

No. 94269-2

SUPREME COURT OF THE STATE OF WASHINGTON

King County Superior Court, State of Washington
Cause No. 16-2-18527-4 SEA

EL CENTRO DE LA RAZA, a Washington non-profit corporation; LEAGUE OF WOMEN VOTERS OF WASHINGTON, a Washington non-profit corporation; WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS, a Washington non-profit corporation; WASHINGTON EDUCATION ASSOCIATION, a Washington non-profit corporation; INTERNATIONAL UNION OF OPERATING ENGINEERS 609; AEROSPACE MACHINISTS UNION, IAM & AW DL 751; WASHINGTON STATE LABOR COUNCIL, AFL-CIO; UNITED FOOD AND COMMERCIAL WORKERS UNION 21; WASHINGTON FEDERATION OF STATE EMPLOYEES; AMERICAN FEDERATION OF TEACHERS WASHINGTON; TEAMSTERS JOINT COUNCIL NO. 28; WAYNE AU, PH.D, on his own behalf and on behalf of his minor child; PAT BRAMAN, on her own behalf; and DONNA BOYER, on her own behalf and on behalf of her minor children,

Appellants,

vs.

STATE OF WASHINGTON

Respondent.

Paul Hill, Robin Lake, and Daisy Trujillo
AMICUS CURIAE BRIEF IN SUPPORT OF
RESPONDENT AND INTERVENOR-RESPONDENTS

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TABLE OF CONTENTS

I.	IDENTITY AND INTEREST OF AMICI	1
II.	INTRODUCTION	2
III.	STATEMENT OF THE CASE.....	3
IV.	ARGUMENT	3
	A. Nonwhite, urban students are faring poorly in tradi- tional public schools, and public charter schools benefit them especially well.....	3
	B. Charter public schools can be an effective option for students in need of special education services	6
	C. Charter public schools improve non-test outcomes at higher rates than traditional public schools.....	10
	D. Charter public schools complement or augment tra- ditional public school systems	12
	E. The design of charter public school laws and their implementation are critical, and the Act reflects na- tional best practices	14
	1. Charter public schools that do best, gener- ally, are “high expectations, high support.”	15
	2. The Act avoids pitfalls that other states have suffered	17
	3. Most charter public schools currently oper- ating in Washington are high expectation, high support schools that serve student pop- ulations most in need	18
V.	CONCLUSION.....	19

TABLE OF AUTHORITIES

	Page(s)
Statutes	
Charter Schools Act	1, 2, 3, 17
RCW 28A.710.07(1).....	16, 17
RCW 28A.710.010.....	3
RCW 28A.710.040(2)(h)	18
RCW 28A.710.040(3)(d)	18
RCW 28A.710.120.....	17
RCW 28A.710.200.....	18
RCW 28A710.030(3)(d)	18
RCW 28A710.180.....	17
RCW. 28A.710.130(1).....	17
Other Authorities	
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need-know">http://www.crpe.org/publications/special-education- charter-schools-what-weve-learned-and-what-we-still- need-know	9
Brian Gill & Kevin Booker, <i>School Competition and Student Outcomes</i> , Handbook of Research in Education Finance and Policy (2016)	12

Brian P. Gill, *The Effect of Charter Schools on Students in Traditional Public Schools: A Review of the Evidence*, EducationNext (Nov. 2016), available at <http://educationnext.org/the-effect-of-charter-schools-on-students-in-traditional-public-schools-a-review-of-the-evidence/>13

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In Lake, R.J., <i>Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs</i> (Seattle, WA: Center on Reinventing Public Education) (2010).....	10
Joshua D. Angrist et al., <i>Explaining charter public school effectiveness</i> , 5 <i>American Economic Journal: Applied Economics</i> 1 (2013).....	15
Joshua D. Angrist et al., <i>Stand and Deliver: The Effects of Boston’s Charter High Schools on College Preparation, Entry, and Choice</i> , Cambridge, National Bureau of Economic Research Working Paper 19275 (2013), available at http://www.nber.org/papers/w19275	9, 16
Kevin Booker at al., <i>The effects of charter high schools on educational attainment</i> , 29(2) <i>Journal of Labor Economics</i> 377 (2011)	11
Lance T. Izumi, <i>What Works: Inside Model Charter Schools</i> , Center on Innovation and Improvement (2008), available at http://www.centerii.org/search/Resources/WhatWorksModelCharter.pdf	15
Lauren Morando Rhim et al., <i>Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2011-2012</i> , National Center for Special Education in Charter Schools (2015).....	8
Marcus Winters, <i>Pushed Out? Low-Performing Students and New York City Charter Schools</i> , Manhattan Institute (2015).....	8

