28A.710.010(1), .040(4), and are governed by an appointed charter school board. RCW 28A.170.010(6), .020(3).

²All commission members must have a "commitment to charter schooling as a strategy for strengthening public education." RCW 28A.710.070(3).

RCW 28A.710.100(1). Charter school authorizers also monitor performance and legal compliance of charter schools, RCW 28A.710.180(1), but such oversight cannot “unduly inhibit the autonomy granted to charter schools,” RCW 28A.710.180(2), and such oversight must also be consistent with the principles and standards developed by another private organization, the National Association of Charter School Authorizers. RCW 28A.710.100(3).³

As for daily operation, charter schools are not governed by elected local school boards. Instead, charter schools are operated by a “charter school board,” RCW 28A.710.020(3), which is “appointed or selected under the terms of a charter application to manage and operate the charter school.” RCW 28A.710.010(6). The board is responsible for functions typically handled by an elected school board, including hiring, managing, and discharging employees; receiving and disbursing funds; entering contracts; and determining enrollment numbers. RCW 28A.710.030(1), .050(5).

As for funding, the Act requires the superintendent to apportion funds to charter schools on the same basis as public school districts. *See* RCW 28A.710.220, .230(1). Such disbursements include basic education moneys appropriated by the legislature in the biennial operating budget for the use of common schools and moneys from the common school construction fund. *See* RCW 28A.710.220(2), .230(1); RCW 28A.150.380(1), .250(1).

³ The commission has authorized seven charter schools. Spokane Public Schools, a school district authorizer, has authorized one charter school.

Alarmed over the lack of local accountability and fiscal impacts of the Act, appellants⁴ sued the State of Washington in King County Superior Court, seeking a declaratory judgment that the Act is unconstitutional.⁵ Several supporters of charter schools intervened.⁶ All three parties moved for summary judgment, and the trial court granted summary judgment to the State and intervenors on all issues but one. The trial court held that charter schools are not “common schools” under article IX of Washington’s Constitution and, therefore, the common school construction fund could not be appropriated to charter schools. CP at 1043, 1045. The trial court found, however, that the provisions permitting such appropriations were severable. The trial court concluded that the Act was otherwise constitutional. All parties sought direct review, which we granted.

ANALYSIS

We begin by noting what this case is not about. Our inquiry is not concerned with the merits or demerits of charter schools. Whether charter schools would enhance our state’s public school system or appropriately address perceived shortcomings of that

⁴The plaintiffs/appellants consist of several organizations and community members: the League of Women Voters of Washington; El Centro De Le Raza; Washington Association of School Administrators; Washington Education Association; Wayne Au, PhD; Pat Braman; Donna Boyer; and Sarah Lucas.

⁵ Appellants argued that the Act violates article II, section 37; article III, section 22; article VII, section 2(a); and article IX, sections 1, 2, and 3 of the Washington Constitution.

⁶Intervenors/respondents consist of the Washington State Charter Schools Association, League of Education Voters, Ducere Group, Cesar Chavez Charter School, I-1240 sponsor Tania De Sa Campos, and Matt Elisara.

system are issues for the legislature and the voters.⁷ The issue for this court is what are the requirements of the constitution. *Cf. Gerberding v. Munro*, 134 Wn.2d 188, 211, 949 P.2d 1366 (1998) (“we are not swayed in our analysis of [the term limits initiative] by the policy merits or demerits of term limits for officeholders”). Accordingly, “[o]ur review here is limited to the issue of whether the voters acted in compliance with our state’s constitution in expressing their collective will.” *Id.* “[W]hile initiative measures are reflective of the reserved power of the people to legislate, the people in their legislative capacity remain subject to the mandates of the Constitution.” *Id.* at 196 (citation omitted). Moreover, we have made clear that the initiative process is limited in scope to subject matter that is legislative in nature, that an initiative attempting to achieve something not within its power is invalid, and that the initiative power may not be used to amend the constitution. *Id.* at 210 n.11.

Charter Schools Are Not Common Schools

This case turns on the language of article IX, section 2 of our state constitution and this court’s case law addressing that provision. *See Tunstall v. Bergeson*, 141 Wn.2d 201, 220-21, 5 P.3d 691 (2000) (“the court’s focus when addressing constitutional facial challenges is on whether the statute’s language violates the constitution”). Article IX, section 2 of the Washington Constitution provides:

The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such

⁷ Amici largely address the perceived benefits of charter schools and their successes in other states. *See, e.g.,* Br. of Amicus Pac. Legal Found. at 13-20; Br. of Amici Nat’l All. for Pub. Charter Sch., Black All. for Educ. Options, and the Nat’l Ctr. for Special Educ. in Charter Schools at 3-5; Br. of Amici First Place Scholars Charter Sch. et al. at 12-20.

high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.⁸

In order to tap the funding sources identified in article IX, I-1240 declared charter schools to be “common schools.” *See* LAWS OF 2013, ch. 2, §§ 101(1)(m), (n)(vii), 202(1), (2), 208(1), 301, 302; *see also* RCW 28A.710.005(1)(m), (n)(vii), .020(1), (2), .070(1); RCW 28A.150.010; RCW 28A.315.005. The Act also directed that charter schools are to be funded “as other public schools,” and defined “[p]ublic schools” to mean “the common schools as referred to in article IX of the state constitution, including charter schools,” and other schools below the college level and maintained at public expense. LAWS OF 2013, ch. 2, §§ 222(1), 301; *see also id.* § 101(1)(n)(vii); RCW 28A.710.220(1), .005(1)(n)(vii); RCW 28A.150.010. Charter schools must report student enrollment and comply with applicable reporting requirements to receive state or federal funding. LAWS OF 2013, ch. 2, § 222(1); RCW 28A.710.220(1). The Act directs the superintendent of public instruction to allocate funding for charter schools “based on the same funding criteria used for noncharter public schools,” and charter schools are

⁸ Article IX, section 1 provides:

It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Article IX, section 3 provides in relevant part:

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools.

“eligible to apply for student grants on the same basis as a school district.” LAWS OF 2013, ch. 2, § 222(2); RCW 28A.710.220(2). The Act provides that charter schools “shall be included in the levy planning, budgets, and funding distribution in the same manner as other public schools in the district,” that school districts “must allocate levy moneys to a conversion charter school,” and that charter schools “must be included in levy planning, budgets, and funding distribution in the same manner as other public schools.” LAWS OF 2013, ch. 2, § 222(5), (6), (8); RCW 28A.710.220(5), (6), (8). The Act additionally declares that charter schools are “eligible for state matching funds for common school construction.” LAWS OF 2013, ch. 2, § 223(1); RCW 28A.710.230(1).

