

School funding: 'the time has come...to impose sanctions,' state Supreme Court says

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Washington's governor and top lawmakers are scrambling after the state Supreme Court unanimously ordered Aug. 13 that state government pay a \$100,000-per-day fine, effective immediately, for failing to deliver a plan on how the state will meet its constitutional duty to fully fund education by 2018.

“The court today made it clear that bolder and more aggressive action is needed to support Washington’s students and their teachers,” Gov. Jay Inslee said in a statement Aug. 13. “The detailed plan the court demands in order to fulfill our constitutional obligation will be more complex and expensive than the significant steps we’ve already taken. I will talk today with Attorney General Ferguson, legislative leaders and others to fully analyze today’s court order.”

Thursday's contempt order marks the first time the court has levied sanctions against the state regarding the McCleary case and comes after four previous rulings – Jan. 5, 2012; July 18, 2012; Dec. 20, 2012; and Jan. 9, 2014 – all of which found that the state is “not meeting its paramount duty . . . to make ample provision for the education of all children residing within its borders.”

The order encourages Inslee to convene a special legislative session. If such a session results in full compliance with the court's Jan. 9, 2014 order, penalties levied during that session would be refunded, according to the order.

If the Legislature does not convene a special session, the fines could amount to \$15 million by the start of its regularly scheduled session in January 2016.



Chimacum teacher walkout

Chimacum School District teachers, joined by students and parents, walked out of school May 15 in protest of the 2015 Legislature's lack of progress in finding a way to fully pay for public education. Chimacum's was one of dozens of rolling walkouts statewide promoted by the Washington Education Association, the state's largest teachers union. Stephanie McCleary, for whom the 2007 McCleary case is named, has worked in Chimacum's district office for the past 17 years. File photo by Nicholas Johnson

Moneys collected as a result of the court's order are to be held in a segregated account for the benefit of basic education until the contempt order is lifted.

The court's order acknowledges that while "the 2015-17 general budget makes significant progress in some key areas, for which the Legislature is to be commended . . . there is far to go. The State has presented no plan as to how it intends to achieve full compliance in this area by 2018, other than the promise that it will take up the matter in the 2017-19 biennial budget."

Inslee also said in his Aug. 13 statement, "Today's order from the Supreme Court acknowledges that significant progress has been made toward meeting the state's obligation to adequately fund basic education. But everyone understood that even with those historic investments in education, our work would not be done."

The court's sanctions follow a show-cause hearing, which resulted in a contempt finding in September 2014.

The court held off on issuing sanctions until the end of the 2015 legislative session – with extensions due to special sessions – in order to provide reasonable time for compliance.

The court's order further states, "As this court has said previously, while we appreciate the scope of the task at hand and have deferred to the Legislature's chosen plan for fully funding basic education, it remains our constitutional obligation to uphold article IX, section 1," said Chief Justice Barbara Madsen. "We believe every person in Washington understands that providing for education is the state's paramount duty under the state constitution, and without a comprehensive education plan, the state is not on target to meet its constitutional obligation by the deadline it set for the 2017-18 school year."

In an Aug. 13 statement, Washington Education Association President Kim Mead said she is pleased with the court's order.

"It's clear the court agrees that our kids can't wait for the Legislature to act on its own," Mead said. "I encourage the governor and legislative leaders to provide the funding our kids need to succeed, now, not years from now. Further, the court made it clear that the Legislature fell far short on the issues of class sizes and educator compensation. Those were our two highest priorities during the previous legislative session. Now, perhaps, the state will step up to its duty to our students."