Melissa A. Clark et al., *Do Charter Schools Improve Student Achievement? Evidence from a National Randomized Study*, Princeton, NJ, Mathematic Policy Research (2011), available at <https://www.mathematica-mpr.com/our-publications-and-findings/publications/do-charter-schools-improve-student-achievement-evidence-from-a-national-randomized-study>.....16

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Overview of the Urban Charter School Study, available at <http://urbancharters.stanford.edu/overview.php> (last visited Aug. 28, 2017).....6

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I. Identity and Interest of Amici

Amici Robin Lake and Paul Hill are the current and immediate past directors of the Center on Reinventing Public Education, a research and policy analysis center at the University of Washington Bothell which develops systemwide solutions for K–12 public education.¹ In their work, they examine K-12 public education innovation and problem-solving, including extensive research on education finance, workforce, and school models and partnerships, particularly for at-risk student populations in urban areas. As their work relates to this case, they have studied and published research analyses and conclusions about charter public schools since their inception in the early 1990s. Amici’s research is regularly cited on those topics, and amici themselves are regularly solicited for advice by policymakers. Their interests in this case are to describe the evidence about charter public schools, to discuss the potential for Washington charter public schools to serve at-risk students across the State, and to explain how the Charter Schools Act incorporates national best practices and complies with the constitutional requirement of a general and uniform system of public schools.

¹ The views expressed in this brief are the authors’ alone and are not intended to represent the Center or the University.

Also joining as amici is Daisy Trujillo, who graduated in 2015 from Summit Rainier, a Summit-operated charter public school in San Jose, CA. Inspired by her experience with Summit, she attended college to become a teacher. She recently moved to Tacoma to work in a staff position at Summit Olympus at the behest of one of her mentors. She attributes her career ambition and love of education to Summit and its high expectations for her. Ms. Trujillo demonstrates the tangible successes reflected in the extensive research on charter public schools, discussed herein.

II. Introduction

The legal question in this case is whether the Charter Schools Act is consistent with Washington's constitution. To answer that question, the Court should of course look to the constitutional text and case law. But it should also look to the evidence about charter public schools. This amicus brief—authored by two leading researchers at the University of Washington and a charter public school alumna—is intended to present that evidence.

A strong recent body of research suggests that charter public schools can play a positive role in Washington's education system, and help fulfill the constitutional mandate to provide for the education of all children within its borders. In particular, the evidence from across the country shows that charter public schools are particularly helpful for poor

students, students of color, and students with special needs. Done well, public charter schools even tend to improve student outcomes in nearby traditional public schools. And Washington’s Charter School Act (the Act) is done well. It adopts national best practices and avoids the mistakes that some state’s charter school laws have made.

When combined with the many other strategies used in Washington—dual-language programs, gifted and talented programs, magnet schools, drop-out recovery schools, apprenticeships, and so on—charter public schools can serve as a useful choice for parents and students.

III. Statement of the Case

Amici adopt Respondent’s and Intervenor-Respondents’ Statements of the Case to the extent relevant for this amicus brief.

IV. Argument

A. Nonwhite, urban students are faring poorly in traditional public schools, and public charter schools benefit them especially well.

Washington’s traditional public schools have struggled to educate “at risk” students, defined by the Act as students who have “an academic or economic disadvantage that requires assistance or special services to succeed in educational programs.”² Students can be considered at risk for

² RCW 28A.710.010.

a number of reasons: they may not meet minimum standards of proficiency, they may be at risk of dropping out of high school, they may be disciplined more than average, they may be learning English, they may come from low-income families, they may be ethnic or racial minorities, they may have special educational needs. This chart shows the percentage of Washington students meeting the standard last school year on either of the two primary tests used by the state: ³