Moreover, I-1240’s voter’s pamphlet made clear to voters that the fiscal impact of the initiative was merely to shift existing school funding from existing (common) schools to charter schools. “Initiative 1240 is anticipated to shift revenues, expenditures and costs between local public school districts or from local public school districts to charter schools, primarily from movement in student enrollment.” CP at 549. “Charter schools would be tuition-free public schools within the state system of common schools.” *Id.* at 550. “State funding for charter schools would be provided in the same manner as other public schools [and] . . . based on the same funding criteria used for noncharter schools.” *Id.* “Charter schools provide another enrollment option, but they do not change current law that state funding follows the student.” *Id.* “Charter schools are eligible for state matching funds for common school construction.” *Id.*

Relevant here, I-1240 also provides that charter schools are “governed by a charter school board,” which is “appointed or selected . . . to manage and operate the charter school.” LAWS OF 2013, ch. 2, § 201(5)-(6); RCW 28A.710.010(5)-(6). The charter school board has the power to hire and discharge charter school employees and may contract with nonprofit organizations to manage the charter school. LAWS OF 2013, ch. 2, § 203(1)(a),(c); RCW 28A.710.030(1)(a), (c); *see also* LAWS OF 2013, ch. 2, § 101(2); RCW 28A.710.005(2) (“the people enact this initiative measure to authorize . . . charter schools in the state of Washington[] to be operated by qualified nonprofit organizations”). I-1240 also makes charter schools “free from many regulations” that govern other schools. LAWS OF 2013, ch. 2, § 101(1)(n)(viii); RCW 28A.710.005(1)(n)(viii). Charter schools are “exempt from all school district policies,” as well as “all . . . state statutes and rules applicable to school districts” except those listed in I-1240 section 204(2) and those made applicable in the school’s charter contract. LAWS OF 2013, ch. 2, § 204(3); RCW 28A.710.040(3).

This case addresses the designation, funding, and control of charter schools as set forth in I-1240 and that initiative’s compliance with article IX, section 2. Accordingly, the case is largely determined by our prior decision in *School District No. 20 v. Bryan*, 51 Wash. 498, 99 P. 28 (1909). Intervenors ask us to “overturn *Bryan*,” Answering Br. & Opening Cross-Appeal Br. of Intervenors at 48, but we decline to do so. *Bryan* has been the law in Washington for more than a hundred years and is repeatedly relied on as

authority by Washington’s appellate courts.⁹ Intervenors offer no compelling reason to abandon *Bryan*. Similarly, the State asks us to “recognize an evolving common school system” and not read *Bryan* as “a static statement of constitutional imperatives.” Br. of Resp’t/Cross-Appellant State of Wash. at 26, 23. But in *Bryan* this court established the criteria for evaluating a “common school” within the meaning of article IX, and warned, “The words ‘common school’ must measure up to every requirement of the constitution . . . and whenever by any subterfuge it is sought to qualify or enlarge their meaning beyond the intent and spirit of the constitution, the attempt must fail.” 51 Wash. at 503.

Bryan established the rule that

a common school, within the meaning of our constitution, is one that is common to all children of proper age and capacity, free, and subject to and under the control of the qualified voters of the school district. The complete control of the schools is a most important feature, for it carries with it the right of the voters, through their chosen agents, to select qualified teachers, with powers to discharge them if they are incompetent.

⁹ See, e.g., *State v. Preston*, 79 Wash. 286, 288-89, 140 P. 350 (1914) (applying *Bryan*’s definition of “common schools”); *State ex rel. State Bd. for Vocational Educ. v. Yelle*, 199 Wash. 312, 314, 91 P.2d 573 (1939) (citing *Bryan* as authority concerning appropriate use of common school funds); *State ex rel. City of Seattle v. Seattle Elec. Co.*, 71 Wash. 213, 215, 128 P. 220 (1912) (acknowledging *Bryan* as relevant to the issue of “measuring the limit of legislative power by reference to the constitution”); *Tunstall*, 141 Wn.2d at 221 (citing *Bryan* regarding uniformity); *Fed. Way Sch. Dist. No. 210 v. State*, 167 Wn.2d 514, 524, 219 P.3d 941 (2009) (quoting *Bryan* regarding uniformity definition); *Sch. Dists.’ All. for Adequate Funding of Special Educ. v. State*, 149 Wn. App. 241, 263, 202 P.3d 990 (2009) (citing *Bryan* regarding uniformity definition), *aff’d*, 170 Wn.2d 599, 244 P.3d 1 (2010).

Id. at 504. Here, because charter schools under I-1240 are run by an appointed board or nonprofit organization and thus are not subject to local voter control, they cannot qualify as “common schools” within the meaning of article IX.¹⁰

The Charter School Act’s Funding Provisions Fail

As *Bryan* noted, when adopting our constitution the people of this state “endeavored to protect and preserve the funds set apart by law for the support of the common school from invasion, so that they might be applied exclusively to . . . such schools.” *Id.* at 502. As discussed above, charter schools do not qualify as common schools. As explained below, by diverting common school funds to charter schools, the Act contravenes article IX, section 2 of the Washington Constitution. *Id.* at 501, 507.¹¹

¹⁰ Further, under *Bryan* the absence of local control by voters would also violate the article IX uniformity requirement. *Bryan* explained,

The system must be uniform in that every child shall have the same advantages and be subject to the same discipline as every other child. A system of control through school boards and county superintendents is provided for, their duties defined, and a method supplied to secure, in theory at least, efficient teachers and instructors.

51 Wash. at 502-03. *Bryan* held in part that the legislation in question was invalid because “its operation . . . would break the uniformity of the common school system,” that is, by having students instructed by uncertified teachers. *Id.* at 504. Here, the uniformity of the common school system is similarly broken in that the Charter School Act eliminates the local voter control that is a hallmark of common schools, thereby resulting in different (nonuniform) governance for charter schools as compared to common schools.

Aside from the above observation—that the Act’s governance provisions for charter schools violate the “uniform system” requirement of article IX, section 2—we do not further address the Act’s article IX uniformity failings or the parties’ other arguments because we find the invalidity of the Act’s funding provisions as discussed herein to be dispositive.

¹¹ “To say that the Legislature can determine what institutions shall receive the proceeds of the school fund, and that whatever they determine to be entitled thereto becomes *ipso facto* a common school, is begging the whole question, and annulling the constitutional restriction.” *Id.* at 504-05 (quoting *People ex rel. Roman Catholic Orphan Asylum Soc’y v. Bd. of Educ.*, 13 Barb. 400 (N.Y. Sup. Gen. Term 1851)).

