



## School Board Briefing/Proposed Action Report

**Informational** (no action required by Board)     **Action Report** (Board will be required to take action)

**DATE:** January 28, 2016  
**FROM:** Directors Betty Patu (President), Sue Peters (Vice President), and Leslie Harris (Member-at-Large)  
**LEAD STAFF:** Superintendent Larry Nyland, (206) 252-0180, [Larry.Nyland@seattleschools.org](mailto:Larry.Nyland@seattleschools.org); John Cerqui, Deputy General Counsel, (206) 252-0115, [jcerqui@seattleschools.org](mailto:jcerqui@seattleschools.org)

### **I. TITLE**

Resolution 2015/16-13 - A Resolution Opposing Charter Schools and Charter School Legislation    **For Introduction:** March 2, 2016  
**For Action:** March 2, 2016

### **II. WHY BOARD ACTION IS NECESSARY**

This motion would approve Resolution 2015/16-13, which requires Board action.

### **III. FISCAL IMPACT/REVENUE SOURCE**

No additional funding is needed to pass or implement Resolution 2015/16-13.

### **IV. POLICY IMPLICATION**

No current policies will be affected by the adoption of Resolution 2015/16-13. This resolution is consistent with a prior Board-adopted resolution (Resolution 12/13-5), which opposed Initiative 1240 (attached).

### **V. RECOMMENDED MOTION**

I move that the Board adopt Resolution 2015/16-13, which opposes charter schools and charter school legislation, as attached to the Board Action Report. Immediate action is in the best interest of the District.

### **VI. BOARD COMMITTEE RECOMMENDATION**

This motion was discussed at the Executive Committee meeting on February 4, 2016. The Committee reviewed the item and moved it forward to the full Board with a recommendation for approval. The Executive Committee also moved that the resolution be introduced and acted upon on March 2, 2016 to ensure action before the 2016 Washington State Legislative session adjourns.

### **VII. BACKGROUND INFORMATION**

The Legislature has not yet come up with a plan to amply fund K-12 education as required under the *McCleary* decision. Before determining how to fully fund K-12 education as required by

*McCleary*, the Legislature is now considering new bills that would provide funding for charter schools. Charter schools previously lacked local public oversight and could, depending upon the proposed legislation, draw a portion of local or state funds away from public schools. The Directors supporting this motion do not support charter schools and it certainly would not support any new legislation on charters until the State has determined how to amply fund K-12 education.

### *Charter School Legislation*

In November 2012, Washington voters approved I-1240, which provided for the establishment of up to 40 charter schools within 5 years. Charter schools are not subject to many state educational laws and regulations, such as personnel and educational program requirements, and were not subject to local oversight. In September 2015, the Washington State Supreme Court held that due to the lack of public oversight and lack of certain regulations that govern other schools, charter schools cannot be considered “common schools.” The Supreme Court held that providing public funds to charter schools under I-1240 was unconstitutional.

Currently, Washington State legislators are considering several new bills that would reinstate aspects of the 2012 initiative. This current legislation includes a bill, SB 6163, that would require that locally elected School Boards provide oversight to charter schools, even though charter schools would be “afforded autonomous elements similar to traditional charter schools” including “freedom from designated school district policies.”

### *McCleary Ruling*

In January 2012, the Washington State Supreme Court ruled in *McCleary v. Washington* that the State is not amply funding basic education under the state Constitution. Under the ruling, the legislature was meant to develop a funding plan by the end of their 2015 session. For every day that a plan does not exist, the legislature is fined \$100,000. Currently, the Legislature is under a contempt sanction and it has not yet come up with a funding plan to amply fund K-12 education by 2018.

Spending time and energy on creative charter school legislation, when charter school legislation was recently found unconstitutional, is not the best use of legislative effort. The Directors supporting this motion want the Legislature to focus on amply funding basic education and complying with the Supreme Court’s decision and orders in *McCleary*. In the absence of charter schools, the District can and does provide alternatives to education for those students who need different approaches to learning.

## **VIII. STATEMENT OF ISSUE**

Whether to adopt Resolution 2015/16-13.

## **IX. ALTERNATIVES**

Not adopt Resolution 2016/16-13. The alternative is to not pass a resolution regarding the School Board’s current position on charter schools and charter school legislation. This alternative

is not recommended because the Board's silence on this issue may be viewed as acceptance of charter schools by the Board.

**X. RESEARCH AND DATA SOURCES / BENCHMARKS**

- Prior School Board Resolution 2012/13-5
- *McCleary v. State*, 173 Wash.2d 477, 269 P.3d 227 (2012)
- *League of Women Voters of Washington v. State*, 184 Wn.2d 393, 355 P.3d 1131 (2015)

**XI. TIMELINE FOR IMPLEMENTATION / COMMUNITY ENGAGEMENT**

Upon approval of this motion, the resolution will be approved and posted to the District website. It also may be sent to interested constituents and state legislators.

**XII. ATTACHMENTS**

- Resolution 2015/16-13 (for approval)
- Resolution 2012/13-5 (for reference)

**Seattle School District No. 1  
Board Resolution**

**Resolution No. 2015/16-13**



**A RESOLUTION** of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington opposing charter schools and charter school legislation.

