

NO. 89714-0

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

LEAGUE OF WOMEN VOTERS OF WASHINGTON, a
Washington non-profit corporation; EL CENTRO DE LA
RAZA, a Washington non-profit corporation;
WASHINGTON ASSOCIATION OF SCHOOL
ADMINISTRATORS, a Washington non-profit
corporation; WASHINGTON EDUCATION
ASSOCIATION, a Washington non-profit corporation;
WAYNE AU, PH.D., 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 SCHOOL,
INITIATIVE 1240 SPONSOR TANIA DE SA CAMPOS,
and MATT ELISARA,

Respondents/Intervenors.

BRIEF OF *AMICUS CURIAE* FIRST PLACE SCHOLARS CHARTER
SCHOOL, EXCEL PUBLIC CHARTER SCHOOL, SOAR ACADEMY,
RAINIER PREP PUBLIC CHARTER SCHOOL, PRIDE PREP PUBLIC

CHARTER SCHOOL, THE BLACK EDUCATION STRATEGY
ROUNDTABLE, REP. ERIC PETTIGREW, in his personal capacity,
STAND FOR CHILDREN-WASHINGTON, WASHINGTON
ROUNDTABLE, TECHNOLOGY ALLIANCE, and TEACHERS
UNITED IN SUPPORT OF RESPONDENTS

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I. INTRODUCTION

As the State of Washington continues to struggle to amply fund its public education system, it is important to not lose sight of the fact that money alone will not cure all the ills afflicting our schools. Contentions to the contrary are short-sighted and are contradicted by the national experience with education reform—in which our state lags behind—and by the wishes of our state’s voters, who have approved the important reform at the heart of this case. In a rapidly evolving economy, new methods of learning must be considered and new teaching models employed. Students must acquire new skills and graduate with the tools required for higher education and the modern workplace. By their nature, high-quality public charter schools are designed to meet these challenges. And the *Amici* here, many of which have been approved as Washington’s first public charter schools, are of high quality.

While it is incumbent upon us all to ensure that Washington’s children are afforded every opportunity to thrive in this dynamic global economy, our responsibility is even more pronounced as it affects students from disadvantaged backgrounds and our students of color. These are the students that Washington’s public charter schools are uniquely positioned and specifically designed to serve. And it is these students that the voters and *Amici* particularly had in mind when they advocated passage of the

Charter Schools Act.

As our state's first public charter school opens its doors in Seattle this month (with its unique focus on homeless children), *Amici* are filled with renewed hope that after decades of wrangling over the very idea of public charter schools, real progress is close at hand. By approving the Charter Schools Act, Washington voters expressed similar optimism. Because the Act appropriately balances flexibility in teaching and accountability for success, this Court should uphold the will of the electorate and rule in favor of Respondents.

II. IDENTITY AND INTEREST OF *AMICI*

Amici consist of a broad coalition of schools, teachers, administrators, education advocates, state leaders, and employers who seek to establish Washington's public school system as one of the nation's best.¹ Collectively, they have decades of experience promoting public education reform as a means of elevating student achievement. Having observed other states' success with charter schools, *Amici* advocated the passage of the Charter Schools Act, I-1240 ("the Act"). Accordingly, they have a particularly strong interest in the outcome of this litigation.

¹ The identities and interests of *amici* are set forth in detail in the accompanying Motion in Support of Submission of Brief of *Amicus Curiae*.

III. STATEMENT OF THE CASE

Notwithstanding the State of Washington's status as a national leader in high tech job growth, it has struggled for decades to fulfill its constitutional mandate to amply provide for the education of its students. Study after study has demonstrated that our students have failed to keep pace with students from other states and countries. Disappointing graduation rates remain unacceptably high. Early education scores persistently fall below the national average. And the achievement gap is a travesty. These are shocking indicators that an alarming and growing number of students face long-term economic disadvantages which threaten a persistent communal recession in many of our state's communities. These concerns are particularly true for students of color and those from economically disadvantaged backgrounds.

