

The Seattle Times

Winner of Nine Pulitzer Prizes

Editorials

Originally published Saturday, September 6, 2014 at 5:03 PM

Editorial: Justices should not make McCleary school funding job worse

The Supreme Court's unprecedented McCleary hearing gave justices a chance to express their displeasure with the Legislature's slow pace. That's where it should leave things, for now.

Seattle Times Editorial

THE state Supreme Court finally had it out with the Legislature Wednesday as it held a much-anticipated hearing on a high-profile school finance case. The justices gave lawmakers a verbal thrashing, declared they had violated a court order, and talked about intruding deeply into the affairs of the Legislature.

Mission accomplished. Now that the court has delivered its message, it should step back and let the Legislature make more substantial progress during the 2015 session to fully fund basic education, as required by the 2012 McCleary v. State of Washington ruling.

Lawmakers, regardless of party, leadership status or district, must push past ideologies and partisan muscle memory to enact major changes. Those include education financing reforms, educational approaches that result in better outcomes for students and possibly new revenue to pay for a more effective system.

The worst thing the Legislature could do is throw more money at systems that too often fail too many of our children, especially in inner cities. One in four Washington students does not graduate from high school in four years, according to state data. And that rate sinks for students of color. About 58 percent of students entering Washington community colleges have to take remedial classes in math or English, also according to the state.

Washington state can and must do better.

The court is considering holding the state in contempt because the Legislature failed to comply with a January order to produce a fleshed-out school financing plan by April. Lawmakers didn't even try. They said they couldn't.

That's why the court summoned the other two branches of government to the Temple of Justice Wednesday.

At the hearing, the justices explored their options — whether to hold the Legislature in contempt and what penalties they might impose. Ominously, they discussed sanctions that, without a doubt, would disrupt the crucial work the Legislature must do.

Justices talked about throwing out next year's budget if lawmakers fail to satisfy. Justice Charles Johnson went further, questioning whether the court could wipe every tax break off the books, and allow lawmakers to pass them again only after the school-funding issue is resolved. Such ideas are recipes for chaos.

Instead the court should give the Legislature a chance during the 2015 legislative session to make

significant progress toward fully funding basic education by the 2017-2018 school year. That would include establishing a financing plan, which is what the court is after.

Judicial impatience aside, the fact is lawmakers are on schedule to comply with the McCleary decision. The ruling gave lawmakers five years, and said lawmakers could comply by paying for a pair of basic-education bills they had passed during the recession years of 2009 and 2010.

In the initial ruling, the court left the timetable up to the Legislature. So far lawmakers have raised about \$1 billion, just as required, with perhaps \$3 billion to go.

Yet this year the court said the Legislature wasn't moving fast enough, said it doubted lawmakers would comply, and demanded a plan, virtually immediately, at the start of a short 60-day session in which neither party was prepared to debate.

The directive was unrealistic and bordered on the technically impossible, because it would have forced the Legislature to write major portions of state budgets years in advance.

The conflict has gotten to the point that the Supreme Court might feel compelled to take action.

The most sensible solution, with or without a contempt citation, would be for the court to defer discussion of sanctions until after the 2015 session is over. This next session always was regarded as the one where the most progress would be made.

If the Legislature fails, then crack down.

Perhaps the court thinks lawmakers have shown disrespect, but it should demonstrate respect for the Legislature.

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Sharon Pian Chan, Jonathan Martin, Erik Smith, Thanh Tan, Robert J. Vickers, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).



Want unlimited access to seattletimes.com? Subscribe now!