

OPINION

JERRY CORNFIELD | Supreme Court weighs advice on school funding

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Legal briefs filed Aug. 4 implore the state Supreme Court to keep the pressure on lawmakers to fully fund public schools but differ on exactly how much and where the pressure should be applied.

State schools chief Randy Dorn, for example, argues lawmakers and the governor should be given a chance in 2015 to make substantial progress as they've pledged to do.

If they come up short, justices should consider consequences such as declaring all or part of the next state budget as unconstitutional or barring state funds for some non-education programs and services, according to papers filed Monday.

In another brief, an alliance of groups representing children and families cautioned the Supreme Court to avoid any action that might result in less money for housing assistance and services relied upon by children and needy families.

And a liberal think tank argues in its filing that the court must not take money away from non-education programs but rather impress upon lawmakers that the path to fully fund schools as required in the 2012 McCleary case requires finding new sources of revenue.

The friend-of-the-court briefs filed Monday precede a Sept. 3 hearing in which justices will determine whether the state should be found in contempt for violating a court order. Check here to read them.

In January, justices demanded lawmakers deliver to them a "complete plan" for meeting a 2018 deadline for complying with the McCleary case. Lawmakers didn't turn one in and that's why the high court may issue sanctions against them.

Lawyers for the Legislature are urging restraint on the part of justices and insist lawmakers will satisfy the court's demands in the 2015 session.

Dorn uses his brief to argue lawmakers should get the chance.

"As a former legislator, I understand the difficulty of the work that needs to be done," he said in a statement. "There are only two major state budgets left before the 2018 deadline: 2015 and 2017. That leaves only two opportunities to satisfy McCleary.

"This is an election year, so there will be new legislators in 2015," he said. "I'm willing to let them do their work without the threat of sanctions. Right now, they're about 20 yards into a 100-yard dash. They need a big surge in 2015."

The brief filed by Columbia Legal Services, the Children's Alliance and the Low-Income Housing Alliance focused on making sure any sanctions taken by the court don't result in cuts to housing, human service and child care programs.

"Freezing funding for these programs, or eliminating them entirely would have a

devastating effect upon the already-fragile educational opportunity of this population, harm that would not be undone by increasing education funding,

“Cuts to programs that support families with school-aged children could destroy-not ensure-their constitutionally-mandated opportunity to receive a full education,” it concludes.

And a third brief filed by the Washington Budget and Policy Center and other organizations argued new revenue is the only way for the state to meet its constitutional obligation on education.

“The need for new revenue by tax reform and/or closing tax loopholes is the elephant in the room that the State wishes to ignore,” according to the brief. “The Court should take action to force the Legislature to recognize the realities of the State’s current revenue limitations and accelerate the Legislature’s debate on the need to generate new revenue to meet the McCleary mandate.”

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