Until recently, concerned teachers, administrators, parents, and students in Washington lacked a critical tool which their counterparts in over 40 other states have found particularly effective in helping to address the problem: public charter schools. Fortunately, two years ago, Washington's electorate voted for change. Informed by the evolving national experience with public charter schools' innovative approach to education, a majority of voters embraced a modest foray onto this proven path to success. Specifically, the Act provided for the approval of up to

eight public charter schools per year for the next five years.² *Amici*—as community leaders, teachers, administrators, education advocates, and employers—were among the Initiative’s supporters. Like Plaintiffs, *Amici* believe both as a matter of efficacy and constitutional law that accountability is critical to closing the state’s persistent and shameful achievement gap. But unlike Plaintiffs, *Amici* believe the Charter Schools Act imposes effective protocols that comply with the Washington Constitution while affording educators the flexibility necessary to improve student prospects for success and help them reach their full potential. Indeed, as discussed below, our experience to date demonstrates not only that Plaintiffs’ concerns are unfounded but that Washington’s public charter schools will be a critical tool for addressing our state’s education crisis among its neediest and most underserved students.

IV. ARGUMENT

A. Washington’s Education System Leaves Behind Far Too Many, Preventing the State from Fulfilling the Promise of Its Paramount Duty to Educate Every Child

In words well known to this Court, Washington’s Constitution provides that “[i]t is the *paramount duty* of the state to make ample provision for the education of all children residing within its borders,

² See RCW 28A.710.150.

without distinction or preference on account of race, color, caste, or sex.”³

This Court recognized that though the Constitution “does not reflect a right to a guaranteed educational outcome,” it does guarantee “the *opportunity* to obtain the knowledge and skills.”⁴ Even if, as a constitutional matter, an “educational outcome” is not guaranteed, *Amici* are motivated to work toward a time when the most important educational outcome—graduation with the skills necessary to lead a happy and productive life—is guaranteed as a practical matter to every student entering Washington’s public education system.

Sadly, the present system leaves behind far too many students, a fact which deeply and increasingly concerns *Amici*. This Court has recognized that flexible approaches tailored to serve the present day communities and children of Washington are necessary and constitutionally permissible. The public charter schools approved as a result of I-1240, which must comply with the Act’s rigorous operating requirements under the oversight it sets forth, provide a constitutional and practical means to achieve that ultimate end.

³ WASH. CONST. art. IX, § 1 (emphasis added).

⁴ *McCleary v. State*, 173 Wn.2d 477, 525-26 (2012) (emphasis in original); *see also id.* at 526 (noting that even longstanding aspects of the State’s educational system are not “etched in constitutional stone” and may be changed as necessary to address contemporary challenges).

1. **Washington Schools Have Been Failing Too Many of the State's K-12 Students**

The most recent data released by the Office of Superintendent of Public Instruction (“OSPI”) reported that approximately one in four Washington students who entered his or her freshman year in 2009 failed to graduate within four years.⁵

National comparisons among the different states show that Washington’s high school graduation rates are near the bottom.⁶ Just as disturbing, these underwhelming statistics have been remarkably persistent.⁷ A study tracking graduation rates from 2001 through 2009 showed that Washington’s rate was below the national average for most of those years; it was never more than 0.9% above the national average and

⁵ See Deb Came & Lisa Ireland, *Graduation and Dropout Statistics Annual Report, 2012-13*, Wash. Office of Superintendent of Pub. Instruction, 3 (Doc. No. 14-0014) (“OSPI 2014 Report”), available at <http://www.k12.wa.us/legisgov/2014documents/GraduationAndDropoutStatisticsAnnualReport.pdf> (reporting a four year graduation rate of 76.0%). A small number of students that entered high school in 2009 may graduate a year behind their peers. The report found that 78.8 % of students who began high school in 2008 had graduated by 2013, reflecting an increase of 1.6% over that cohort’s 77.2% four-year graduation rate. See *id.* at 3. That well over 20% of Washington’s students do not graduate high school within even five years is on its own quite problematic.

