

Court fines Washington state over education funding

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The Washington state Capitol is seen through the columns of the state Supreme Court on Thursday, Aug. 13, 2015, in Olympia, Wash. The court has issued sanctions of \$100,000 a day against the state for its lack of progress on a plan to full fund basic education. Photo: Rachel La Corte, AP

OLYMPIA, Wash. (AP) — Washington officials are considering a special legislative session after the state [Supreme Court](#) issued daily fines a of \$100,000 until lawmakers comply with a court order to improve the way the state pays for its basic education system.

Thursday's order, signed by all nine justices of the high court, ordered that the fine start immediately, and be put into a dedicated education account.

The court encouraged Gov. [Jay Inslee](#) to call a special session, saying that if the Legislature complies with the court's previous rulings for the state to deliver a plan to fully fund education, the penalties accrued during a special session would be refunded.

Inslee and legislative leaders are set to meet Monday in Seattle discuss what next steps the state should take.

"There is much that needs to be done before a special session can be called," Inslee said in a statement. "I will ask lawmakers to do that work as quickly as humanly possible so that they can step up to our constitutional and moral obligations to our children and lift the court sanctions."

The ruling was the latest development in a long-running impasse between lawmakers and justices, who in 2012 ruled that the state is failing to meet its constitutional duty to pay for the cost of basic education for its 1 million schoolchildren.

[Thomas Ahearne](#), an attorney for the plaintiffs, said that the court's action "is long overdue."

"The state has known for many, many years that it's violating the constitutional rights of our public school kids," Ahearne said. "And the state has been told by the court in rulings in this case to fix it, and the state has just been dillydallying along."

The lawsuit against the state was brought by a coalition of school districts, parents, teachers and education groups — known as the McCleary case for the family named in the suit.

In its original ruling, and repeated in later follow-up rulings, the justices have told the Legislature to find a way to pay for the reforms and programs they had already adopted, including all-day kindergarten, smaller class sizes, student transportation and classroom supplies, and to fix the state's overreliance on local tax levies to pay for education. Relying heavily on local tax levies leads to big disparities in funding between school districts, experts say.

If Inslee and the Legislature choose to ignore the court's order until the next scheduled legislative session begins Jan. 11, 2016, the state would end up paying about \$15 million in sanctions — a small amount compared to the current two-year \$38 billion state operating budget that includes more than \$300 million in reserves that can be tapped by lawmakers.

Only a few other state governments have faced similar sanctions in recent decades. In 1976, New Jersey's Supreme Court ordered public schools shut down for eight days over the summer after lawmakers failed to put more money into education. That crisis resulted in the adoption of a state income tax.

[David Sciarra](#), executive director of the Newark, N.J.-based Education Law Center, which provides assistance to lawyers across the country on education financing cases, said that the New Jersey case was the closest comparable situation to the sanctions issued Thursday in Washington state. He noted a federal ruling involving Arizona over

bilingual education that resulted in a fine to the state, but was later overturned by the [9th Circuit Court of Appeals](#).

He called the Washington court's actions "extremely significant."

"This is really a court that is obviously frustrated and fed up with ongoing noncompliance with its orders, consistently, over quite a long period," he said. "There's no other state court ruling in this area in a case involving inadequate school funding that has done this."

Earlier this year, the Legislature approved what it called a \$1.3 billion down payment toward fully paying the cost of basic education, an amount critics said fell billions of dollars short.

Last month, the attorney general's office argued in a filing to the court that it should dissolve its current contempt order against the state. Senior Assistant Attorney General [David Stolier](#) wrote about the various ways the Legislature has fulfilled the high court's 2012 McCleary decision on the funding, and he said the state is on schedule to meet all the requirements of the court.

While the court acknowledged that progress was made by lawmakers during this year's triple overtime legislative session, it said the state failed to provide a plan for full compliance by the 2018 deadline.

The court wrote that monetary sanctions are an appropriate act by the court, and they are "an important part of securing the promise that a court order embodies: the promise that a constitutional violation will not go unremedied."