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EDUCATION

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Continued failure to fund K-12 education, McCleary plaintiffs argue



by John Stang

No Comments

The McCleary plaintiffs argue that the Washington legislature is still dragging its feet on its constitutional duty to adequately fund basic education, and that Washington Supreme Court needs to take action this year against that body.

That sums up Monday's filing by the McCleary plaintiffs' attorney Thomas Ahearne as the state and plaintiffs sent their reports (<http://crosscut.com/2015/07/legislature-writes-own-report-card-for-court/>) to the court. "McCleary" is the name of one of the plaintiff families and is the name given to the 2012 court ruling that the state has failed to meet meet its constitutional obligations to fund K-12 education.

The Supreme Court has threatened yet-to-be-determined sanctions against the Legislature if it did not come up with an adequate catch-up plan by this month. So far, no one knows how the court will view the Legislature's 2015 efforts. Ahearne's filing contended that the Legislature is putting off serious planning and appropriations until the the 2017-2018 school year, one year prior to the final compliance deadline.

full compliance by the 2017-2018 school year: do everything the last year,” Ahearne wrote.

In its just-finished 2015 session, the Legislature allocated \$1.3 billion in its main budget to specifically comply with the 2012 court ruling, plus another \$811 million to build new classrooms to the extra teachers in 2015-2017.

The 2012 court ruling also called for the Legislature to improve how education funding is handled, to ensure that an overhaul’s effects are permanent and provide equity of funding for students statewide. In June, Sen. Bruce Dammeier, R-Puyallup, introduced a bipartisan bill aimed to tackle the mandate for equity.

In broad strokes, Dammeier’s bill would start a four-year, \$3.5 billion shift in 2018 from local school districts’ tab for paying for basic education to the responsibility of the state government. That is meant to end the inequity of richer school districts spending more for teachers and smaller class sizes than poorer districts can. The GOP and Democratic Senate bill writers want to collect feedback on the proposed legislation over the next few months and then tackle passing it in 2016.

Ahearne argued that the levy overhaul proposal merely shifts funding sources without adding to the overall money going to basic education.

He also argued the Legislature dodged its duty to drastically reduce teacher-student ratios in grades 4-12 as required by a 2014 public initiative. The Legislature opted to delay implementing that initiative by four years because there is no source for the \$2 billion needed in each budget biennium to put it into action.

“The time has come for this Court to make what some would call a ‘fish or cut bait’ decision,” Ahearne wrote. “Either stand up and enforce Washington schoolchildren’s positive constitutional right to an amply funded education, or sit down and confess it was only kidding when it assured Washington schoolchildren that this Court would vigilantly protect them from the government’s violation of their constitutional rights.”

While the court has not yet said what it would do if it decides the state is lagged too long on fulfilling its McCleary obligations, Ahearne suggested that it consider several possible avenues.

specific other matters until the Legislature complies; order the Legislature to make specific appropriations or take specific measures; or order the sale of state property to meet the financial obligations.

Other suggestions included invalidating all tax exemptions which would make the Legislature reinstall all or most of the state's 650 tax breaks one by one after the McCleary obligations are met. Or the court could order the Legislature to resolve all the McCleary issues before it tackles any other legislation. And the most drastic suggestion is for the the court to close the entire state school system until Legislature resolves all the McCleary issues.