⁶ For example, in a study comparing 2011-12 graduation data, Washington’s overall rate of 77% was better than only thirteen states reporting results. See *Building a GradNation: Four-Year Adjusted Cohort Graduation Rates (ACGR) By State and Subgroup, 2011-2012* (Appendix E), GradNation (Apr. 28, 2014), available at <http://gradnation.org/resource/building-gradnation-four-year-adjusted-cohort-graduation-rates-acgr-state-and-subgroup-2011>. This is little changed from the 74% graduation rate reported in a 2006 study that this Court discussed in *McCleary*. See 173 Wn. 2d at 500.

⁷ See, e.g., Chris Chapman, et al., *Trends in High School Dropout and Completion Rates in the United States: 1972–2009*, U.S. Dep’t of Educ., 52-53 (Oct. 2011), available at <http://nces.ed.gov/pubs2012/2012006.pdf> (showing that Washington’s 73.7% graduation rate in 2008-09 ranked 37th among states).

fell to as much as 3.0% below the average.⁸

Further reflecting shortcomings in the status quo, the graduation rates for certain underserved communities and communities of color are 10 to almost 40 percentage points lower than for the state at large.⁹

Graduation rates do not tell the whole story, though, as success in education, as in many other aspects of life, starts early and requires sustained effort. Students who do not make progress initially and fall behind early often find that they cannot later catch up. For example, recent scholarship has indicated that “children who do not read proficiently by the end of third grade are four times more likely to leave school without a diploma than proficient readers.”¹⁰

Children who score at the lowest levels on reading tests at the end of third grade are dramatically overrepresented among those who do not graduate from high school, and students of color face more severe impacts: “[B]lack and Hispanic children who are not reading proficiently in third grade are twice as likely as similar white children not to graduate

⁸ *See id.*

⁹ For example, in the most recent year for which data has been reported, the four-year graduation rate for American Indian students was 52.5%. *See* OSPI 2014 Report, at 3. The rate for black students was 65.4% and was 65.6% for Hispanic students. *See id.* The graduation rate for low income students was 64.6%, for homeless students was just 45.1%, and for students who had been in foster care was only 36.6%. *See id.*

¹⁰ *See* Leila Fiester, *Early Warning Confirmed: A Research Update on Third-Grade Reading*, The Annie E. Casey Foundation, 5 (2013), available at <http://www.aecf.org/m/resourcedoc/AECF-EarlyWarningConfirmed-2013.pdf>.

from high school.”¹¹ Low-income students are likewise significantly disadvantaged compared to their higher-income peers: “the academic achievement gap between children from high- and low-income families is nearly twice as large as the black-white achievement gap.”¹² Although the achievement gap between lower and higher income students recently narrowed in certain states, it actually widened in Washington.¹³

For the reasons discussed further below, although Washington’s public education system appears to have stagnated in several key respects, and especially as regards underserved communities, public charter schools, using methods and approaches specifically tailored to best serve the communities in which they are located, are well positioned to address shortcomings in the status quo.

2. A Student Who Does Not Complete High School Faces Permanent Economic Disadvantages

Test scores and graduation rates, of course, simply provide numerical snapshots of two measures of Washington’s public education system. Represented by each figure are thousands of students, each of whom has and will experience challenges and successes that are their

¹¹ *See id.* (discussing research showing that the one-third of all students scoring at the lowest levels on proficiency tests later account for over 60% of all students not completing high school).

¹² *Id.*

¹³ *See id.* at 3-4.

own.¹⁴ Unfortunately, it appears that an individual who does not complete high school is as a result likely to experience potentially staggering and persistent negative consequences throughout the rest of his or her life.

