

Washington State High Court Holds Legislature in Contempt on K-12 Funding

By Andrew Ujifusa on September 11, 2014 2:49 PM

Education Week

The Washington State Supreme Court **ruled Thursday that the state legislature is in contempt** for failing to identify a long-term plan for substantially increasing funding for public schools, but has given lawmakers until the 2015 legislative session to submit such a plan before imposing any sanctions.

In its Sept. 11 ruling, the court justices said that they would take lawmakers at their word that they would come up with a strategy for overhauling Washington's K-12 funding next year. But the justices did not specify what punishments it might impose if lawmakers failed to do so.

Although the contempt ruling deals directly with the state's failure to satisfy a court order issued last January, the contempt ruling also states that is the culmination of several years of inadequate activity by the state to satisfy the court's 2012 ruling in ***McCleary v. State of Washington***. In that ruling, the court said the state's school finance system was unconstitutional and gave lawmakers until 2018 to fix it.

The court stressed that it "has repeatedly emphasized that the State is engaged in an ongoing violation of its constitutional duty to K-12 children. The State, moreover, has known for decades that its funding of public education is constitutionally inadequate."

In response to the ruling, Thomas Ahearne, an attorney representing the plaintiffs in *McCleary*, said, "What this order does is make it clear: Lawful orders have to be obeyed by everybody, you're in contempt."

On Sept. 3, the court held a show-cause hearing for the state **to demonstrate why it should not be held in contempt** for failing to abide by the January order as well as a previous, similar directive from the court. Deputy Solicitor General Alan Copsey, representing state lawmakers, told the court that the work of overhauling school funding is difficult and that lawmakers were committed to approving a long-term solution in

2015. He also said that while legislators may not have followed two court orders regarding school funding, they did not mean to be disrespectful in doing so.

Five former governors, as well as state Superintendent of Public Instruction Randy Dorn, argued in court briefs that lawmakers should be given until the 2015 session to work out a plan. Ahearne said he was pleased that the court did not specify what sanctions it would impose if lawmakers failed to adequately act in 2015—if the court had specified what sanctions would be imposed, lawmakers would focus on trying to shoot them down.

In a statement, Democratic Gov. Jay Inslee said the ruling marked a **"critical moment in the state's history"**: "No one should be surprised, yet no one should minimize 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."