**WHEREAS**, in conjunction with the Board of Directors' previously stated opposition to Initiative 1240 (I-1240), the Board of Directors supports the Washington State Supreme Court's decision, *League of Women Voters of Washington v. State*, 184 Wn.2d 393 (2015), which found that provisions of I-1240 that treat charter schools as common schools are unconstitutional and void;

**WHEREAS**, it is our role as elected members of the Board of Directors to support and maintain access to free and equal education for all students within our boundaries and to serve as local representatives of the public;

**WHEREAS**, the Washington State Supreme Court ruled in 2012, in its *McCleary v. State* 173 Wash.2d 477 decision, that the State is not adequately funding basic education, and our Legislature is currently several million dollars in arrears in contempt penalties;

**WHEREAS**, the Washington State Supreme Court ruled in 2015 that I-1240 impermissibly allowed for the establishment of individual schools funded by taxpayer dollars in a means not accountable to the public within the broader school boundaries in which they reside;

**WHEREAS**, as a publicly elected Board of Directors, we support the right of all Seattle citizens to retain locally-elected representatives who are accountable to the public; today, and for generations to come;

**WHEREAS**, the Seattle School Board of Directors asserts that funding charter schools draws local and state funding away from an already financially stressed system, causing greater hardship for the majority of schools and students within our boundaries;

**WHEREAS**, the Seattle School District does embrace innovation and educational options, as embodied by our Creative Approach Schools language in the Collective Bargaining Agreement between the Seattle School District and the Seattle Education Association;

**WHEREAS**, the Seattle School District already offers Alternative Learning Experience and option schools with a variety of educational opportunities, including social justice, environmental science, International Baccalaureate, and advanced learning;

**WHEREAS**, the Seattle School District also offers a variety of instructional approaches including Science, Technology, Engineering and Mathematics (STEM); Career and Technical Education (CTE); and Language Immersion; and

**WHEREAS**, the Seattle School District remains ready, willing, and able to welcome and service the needs every student, including all former charter school students in our district;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Seattle School Board of Directors (1) requests that the Legislature focus on its paramount duty to amply fund K-12 educational needs first as mandated by the *McCleary* decision; (2) opposes charter schools and charter school legislation; and (3) disapproves of the establishment of Alternative Learning Experience (ALE) status for former charter schools when operated by non-resident school districts.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Betty Patu, President

\_\_\_\_\_  
Sue Peters, Vice-President

\_\_\_\_\_  
Stephan Blanford, Member

\_\_\_\_\_  
Richard Burke, Member

\_\_\_\_\_  
Jill Geary, Member

\_\_\_\_\_  
Leslie Harris, Member

\_\_\_\_\_  
Scott Pinkham, Member

ATTEST: \_\_\_\_\_  
Dr. Larry Nyland, Superintendent  
Secretary, Board of Directors  
Seattle School District No. 1  
King County, WA

**Seattle School District #1  
Board Resolution**

**Resolution No. 2012/13-5**



**A RESOLUTION** of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington in opposition of Initiative 1240, which relates to the allowance of public charter schools in the state of Washington.

**WHEREAS**, it is our role as elected members of the Board of Directors of Seattle School District #1 to support and maintain access to free and equal education for all students within our boundaries and serve as local representatives of the public; and

**WHEREAS**, the Washington State Supreme Court ruled in 2012 that the state is not adequately funding basic education; and

**WHEREAS**, I-1240 allows for the establishment of individual schools funded by taxpayer dollars in a means not accountable to the public within the broader school boundaries in which they reside; and

**WHEREAS**, as a publicly elected Board of Directors, we support the right of all Seattle citizens to retain locally-elected representatives accountable to the public, today and for generations to come; and

**WHEREAS**, the Seattle School District does embrace innovation and educational options, as embodied by our Creative Approach Schools Memorandum of Understanding between the Seattle School District and the Seattle Education Association; and

**WHEREAS**, the Seattle School District already offers Alternative Learning Experience schools and Option schools within each middle school service area, with multiple emphasis including social justice, environmental science, outdoor learning, International Baccalaureate and advanced learning; and

**WHEREAS**, the Seattle School District also offers a variety of instructional approaches including Science, Technology, Engineering and Mathematics (STEM); Montessori and Language Immersion; and

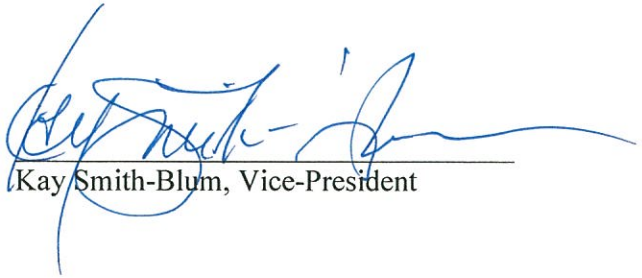
**WHEREAS**, the Seattle School Board of Directors believes that the passage of I-1240 could remove or diminish local control of public schools and draw funding away from an already financially stressed system, causing greater hardship for the majority of schools and students within our boundaries; and

**NOW THEREFORE, BE IT**

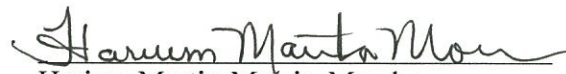
**RESOLVED**, for these reasons, the Seattle School Board of Directors opposes the passage of Initiative 1240.

ADOPTED this 17<sup>th</sup> day of October, 2012


  
Michael DeBell, President

  
Kay Smith-Blum, Vice-President


  
Sherry Carr, Member

  
Harium Martin-Morris, Member

  
Martha McLaren, Member

  
Betty Patu, Member

  
Sharon Peaslee, Member

ATTEST:   
José Banda, Superintendent  
Secretary, Board of Directors  
Seattle School District No. 1  
King County, WA