Our constitution requires the legislature to dedicate state funds to support “common schools.” WASH. CONST. art. IX, §§ 2, 3. As noted, section 2 provides that “the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.” *Id.* Section 3 establishes a separate construction fund for the sole use of the common schools. Using *any* of those funds for purposes other than to support common schools is unconstitutional. *Mitchell v. Consol. Sch. Dist. No. 201*, 17 Wn.2d 61, 66, 135 P.2d 79 (1943) (plurality opinion). This court has repeatedly struck down laws diverting common school funds to any other purpose. *See, e.g., Leonard v. City of Spokane*, 127 Wn.2d 194, 199, 897 P.2d 358 (1995) (public improvements); *Mitchell*, 17 Wn.2d at 65-66 (transportation to private schools); *State ex rel. State Bd. for Vocational Educ. v. Yelle*, 199 Wash. 312, 316-17, 91 P.2d 573 (1939) (vocational rehabilitation); *Sheldon v. Purdy*, 17 Wash. 135, 141, 49 P. 228 (1897) (interest on school district bonds); *Bryan*, 51 Wash. at 505 (schools attached to teacher training colleges); *State v. Preston*, 79 Wash. 286, 288-89, 140 P. 350 (1914) (same).

Under the Act, money that is dedicated to common schools is unconstitutionally diverted to charter schools. As noted, the Act provides that charter schools are to be funded on the same basis as common schools. The superintendent must distribute money from the constitutionally restricted basic education allocation to charter schools on the same basis as common schools. *See* RCW 28A.710.220(2).¹² In other words, under the

¹² A portion of the basic education allocation is derived from the state levy on real property designated for support of common schools. *See* RCW 84.52.065.

terms of the Act's provisions the source of funds for the operation of charter schools is the basic education moneys that are otherwise dedicated to the operation of common schools. *See* RCW 28A.510.250; RCW 28A.710.220(2); RCW 84.52.065,¹³ .067.

However, the constitution sets aside certain property and other moneys to establish a permanent fund for the exclusive use of common schools, referred to in article IX as the "common school fund." WASH. CONST. art. IX, §§ 2, 3. Article IX, section 2 also extended constitutional protection to any "state tax for common schools." In *Yelle*, 199 Wash. at 316, this court addressed the restrictions on the use of basic education funds allocated to common schools. *Yelle* struck down a law that would have diverted tax revenues allocated to the common schools to support a vocational rehabilitation program operated by a state board. *Id.* This court explained that it was "beside the question" that the vast majority of state funding in place at that time, whether derived from tax revenues or "cash on hand," could have been allocated to other purposes in the first instance. *Id.* The constitutional protection afforded to common school appropriations is not dependent on the source of the revenue (i.e., the type of tax or other funding source) or the account

¹³ After the October 28, 2014 oral argument in this case, the State filed a statement of additional authority on July 22, 2015 citing Laws of 2015, chapter 4, section 516(5) as supporting the notion that "charter schools can operate without access to constitutionally restricted revenue." Statement of Additional Auth. at 1-2. Section 516(5) is a subsection of the operating budget regarding funding for the 2015-2017 biennium, and provides, "State general fund appropriations distributed through Part V of this act for the operation and administration of charter schools as provided in chapter 28A.710 RCW shall not include state common school levy revenues collected under RCW 84.52.065." LAWS OF 2015, ch. 4, § 516(5). This legislation, which is expressly effective on June 30, 2015 and is prospective in its application, does not alter our analysis or conclusion concerning the effect of the Act as previously passed by the voters in 2012 and codified in 2013. The validity of section 516(5) as a substantive law provision buried within an operating budget is not before us. For present purposes it is enough to note that section 516(5) does not assist the State.

in which the funds are held (i.e., the general fund or other state fund). Rather, this court held that all money “allocated to the support of the common schools . . . constitute[s] a ‘state tax for the common schools’ in contemplation of Art. IX, § 2, of the constitution.” *Id.* *Yelle* continued, “[O]nce appropriated to the support of the common schools,” funds cannot “subsequently be diverted to other purposes.” *Id.* at 317. This court cautioned that to hold otherwise “would be calamitous.” *Id.*

Similarly, in *Mitchell* this court explained that the use of *any* common school funds for other than a common school purpose violates the constitution. There, this court held unconstitutional a statute that extended school bus transportation privileges to private school students along already existing and operating public school bus routes. This court rejected the argument that the statute did not impose any additional expense on the school district in that the private school students would merely join the public school students on the school bus’s established and regular route. *Mitchell*, 17 Wn.2d at 66. Although the statute in question did not identify or make any appropriation for carrying out its purpose, because its operation would have the effect of utilizing common school funds for other than common school purposes, it contravened article IX, section 2’s exclusivity requirement. *Id.* Restated, the statute’s overall fiscal neutrality did not affect its constitutional infirmity. Also, even though the statute did not address funding, the fact that it’s intended operation would “necessitate[] the use of common school funds for other than common school purposes” rendered it unconstitutional. *Id.*

Under the Act, charter schools receive funds from the legislature's basic education allocation for the common schools. *See* RCW 28A.710.220(2). By statute, all of the basic education funds in the biennial operations budget are designated for the exclusive use of the common schools. RCW 28A.150.380(1) ("The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of the common schools such amounts as needed for state support to school districts during the ensuing biennium for the program of basic education under RCW 28A.150.200."). These funds "made available by the legislature for the current use of the common schools" are then distributed annually by the Superintendent to "each school district of the state operating a basic education instructional program." RCW 28A.150.250(1). That the specific common school property levy is only a portion of the state funds used to support common schools does not alter the protection afforded to the entire basic education allocation as a "state tax for common schools" within the meaning of article IX, section 2. *Yelle*, 199 Wn.2d at 316-17 (quoting CONST. art. IX, § 2). The Act unconstitutionally reallocates these restricted funds to charter schools, which do not qualify as common schools.

Compounding this problem, the State does not segregate constitutionally restricted moneys from other state funds. Nor can it demonstrate that these restricted moneys are protected from being spent on charter schools. *Cf. id.* at 317; *Leonard*, 127 Wn.2d at 199 (act violated article IX, section 2 because it diverted revenues that under the existing statutory scheme would otherwise be used to support the common schools). Given this absence of segregation and accountability, we find unconvincing the State's view that

charter schools may be constitutionally funded through the general fund. *See* Br. of Resp't/Cross-Appellant State of Wash. at 30-31. Historically, the state common school funds were maintained in a separate public school account and distributed to the common schools by the Superintendent. *See, e.g., Yelle*, 199 Wash. at 314-15. While some other constitutionally restricted state funds continue to be maintained in separate accounts (e.g., common school construction fund (WASH. CONST. art. IX, § 3), gas taxes for transportation purposes (WASH. CONST. art. II, § 40)), since at least 1967, the constitutionally restricted common school property levy revenues have been deposited in the State's "general fund," which is used for the basic education allocation. *See* RCW 84.52.067; LAWS OF 1967, Ex. Sess., ch. 133, § 2. There is no way to track the restricted common school funds or to ensure that these dollars are used exclusively to support the common schools.