In its most recent data, the OSPI estimated that each Washington student who does not graduate high school will forego approximately \$250,000 in present dollars in wages and benefits over the course of his or her life that he or she would have received by finishing high school.¹⁵

Moreover, high school graduates are less likely to be involved in the criminal justice system than non-high school graduates.¹⁶ A national April 2009 report by McKinsey & Company's Social Sector Office found that "[t]he less educated a person is, the likelier that person is to end up behind bars," and "[a] high school dropout is five to eight times more likely to be incarcerated than a college graduate."¹⁷ A recent study focused on crime and education in Washington found that of the 17,000 adults incarcerated in the state, approximately 40% do not have a high school diploma or GED—nearly double the 20 to 25% of students as a

¹⁴ See, e.g., OSPI 2014 Report, at 5 (reporting that the four-year graduation rate was calculated from nearly 80,000 students).

¹⁵ See *id.* at 10.

¹⁶ See *id.* ("Graduating from high school is also associated with less crime").

¹⁷ See McKinsey & Co., *The Economic Impact of the Achievement Gap in America's Schools* (Apr. 2009) ("McKinsey Report"), available at http://mckinseysociety.com/downloads/reports/Education/achievement_gap_report.pdf

whole that do not complete high school in Washington.¹⁸

When a student does not complete high school, he or she suffers measurable losses and faces significantly heightened personal risks.

3. **The Societal Loss from Schools That Fail Students Is Equivalent to a Permanent Recession**

It is not simply the student that feels the negative impacts of the shortcomings in the status quo; the community as a whole suffers as well. Nationwide, it has been estimated that persistent opportunity and achievement gaps—between white students and students of color and between low-income students and higher-income students—equates to a loss of between 2 and 5% loss of GDP each year.¹⁹ In aggregate, economic loss associated with achievement gaps “imposes on the United States the economic equivalent of a permanent national recession.”²⁰

Beyond the eye-catching national level effects, an achievement gap can also destabilize a local community, trapping it in a negative feedback cycle where shortcomings in the classroom spill over to other challenges that compound one another. As the McKinsey Report explained, “achievement gaps have a clustering effect akin to economic dead zones,

¹⁸ See William Christeson, *et al.*, *I’m the Guy You Pay Later: Sheriffs, Chiefs and Prosecutors Urge America to Cut Crime by Investing Now in High-Quality Early Education and Care*, *Fight Crime: Invest in Kids-Washington*, 1 (Oct. 29, 2013), available at <http://www.fightcrime.org/wp-content/uploads/WA-Im-the-Guy-Report1.pdf>; *cf.* OSPI 2014 Report at 3 (reporting high school graduation rates).

¹⁹ See McKinsey Report at 17.

²⁰ *Id.* at 6.

where communities with low-achieving local schools produce clusters of Americans largely unable to participate in the greater American economy due to concentration of low skills, high unemployment, or high incarceration rates.”²¹

Another related concern, also of great importance to *Amici*, is that underperformance by the state’s education system renders it more difficult for the state’s employers to remain competitive. This, in turn, forces employers to look out of state to fill jobs that Washingtonians could hold. A report by the Boston Consulting Group and *Amicus* Washington Roundtable noted that “employers in Washington state express increasing concerns regarding their ability to find employees with the requisite skills to fill available job openings here.”²² A “gap between the skills needed by employers and those possessed by potential employees” has resulted in 25,000 positions in Washington going unfilled, with the number set to “grow[] to 50,000 by 2017.”²³ Eighty percent of these “skills gap” jobs are in science, technology, engineering, mathematics and health care fields.²⁴ Had policies been in place to close the gap between 2012 and

²¹ *Id.* at 17-18.

