

Editorials JULY 31, 2015

State Supreme Court must get tough on levy reform



The News Tribune

The most helpful thing the state Supreme Court could do right now is order the Legislature back to Olympia to reform Washington's broken school levy system.

Presumably the justices are thinking about doing just that. In 2012, in the landmark McCleary decision, they told lawmakers to fully fund basic education across the state. They explicitly said this wasn't just about writing budgets:

“Fundamental reforms are needed for Washington to meet its constitutional obligation to its students. Pouring more money into an outmoded system will not succeed.”

The Legislature has, to its credit, poured in more money – \$4.8 billion, with a lot more on the way. But the fundamental reforms have not materialized.

In McCleary, the court repeatedly condemned the way the Legislature had off-loaded to local school districts its constitutional responsibility to pay for public education. Districts routinely rely on levies to pay for 25 percent or more of such basics as textbooks and bus transportation.

The biggest problem by far is salaries. State law forbids the use of levy money to pay basic wages to educators. It does allow districts to compensate them for performing extraordinary duties, such as coaching and other extracurricular education.

Over the years, though, teacher unions have won contracts that padded standard pay schedules with local money. Senior teachers in many wealthier districts now have their paychecks fattened by \$15,000 or more. Poorer districts can't compete.

As the court put it, “Districts with high property values are able to raise more levy dollars than districts with low property values, thus affecting the equity of a statewide system. Conversely, property-poor districts, even if they maximize their local levy capacity, will often fall short of funding a constitutionally adequate education. All local-level funding, whether by levy or otherwise, suffers from this same infirmity.”

The only solution is to clearly shift the entire burden of paying teachers – beyond those exceptional duties – from school districts to the Legislature.

A bipartisan group of state senators in June came up with an excellent outline of reform, Senate Bill 6130. Among its other provisions, it would demand that districts reveal online exactly how they are spending state and local money, transparency

that would expose any illegal diversion to salaries. But the senators didn't come up with a plan to raise the \$1.7 billion a year the Legislature would need to assume the levy load.

One part of the solution, the so-called levy swap, has been staring lawmakers in the face for years. The state could get at least some of the money it needs by lowering local levies and supplanting them wholly or partly with a state education tax. Some wealthier districts would wind up paying more than they have been, but that kind of thing happens in a shift from a privilege-oriented public education system to an equity-oriented one.

The number of losers could be kept to a minimum, though, if the swap is mitigated with money from another source. (Many Democrats would like that to be a capital gains tax.)

Unraveling the levy tangle will be a fiendishly difficult political problem. But a court order – with a hard deadline – would give lawmakers the cover they need to make the host of unpopular decisions it will require. The justices should craft that order deliberately but briskly. The Legislature's task won't get any easier if it's pushed into an election year.



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