In addition to the diversion of basic education funds, the Act diverts funds from the common school construction fund established under article IX, section 3. *See* RCW 28A.710.230(1). The school construction fund, unlike other restricted common school funds, continues to be held in a segregated account. *See* RCW 28A.515.320. The trial court correctly held that the Charter School Act's provisions authorizing diversion of these restricted funds are unconstitutional.

Our constitution directs the legislature to establish and fund common schools and restricts the legislature's power to divert funds committed to common schools for other purposes even if related to education. CONST. art. IX, §§ 1-3. The Charter School Act's

diversion of basic education funds allocated to the support of the common schools and common school construction funds is unconstitutional and void.

We also disagree with the State's view that the Act's remaining provisions are saved because funding "follows the student" and in any event charter schools could be funded out of the state general fund. Br. of Resp't/Cross-Appellant State of Wash. at 40. The fact that public school money distributions are generally based on per capita student attendance does not mean that common school funds are available for students who do not attend common schools. Where a child is not attending a common school, there can be no entitlement to "an apportionment of the current state school fund, to a credit predicated on attendance of children at such . . . school." *State v. Preston*, 79 Wash. 286, 289, 140 P. 350 (1914).

Similarly, in *Bryan*, the legislative act in question provided for a model training school department to be established in the state normal schools, under the supervision of the board of trustees of such normal schools. Relevant here, the legislation directed the superintendent of public instruction to apportion moneys "out of the funds available for the support of the common schools" in an amount reflecting "the number of pupils in attendance" at the model training school and distribute such portion to the noted boards. *Bryan*, 51 Wash. at 500-01 (quoting LAWS OF 1907, ch. 97, § 4). In other words, under the legislation in question the money would follow the student. This court affirmed the trial court's ruling that such legislation "which seeks to apportion or appropriate any part

of the common school fund or revenue therefrom or state tax for the support of the common schools is unconstitutional and void.” *Id.* at 501.

Further, as discussed above, the Act designates and relies on common school funds as its funding source. Without those funds, the Act cannot function as intended. Notably, I-1240 supporters’ statements in the voters’ pamphlet assured voters that charter schools would be funded out of the current school system by merely shifting existing school funding. In response to criticism that I-1240 “diverts taxpayer money into unaccountable . . . charter schools [and] . . . will drain millions of dollars from existing classrooms,” CP at 553, supporters stated in the pamphlet that “[c]harter schools *are* public schools, open to *all* students, accountable to a local school board or state commission, and do not take a penny from our public school system or students. They’re funded based on student enrollment just like other public schools.” *Id.* at 553.

The Act’s Invalid Provisions Are Not Severable

The next question is whether the above noted unconstitutional provisions render the Act unconstitutional in its entirety. “A legislative act is not unconstitutional in its entirety unless invalid provisions are unseverable.” *Amalgamated Transit Union Local 587 v. State*, 142 Wn.2d 183, 227, 11 P.3d 762, 27 P.3d 608 (2000). The test for severability is whether the unconstitutional provisions are so connected to the remaining provisions that it cannot be reasonably believed that the legislative body would have passed the remainder of the act’s provisions without the invalid portions, or unless elimination of the invalid part would render the remaining part useless to accomplish the

legislative purposes. *Id.* at 227-28; *Gerberding v. Munro*, 134 Wn.2d 188, 197, 949 P.2d 1366 (1998); *State v. Crediford*, 130 Wn.2d 747, 760, 927 P.2d 1129 (1996). While the presence of a severability clause may provide assurance that the legislative body would have enacted remaining sections without the invalid portions, a severability clause is not necessarily dispositive on the question of whether the legislative body would have enacted the remainder of the act. *Amalgamated*, 142 Wn.2d at 228. Here, the Act contains a severability clause, but the invalid provisions are so intertwined with the remainder of the Act and so fundamental to the Act's efficacy that under either of the above tests the invalid portions are not severable.

The Act identifies charter schools as common schools and is expressly reliant on common school funding to support such charter schools. That a funding source is required for the existence of charter schools is self-evident. As discussed above, the Act specifically intends to use common school funding allocations as that source. Without a valid funding source the charter schools envisioned in I-1240 are not viable. Moreover, I-1240's voters' pamphlet stressed that the funding for charter schools will come from existing funding sources in the form of a "shift [in] revenues" from "local public school districts to charter schools." CP at 549. In sum, without funding, charter schools are not viable. Nor can it be believed that voters would have approved the Charter School Act without its funding mechanism. *See Leonard*, 127 Wn.2d at 202 (act's funding mechanism is its "heart and soul" and act would be "virtually worthless" without it; thus, the funding mechanism is not severable from the remainder of the act).

In sum, the Charter School Act violates article IX, section 2 because charter schools are not common schools despite the Act's attempt to so designate them. The Act's designated funding mechanisms fail, and these provisions are not severable from the remainder of the Charter School Act.¹⁴

CONCLUSION

The portions of I-1240 designating charter schools as common schools violate article IX, section 2 of the Washington Constitution and are invalid. For the same reason, the portions of I-1240 providing access to restricted common school funding are also invalid. These provisions are not severable and render the entire Act unconstitutional. We affirm in part and reverse in part and remand for an appropriate order.

¹⁴ Because these determinations are dispositive of this case, we do not address the parties' other arguments. *See Bryan*, 51 Wash. at 506-07; *Gerberding*, 134 Wn.2d at 211 n.12.

Madsen, C.J.

WE CONCUR:

Johnson
Adams, J.

Wiggins, J.

Stephens, J.

By, J.

No. 89714-0

FAIRHURST, J. (concurring in part and dissenting in part)—We must decide whether newly created charter schools are “common schools” as defined by article IX, section 2 of the Washington Constitution and, if not, whether the charter schools act (Act), codified at chapter 28A.710 RCW, requires the State to support charter schools with funds that are constitutionally restricted to the benefit of common schools. I agree that charter schools are not common schools. But because nothing in the Act expressly requires the use of restricted funds, the Act is facially valid. Since charter schools may be constitutionally funded with unrestricted monies from the general fund, I concur in part and dissent in part.

In November 2012, Washington voters approved Initiative 1240 (I-1240), codified in the Act, allowing up to 40 charter schools to open within five years. The Act was intended to provide parents with “more options to find the best learning environment for their children.” RCW 28A.710.005(1)(f). Under the Act, charter schools would be operated by nonprofit, nonsectarian organizations. RCW 28A.710.010(1), .040(4). Further, charter schools must be free and open to all

students. RCW 28A.710.020(1). If student interest exceeds capacity, spaces are allotted by lottery. RCW 28A.710.050(4).