MSP score or SBA score	% All	% Low Income	% Hispanic	% Black	% Special Education
8 th grade science	67.5	51.9	49.0	46.5	31.1
8 th grade reading	59.7	43.6	52.8	56.6	18.8
8 th grade math	47.8	30.4	31.3	29.5	10.7
5 th grade science	65.3	49.9	44.3	43.3	36.1
5 th grade reading	60.1	43.5	49.0	54.1	24.5
5 th grade math	49.2	32.5	33.7	34.0	18.7

Charter public schools are particularly effective in teaching at risk students. While learning gains vary across urban charter public schools, their gains tend to exceed gains found in traditional urban public schools. A 2015 Stanford study examined student performance in 41 cities across

³ Office of the Superintendent of Public Instruction’s Washington State Report Card, available at <http://reportcard.ospi.k12.wa.us/summary.aspx?groupLevel=District&schoolId=1&reportLevel=State&yrs=2015-16&year=2015-16> (last visited August 15, 2017.)

22 states and found:

When learning gains for urban charter students are presented for individual urban regions, regions with larger learning gains in charter schools outnumber those with smaller learning gains two-to-one. In math, 26 urban regions post learning gains for charter school students that outpace their [traditional public school (TPS)] counterparts. Charter schools in 11 urban areas have smaller math gains, and four regions have equivalent learning gains in math. In reading, charter school students in 23 of the 41 regions demonstrate larger learning gains than their TPS peers, while 10 regions have smaller gains. Charter schools in eight regions have similar student learning gains in reading compared to TPS peers.⁴

⁴ Center for Research on Education Outcomes, *Urban Charter School Study Report on 41 Regions*, Stanford University, v (2015) (CREDO Study). A note on research methodology of many of the studies cited in this brief: children attend charter public schools by choice, not by government assignment. As a result, the group of students attending any charter public school is likely to be different—in both demographic composition and motivation—from students at traditional public schools. If families send their children to charter public schools because those families are more involved or motivated, or alternatively because their child has failed to thrive in other schooling environments, those facts, rather than the charter public school itself, could be the cause of a student’s success or failure. Simple comparisons of test results and other outcomes can thus be misleading.

Researchers seek to address that challenge by trying to compare how students perform in charter public schools against how they would likely have performed at traditional public schools. There are three methods of doing so: (1) comparing individual students’ annual rates of learning gains before and after they switched to a charter public school; (2) building a comparison group of non-charter public school students who are, as closely as possible, matched to the personal characteristics of charter public school students, and comparing outcomes between those groups; and (3) comparing the scores of students who applied to charter public schools but lost out in admissions lotteries and therefore did not attend charter public schools with those of students who won in the same lotteries and therefore attended charter public schools.

Particularly in the past ten years, the quality of methods and data used to assess charter public school outcomes has increased dramatically. Several research organizations have produced meta-analyses of studies using the three methods listed above. (A meta-analysis combines data from multiple, similar studies in an effort to reduce error, resolve disagreement, and increase statistical power. Statistical power refers to the likelihood that a study will detect an effect if there is one.)

The Stanford study further showed that charter public schools especially benefit low-income, nonwhite students in urban areas:

[T]he typical student in an urban charter school receives the equivalent of 40 additional days of learning growth . . . in math and 28 days of additional growth . . . in reading compared to their matched [non-charter public school counterparts]. The results were found to be positive for nearly all student subgroups, but especially strong for students who are minority and in poverty, who are a significant portion of the urban student population.⁵

Specifically, for those student populations:

Learning gains for charter school students are larger by significant amounts for Black, Hispanic, low-income, and special education students in both math and reading. Students who are both low-income and Black or Hispanic, or who are both Hispanic and English Language Learners, especially benefit from charter schools. Gains for these subpopulations amount to months of additional learning per year.⁶

In other words, charter public schools can be a highly effective tool for improving academic outcomes for at risk youth.

B. Charter public schools can be an effective option for students in need of special education services.

Charter public schools can provide new opportunities for serving students with special needs. Despite substantial improvements to the legal rights of students with special needs over the last few decades, many

⁵ Overview of the Urban Charter School Study, available at <http://urbancharters.stanford.edu/overview.php> (last visited Aug. 28, 2017).

