Editorial: Courts must respect boundaries in education

The Kansas Supreme Court did a McCleary on Friday with a ruling that state lawmakers are not meeting their constitutional obligation to appropriately fund K-12 education.

McCleary, remember, is the 2012 Washington Supreme Court decision that found state spending for education was not “ample,” the threshold set in the state constitution, which also says providing the money is the Legislature’s “paramount” responsibility. Washington’s lawmakers and governors have struggled the last two years to find more dollars for schools despite a slowly recovering economy not producing torrents of new cash.

Schools got an additional $1 billion this 2013-15 biennium, with the expectation it will take another $1 billion to satisfy the justices that, outside the courtroom, all are making an earnest effort to comply with their edict.

The court’s finding was overdue, but we continue to have misgivings about their decision to retain jurisdiction in the case; that is, holding feet to the fire until education gets its due.

So far, dissatisfaction in the Capitol has not risen above murmur volume, but next year’s Legislature will have to make some tough spending and revenue decisions. The Temple of Justice will take some heat.

In Kansas, conservatives are already hot. Friday’s decision was the most recent of three since the 1990s that faulted state education funding. That state’s constitution says, “The legislature shall make suitable provision for finance of the educational interests of the state.” Equity is also required, and that is where the court says efforts are falling short.

The state was making progress until the election of Gov. Sam Brownback, who with a supermajority of Republicans undertook one of the most aggressive tax-cutting efforts in the country. Between 2009 and 2012, state education funding declined by $511 million. Four school districts sued in 2010.
Notably, according to U.S. Census Bureau calculations, Kansas was spending $15 more per student – $9,498 v. 9,483 – than was Washington in 2011.

The Kansas Supreme Court gave the Legislature until July 1 to reformulate education spending, and sent the case back to a lower court for a calculation of “suitable provision.” The lower court’s earlier number: $400 million annually.

Brownback, who baited the court in his January State of the State speech, sounded more conciliatory Friday, as did legislative leaders. But with tax cuts guaranteed to reduce revenue, equity may be elusive.

Washington and Kansas are among 11 states being sued over funding by education advocates. But courts do not control purse strings, and every ruling has the potential to tip the balance of power between judiciary, legislature and executive.

Cooler heads learn to respect the boundaries, whether in Olympia or Topeka.

And kids get a case study in civics.

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