



Court will hear no specifics from Legislature on school improvement money

One question: How will the state Supreme Court react?

By John Stang

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An April 30 legislative report to the Washington Supreme Court will include no specifics on how Olympia will raise an extra \$1.2 billion to \$1.4 billion in 2015-2017 to meet requirements to improve education.

A joint Senate-House committee will vote April 29 on the language of the Legislature's official reply to a January Supreme Court warning that Olympia is moving too slowly to improve basic education. The court has set an overall deadline of mid-2019 for the Legislature and the governor to comply with the court's 2012 McCleary ruling that the state constitution requires educational improvements. In the January opinion, the court gave the Legislature until April 30 to present a catch-up plan.

Instead, the court will receive a report with some broad goals instead of a detailed plan. That's because the Republican-oriented Senate and the Democrat-controlled House could not agree on fundamental ways to reduce teacher-students ratios in grades K-3 — the most controversial part of the McCleary ruling. A Senate-House committee in charge of the report does not have the legal authority to commit the 2015-2017 Legislature to any new actions, and can only outline some measures that surfaced but failed to pass in the 2014 legislative session.

On Monday, the joint committee was briefed publicly on the financial and legislative issues pertaining to the January opinion and in private by an assistant attorney general on legal ramifications.

A question is whether the Supreme Court will consider the joint committee's report as a sufficient response. While cost estimates have been mapped out, Democrats and Republicans are deeply split on how the extra education money would be raised. Democrats want to close tax breaks and raise taxes. Republicans want no new taxes, maintenance of existing tax breaks and shifts of money to education from other state programs.

"The court said estimates of a shortfall is not a plan," Kristen Fraser, counsel for the House Appropriations Committee, told the joint report-writing committee.

While the McCleary ruling addresses several ways to improve education, including increases in graduation credit requirements and hours taught annually in high school, the most expensive component is reducing the teacher-to-student ratios in grades K-3 from a current 1-to-25 to 1-to-17 by the 2018-2019 school year. That component translates to hiring extra teachers, building more classrooms and buying additional equipment.

The overall McCleary math works out like this. It is estimated that \$4 billion to \$4.5 billion is needed from 2013 to 2019 to fund the McCleary improvements. The Legislature appropriated \$1.04 billion for 2013-2015. The Legislature's staff calculated that \$1.2 billion in extra McCleary appropriations would be needed in 2015-2017, and \$2.2 billion in extra appropriations would be needed in 2017-2019.

Those figures don't include reviving dormant teachers' cost-of-living raises approved by votes several years ago. Those cost-of-living raises have been suspended repeatedly as a way to balance budgets, including the current 2013-2015 one. House Appropriations Committee chair Ross Hunter, D-Medina, estimated the cost of those raises would be in the neighborhood of "a couple hundred million" for 2015-2017. The Supreme Court's January opinion said the cost-of-living raises should be resurrected.

Sen. David Frockt, D-Seattle, a co-chairman of the joint committee, and committee member Sen. Bruce Dammeier, R-Puyallup, said the committee members appeared more cooperative than usual in the private legal discussion on how to write the April 30 report.

The committee plans on telling the Supreme Court about some bills that, while they came up short of final approval during this year's legislative session, could be seen as indications that the Legislature is addressing the McCleary issue in a timely way. Last session, the Senate passed a bill to create an education task force to tackle school levy reform, and the House Democrats introduced a bill to tackle specific school finance issues. Both bills died in the House. Meanwhile a few days before the end of the 2014 session, Senate Republicans resurrected a dormant 2013 bill to hold a referendum on whether to route two-thirds of any new state general funds to early learning programs, K-12 and higher education. How the extra education revenue would be divided among those three areas is yet to be determined. The Senate did not have time to act on that revived bill.

In March, calculations by legislative staff showed that, if approved, the two-third-extra-revenue measure would raise an extra \$9 billion for education over the next eight years. Other staff figures predict the bill would raise an extra \$300 million for early learning, K-12 education and higher education in 2015-2017; an extra \$1.6 billion in 2017-2019; and an extra \$3.5 billion in 2019-2021.

"I think it will be important to include this (measure) in our report," said committee member Sen. Christine Rolfes, D-Bainbridge.

"But," she added, "we still have a big gap in McCleary even if we do this." And that gap will apparently show up in the report to the court.

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