⁶ CREDO Study at vi.

families of students with special needs remain dissatisfied with the public school options available to their students, and feel that traditional school systems do not meet their students' needs.⁷

Charter public schools—which, in Washington State, must accept all students with disabilities on the same basis as a school district—offer families an alternative way to meet these students' needs. Because they have the flexibility to design unique educational programs, charter public schools can be designed from the start to serve students who don't fit the traditional model of public schooling. They can also offer a way for districts to experiment with innovative approaches to serving special needs. They can create options tailored for families of students with special needs who struggle to find an appropriate fit for their students' particular learning needs. And they can encourage district schools to move from rule- and compliance-based approaches to an educational approach focused on outcomes and school-based accountability.

Charter public schools across the nation have developed an array of approaches to serving students with special needs. Some are designed specifically for students on the autism spectrum, others for students who are visually impaired. Still other public charter schools serve only or

⁷ Robin Lake (ed.), *Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs*, Center on Reinventing Public Education, 12 (2010).

largely students on individualized education plans, or with some other special status.⁸

Even charter public schools that are not specifically focused on students with special needs tend to serve a representative number of such students. On average, students who receive special education support and related services made up 10.42% of total enrollment in charter public schools, whereas traditional public schools had 12.55% of their total enrollment made up by students who received special education services. A growing number of families who have students with disabilities are taking advantage of school choice policies.⁹

In recent years, several studies have systematically analyzed the movement of students with disabilities in and out of the charter sector, as well as in and out of special education eligibility status.¹⁰ That evidence shows that charter public schools are less likely than traditional public

⁸ Non-charter public schools also create specialized programs to serve special needs. In Seattle, for example, the school district provides self-contained classrooms for students with emotional and behavioral challenges at certain schools, autism programs at other schools, programs for profoundly disabled students at other schools, inclusion programs at still other schools, designated schools for ELL students, and some schools offer no special needs programs whatsoever.

⁹ Lauren Morando Rhim et al., *Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2011-2012*, National Center for Special Education in Charter Schools (2015).

¹⁰ Marcus Winters, *Pushed Out? Low-Performing Students and New York City Charter Schools*, Manhattan Institute (2015); Elizabeth Setren, *Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification* (2015), available at <http://economics.mit.edu/grad/esetren/research>.

schools to identify incoming students with special needs labels, and are more likely to move students off of individualized education plans.¹¹ Case studies suggest that charter public schools are more likely, for example, to address learning deficiencies through intensive tutoring and alternative teaching strategies, rather than to identify a student as having a learning disability.¹²

There is also strong evidence that charter public schools are more likely to include students with disabilities in general education programs rather than in segregated settings, widely seen as a desirable goal by parents and advocates.¹³

Recent studies on Boston's charter public schools find large positive and statistically significant effects of winning a charter lottery on the academic achievement of students with disabilities.¹⁴ More in-depth studies about how schools of choice meet the needs of students with special needs are hard to find and tend to focus on specific locales or schools, making it difficult to generalize from these examples. A few broad findings do seem

¹¹ Winters 2015; Setren 2015; Lake 2010.

¹² Betheny Gross & Robin Lake, *Special Education in Charter Schools: What We've Learned and What We Still Need to Know*, Center on Reinventing Public Education, 1 (2014), available at <http://www.crpe.org/publications/special-education-charter-schools-what-weve-learned-and-what-we-still-need-know>.

¹³ See Setren 2015.

¹⁴ Joshua D. Angrist et al., *Stand and Deliver: The Effects of Boston's Charter High Schools on College Preparation, Entry, and Choice*, Cambridge, National Bureau of Economic Research Working Paper 19275 (2013), available at <http://www.nber.org/papers/w19275>; Setren 2015.

to emerge, however.

First, charter public schools appear to attract higher numbers of students identified as being on the autism spectrum and students with learning disabilities.¹⁵ Second, charter public schools are less likely than non-charter public schools to serve students with low-incidence (profound) special needs. Third, states and locales vary in how they select, fund, and oversee schools of choice, and such factors likely play a significant role in explaining variation in outcomes, including provision of special needs. Finally, many charter public schools can be considered models for innovative approaches to educating students with special needs.

C. Charter public schools improve non-test outcomes at higher rates than traditional public schools.

The majority of charter public schools serve elementary-school-age students, but increasingly more are serving high school students. Studies on the effectiveness of charter public schools with high-school-level curricula focus on localities where such schools are numerous. Those studies go beyond student test scores to measure more authentic consequences like high school graduation, Advanced Placement and Scholastic Aptitude Test scores, and college admission and attendance.

