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State Supreme Court holds Legislature in contempt over schools case with Peninsula roots

Peninsula Daily News and news sources

OLYMPIA — The state Supreme Court is holding the Legislature in contempt for lawmakers' lack of progress on fixing the way the state pays for public education.

The unusual action is in response to legislative delay in court-ordered full funding of kindergarten-through-12th-grade education in Washington public schools, as ruled in the Supreme Court's McCleary decision two years ago.

A lead plaintiff in the suit is Stephanie McCleary, an administrative secretary for Chimacum School District Superintendent Rich Stewart. She is a native of Sequim.

In its order issued Thursday, the Supreme Court promised to reconvene and impose sanctions and other remedial measures if lawmakers do not make plans to solve the problem by the end of next year's session in mid-spring.

Full state funding of K-12 education — eliminating the need for local school districts to seek maintenance-and-operations levies from property taxpayers to make up the difference between partial state funding and actual costs — is the goal of the high court's 2012 McCleary, et al. v. State of Washington ruling.

Possible sanctions include fines for the Legislature or individual lawmakers, having the court rewrite the state budget and revoking tax exemptions.

Gov. Jay Inslee said no one should be surprised by the court's order.

"I urged lawmakers to act this year and agreed with the court that we must do more to adequately fund education, which I believe is both a constitutional and moral obligation," Inslee said.

Sen. Bruce Dammeier, R-Puyallup, the leader on education issues for the mostly Republican Majority Coalition Caucus in the Senate, said no one likes being found in contempt but that he appreciated the tone of the court.

"It needs to get fixed now, but there is some appreciation that there were legislatures well before us that got us into this thing," he said.

The cost of the reforms has been estimated at \$4 billion or more in each two-year state budget.

In its most recent budget, lawmakers added about \$1 billion in education funding.

However, the split Legislature — Republicans control the Senate, Democrats the House —

has been unable to agree on where to cut elsewhere or how to raise taxes to satisfy the court.

Without including education measures in the so-called McCleary decision, the projected shortfall for the next spending period is nearly \$1 billion.

To satisfy the court, that deficit could be up to \$3 billion for the 2015-17 budget period.

A statement signed by Chief Justice Barbara Madsen — which can be viewed in its entirety online at <http://tinyurl.com/pdn-mccleary> — said the high court was not impressed by the Legislature's explanation about the lack of progress toward paying all the costs of basic education.

“Contempt is the means by which a court enforces compliance with its lawful orders when they are not followed,” she wrote.

The state Supreme Court ruled in January that Washington's system of education funding is unconstitutional.

It gave the Legislature until the 2017-18 school year to fix the problem detailed in a lawsuit by a coalition of teachers, parents, students and community groups.

The coalition's attorney, Thomas Ahearne, said Thursday's order was as good as he could hope for because the 2014-15 school year has begun and a special legislative session probably wouldn't help kids this year.

“It wipes out all the excuses that legislators tell themselves why they don't have to do anything,” said Ahearne.

Among the reforms awaiting money are all-day kindergarten in every school, more instructional hours for high school students to help them earn 24 credits to graduate and a new formula for school staffing levels and smaller class sizes.

Associated Press writers Donna Gordon Blankinship, Gene Johnson and Rachel La Corte contributed to this report.

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