²² Boston Consulting Group & Washington Roundtable, *Great Jobs Within Our Reach: Solving the Problem of Washington State’s Growing Job Skills Gap*, 3 (Mar. 2013) (“Washington Roundtable Report”), available at http://waroundtable.com/pdf/resources/BCG_WRT_Great_Jobs_Within_Our_State_March_2013_report.pdf

²³ *Id.*

²⁴ *See id.*

2017, Washington could have enjoyed 160,000 new jobs and an unemployment rate “reduce[d] . . . by up to two percentage points.”²⁵

Despite the negative impacts felt by individuals, families, local communities and the state as a whole, the research indicates that Washington has reason for hope. First, “the wide variation in performance among schools and school systems serving similar students suggests that the opportunity and output gaps related to today’s achievement gap can be substantially closed.”²⁶ A school uniquely suited to address the educational needs of the community it serves can, it seems, significantly change the outcome for its students. And, as illustrated above, very small positive changes can quickly compound into massive benefits that can have large effects statewide and on specific local industries.²⁷

As discussed below, the public charter schools created under the Act—a limited, targeted pilot program focused on underserved communities—can provide the state and its students with these benefits.

B. The Charter Schools Act Provides a Vital Mechanism for Assisting the State of Washington to Fulfill its Paramount Duty

As the discussion above demonstrates, there is little doubt that the

²⁵ *Id.*

²⁶ McKinsey Report at 6.

²⁷ See Washington Roundtable Report at 8 (explaining that using early science and technology instruction to attract even 1% more of Washington’s graduating public high school students to major in science and technology fields could result in 600 additional qualified employees).

State of Washington’s public schools are failing its most needy and underserved students. Mindful of this problem, Washington voters decided two years ago that charter schools offer one promising solution. By balancing innovation and accountability, Washington stands to benefit from the student-specific models that public charter schools offer.

1. **The Act Provides Needed Flexibility for Underserved Communities and Demands Accountability**

To be sure, public charter schools are subject to the same educational content requirements as traditional public schools. They must “[p]rovide basic education” as defined by statute applicable to all common schools, “including instruction in the essential academic learning requirements and participate in the statewide student assessment system.”²⁸ This means that like traditional public schools, they must meet the grade-specific guideposts for student learning and requirements for evaluating student achievement.

Where traditional schools and public charter schools differ is that while charters must teach their students the same material as traditional public schools, the Charter Schools Act affords public charter schools latitude in the methods by which they do so.²⁹ Indeed, such latitude is a

²⁸ RCW 28A.710.040(2)(b).

²⁹ See RCW 28A.710.040(3).

hallmark of the Act, as it is designed to “allow[] flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs” so as “to improve student outcomes and academic achievement.”³⁰

The quid pro quo is that in exchange for this flexibility, public charter schools are subject to rigorous accountability requirements that are not imposed on traditional public schools. For example, public charter schools must apply for renewal of their charters and be re-approved every five years.³¹ And, whereas traditional public schools are required to implement a corrective plan if they fall within the bottom five percent, public charter schools must remain above the bottom quartile in order to be considered for renewal.³² Public charter schools are also constantly monitored for adherence to the terms of their charter contracts, subject to supervision by the OSPI, accountable to the State Board of Education, and only receive local funding if approved by a majority of the voters (who approved the charter schools in the first place).³³ In other words, public charter schools are subject to a host of requirements to which traditional public schools are not.

That there is a critical need for the specialized and innovative

³⁰ *Id.*

³¹ *See* RCW 28A.710.190.

³² *See* RCW 28A.710.200(2).

³³ *See* RCW 28A.710.200(1); RCW 28A.710.040(5); RCW 28A.710.220(7).

approach to education offered by public charter schools is perhaps best illustrated by the support they have received from *Amicus* State Representative Eric Pettigrew, who represents the 37th District.³⁴ The District, which comprises Rainier Valley, Madrona, North Beacon Hill, Rainier Beach, Mt. Baker, Leschi, Columbia City, southern Capitol Hill, Skyway and parts of Renton, is 40% white, 25% Asian, and 22% African-American.³⁵ Drawing upon these statistics, Rep. Pettigrew has observed that in Washington “[l]ow-income and minority students are not performing at grade level in crucial subjects like math and reading,” and that “[s]tatistic after statistic tells us that we have made very little success in closing th[is] achievement gap in the past decade.”³⁶

This lack of progress is particularly felt by students and families in Rep. Pettigrew’s District, which is home to five of the state’s most persistently underperforming public schools.³⁷ Statewide, on-time graduation rates are 76% and extended graduation rates are 78.8%.³⁸

³⁴ Rep. Pettigrew participates as an *amicus* in his personal capacity.

