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# In Georgia, Court Ruling Could Close Some Charter Schools

By **SAM DILLON**

A ruling by the Georgia Supreme Court on Monday cast doubt on the future of 17 **charter schools** there, leaving thousands of families uncertain about whether classes will continue through the end of the academic year and how students will continue in the fall.

In a 4-to-3 decision, the Georgia court struck down a law empowering a special statewide commission to approve and finance charter schools even over the objections of local school boards.

National charter school advocates, who had closely watched the case, said they feared the ruling could encourage a new wave of litigation against charter schools, which are publicly financed but independently run.

Since the law established it in 2008, the Georgia Charter School Commission had authorized operations and public financing for 17 schools, officials said. Nine of them, with a collective enrollment of about 8,000 students, are in operation this year; eight new ones were to open this fall with an additional enrollment of about 7,000 students, said Tony Roberts, president of the Georgia Charter Schools Association.

The ruling threw the nine existing schools into some turmoil, raising questions about whether the state would finance their operations through the end of the classes, about another three weeks. "All these schools are getting anguished calls today from students and parents, with everybody asking the same thing: 'Am I still going to have a school?'" Mr. Roberts said.

Georgia's school superintendent, John D. Barge, said in a statement that the state "stands ready to help in whatever way necessary to ensure that the education of the students in these schools is not compromised."

In a 24-page ruling, Chief Justice Carol W. Hunstein said that only local boards of education were empowered by Georgia's Constitution to open and finance public schools. As a result,

Justice Hunstein wrote, the 2008 law granting those powers to the statewide commission was unlawful. A 74-page dissenting opinion argued that the ruling “wiped away a small but important effort to improve public education in Georgia.”

Over the past decade and a half, school boards across Georgia have authorized more than 150 charter schools to operate; those were unaffected by the court’s ruling. But some local boards had repeatedly refused to authorize charter schools, and the 2008 law was intended to give charter sponsors another path to state authorization.

Seven school districts sued in 2009, arguing that the commission was using local tax dollars to finance the new schools without consulting taxpayers.

Todd Ziebarth, a vice president at the National Alliance for Public Charter Schools, said that a half-dozen states and the District of Columbia had set up charters authorizing commissions like Georgia’s, and that similar efforts were under way in four others.

Because states’ charter school laws differ, the Georgia ruling would not have a direct bearing, he said.

“But if people who aren’t big fans of charter schools are looking for a way to stop their growth, they may think, ‘Hey, if we can’t kill them in the Legislature, we can try to kill them in the courtroom,’ ” he said.