

# THE SUPREME COURT OF WASHINGTON

LEAGUE OF WOMEN VOTERS OF  
WASHINGTON, a Washington nonprofit  
corporation; EL CENTRO DE LA RAZA, a  
Washington nonprofit corporation;  
WASHINGTON ASSOCIATION OF SCHOOL  
ADMINISTRATORS, a Washington nonprofit  
corporation; WASHINGTON EDUCATION  
ASSOCIATION, a Washington nonprofit  
corporation; WAYNE AU, PhD, 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

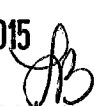
WASHINGTON STATE CHARTER SCHOOLS  
ASSOCIATION; LEAGUE OF EDUCATION  
VOTERS; DUCERE GROUP; CESAR  
CHAVEZ CHARTER SCHOOL; INITIATIVE  
1240 SPONSOR TANIA DE SA CAMPOS; and  
MATT ELISARA,

Respondents/Intervenors.

## ORDER CHANGING OPINION AND DENYING FURTHER RECONSIDERATION

No. 89714-0

Filed   
Washington State Supreme Court

NOV 19 2015   
Ronald R. Carpenter  
Clerk

725/102

The Court having considered the following motions: "STATE OF WASHINGTON'S MOTION FOR RECONSIDERATION"; "INTERVENORS' MOTION FOR RECONSIDERATION"; "STATE OF WASHINGTON'S MOTION FOR STAY OF MANDATE"; "INTERVENORS' MOTION FOR STAY OF MANDATE"; and "APPELLANTS' EMERGENCY CROSS MOTION FOR RELIEF PURSUANT TO RAP 8.3"; and a majority of the Court having voted in favor of the following result;

Now, therefore, it is hereby

ORDERED:

That the following change be made to the majority opinion of Madsen, C.J., that was filed on September 4, 2015:

On page 11 of the slip opinion, footnote 10 is deleted in its entirety. The ensuing footnotes are renumbered accordingly.

That further reconsideration of the above listed motions is denied.

DATED at Olympia, Washington this 10th day of November, 2015.

For the Court

Madsen, C.J.  
CHIEF JUSTICE

*League of Women Voters v. State*, No. 89714-0  
Motion for Reconsideration  
(Fairhurst, González, and Gordon McCloud, JJ., dissenting)

No. 89714-0

FAIRHURST, GONZÁLEZ AND GORDON MCCLOUD, JJ. (dissenting)—

We would grant full reconsideration, and we agree with the deletion of footnote 10 to the majority.

Fairhurst, J

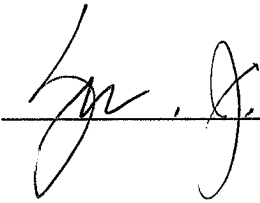
González, J

Gordon McCloud, J

No. 89714-0

YU, J. (dissenting)—I respectfully dissent from the majority’s decision to deny the motions for reconsideration and would grant reconsideration solely on the question of charter school funding and the use of unrestricted funds for such schools. This court unanimously held that charter schools are not common schools under our constitution and I believe that is the correct decision under our laws. However, the State and various amici have raised legitimate questions regarding the use of unrestricted funds and the power of the legislature to act. These questions touch upon the impact of our decision on other public, non-common school programs. Granting reconsideration would provide an opportunity for appellants to respond to the motions and for this court to clarify our decision and to expressly limit our ruling to the case before us so that the legislature can choose to act, or not, without fear of another constitutional challenge and additional litigation. We should be open to modifying the language in our decision for the sake of clarity.

I am sensitive to the fact that the question of education for our children should be resolved expeditiously but not at the expense of allowing uncertainty to continue when we have the power and ability to act now.



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