¹⁵ In Lake, R.J., *Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs* (Seattle, WA: Center on Reinventing Public Education) (2010).

In the most recent study of Boston charter public schools, for example, researchers compared students who won or lost lotteries for charter public school admission.¹⁶ Those researchers found that students who attended charter public high schools gained ground on passing the state exam required for high school graduation, qualifying for a state-sponsored scholarship, increasing their AP and SAT scores, passing AP calculus, enrolling in college, and attending a four-year rather than a two-year college.

Gains were particularly strong for boys, students with disabilities, and students who entered high school with weak results from elementary school. Researchers attributed the results to demanding curricula via a high expectations approach, and an average of approximately 350 hours of extra in-class time.

Those results are consistent with a RAND study of charter public high schools in Chicago and Florida.¹⁷ It found that charter public high school attendance was associated with increased high school completion and college enrollment, including for students with special needs and from low-income backgrounds. A recent meta-analysis of all available studies using valid methodologies reported that charter public schools produce

¹⁶ Angrist 2013.

¹⁷ Kevin Booker et al., *The effects of charter high schools on educational attainment*, 29(2) *Journal of Labor Economics* 377 (2011).

positive results on college attendance and persistence, as well as on earnings later in life.¹⁸

D. Charter public schools complement or augment traditional public school systems.

It would be one thing if charter public schools improved outcomes for their students at the expense of students who attend traditional public schools. Research shows, however, that the presence of a charter public school within a public school district's borders is associated with improved performance for that district. In other words, charter public schools have a positive effect on the general student population, beyond just the students they serve in class.

Two recent meta-analyses concluded that charter public schools do not hurt outcomes at other schools and may even help improve them:¹⁹

Six studies found some evidence of positive effects, four found no effects, and one found negative effects. Breaking the results out by locations, in six cases that encompass five cities and states, there is evidence that charter schools produce (small) positive effects on the achievement of students in nearby [non-charter] public schools. In nine other cases, encompassing eight cities and states and one nationwide sample, charter schools have been found to have no effect on students in nearby district schools, positive or negative. The literature has only a single case—involving a single

¹⁸ Tim R. Sass et al., *Charter High Schools' Effects on Long-Term Attainment and Earnings*, 35(3) *Journal of Policy Analysis and Management* 683 (2016).

¹⁹ Brian Gill & Kevin Booker, *School Competition and Student Outcomes*, Handbook of Research in Education Finance and Policy (2016); Dennis Epple et al., *Charter Schools: A Survey of Research on Their Characteristics and Effectiveness*, National Bureau of Economic Research, NBER Working Paper No. 21256 (June 2015).

school district—in which charter schools have been found to have negative effects on the achievement of students in nearby district schools.²⁰

School districts across the country work with charter public schools as part of their improvement and problem-solving strategies and goals. Sometimes implemented via innovation zones, empowerment districts, or portfolio strategy districts, local education leaders use charter public schools as part of a broader strategy to empower educators to find new ways to invigorate all schools and serve all students more effectively. Examples abound. Denver Public Schools use charter public schools to get a great public school in every neighborhood. Cleveland Public Schools use charter public schools to close opportunity gaps across subgroups. Indianapolis Public Schools use charter public schools to improve teaching and learning. Camden Public Schools use charter public schools to revitalize the city and improve academic performance. And Spring Branch Independent School Districts, in Texas, use charter public schools to improve student college and career readiness. At least 35 locales were engaged in similar efforts.²¹

²⁰ Brian P. Gill, *The Effect of Charter Schools on Students in Traditional Public Schools: A Review of the Evidence*, EducationNext (Nov. 2016), available at <http://education-next.org/the-effect-of-charter-schools-on-students-in-traditional-public-schools-a-review-of-the-evidence/>.

²¹ For a deeper treatment of district-charter collaboration across the country, see Robin Lake, *Bridging the District-Charter Divide to Help More Students Succeed* (2017) at 4, available at <https://www.crpe.org/publications/bridging-district-charter-divide> (last visited August 28, 2017.)

