

*League of Women Voters, et.al., v.
State of Washington (a/k/a Charter
Schools Case)*

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Background

- Initiative 1240 passed in November 2012 election, establishing the Charter Schools Act.
- Case filed in King County Superior Court on July 3, 2013, seeking declaration that Act is unconstitutional and injunction blocking implementation of Act.
- Both parties moved for Summary Judgment, meaning the law can be determined without reference to any disputed facts.
- Facial challenge to the Act, meaning Act is incapable of being applied constitutionally
- Superior Court decision issued on December 1, 2013.
- The case has been appealed.

Seven Constitutional Issues Put Before the Court

1. Does Act divert restricted funds to non-common school purposes?
2. Are Charter schools incompatible with a general and uniform system of public schools?
3. Does Act Impede the State's paramount duty to make ample provision for the education of all children?
4. Does Act improperly delegate the State's paramount duty to private organizations?
5. Does Act undermine the Superintendent's constitutional supervisory authority?
6. Does the Act unconstitutionally alter the purpose of local levies?
7. Did Initiative 1240 violate the procedural requirements of article II, section 37 (amended statutes to be set out in full)?

Superior Court Holding on Issue 1: (Does the Act divert restricted funds to non-common school purposes?)

“A charter school cannot be defined as a common school because it is not under the control of the voters of the school district.”

“[A]s to state matching funds for construction, these funds are restricted to common schools. Given that the court has held that charter schools are not common schools, the court grants the motion on this ground.”

Washington Constitution, Article IX, section 2

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

Constitution Article IX, section 3

- The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible.
- . . . 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*. The sources of said fund shall be:
 - . . . (2) the interest accruing on said permanent common school fund from and after July 1, 1967. . .

School Construction Assistance Program

- RCW 28A.710.230(1). Charter schools are eligible for state matching funds for common school construction.
- RCW 28A.525.010. It is hereby declared to be the intent of the legislature that the following provisions be enacted for the purpose of establishing and providing for the operation of a **program of state assistance to school districts in providing school plant facilities**.
- The Program is funded from both the Common School Construction Fund and other sources.
- State levy for support of common schools – statutory dedication

NEXT STEPS

- Case has been appealed by both parties, seeking direct review by the Supreme Court.
- Stay Tuned.
- QUESTIONS?