While charter schools are given more “flexibility to innovate and make decisions about staffing, curriculum, and learning opportunities to improve student achievement and outcomes,” they are still subject to various restrictions. RCW 28A.710.005(1)(g). For example, all teachers must be state certificated. RCW 28A.710.040(2)(c). Like traditional public schools, charter schools are required to provide a basic education through instruction in the essential academic learning requirements (EALRs). RCW 28A.710.040(2)(b). EALRs are developed by the superintendent of public instruction (Superintendent) and prescribe the substantive content taught to all of Washington’s public school students, often spanning several hundred pages per subject. Charter schools are also subject to performance improvement goals advanced by the state Board of Education. RCW 28A.710.040(2)(g).

When it comes to evaluating performance, charter schools are assessed under the same statewide student assessment system developed and overseen by the Superintendent. RCW 28A.710.040(2)(b). Charter schools are additionally required to provide annual performance reports to the parents and the community served by the school. RCW 28A.710.040(2)(f) (citing RCW 28A.655.110). If a charter school

falls to the bottom 25 percent of the statewide school accountability index, that charter school's contract will not be renewed. RCW 28A.710.200(2).

Funding for a charter school is tied to student enrollment, and the Superintendent allocates funding to charter schools using the same formulas that are applied to traditional public schools. RCW 28A.710.220(2). The State's general fund is the main source of funding for public education, including charter schools. *See* LAWS OF 2013, 2d Spec. Sess., ch. 4, §§ 501-516 (operational expenses for education).

A. Common schools can and must function without using constitutionally restricted funds

Washington's constitution identifies three funds whose use is restricted solely for the benefit of common schools. The Act does not require the use of monies from any of these funds. The current funding scheme for charter schools and public education is consistent with our constitution and precedent. The appellants,¹ making a facial challenge, fail to meet their burden.

1. *The Act does not divert resources from any of the three restricted funds*

Sections 2 and 3 of article IX identify three protected funds: the permanent common school fund, the state tax for common schools, and the common school

¹The plaintiffs/appellants consist of several nonprofit organizations and community members: the League of Women Voters of Washington; El Centro De Le Raza; Washington Association of School Administrators; Washington Education Association; Wayne Au, PhD; Pat Braman; Donna Boyer; and Sarah Lucas (hereinafter collectively appellants).

construction fund. The legislature cannot use revenue from any of these restricted funds for purposes other than to support common schools. *Mitchell v. Consol. Sch. Dist. No. 201*, 17 Wn.2d 61, 66, 135 P.2d 79 (1943) (plurality opinion).

First, the permanent common school fund was created by article IX, section 3 in 1889. There are two components of the permanent common school fund that we must consider—the principal of the fund and the interest that accrues on the fund.

In 1967, the legislature froze the principal of the permanent common school fund. LAWS OF 1967, ch. 29, § 1, at 98. To this day, our constitution requires that the principal of the fund must remain intact. CONST. art. IX, § 3; RCW 28A.515.300(2). The Act does not direct the legislature to expend any principal, nor do appellants allege that the principal of the fund has been improperly appropriated.

Neither has the interest been diverted to the support of charter schools. When the fund was created in 1889, our constitution provided that “interest accruing on [the permanent common school fund,] . . . shall be exclusively applied to the current use of the common schools.” CONST. art. IX, § 3 (1889). However, when the legislature froze the principal of the fund in 1967, it directed all of the interest accruing on the fund toward the newly created common school construction fund, which was dedicated solely to common school construction. CONST. art. IX, § 3. Thus, the interest from the permanent common school fund is not and cannot be used for *any* school operating costs. Appellants therefore cannot show that any money

from the permanent common school fund is being diverted to support charter schools.

Second, the state tax for common schools, codified in RCW 84.52.065, levies “for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars.” Currently, revenue from the state tax for common schools is placed into the general fund, RCW 84.52.067, from which our public education system receives support, LAWS OF 2013, 2d Spec. Sess., ch. 4, §§ 501-516. As discussed in more detail below, the state tax for common schools constitutes only a fraction of the total appropriation to our public schools. For example, in fiscal year 2015, the appropriation for public education amounted to roughly \$7.095 billion from the general fund. LAWS OF 2013, 2d Spec. Sess., ch. 4, §§ 502, 505, 507, 510-511, 514-515. Of this, only \$2.003 billion consists of the state tax for common schools. WASH. STATE ECON. & REVENUE FORECAST COUNCIL, WASHINGTON STATE ECONOMIC AND REVENUE FORECAST 69 (2014), <http://www.erfc.wa.gov/publications/documents/sep14pub.pdf>. Thus, only 28 percent of the revenue appropriated for public education from the general fund is restricted. Because charter schools account for merely 2 percent of Washington’s public schools, they can certainly be funded through the remaining 72 percent of the appropriation from the general fund. Importantly, nowhere does the Act expressly require the State to fund charter schools with revenue from the state tax for common schools.

Finally, article IX, section 3 created the third restricted fund when it “established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools.” The text of the Act does not actually require the State to provide such funding from the common school construction fund. The Act simply provides that “[c]harter schools are eligible for state matching funds for common school construction.” RCW 28A.710.230(1). A review of the 2013 session laws reveals that the legislature funds school construction from both the state building construction account and the common school construction account. *See* LAWS OF 2013, ch. 19, §§ 5001-5030, at 2734-43. In fact, the majority of public school construction is funded by the state building construction account. *Id.* Thus, while the legislature may not appropriate from the common school construction fund for construction or repair of charter schools, nothing would prevent it from using the state building construction account or even unrestricted revenues in the general fund. Appellants fail to establish that the Act will divert any revenue from the common school construction fund.

Contrary to the majority’s view, the Act does not expressly require the use of any of the three restricted funds. The majority points to RCW 28A.710.220(2). Majority at 12-13. That statute provides that “[c]ategorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public

schools.”² On its face, this statute does not require the State to support charter schools with restricted funds. Taken in context, this provision relates to the *amount* of money that a charter school may receive and requires that charter schools be subject to the same per-pupil formula as other public schools. It plainly says nothing about the *source* of funding. In fact, nowhere does the Act identify a source of funding, it merely states that charter schools must “receive funding based on student enrollment just like existing public schools.” RCW 28A.710.005(1)(n)(vii). Because the Act neither identifies a source of funding nor commands the use of restricted funds to support charter schools, it withstands appellants’ facial challenge and is constitutional.³

²The full text of RCW 28A.710.220(2) states:

According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school’s actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district.

