



## Charter Schools and Washington State

### Background

Charter schools are public schools funded by government dollars. They vary from traditional public schools because they are granted “charters” by authorizers and exempt from many of the federal, state, and local laws regulating traditional public schools. Charter schools first appeared in Minnesota in 1992. Today, there are nearly 5,000 charter schools<sup>1</sup> operating in 39 states, the District of Columbia, and Puerto Rico<sup>2</sup>.

#### *Laws vary across states*

The scope and reach of charter schools varies by states, as each crafts its own law with differing authorizers, caps, and student targets. Most states allow local school boards and state boards of education to authorize charter schools. Some states have created charter-specific boards which authorize charter schools, and others allow universities to authorize schools. Most states place caps on the number of charters that can be authorized, either annually or in total; only 18 states do not have caps<sup>3</sup>. Caps range from six annually in Idaho and Oklahoma to 1,250 in California. A number of states direct charters to target students in low-income communities or struggling academically.

#### *Impact on student achievement*

One of the most comprehensive studies of student performance in charter schools found that more than 80 percent of charter schools reported academic gains that were the same or worse than their traditional public school peers<sup>4</sup>. In the study, 17 percent of charter schools outperformed, 37 percent performed worse, and 46 percent performed no differently than traditional public schools. Other studies have focused on specific charter operators, and found some to be more effective than others. One of the most well known charter school networks, the Knowledge Is Power Program (KIPP), was found to have significant positive impact on its students’ academic achievement<sup>5</sup>. A number of other networks have been found to be high performing, including Achievement First, Uncommon Schools and Aspire Public Schools<sup>6</sup>.

### Charters in Washington State

Charter schools are not explicitly permitted in Washington State, although a variety of legislative and citizen-led efforts over the past 15 years have sought to change that. Even so, districts do have some ability to partner with outside organizations to run schools.

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<sup>1</sup> National Alliance for Public Charter Schools

<sup>2</sup> Education Commission of the States

<sup>3</sup> Education Commission of the States, *Does the State Have Any Caps on the Number of Charter Schools?*, October 2010, accessed online Nov. 5, 2010. <<http://www.ecs.org/clearinghouse/CharterSch/1-6-Num.pdf>>

<sup>4</sup> Center for Research on Education Outcomes. *Multiple Choice: Charter School Performance in 16 States*. June 2009.

<sup>5</sup> C.C. Tuttle, B. Teh, et al. *Student Characteristics and Achievement in 22 KIPP Middle Schools*. June 2010.

<sup>6</sup> Education Sector. *Growing Pains: Scaling Up the Nation’s Best Charter Schools*. November 2009.



### *Initial efforts*

Charter school language first appeared in Washington as an initiative to the Legislature in 1996. The initiative was rejected by 64 percent of voters and did not become law<sup>7</sup>. The issue then moved to the state Legislature where five charter bills were proposed over the course of seven years, the first in 1997. These bills all included caps on the number of start-up charter schools permitted each year, ranging from 20 to 45. Later bills also allowed authorizers to convert failing schools to charter schools, typically without limits, and required most charters serve educationally disadvantaged students.

The initial House bill<sup>8</sup> passed through the House in both 1997 and 1998; however, Senate companion bills<sup>9</sup> never made it out of committee. Another bill<sup>10</sup> was introduced in 1999, which followed the same pattern of passing the House while failing in the Senate. The following year, 2000, an initiative to the people went to a vote and a majority of voters (52 percent) again rejected the measure<sup>11</sup>.

Charter schools did not appear again until 2003, with the introduction of a more narrowly focused bill in the Legislature<sup>12</sup>. The Senate passed its bill in both 2003 and 2004, although the bill did not come up for a floor vote in the House until 2004. Then, in March 2004, the Legislature passed charter school legislation by a vote of 51-46 in the House and 27-22 in the Senate; the governor signed the bill into law in June. Charter authorization was short lived, as a veto referendum was put on the ballot in November and the law was rejected by 58 percent of voters<sup>13</sup>.

