

SENATE BILL REPORT

SB 6670

As Reported by Senate Committee On:
Ways & Means, March 3, 2016

Title: An act relating to public schools that are not common schools.

Brief Description: Relating to public schools that are not common schools.

Sponsors: Senators Fain, Mullet, Litzow and Hobbs.

Brief History:

Committee Activity: Ways & Means: 3/03/16 [DP, DNP, w/oRec].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Brown, Hewitt, O'Ban, Padden, Parlette, Schoesler and Warnick.

Minority Report: Do not pass.

Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Conway, Darneille, Hasegawa and Nelson.

Minority Report: That it be referred without recommendation.

Signed by Senators Ranker, Ranking Minority Member, Operating; Billig, Pedersen and Rolfes.

Staff: Lorrell Noahr (786-7708)

Background: Initiative 1240. In November 2012, Washington State voters approved Initiative 1240, which established a process for creating and operating a limited number of publically funded charter schools that operate independently of an elected school district board of directors as well as most state laws and school district policies. The first charter school began serving students in the 2014-15 school year. Nine charter schools served students in the 2015-16 school year. Seven of the schools were authorized by the Washington Charter School Commission and two were authorized by Spokane Public School District.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Charter School Lawsuit. On September 4, 2015, the Washington Supreme Court ruled the charter school law unconstitutional and declined to reconsider the ruling on November 19, 2015. The Court found that charter schools are not common schools because they are not subject to and under the complete control of the qualified voters of the school district. The Court also found that since charter schools are not common schools, they cannot receive funds from the common school construction fund or be funded by the common school state property tax, because under the state constitution both are to be used exclusively for common schools. The Court declared that because the charter school law could not be implemented without the impermissible funds the law in its entirety was unconstitutional and void.

Local School Levies. Article VII, section 2 of the Washington State Constitution requires that local school district levies be used for the support of common schools.

Summary of Bill: The bill was introduced by title only.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: None.

Staff Summary of Public Testimony: No Public Hearing was held.

Persons Testifying: N/A

Persons Signed In To Testify But Not Testifying: No One.