

# Court finds Legislature in contempt in school funding case

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The News Tribune  
September 11, 2014

The state Supreme Court has unanimously found the state Legislature in contempt for failing to comply with a court order in a landmark education funding case. But the court is opting not to punish lawmakers for their failure to comply – at least not yet.

The order, issued Thursday morning, follows a hearing last week in which the state was asked to explain why it should not be held in contempt in the case known as McCleary vs. State of Washington.

In that case, the Supreme Court ruled in January 2012 that state lawmakers were not adequately funding the state's school system. It ordered the Legislature to meet its constitutional obligation to fully fund schools by 2018.

In January, the Supreme Court said the state wasn't making adequate progress toward that funding goal, and ordered lawmakers to deliver a detailed long-term funding plan to the court by April 30. Lawmakers didn't produce such a plan.

Thursday's order finding the Legislature in contempt is due to lawmakers' failure to comply with the January order, the court said.

The contempt finding doesn't come with any immediate penalties or sanctions. Court justices said that they will give lawmakers until the end of the 2015 legislative session to come up with the funding plan ordered earlier this year.

If lawmakers don't act next year, "the court will reconvene to impose sanctions and other remedial measures as necessary," the order states.

Thomas Ahearne, the lawyer for the plaintiffs in the McCleary case, had previously suggested the court take actions such as shutting down the state's school system until it is funded properly, or invalidating budget cuts made to education.

On Thursday, however, Ahearne said he thought the court's contempt finding will help spur lawmakers to act next year. The order says that if lawmakers don't come up with a long-term funding plan by the end of the 2015 session, they must explain in writing to the court the next day why they did not comply, and why court sanctions shouldn't be issued.

“This wipes out all the excuses,” Ahearne said Thursday. “For the lawmakers who are sitting back thinking, ‘the court can’t tell us what to do, or ‘we’ve got plenty of time,’ I think this makes it clear that all your excuses are gone. You now have to produce.”

State Rep. Ross Hunter, a Democrat from Medina who chairs the House Appropriations Committee, said he wasn’t surprised that the court held the Legislature in contempt.

Hunter said meeting the court’s 2018 education funding deadline will require more than just a spending plan from the Legislature next year – it will also require also significant financial investment.

“We’re done with plans now,” Hunter said Thursday. “If you’re going to solve it, now is the time to resolve it.”

He called that “the Yoda model.”

“You don’t need to try, you just need to do,” Hunter said.

Hunter estimated at least \$3 billion in additional funding per two-year budget cycle is needed to fund education reforms already approved by the Legislature, such as expanding all-day kindergarten and reducing class sizes for students in kindergarten through third grade.

To comply with the court’s order, the state also needs to relieve the financial burden on local school districts, many of which are now using local levy dollars to pay for basic expenses such as teacher salaries, Hunter said.

Hunter said he doesn’t think that the Legislature can meet the demands of the McCleary decision without new revenue. Democrats in the past have proposed closing some tax loopholes and extending other taxes to raise money for education, but many Republicans objected, saying no new revenue is needed.

That debate is bound to repeat itself during the Legislature’s 2015 budget-writing session, but now with the threat of court sanctions hanging over lawmakers.

“I think it will make this upcoming session one of the most interesting sessions in a generation,” Hunter said.

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