Public school districts across the country also collaborate with charter public schools for their mutual benefit. District-charter compacts across 25 locales led to districts and charter public schools problem solving together across a spectrum of challenges, including professional development for principals and teachers, setting ambitious performance goals and rigorous accountability frameworks, and even revitalizing economically depressed neighborhoods.²² Here at home, Spokane's compact with its charter public schools is designed for the district and charter public schools to develop a diversity of school options, expand the city's programmatic options, share promising governance and pedagogical practices, and develop results-based accountability frameworks.²³

E. The design of charter public school laws and their implementation are critical, and the Act reflects national best practices.

A state can expect better outcomes from its charter public schools if its charter public school law is designed to reflect national best practices. Among the most important national best practices are to approve only those charter public school applicants who show the most promise, and to ensure that schools that don't achieve their promised results don't

²² Lake 2017.

²³ College Ready Collaboration Compact between Spokane Public Schools and PRIDE Prep Charter School, available at http://www.crpe.org/sites/default/files/%20Spokane%20Compact_0.pdf.

continue. In this section we describe which charter public school models show the most promise, how the Act is designed precisely to capture those school models, and how the Act is being used and implemented in a way consistent with that design.

1. Charter public schools that do best, generally, are “high expectations, high support.”

Some charter public schools succeed while others flounder. Successful charter public schools:

[E]mphasize academic rather than non-academic goals and have high expectations and standards-based curricula. Many have extended and creative schedules and use test data as diagnostic tools to spot student weaknesses and prevent grade inflation. Teachers are hired based on subject-matter knowledge and are rigorously evaluated; grade-level teams of teachers analyze data to improve student and teacher performance; research-based teaching methods are used; and principals frequently visit classrooms. Finally, students are expected to behave in a manner conducive to learning.²⁴

Rigorous research consistently points to the merits of those “high expectations, high support” charter public schools.²⁵ For example,

²⁴ Lance T. Izumi, *What Works: Inside Model Charter Schools*, Center on Innovation and Improvement (2008), available at <http://www.centerii.org/search/Resources/WhatWorks-ModelCharter.pdf>

²⁵ Joshua D. Angrist et al., *Explaining charter public school effectiveness*, 5 *American Economic Journal: Applied Economics* 1 (2013) (showing that high expectation charter public schools, which outperform their non-charter public school counterparts, emphasize math and reading achievement, formal discipline systems, and additional instructional time); Will Dobbie, & Roland G. Fryer, Jr., *Getting beneath the veil of effective schools: Evidence from New York City*, 5 *American Economic Journal: Applied Economics*, 28 (2013) (showing that high expectation charter public schools, which outperform their non-charter public school counterparts, use data-driven student and teacher assessment to

the Boston research found strong charter public school performance after tracking thousands of Boston charter public school students through high school and beyond.²⁶

Boston’s charter students are twice as likely to take an Advanced Placement exam as similar students in Boston’s [non-charter] public schools. Ten percent of charter students pass an A.P. calculus test, compared with just 1 percent of similar students in other public schools. This stronger preparation means that these charter students are far more likely than similar students in [non-charter] public schools to attend a four-year college.”²⁷

In that study, most charter public schools fit the “high expectations, high support” model.

Here in Washington, the Act mandates charter public school authorizers—the state charter school commission and participating school districts—to approve predominantly high expectation schools.²⁸ Moreover,

inform instruction, and they extend school days and years; Christina Clark Tuttle et al., *KIPP middle schools: Impacts on achievement and other outcomes*, Washington, DC: Mathematica Policy Research (2013); Roland G. Fryer, Jr., *Injecting charter schools best practices into traditional public schools: Evidence from field experiments*, 129(3) *The Quarterly Journal of Economics* 1355 (2014); Melissa A. Clark et al., *Do Charter Schools Improve Student Achievement? Evidence from a National Randomized Study*, Princeton, NJ, Mathematica Policy Research (2011), available at <https://www.mathematica-mpr.com/our-publications-and-findings/publications/do-charter-schools-improve-student-achievement-evidence-from-a-national-randomized-study> (highlighting performance results of high expectation charter public schools).

²⁶ Joshua D. Angrist et al., *Stand and Deliver: The Effects of Boston’s Charter High Schools on College Preparation, Entry, and Choice*, Cambridge, National Bureau of Economic Research Working Paper 19275 (2013).

