

# Why We Must Restore Local Control of Public Schools

The 2025 legislature will likely go down as the worst legislature in state history. Not only are they likely to gut Parents Rights to know about what is happening with their kids when at school, but they have tacked on a provision to **withhold 20% of school funding** from any school board that attempts to comply with the Title IX right of girls to fair sports opportunities. In this article, we will explain why all of these draconian policies violate several sections of our Washington State Constitution – and we will review why **our State Constitution requires local control of our public schools**.

## What is Local Control and why does it matter?

Local control means that local parents control the policies in their local school district through the election of their local school board members. For more than 100 years, thanks to several clauses in the Washington State Constitution, our state was a “local control” state. However, recently, our Governor and State Superintendent chose to ignore the Local Control provisions of our State Constitution by adopting hundreds of crazy policies.

These new state policies went way beyond imposing “Sex Ed for Kinders”, allowing boys to enter girls bathrooms and compete in girls sports. These new policies **ordered school closures, forced remote learning, required mask mandates, imposed shot mandates, allowed gender mutilation without parental consent, encouraged children to lie to their parents, forced teachers to lie to parents and forced teachers to lie to students**. All of these new WOKE brain washing policies severely harmed our children. Washington students have suffered the greatest learning losses of any students in the nation as confirmed by the National Assessment of Educational Progress (NAEP). By comparison, **Sweden did not close schools or require masks. Their students suffered no learning losses**.

**The threat to withhold funding was also a violation of several sections of our State Constitution.** Article 9, Section 2 of our state constitution states: *“The legislature shall provide for a general and uniform system of public schools.”* This sentence means that the legislature **must provide the funds** for a uniform system of public schools. Uniform means the uniform apportionment of funds and the word “shall” means that uniform state funding is required.

Article 2, Section 28, Clause 7 & 15 of the Washington State Constitution state that “The legislature is prohibited from enacting any private or special laws in the following cases: (7) For authorizing the apportionment of any part of the school fund. (15) Providing for the management of common schools.”

### **History of the Local Control Provisions of our State Constitution**

Most school board members - as well as most parents and teachers – seem to be unaware of the history or meaning of our State Constitution. Therefore, in order to help parents, teachers and school board members better understand what it means to be a “local control” state, we will take a trip down memory lane back to 1889 and the drafting of the Washington State Constitution.

### **Why is the Washington State Constitution different from every other State Constitution in the Nation?**

What is important to understand is that the Washington State Constitution is different from the Constitutions of every other state in the nation. There are at least 5 major differences between the Washington State Constitution and most other state constitutions:

#1 The Washington State Constitution has a section specifically prohibiting the legislature from enacting special laws that would interfere with other branches of government. (Article 2, Section 28)

#2 More independently elected state officials than any other state including an independently elected Superintendent of Public Instruction - elected directly by the people rather than appointed by the Governor. (Article 3, Section 1).

#3 A clause granting the Superintendent of Public Instruction “supervision” over all matters related to the public schools. (Article 3, Section 22).

#4 A clause making the ample funding of schools the duty of the state.

# 5 A clause requiring the legislature to provide for a uniform system of public schools.

Let’s examine why each of these 5 clauses were written into the Washington State Constitution.



75 delegates...  
3 each from 25 districts  
across Washington state...  
gathered in Olympia  
on July 4 1889  
to draft the Washington  
State Constitution.  
This special group  
included numerous  
farmers and  
three public school  
teachers.  
Together they worked  
for months  
to write our  
State Constitution.

**#1 The Washington State constitution specifically prohibits the legislature from enacting special laws that would interfere with the management of public schools (Article 2, Section 28)**

Article 2, Section 28 of our State Constitution includes 18 areas where the legislature is prohibited from passing special laws. These **18 areas** include two that are the duties of the Superintendent of Public Instruction:

*"The legislature is prohibited from enacting any private or special laws in the following cases...*

*#7 For authorizing the apportionment of any part of the school fund.*

*#15 Providing for the management of common schools."*

The 75 drafters of our State Constitution wanted to retain local control rather than state control of our public schools. The drafters of our State Constitution did not trust the legislature or the Governor to run our public schools. **The branch of government the drafters of our Washington State Constitution feared most was the State legislature.**

Here is a quote from a local newspaper in 1889: *"If a stranger dropped into the convention, he would conclude that the members were fighting a great enemy - and that this enemy is the State legislature!"* Tacoma Daily Ledger August 9 1889

The reason the drafters of our constitution did not want the legislature passing special laws regarding the management of our schools is because they feared legislators would pass laws that harmed rather than helped schools.