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<sup>7</sup> Initiative to the Legislature 177 was filed on July 17, 1995 and was certified to the Legislature on January 30, 1996. The Legislature failed to take action and the measure was submitted to voters on November 5, 1996, where it was rejected by a vote of 762,367 for and 1,380,816 against.

<sup>8</sup> HB 2019 would have authorized up to 25 state sponsored charter schools to be established over the next year, required charter school teachers to be state certified, required students in charter schools to meet or exceed public school standards and allowed only local school boards to sponsor charters

<sup>9</sup> The 1997 companion bill, SB 5764, also would have allowed 2- and 4-year colleges and education service districts to sponsor charters. A compromise bill, SB 7901, was introduced in 1998. This bill would have allowed school districts and universities to sponsor charters, permitted up to 20 new charters to be established each year for four years, authorized local school boards to allocate local levy revenue to charter schools and exempted school districts with less than 1,000 students because of the potential for adverse financial impact.

<sup>10</sup> HB2415/SB 6483 would have allowed up to 20 new start-up charters and unlimited conversion schools — in the Legislature's special session, it was changed to allow up to 40 new charters — and charters to be between a nonprofit organization and either a school district or the Office of the Superintendent of Public Instruction. An amendment proposed in the Senate would have allowed teachers at charter schools to join their local teachers' union.

<sup>11</sup> Initiative 729, filed on February 23, 2000, was submitted to the voters on November 7, 2000 and rejected by a vote of 1,125,766 for and 1,211,390 against.

<sup>12</sup> HB 2295/SB5012 would have allowed up to 45 new charters to be granted over the following six years, permitted school boards to convert failing existing schools into charter schools, and permitted nonprofit organizations to partner with school districts or the Office of the Superintendent of Public Instruction to establish charters. In the House, an amendment to the bill required that most charter schools serve educationally disadvantaged students. In the Senate, party leaders tied the charter school legislation to three other education-related bills: one allowing school districts to collect a higher percentage of local levy dollars; one refining the Washington Assessment of Student Learning, the state's standardized test which must be passed by students in 10th grade in order to graduate high school beginning in 2008, and allowing retakes of the WASL and one changing how districts receive money to help struggling students.

<sup>13</sup> Referendum 55 was filed on March 29, 2004, submitted to the voters on November 4, 2004 and rejected by a vote of 1,122,964 approved to 1,572,203 rejected.



### *Options under current state law*

As part of the Elementary and Secondary Education Act (ESEA), districts are allowed to use one of four intervention models — turnaround, restart, school closure, and transformation — in schools that are deemed persistently low-achieving<sup>14</sup>. Of the four, only the restart model explicitly calls for districts to reopen a school under a charter school operator, charter management organization, or educational management organization (EMO). State law passed during the 2010 legislative session<sup>15</sup> authorizes the State Board of Education to require identified districts to use one of the four models as part of a required action plan, although it strictly prohibits the creation of charter schools without “explicit legislative authority.” While charter schools are not authorized under current state law, districts are allowed to contract with EMOs to operate schools.

EMOs are for-profit or non-profit organizations that provide “whole-school operation” services to districts. These organizations are typically not charter management organizations, however nothing in state or federal law prohibits a charter organization from working with a district as an EMO. Schools operated by EMOs are not necessarily granted the same autonomies as charter schools in other states. For example, in Washington, EMOs would be subject to state collective bargaining laws and agreements. Furthermore, unlike with charter schools in other states, community members are not able to partner with EMOs to open their own schools. The only way for community members to bring EMOs to their schools is to lobby their local school board to choose the restart model and partner with an established EMO.

### *Creating new charter law*

For charter schools to be permissible in Washington State, one of three options must be pursued: initiative to the Legislature, initiative to the people, or bill through the Legislature. Given the history of charters in Washington, a successful measure would most likely include a charter cap, focus on academically disadvantaged students, and allow teachers to join the local teachers union.

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<sup>14</sup> U.S. Department of Education, *Guidance on School Improvement Grants Under Section 1003(g) of the Elementary and Secondary School Act of 1965*, accessed online Nov. 5, 2010. <<http://www2.ed.gov/programs/sif/sifguidance11012010.pdf>>

<sup>15</sup> ESHB 6696, codified as RCW 28A.657.050