³The majority also cites to three other statutes for the proposition that the Act’s terms identify restricted funds as the source of funding. Majority at 13 (citing RCW 28A.510.250; RCW 84.52.065, .067). First, none of these statutes are located within the Act and are thus not relevant to appellants’ claim that the Act is facially invalid. Second, these statutes plainly do not require the use of restricted funds. In fact, none of them discuss the source of funding for charter schools. See RCW 28A.510.250 (establishing a schedule for when the Superintendent must allocate funds to schools); RCW 84.52.065 (requiring the State to levy a tax for common schools), .067 (requiring the state tax for common schools to be deposited into the general fund).

2. *The current funding scheme for charter schools is constitutional and consistent with precedent*

The State now funds public education primarily through the general fund. WASH. STATE OFFICE OF FIN. MGMT., A GUIDE TO THE WASH. STATE BUDGET PROCESS 6 (2014), <http://www.ofm.wa.gov/reports/budgetprocess.pdf> (45.1 percent of the general fund is spent on K-12 education). According to the Washington State Office of Financial Management, there are seven separate appropriations that comprise the overall allocations to public schools. Clerk's Papers (CP) at 1032. These include appropriations for (1) general apportionment, (2) pupil transportation, (3) special education, (4) institutional education programs, (5) programs for highly capable students, (6) transitional bilingual programs, and (7) the learning assistance program. *Id.* These seven appropriations are made primarily from the state general fund. *See, e.g.*, LAWS OF 2013, 2d Spec. Sess., ch. 4, §§ 501-516 (operational expenses for education).⁴ Charter schools draw support from these appropriations.

This funding scheme is both constitutional and consistent with our precedent. The general fund is not identified as a restricted fund by article IX, nor are any of the seven separate appropriations that comprise the overall funding for public

⁴LAWS OF 2013, 2d Spec. Sess., ch. 4, § 502 (\$5.581 billion for general apportionment), § 505 (\$427 million for pupil transportation), § 507 (\$738 million for special education programs), § 510 (\$15 million for institutional education programs), § 511 (\$10 million for programs for highly capable students), § 514 (\$106 million for transitional bilingual programs), § 515 (\$218 million for the learning assistance program).

education. It is, as the name suggests, a general fund. Even our decision in *School District No. 20 v. Bryan*, relied on heavily by the majority, acknowledged that “all experiments in education must be indulged, if at all, at the expense of the general fund.” 51 Wash. 498, 505, 99 P. 28 (1909).

The majority “find[s] unconvincing the State’s view that charter schools may be constitutionally funded through the general fund” because restricted funds are not segregated from unrestricted funds. Majority at 16. Not only does this directly contradict established case law, *see Bryan*, 51 Wash. at 505, but taken to its full logical extent, it would mean that *any* expenditure from the general fund would be unconstitutional unless it was for the support of common schools.⁵ This cannot be the case.

The majority also attempts to classify the entire \$7.095 billion appropriation for public education as a restricted fund by relying on inapposite statutes and case law. The majority cites to RCW 28A.150.380 to support its claim that the entire appropriation for public education is restricted. Majority at 15. But RCW 28A.150.380(1) provides only that the legislature must “appropriate for the current use of the common schools such amounts as needed for state support to school

⁵In addition to K-12 schools, the general fund is used to support critical functions such as human services, higher education, governmental operating costs, and natural resources. *See* OFFICE OF FIN. MGMT., *supra*, at 6.

League of Women Voters v. State, No. 89714-0
Fairhurst, J. (concurring in part and dissenting in part)

districts.” This statute is not an appropriations bill but, rather, a general mandate. The statute does not appropriate funds, nor does it even reference any of the seven appropriations that comprise our funding for public education. Most importantly, the statute does not prohibit the legislature from supporting additional, noncommon school educational programs with resources from the unrestricted portion of the general fund. In fact, the second half of this statute, RCW 28A.150.380(2), expressly permits appropriations for other educational programs, with no common school limitation. (The legislature may fund “special programs to enhance or enrich the program of basic education.”). Indeed, programs, such as Running Start, that are not under the control of local voters and are thus not common schools, receive support through the \$7.095 billion appropriation for public education. *See* LAWS OF 2013, 2d Spec. Sess., ch. 4, § 502(18); WASH. STATE BD. FOR CMTY. & TECH. COLLS., RUNNING START FINANCE STUDY REPORT: DECEMBER 2010 7, http://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Running%20Start%20Finance%20Study%20Report%20-%20Dec%202010_ef747037-8891-4bd7-8787-e55a1c185533.pdf (high schools reimburse community colleges for 93 percent of each student’s tuition).

The majority next cites to *State ex rel. State Board for Vocational Education v. Yelle*, 199 Wash. 312, 91 P.2d 573 (1939). Majority at 13-14. There, the legislature

appropriated approximately \$64,000 “*from the current school fund*” for the State Board for Vocational Education in order to secure matching funds from the federal government. *Yelle*, 199 Wash. at 313 (quoting LAWS OF 1939, ch. 223, § 2, at 940). The court emphasized and heavily relied on the fact that the appropriation came from the current school fund, which by definition was “to be applied exclusively to the common schools.” *Id.* at 316 (quoting LAWS OF 1939, ch. 174, § 1, at 530). Thus, it made sense that once money was allocated to the current school fund, it could not thereafter be diverted to a noncommon school.

But *Yelle* does not control because our funding mechanism for public education has materially changed since *Yelle* was decided in 1939. *See Fed. Way Sch. Dist. No. 210 v. State*, 167 Wn.2d 514, 525, 219 P.3d 941 (2009) (distinguishing prior case law on grounds that funding system had been replaced by a “completely new and different funding mechanism”). The legislature no longer uses the current school fund, and, in fact, the current school fund is extinct. This likely explains why no court, until the majority, has ever cited to *Yelle* since it was first published nearly 80 years ago. The legislature now supports public education primarily through the general fund. *See* LAWS OF 2013, 2d Spec. Sess., ch. 4, §§ 501-516 (operational expenses for education). Unlike the current school fund, the general fund is inherently unrestricted and may be used to support charter schools. *Yelle* did not forbid the legislature from using unrestricted resources in the general fund for other

education purposes. Indeed, after *Yelle*, the legislature made a nearly identical appropriation to the Board for Vocational Education but this time from the general fund instead of the current school fund. *Compare* LAWS OF 1939, ch. 223, § 2, at 940 (“FROM THE CURRENT SCHOOL FUND”), *with* LAWS OF 1941, ch. 234, § 2, at 748 (“FROM THE GENERAL FUND”).

