

# Ball back in justices' court in state school-funding case

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**The latest filings in the ongoing McCleary lawsuit were filed this week, and now the justices will decide whether lawmakers made enough progress in this session.**

By [John Higgins](#)

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It's judgment time for the Legislature, which crunched out a two-year budget this spring under the threat of punishment from the state Supreme Court over education funding.

Last fall, the court found lawmakers in contempt for not moving fast enough to fix school funding, falling short of what the court ordered in 2012 in a case known as the McCleary decision. But the justices postponed deciding whether to order sanctions until the end of this year's session.

Now that the session is over, both the state and the plaintiffs have filed briefs the court requested, outlining what they think the justices should do next.

Not surprisingly, their recommendations are consistent with what they've said all long: Plaintiffs say lawmakers continue to fall short of their constitutional duty when it comes to funding public schools, and the state says legislators are on track to do what the court has ordered.

In the state's brief, Attorney General Robert Ferguson asked the court to dissolve the contempt order, arguing that lawmakers have met all the court's deadlines.

"Although work remains to be done, the 2015 Legislature's actions move the State closer to ultimate constitutional compliance than any written plan would have done, and continuing to demand a plan at this point would serve no useful purpose," Ferguson wrote.

While the Legislature didn't come up with a full plan for the rest of the work, he wrote, "the Court's purpose in requiring a plan — to force real and measurable progress — has been achieved."

The McCleary plaintiffs — a coalition of parents, school districts, teachers and other community groups — were not impressed by the Legislature's work and called for immediate sanctions.

Their attorney, Thomas Ahearne, suggested a range of punishments including holding up action on all other legislation or invalidating all tax exemptions given since 2012.

Plaintiffs "respectfully submit that the time has come for this Court to make what some would call a 'fish or cut bait' decision," Ahearne wrote, adding that the court needs to "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."

Superintendent of Public Instruction Randy Dorn filed his own brief asking the court to order the Legislature back into session to finish the job.

"The Legislature deserves credit for the steps it has taken. But they are too small for the task at hand," Dorn wrote.

Lawmakers did add \$1.3 billion more to the budget for K-12 education for the next two years. But they didn't change what the court calls the state's unconstitutional reliance on local property taxes to pay the costs of a basic education.

The Legislature is required to fix both problems under the court's McCleary decision.

School districts have passed local levies to make up the difference, leading to an uneven education system because wealthier districts can raise more money than poorer ones.

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