³⁵ See Census 2010: Washington (State House District 37), available at <http://data.spokesman.com/census/2010/washington/legislative-districts/state-house-district-37-wa/>.

³⁶ Steve Litzow and Eric Pettigrew, *Here’s What Can Be Done to Reform K-12 Education in Another Tough Budget Year*, SEATTLE TIMES (Jan. 18, 2012), available at <http://seattletimes.com/text/2017262921.html>.

³⁷ Editorial, *The Times Recommends Eric Pettigrew in the 37th Legislative District*, SEATTLE TIMES (Oct. 17, 2012), available at http://seattletimes.com/html/editorials/2019458543_editpettigrew_endorsementxml.html

³⁸ See OSPI 2014 Report, at 8.

While many have expressed frustration with these figures (noting that they lag behind other states), they appear robust in comparison with those at Rainier Beach High School in Rep. Pettigrew’s District. Only 59.6% of students there graduate on time and the extended graduation rate is not much better, at 63.6%.³⁹ Likewise, as the table below indicates, a comparison of average test scores shows that Rainier Beach students are falling far behind:⁴⁰

	Statewide	Rainier Beach High School
Reading (10th Grade)	83.6%	70.1%
Writing (10th Grade)	84.9%	75.4%
Math- Year 1 (All Grades)	53.1%	21.1%
Math – Year 2 (All Grades)	76.5%	51.6%
Biology (All Grades)	68.6%	44.4%

By their nature, public charter schools are designed to close precisely these sorts of achievement gaps. Reports demonstrate they have done so. One study, for instance, concluded that urban students who attend public charter schools from kindergarten through eighth grade erase

³⁹ See *id.* at Appendices D & G.

⁴⁰ OSPI, Washington State Report Card: Rainier Beach High School (2012-13), available at <http://reportcard.ospi.k12.wa.us/summary.aspx?schoolId=1106&OrgType=4&reportLevel=School&year=2012-13&yrs=2012-13>. Statewide scores are available at: <http://reportcard.ospi.k12.wa.us/summary.aspx?schoolId=1&OrgType=%2B4&reportLevel=State&year=2012-13&yrs=2012-13>.

86% of the math and 66% of the English achievement gaps that usually exist between urban students and students at more affluent, suburban schools.⁴¹ Similarly, a study across 27 states concluded that students in the surveyed charter schools improved “[a]cross multiple measures” over a 2009 study and showed “an upward trend in their performance over the past five years.”⁴² Given these results, it is not surprising that low-income students are more likely to apply to public charter schools.⁴³

2. **The Act’s Early Implementation Shows That Appellants’ Fears Are Unfounded and Charter Schools Will Play a Critical Role in Serving the Needs of the State’s Most Vulnerable Students**

Public charter schools are subject to a rigorous review process. Before they can be approved, applicants must submit detailed school plans that set forth, among other requirements, the school’s mission, evidence of the need and parent and community support for the school, sample daily schedules, description of the academic program aligned with state standards, description of the school’s proposed instructional design (including learning environment and teaching methods), evidence that the

⁴¹ Caroline M. Hoxby, Sonali Murarka & Jenny Kang, *How New York City’s Charter Schools Affect Achievement*, IV-9 (Sept. 2009), available at http://users.nber.org/~schools/charterschoolseval/how_NYC_charter_schools_affect_achievement_sept2009.pdf.

⁴² Ctr. for Research on Educ. Outcomes, *National Charter School Study Executive Summary*, 15 (2013), available at <http://credo.stanford.edu/documents/NCSS%202013%20Executive%20Summary.pdf>.