This is exactly what has happened in the past 20 years - with the legislature passing hundreds of unfunded mandates that have created a bureaucratic nightmare of oppressive regulations hated by parents. Obviously, the hundreds of laws passed by the legislature to impose their will on local schools - and emergency proclamations made by the governor - are all gross violations of Article 2, Section 28.

**#2 More independently elected state officials than any other state including an independently elected Superintendent of Public Instruction - elected directly by the people rather than being appointed by the Governor. (Article 3, Section 1).**

While most states have only 4 or 5 statewide elected officials - with the remaining positions appointed by the Governor - the drafters of our state constitution feared that this would give a corrupt Governor and legislature too much power. The solution was to have **8 state officers independently elected directly by the voters**. No other state retains this much power directly in the hands of the people.

**#3 A clause granting the Superintendent of Public Instruction “supervision” over all matters related to the public schools. (Article 3, Section 22).**

In addition, to take power away from the Governor and the legislature, the following is Article 3, Section 22: *“The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools.”*

**What does it mean to be a Supervisor?**

A key question is what the term “supervision” is supposed to mean. This term should be understood in light of the fact that our state was a “local control” state for decades before the our state constitution was passed – and the drafters of our state constitution wanted to keep it that way. Each local school district had, and still has, **a “superintendent” who manages the day to day activities in their local school district**. But this does not mean that the local superintendent sets the policies for the local school district. Instead, **the local school board sets the policies** – by a majority vote in a public hearing – and only AFTER hearing from local parents who are encouraged to provide public comments on how the proposed policy change will affect their children.

It was common that different schools districts would have different policies that were based on the wishes of the local parents in the local school districts. In an identical way, the drafters of our state constitution wanted an independently elected Superintendent of Public Instruction **to manage – but not set policies for - all the school districts** in Washington state. The primary job of the State Superintendent was to distribute funds to local school districts in a uniform manner as well as to insure that we had a “uniform” system of public schools (not rich schools versus poor schools).

The drafters of our state constitution would have been appalled that either the governor or State Superintendent would issue an order shutting down every school in the state – without a vote of the local school board! Indeed, when there was a previous flu epidemic in 1918, only a few school districts shut down. In every case, it was only AFTER a vote of the local school board. And in every case, schools were only closed for a few weeks!

#### **#4 A clause making the ample funding of schools the duty of the state (rather than the duty of property owners in each local school district).**

Article 9, Section 1 states: *"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex."*

Notice the word “state.” As we discuss more below, the drafters of our state constitution wanted to avoid a system of wealthy school districts and poor school districts. They had agreed that the best way to achieve this goal was to impose a uniform one percent annual state tax on all property. The plan was that the more wealthy urban areas of the state – with high property values – would help pay for the schools in rural areas of the state that had lower property values. This way, **every child in the state would have an equal opportunity for a quality education.** This is why, in the past, the state would pay up to 90 percent of the cost of building new schools. Local levies and local bonds that create a difference between schools of more than 10 percent were ruled by the Washington Supreme Court to be unconstitutional as far back as the 1970s. Sadly, this uniform system has been completely replaced by corrupt politicians who **transferred the burden for school funding from the state onto the backs of local homeowners** – leading to a dramatic rise in local property taxes during the past 20 years. This is why we now have rich school districts that can pass bonds and levies and poor districts that can't.

## **# 5 A clause requiring the legislature to provide for a uniform system of public schools.**

Article 9, Section 2 of our state constitution states: *"The legislature shall provide for a general and uniform system of public schools."* This sentence means that the legislature **must provide the funds** for a uniform system of public schools. Our state constitution prohibits a system of rich schools that can pass local levies and poor schools that cannot pass a local levy. This is why in 1978, after the Seattle 1 School Funding decision, the Washington state legislature passed the **Levy Lid Act** restricting local levies to no more than 10%. Our Supreme Court later ruled that this 10% difference between school districts to fund activities that are not part of a basic education was constitutional. Unfortunately, our legislature ignored this law and keep raising the lid on local levies such that today, **some wealthy school districts raise 40% of their funds from local levies** while other property poor school districts are unable to raise any funds from local levies. Our Supreme Court has repeatedly ruled this to be unconstitutional.

### **Conclusion**

Viewed as a whole, the Washington State Constitution requires state funding of public schools but local control over the policies of local public schools. Instead corrupt Olympia politicians have done just the opposite. They have insisted on State control of our school policies while transferring the tax burden for funding schools onto the backs of local home owners.

So how can we restore local control of public schools?

We do not need any new laws. **We simply need to better understand our State Constitution.** We also need to elect candidates who have taken our Common Sense Pledge to comply with our State Constitution! Please share this article with friends and neighbors and anyone you may know who wants to restore local control of our public schools.

Regards,

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Washington Parents Network.com