

EDUCATION LAB BLOG

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Court hears arguments in McCleary school-funding case; watch coverage replay

Posted by John Higgins



Plaintiff Stephanie McCleary, center, and her son Carter McCleary, 15, left, and Kelsey McCleary, 20, right, attended a hearing Wednesday where the state Supreme Court heard arguments over whether it should sanction state lawmakers for failing to make enough progress toward adequately funding public education. Photo by Erika Schultz / The Seattle Times.

Update 3:25 p.m.: The state Supreme Court turned the Temple of Justice into the proverbial woodshed Wednesday afternoon, demanding that state lawmakers explain why they shouldn't be held in contempt for failing in the last session to come up with a complete plan to fully fund public education by 2018.

“It’s been said that insanity is defined as doing the same thing over and over and expecting a different result,” Justice Charles Wiggins said to the attorney representing the state. “Why should we think that you’re going to do something different?”

The unusual hearing was the latest clash between the Legislature and the high court arising out of the court’s landmark 2012 McCleary decision declaring Washington’s school funding system unconstitutional.

The plaintiffs’ attorney, Thomas Ahearne, has argued that the Supreme Court risks becoming an irrelevant branch of government if it fails to hold the Legislature accountable for failing to carry out the court’s order to submit the funding plan by April — or at least the end of 2014.

That would require a special session, like the one the Legislature convened last year to approve tax subsidies for Boeing and in 1995 to fund what is now Seattle’s Safeco Field.

“Every year that we just keep talking about this, we’re losing kids,” Ahearne said. “They lose forever another year of their education.”

Deputy Solicitor General Alan Copsey, representing the Legislature, said the justices shouldn’t mistake honest political disagreement for contempt, warning that any premature sanction by the court could upset the chances of reaching a deal in the 2015 budget year.

“The Legislature has told you unambiguously that it understands the seriousness of the 2015 session,” Copsey said. “I think it deserves the Court’s respect to give it a chance to follow through on that commitment.”

The case is named after parents Stephanie and Matthew McCleary, the lead plaintiffs in a lawsuit filed in 2007 in King County. In 2012, the Supreme Court ruled in their favor and ordered the state to increase education spending enough to fulfill the Washington state Legislature’s own definition of what it would take to meet the state constitution’s requirement of providing a basic education to all Washington children. That means, among other things, full state funding for school-bus transportation, smaller class sizes, schools’ daily operating costs and supplies such as paper and books.

The court set a 2018 deadline, which also matched what the Legislature had promised, recognizing that it likely would take more than one legislative session to come up with the additional money, estimated at between \$3.5 billion to \$7 billion per two-year budget period.

State lawmakers added some of that money into its 2013-15 budget — an approximately \$1 billion increase for education — but the justices in January said lawmakers weren't moving fast enough and ordered them to submit a complete plan by the end of April for how they would meet the 2018 deadline.

The short 60-day session ended without lawmakers coming to an agreement on a plan, which prompted the contempt hearing.

The justices did not issue an immediate ruling.

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Original post: A historic hearing was held Wednesday afternoon in the Temple of Justice in Olympia, where the state's Supreme Court called state lawmakers to task, asking them to explain why the court shouldn't punish them for failing to make enough progress toward adequately funding public education in this state.

Back in 2012, the court, in a landmark decision, set a 2018 deadline for lawmakers to boost state education spending by more than \$1 billion dollars a year. In January, it criticized lawmakers for moving too slowly, and set an April deadline for coming up with a full plan.

Legislators did not do so, and the Court responded by scheduling today's "show cause" hearing.

Reporters John Higgins and Joe O'Sullivan covered the hearing live.