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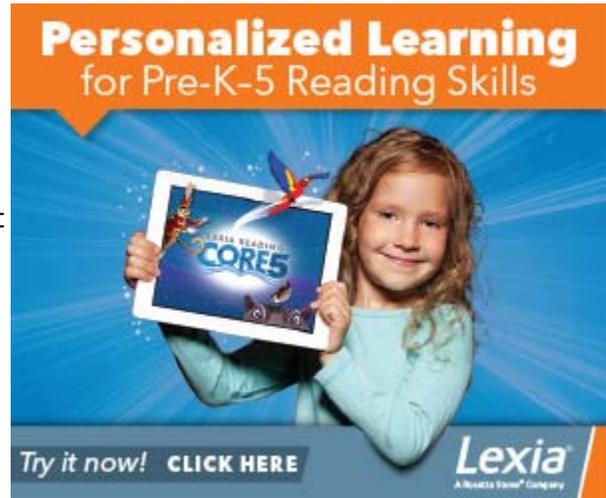
Special Session Unlikely in Washington State Funding Showdown

By [Andrew Ujifusa](#)

Although Washington state's top court is demanding that elected officials present a new plan to boost K-12 spending—and set an early September court date on the matter—legislators and Gov. Jay Inslee say there's virtually no chance they'll convene to craft a fresh strategy before then.

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In a **June 12 court order**, the state Supreme Court warned that if elected officials don't outline a new budgetary approach acceptable to the court, it could find the state in contempt and impose a range of sanctions that could include a halt to funding for public schools, or forcing the state to sell assets to increase education spending.



But legislators say it's unlikely the court will act on such threats, and that they represent distractions from efforts to comply with the court's ruling more than two years ago in *McCleary v. Washington*, which held that the state's education system was unconstitutional due to low funding levels.

"This is something I think we have to resolve in the budget session in January" when lawmakers craft the next two-year state budget, said Democratic Rep. Ross Hunter, the chairman of the House appropriations committee. He said he has serious doubts that the court would take any action effectively forcing schools to close just as the 2014-15 academic year gets started.

And Jaime Smith, a spokeswoman for Gov. Inslee, a Democrat, said the likelihood of a special session this summer to address the court order "remains pretty low" because lawmakers haven't shown interest in trying to tackle education spending again this year. While lawmakers have increased school funding by about \$1 billion since the *McCleary* ruling, the new spending level falls short of a plan that legislators previously outlined to increase spending enough to satisfy the court.

"It's hard to see how we would call legislators back right now and see any different outcome," said Ms. Smith, although she said Gov. Inslee was still reviewing the June 12 court order.

That could be a very high-stakes gamble, said Michael A. Rebell, a professor of law and educational practice at Teachers' College, Columbia University, who tracks school-funding lawsuits.

"I don't think the court is looking to do any of those strongly worded, possible remedies," Mr. Rebell said. "But the legislature doesn't know, and we don't know."

Insufficient Progress

The latest showdown stems from the court's January 2012 [ruling in the *McCleary* case](#), in which it declared that K-12 spending failed to live up to the standard set in the state's constitution, which makes it the state's "paramount duty" to provide "ample provision" for public education. The court gave the legislature until the 2017-18 school year, however, to boost state aid to public schools and thereby satisfy the court, which has regularly assessed the state legislature's progress in increasing funding since the *McCleary* ruling.

The most recent [report from the legislature](#) to the court was released April 29, in which lawmakers document mixed progress.

In the state's 2013-15 biennial budget, the legislature has approved roughly \$1 billion in new education spending. But that figure falls short of the roughly \$1.4 billion legislators estimated they would have to spend by this point, in order to be on track with a plan they have previously presented to satisfy the *McCleary* ruling. They also conceded that there is no "political agreement" among them on how to proceed to further overhaul K-12 spending.

In its June 12 order, the court said that unless the legislature persuades the justices otherwise by a Sept. 3 show-cause hearing, the court could hold the state in contempt and impose a variety of sanctions. They could include a specific funding level imposed by the court, fines—or even a halt in funding to a state school system deemed unconstitutional.

There is precedent for courts to take drastic action when they believe legislators aren't meeting their school-funding obligations. As part of the fallout from the *Robinson v. Cahill* case in New Jersey, Mr. Rebell noted, the state's top court ordered public schools to [close for 12 days](#) in 1976 because of the legislature's failure to adhere to the state's education funding formula, although the closings took place in July, before the next regular academic year began.

Next Steps Unclear

This also is not the first time the Washington state Supreme Court has shown disappointment with how the state has responded to its ruling in *McCleary*. At the start of 2014, the court expressed its disapproval with the state's overall strategy despite the funding increase of \$982 million approved for the 2013-15 budget. That increase was only a 6.7 percent above the level that the court previously deemed unconstitutional, the justices noted. Earlier this year, lawmakers added \$58 million to that in a supplemental budget.

But to keep up with a plan laid out by legislators in late 2012, they will have to approve roughly \$3.5 billion in additional K-12 spending through 2018 in order to satisfy the court, even after those two budget increases. Each year that legislators fail to stick to their plan increases the pressure on subsequent legislative sessions until 2018, Ms. Smith added.

State Rep. Chad Magendanz, a Republican who is the ranking member of the House education committee, agreed with Ms. Smith that there seemed little point in a special session before Sept. 3. He said

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that while he wasn't particularly concerned about the idea that the court was encroaching on the legislature's prerogatives, "The children of Washington are not being well served by hauling us back into court."

He stressed that there is a "dedicated core of bipartisan legislators" who have worked hard to boost education funding in various ways. Education spending not designed to address *McCleary*, Mr. Magendanz added, increased in the 2013-15 budget by about \$600 million, a figure that includes increased state contributions to public-employee pensions.

"This is a good-faith effort to comply," Mr. Magendanz said. "We've turned the tide. That was not an easy task."

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