⁴³ See Hoxby, et al., at IV-9.

education program is based on proven methods, plan for internal and external assessments to measure student achievement, plan for identifying and serving special needs and academically struggling students, student discipline policies, an organizational chart reflecting the school's structure, proposed governing bylaws, plans for transportation and food services, and expectations for parental involvement.⁴⁴ Applicants must also pledge to meet the conditions of their contracts.⁴⁵ Consequently, public charter school applications typically span hundreds of pages.⁴⁶

Subjecting themselves to these exacting requirements, 22 public charter school applications were submitted by non-profit organizations in Washington last year; the majority were denied.⁴⁷ As the approved schools' applications reveal, their curriculum and education program are rigorous and designed to produce positive outcomes.⁴⁸ For instance, many of the schools go well beyond the state's minimum for instructional hours,

⁴⁴ See RCW 28A.710.130(2).

⁴⁵ See RCW 28A.710.200.

⁴⁶ Application materials submitted to the Charter School Commission are available at <http://www.governor.wa.gov/issues/education/commission/applicantArchive.aspx>, and PRIDE Prep's application is available at http://www.spokaneschools.org/cms/lib/WA01000970/Centricity/Domain/4163/PRIDPrep_Complete%20Application.pdf (together, "2013-14 Submitted Applications").

⁴⁷ *New Round of Charter School Applications Gets Going*, THE NEWS TRIBUNE (July 16, 2014), available at http://www.thenewstribune.com/2014/07/16/3291307_new-round-of-charter-school-applications.html.

⁴⁸ See 2013-14 Submitted Applications.

adding *hundreds* of additional hours.⁴⁹ The same is true as to days of instruction, with some public charter schools extending the school year nearly three weeks of instruction beyond that required by state law.⁵⁰ These approved public charter schools make clear in their applications that they intend to comply with all state requirements.

Amicus First Place Scholars Charter School is illustrative as the sole public charter school to begin instruction in 2014. First Place Scholars was founded in 1989 by a group of educators and social workers who recognized that educating homeless children requires a fundamentally different approach than that provided by traditional public schools.

The school's founders understood that for this particularly vulnerable cross-section of students essential systems of student support cannot be separated from academics. Accordingly, First Place's public charter school curriculum and instructional design draw upon a quarter-century of experience in developing and delivering an integrated system of education, mental health, and family support to best meet the needs of children who have experienced trauma, poverty, and housing instability.

Even the traditional classroom regimen offered by First Place goes

⁴⁹ *See id.*; Joint Request to Supp. Record with Stipulation of Additional Facts, at 9.

⁵⁰ *See* 2013-14 Submitted Applications. *Amicus* Excel Public Charter School plans to provide 193 days of instruction for 9 hours per day. It notes at page 10 of its Application that the "over 500 hours of additional learning per year" that entails amounts to "over 80 additional school days of learning."

well beyond that found in the average public school setting. Class sizes for K-5 students are small—in the range of 14 to 16 students—and, unlike traditional public schools, First Place employs an extended day program. The program, which lasts from 2:30 p.m. until 4:30 p.m., allows students to apply the basic, core content they learn in the classroom to a project-based learning setting in which they work hand-in-hand with outside volunteers, partners, and experts. Thus, by offering underprivileged students the services and individualized attention that traditional public schools do not provide, First Place demonstrates precisely how charter schools can and will play a critical role in helping Washington’s most needy students gain a stronger foothold on their education.

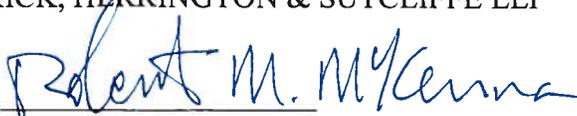
V. CONCLUSION

Disillusioned by the persistently underwhelming results produced by the State’s traditional public schools, Washington voters recently approved a modest foray into the innovative approach to education offered by charter schools. While by no means a panacea, charter schools offer a promising solution that has been embraced by the overwhelming majority of states across the country. This Court should uphold the will of the voters and allow Washington public charter schools to continue meaningfully serving our neediest communities and children.

DATED this 12th day of September, 2014.

Respectfully submitted,

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