The majority also cites to our plurality decision in *Mitchell*, where the legislature attempted to transport private school students with buses supported by restricted funds. 17 Wn.2d at 63-64. There, the State admitted that “the directors of the school district are using public funds ‘*from the state permanent school fund and the current school fund*’ (italics ours) for the transportation, in a school bus, of children eligible to attend the common public schools to and from the Christian school.” *Id.* at 64. Relying in part on this admission, the lead opinion noted that in order to carry out the legislation, “the directors of school districts must, of necessity, resort to the common school fund.” *Id.* at 66. By contrast, the State here will not necessarily have to resort to the common school fund or any restricted fund in order to support charter schools. Notably, the concurrence in *Mitchell* recognized that schools that were not common schools could qualify for student transportation under the legislation so long as restricted funds were not used. *Id.* at 70-71 (Grady, J.,

concurring). The text of the Act does not command the use of restricted funds, and, as discussed above, the State may fund charter schools with general funds.⁶

The majority believes that once money is appropriated to our public schools from the general fund, it becomes restricted solely for the benefit of common schools. *See* majority at 12-13. Although the seven separate appropriations listed above can reasonably be considered public school funds, they are not common school funds. We recognized this critical distinction in *Moses Lake School District No. 161 v. Big Bend Community College*, concluding that while the diverted resources in that case might “have been public school funds, none were ‘common school funds.’” 81 Wn.2d 551, 560, 503 P.2d 86 (1972); *see also Seattle Sch. Dist. No. 1 v. State*, 90 Wn.2d 476, 521, 585 P.2d 71 (1978) (“[T]he constitutional draftsmen must have contemplated that funds, other than common school funds, were available for and used to educate our resident children.” (emphasis omitted)). The majority conflates the legislature’s appropriation for public education with common school funds, an approach we have long rejected. *See Pac. Mfg. Co. v. Sch. Dist. No. 7*, 6 Wash. 121, 33 P. 68 (1893). Because charter schools are part of our system of public education, they are a proper recipient of public school funds.

⁶The majority also cites to *Leonard v. City of Spokane*, 127 Wn.2d 194, 897 P.2d 358 (1995). Majority at 15. But that case involved the direct usurpation of the state tax for common schools. *Leonard*, 127 Wn.2d at 199 (invalidating the legislation because it diverted revenue from property tax that would otherwise constitute the state tax for common schools). No such diversion exists here. Again, charter schools would receive support from the general fund.

3. *Appellants fail to meet their burden under a facial challenge*

Because the Act was enacted through the initiative process, we begin with the presumption that it is constitutional. *Amalgamated Transit Union Local 587 v. State*, 142 Wn.2d 183, 205, 11 P.3d 762, 27 P.3d 608 (2000). Appellants have raised a facial challenge against the Act and must prove that the Act is unconstitutional beyond a reasonable doubt. *Id.* This requires a showing that the statute cannot be constitutionally applied under any circumstances. *Id.* “[A] facial challenge must be rejected if there are any circumstances where the statute can constitutionally be applied.” *Lummi Indian Nation v. State*, 170 Wn.2d 247, 258, 241 P.3d 1220 (2010) (quoting *Wash. State Republican Party v. Pub. Disclosure Comm’n*, 141 Wn.2d 245, 282 n.14, 4 P.3d 808 (2000)).

The majority faults the State for not being able to “demonstrate that these restricted moneys are protected from being spent on charter schools.” Majority at 15. This impermissibly shifts the burden of proof to the State.⁷ It is well settled that, in a facial challenge, the burden rests on the plaintiff, here appellants. *Amalgamated Transit*, 142 Wn.2d at 205. Appellants fail to meet their burden for two reasons.

⁷The majority also runs contrary to the established presumption of constitutionality. “In matters of economic legislation, we follow the rule giving every reasonable presumption in favor of the constitutionality of the law or ordinance.” *Leonard*, 127 Wn.2d at 198 (quoting *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636, 642-43, 771 P.2d 260 (1989)). Here, because charter schools comprise only two percent of Washington’s public schools, it is reasonable to assume that they can be funded using a portion of the \$5.092 billion that is not restricted.

First, as discussed at length above, appellants cannot prove that charter schools will receive resources from any of the three restricted funds. In *Moses Lake School District No. 161*, we placed the burden on the plaintiffs to show that constitutionally restricted funds were being diverted. 81 Wn.2d at 559-60. We concluded that the plaintiffs there could show no more than the diversion of public school funds, which are distinguishable from common school funds as referenced by article IX. *Id.* at 560. Similarly, appellants here can show no more than the use of general funds that have been appropriated to our public education system, of which charter schools are a part. Notably, appellants concede that unrestricted revenue from the general fund can be used to support noncommon schools, stating that “[n]othing prevents the Legislature or school districts from using unrestricted funds to support . . . supplemental programs and services.” Reply Br. of Appellants at 18.

Second, even assuming that appellants and the majority were correct and the entire appropriation for public education was restricted solely for the use of common schools, the nature of an appropriation is that it is finite and renewed every two years. *See Wash. State Legislature v. State*, 139 Wn.2d 129, 145, 985 P.2d 353 (1999) (“[A] budget bill, by its nature, appropriates funds for a finite time period—two years.”). The legislature is free to adjust its appropriations with any new biennial budget. Thus, it is well within the realm of possibility that the legislature may appropriate charter school funding separate and apart from the basic education appropriation in

future budget bills. Indeed, in *Yelle*, the remedy was to fund vocational education using monies from the general fund the following biennium, not to abolish vocational schools. *Compare* LAWS OF 1939, ch. 223, § 2, at 940, *with* LAWS OF 1941, ch. 234, § 2, at 748. Because nothing prohibits the legislature from expressly appropriating funds to support charter schools separate and apart from the appropriation for public education in the next biennium, appellants' facial challenge must fail.⁸

As a final note, the flaws that appellants and the majority find with the current funding scheme are born from the way in which the State manages restricted funds, not through any fault of the Act or the voters who passed the Act. While the State's accounting may be troubling, I do not find the Act itself to be unconstitutional on its face.

B. Provisions of the Act declaring charter schools to be common schools are severable

Provisions within an act are not severable if "it cannot reasonably be believed that the legislative body would have passed one without the other" or if "elimination of the invalid part would render the remaining part useless to accomplish the legislative purposes." *Amalgamated Transit*, 142 Wn.2d at 227-28. Appellants argue

⁸One might think in future bienniums the legislature might appropriate resources from restricted funds to support charter schools. This the legislature cannot do because our state constitution prohibits appropriations from restricted funds.

that voters would not have passed I-1240 if they knew that charter schools were not common schools and, as such, could not be funded with restricted common school funds. I disagree for three reasons.