²⁷ Susan Dynarski, *Urban Charter Schools Often Succeed. Suburban Ones Often Don’t* (Nov. 20, 2015), *New York Times*, available at <https://www.nytimes.com/2015/11/22/upshot/a-suburban-urban-divide-in-charter-school-success-rates.html>.

²⁸ RCW 28A.710.07(1).

as discussed above, charter public schools excel in serving at-risk populations. The Act accordingly requires authorizers to give preference to schools designed to serve at-risk youth.²⁹

2. The Act avoids pitfalls that other states have suffered.

There is a growing consensus that the design of a state charter public school law can lead to problems in a state's public charter schools. The research shows that some design flaws can lead to poor outcomes: lax regulation of for-profit charter public schools, schools that persist when they don't achieve their promised results, numerous governing bodies that may be authorizers, weak authorizing, poor policing for conflicts of interest, and a lack of transparency.³⁰

As a late adopter, Washington's Act avoids all of those pitfalls. The Act bans for-profit charter public schools.³¹ It limits the number of governing bodies eligible for authorization.³² It countenances strong authorizing practices.³³ It has severe consequences for charter public schools

²⁹ *Id.*

³⁰ See, e.g., CREDO, *Charter Management Organizations* 1, 34-39 (2017), available at <https://credo.stanford.edu/pdfs/CMO%20FINAL.pdf> (last visited Aug. 30, 2017).

³¹ See RCW. 28A.710.130(1).

³² See RCW 28A710.180.

³³ See RCW 28A.710.120.

that fail to meet promised performance.³⁴ It guards against conflicts of interests.³⁵ And it requires the same level of transparency as state public agencies.³⁶

3. Most charter public schools currently operating in Washington are high expectation, high support schools that serve student populations most in need.

While a state law might reflect informed design, implementation is also important. Washington is implementing the Act well. Currently, only ten charter public schools operate in the State, with another one opening in 2018. Of the ten in operation, six are operated by education non-profits with successful track records: Green Dot Public Schools operates three schools (in Tacoma, Seattle, and Kent), and Summit Public Schools operates the other three (in Olympia, Seattle, and West Seattle). Each of those education non-profits specifically addresses educational issues around opportunity gaps and equity between student subgroups, thus serving those student populations most in need. While their Washington schools are too new to report out results, Green Dot's schools in other states report scoring higher on state measures by 50 points more than similar schools in similar neighborhoods, and have 90% of their graduates being accepted

³⁴ RCW 28A.710.200

³⁵ See RCW 28A.710.030(3)(d), 28A.710.040(3)(d).

³⁶ 28A.710.040(2)(h).

into two- or four-year college.³⁷ Summit's other schools all outperform their district counterparts on state measures, and have 99% of their eligible graduates being accepted into at least one four-year college.³⁸ That record of success elsewhere, coupled with a high expectations model that aims to educate at-risk populations, serves as a promising indicator that the law is translating well into practice.

V. Conclusion

According to the strongest research, charter public schools can be a promising way to improve public education in a state. They have shown significantly improved academic and non-academic outcomes for at-risk youth, particularly low-income and minority students. They are associated with improved student outcomes in their neighboring non-charter public schools. And they enhance and complement non-charter public school strategies. By focusing on a limited number of high expectation schools for high needs students, Washington is implementing the Act under national best practices. Charter public schools are serving as an important

³⁷ Green Dot Public Schools Washington State's charter application, submitted to the State of Washington Charter School Commission, PDF page 2 (June 2014), available at <https://charterschool.app.box.com/s/vnjpcsg5hltkv9so96cr/file/21542512639> (last visited September 28, 2017).

³⁸ See Summit Public School's "Summit Public School: Seattle #2" charter application page 6 (May 2015) submitted to Washington State Charter School Commission, available at <https://charter-school.app.box.com/s/y0aap3jtlmnpbnnd6oen9mk9mrxr24vnu/file/31520581598> (last visited September 28, 2017.)

part of the state's education system. As such, they, like other intervention strategies, support the constitutional requirement of a general and uniform system of public schools.

Dated 2 October 2017.

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Motion for Leave to File an Amicus Curiae Brief in Support of Respondent and Intervenor-Respondents to be served on counsel for Appellants, Respondent State of Washington, and Intervenor-Respondents via email and pursuant to agreement between the parties re service via email.

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