

Supreme Court lays hefty fine on Legislature over education case



The Washington state Supreme Court on Thursday ordered the state to pay \$100,000 a day and called for Gov. Jay Inslee to call the Legislature into special session to resolve the McCleary education issue to fully fund education.

— *image credit: Contributed photo*

by DENNIS BOX, Federal Way Mirror Reporter
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The Washington state Supreme Court let the hammer fall Thursday in the McCleary education case ordering the state to pay \$100,000 a day and calling for Gov. Jay Inslee to call the Legislature into special session to resolve the issue.

The order stated the “remedial penalty” of \$100,000 per day begins Aug. 13, until the Legislature “adopts a complete plan for complying with article IX, section 1 by the 2018 school year.”

The Article IX preamble in the Washington Constitution states, “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.”

The Court ruling stated the fine is to be placed into a “segregated account for the benefit of basic education.”

The Supreme Court found the state in contempt in Sept. 11, 2014, but held back sanctions until the completion of the 2015 Legislative session.

“After the close of that session and following multiple special sessions, the state still has offered no plan for achieving full constitutional compliance by the deadline the Legislature itself adopted,” the Aug. 13 Court order stated.

The Court ruled because the state has not complied with the 2012 McCleary ruling to fulfill its Constitutional obligation to fund education, “this court must take immediate action to enforce its orders.”

Background

The McCleary case began in 2007 when Network for Excellence in Washington Schools filed a suit in King County Superior Court on behalf of the McCleary family.

In 2010 Superior Court Judge John Erlick ruled in a declaratory judgment the state was not meeting its constitution duty as state in Article IX, Section I.

The ruling was upheld by the Supreme Court in a 2012, putting in motion the wrestling match between the Legislature, governor and judicial branch

The Supreme Court stated it would defer to the legislative body to find a funding solution, but the Court “retained jurisdiction” over the process.

The judges asked for periodic reports from the Legislature and governor. According to the Court’s Aug. 13 order, each year the state fell short of fulfilling the McCleary ruling.

In January 2014, the Court order stated, “Reiterating that the state had to show through immediate and concrete action that it was achieving real and measurable progress, not simply making promises, the court in its order directed the state to submit by April 30, 2014, ‘a complete plan for fully implementing its program of basic education for each school year between now and the 2017-18 school year....”

In September 2014 the Court held the state in contempt for failure to comply, but withheld sanctions until after the 2015 session.

2015 session

After three special sessions, the Legislature completed the operating and transportation budget.

The Court noted the Olympia lawmakers made, “significant progress in some key areas, for which the Legislature is to be commended. The budget appears to provide full funding for transportation, and the superintendent of public instruction agrees. Further, it

meets the per-student expenditure goals.... The budget also makes progress in establishing voluntary all-day kindergarten, appropriating \$179.8 million, which the state asserts will result in the establishment of all-day kindergarten in all schools by the 2016-17 school year, one year ahead of the schedule specified by SHB 2776.... In addition, the current budget appropriates \$350 million for K-3 class size reduction, an amount the state says will achieve the target average class size of 17 for kindergarten and first grade in lower income schools by the 2016-17 school year.”

The Court shook the legislators hands for one paragraph and jerked their chain in the next.

“But while there is some progress in class size reduction, there is far to go. The target for all of K-3 is an average of 17 students But low-income schools will reach only 18 students in the second grade and 21 in the third by 2016-17. And in other schools, no class will reach the goal of 17 by 2016-17. With a deadline of 2018 for compliance, the state is not on course to meet class-size reduction goals by then.”