First, I-1240 would have passed even though charter schools may not receive restricted funds. I-1240 does not state that charter schools will receive restricted funds, and voters were never told anything to this effect. Rather, I-1240 states in general terms that charter schools shall “receive funding based on student enrollment just like existing public schools.” RCW 28A.710.005(1)(n)(vii); *see also* RCW 28A.710.220(2) (requiring the Superintendent to fund charter schools without reference to restricted funds). I-1240 and the voters’ pamphlet do not reference restricted funds likely because the current funding scheme for public education does not distinguish between restricted and unrestricted funds, and, thus, there was no framework to discuss this issue.

While the voters’ pamphlet reveals that voters were very concerned about funding, this concern centered on the diversion of funds from local school districts rather than the source of funding. *See* CP at 553 (arguments for and against I-1240). Importantly, voters were never misled about the effect of I-1240 on local school districts. In fact, voters were repeatedly informed that I-1240 would “shift revenues, expenditures and costs between local public school districts *or from local public school districts to charter schools*, primarily from movement in student enrollment

. . . result[ing] in an indeterminate, *but non-zero*, fiscal impact to local public school districts.” CP at 549 (emphasis added). Appellants allege that voters were misled to believe I-1240 was a “zero-sum game.” Br. of Appellants at 28. This is inaccurate because the voters’ pamphlet repeatedly described the fiscal impact of I-1240 as “indeterminate, but non-zero.” CP at 549-51 (discussing the nonzero fiscal impact on nine occasions). Voters were properly informed. Because there is nothing to indicate that voters were concerned about the *source* of the funding, I-1240 would have passed even though charter schools are not eligible to receive restricted funds.

Second, I-1240 contains a severability clause. *See* CP at 78. “A severability clause may provide the assurance that the legislative body would have enacted remaining sections even if others are found invalid.” *Amalgamated Transit*, 142 Wn.2d at 228. The majority correctly points out that a severability clause is not dispositive on the question of whether the legislative body would have enacted the remainder of the act. Majority at 18. But we have recently stated that “[w]here the initiative passed by the people contains a severability clause, the court may view this as ‘conclusive as to the circumstances asserted unless it can be said that the declaration is obviously false on its face.’” *League of Educ. Voters v. State*, 176 Wn.2d 808, 827, 295 P.3d 743 (2013) (internal quotation marks omitted) (quoting *McGown v. State*, 148 Wn.2d 278, 296, 60 P.3d 67 (2002)). Appellants have not argued that the severability clause is obviously false. I would uphold the severability

clause and apply it here, concluding that the people would likely have passed the Act even if charter schools were not common schools.

Finally, elimination of the common school provisions would not render the Act useless to accomplish its purpose. The purpose of I-1240 was to establish 40 charter schools over the next five years. RCW 28A.710.005(1)(n). This purpose may be accomplished without designating public charter schools as common schools.


The majority believes that the voters would never have passed the Act without a funding source. Majority at 19. But the voters did just that because the Act itself does not contain any reference to a source of funding. This is not an uncommon occurrence, as Washington voters have enacted unfunded initiatives in the past. *See Fed. Way Sch. Dist. No. 210*, 167 Wn.2d at 520 (acknowledging voters passed legislation mandating cost of living increases for teachers but that the legislation provided no funding source).

I agree with the majority that charter schools are not common schools. But nothing in the Act requires the diversion of resources out of the three funds identified by article IX as restricted for the benefit of common schools. Rather, the State can constitutionally support charter schools through the general fund. I would not invalidate the Act but, rather, would hold that appellants cannot meet their burden on this facial challenge. I respectfully concur in part and dissent in part.

League of Women Voters v. State, No. 89714-0
Fairhurst, J. (concurring in part and dissenting in part)

Fairhurst, J.

Coenzález, J.
Hector McCall, J.

DEC 10 2015 
Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

LEAGUE OF WOMEN VOTERS OF)
WASHINGTON, a Washington nonprofit)
corporation; EL CENTRO DE LA RAZA, a)
Washington nonprofit corporation; WASHINGTON)
ASSOCIATION OF SCHOOL)
ADMINISTRATORS, a Washington nonprofit)
corporation; WASHINGTON EDUCATION)
ASSOCIATION, a Washington nonprofit)
corporation; WAYNE AU, PhD, on his own behalf;)
PAT BRAMAN, on her own behalf; DONNA)
BOYER, on her own behalf and on behalf of her)
minor children; and SARAH LUCAS, on her own)
behalf and on behalf of her minor children,)

Appellants,)

v.)

STATE OF WASHINGTON,)

Respondent,)

and)

WASHINGTON STATE CHARTER SCHOOLS)
ASSOCIATION; LEAGUE OF EDUCATION)
VOTERS; DUCERE GROUP; CESAR CHAVEZ)
CHARTER SCHOOL; INITIATIVE 1240)
SPONSOR TANIA DE SA CAMPOS; and MATT)
ELISARA,)

Respondents/Intervenors.)

MANDATE

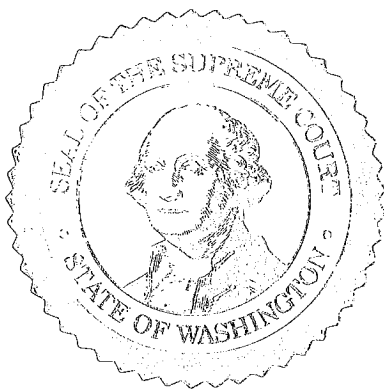
No. 89714-0

King County Superior Court
No. 13-2-24977-4 SEA

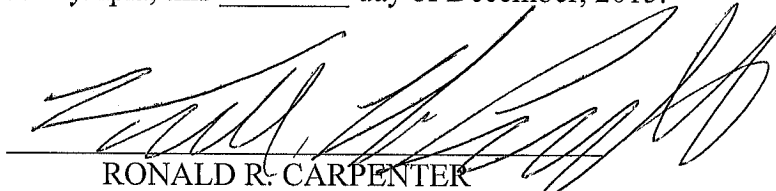
THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington
in and for King County

The opinion of the Supreme Court of the State of Washington was filed on September 4, 2015. An Order Changing Opinion and Denying Further Reconsideration was issued on November 19, 2015. The opinion and the order changing opinion became final on December 9, 2015. This cause is mandated to the superior court from which the appellate review was taken for further proceedings in accordance with the attached true copy of the opinion.

Pursuant to RAP 14.6(c), costs are taxed as follows: Costs, if any, will be taxed by Supplemental Judgment.



IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the seal of said Court
at Olympia, this 10th day of December, 2015.


RONALD R. CARPENTER
Clerk of the Supreme Court
State of Washington

cc: Clerk, King County Superior Court
Paul J. Lawrence
Jessica Anne Skelton
Jamie L. Lisagor
Harry J.F. Korrell, III
Michele G. Radosevich
Joseph P. Hoag
David Alan Stoller
Colleen G. Warren
Aileen B. Miller
Rebecca R. Glasgow
Noah Guzzo Purcell