

Published: Sunday, August 30, 2015, 12:01 a.m.

## A Snohomish family, not named McCleary, part of school-funding lawsuit



Genna Martin / The Herald

The Venemas, of Snohomish, are one of two families suing the state claiming a lack of adequate school funding. The lawsuit was originally filed in January 2007, when daughter Halie Venema was a freshman at Snohomish High School and son Robbie Venema was a sixth-grader at Cathcart Elementary.

By [Jerry Cornfield](#)

Herald Writer

SNOHOMISH — Patty Venema of Snohomish knows what happens when the state fails to pay its share of the costs of educating students.

Parents like herself and husband, Tod, are asked to raise money for their children's schools to buy

books, computers, new maps to replace existing ones still showing the USSR, and even vacuums for teachers to clean classrooms when janitorial services are reduced.

It meant — and still means — parents sell candy, cookies and gift wrap, organize silent auctions and campaign to use local property tax levies to pick up the tab left by the state's fiduciary nonfeasance.

So Patty Venema didn't need much convincing nearly nine years ago to have her and her family join a lawsuit against the state to force lawmakers to provide ample funding for Washington's public schools.

“I didn't because I felt strongly that it was for the right reasons. It is the (state's) paramount duty. It is in the state constitution, plain and simple,” she said.

But she wasn't interested in her family getting top billing as lead plaintiff. Second would be fine.

That's why in the landmark case on school funding the Venemas of Snohomish — Patty and Robert (though he goes by Tod) and their children Halie and Robbie — are the other family suing the state.

Another couple with two children, Stephanie and Mathew McCleary of Jefferson County, are listed first in [what's best known as the McCleary case](#).

### **Signing up to sue**

Patty Venema has encountered the effects of an underfunded education system much of her life.

She was a student at Lake Washington High School in Kirkland in 1978 when the state Supreme Court ruled the state was not adequately funding schools in a case won by the Seattle School District.

In the early 90s, when Halie entered the school system, Venema became an actively involved parent and quickly realized the problems with state funding hadn't been solved. The Snohomish School District still depended on local property taxes to cover classroom expenses and salaries of school personnel.

If voters didn't embrace levies — and they didn't in the mid-90s and again in 2006 — it strained budgets and increased pressure on parent-led fundraising.

Through the years Venema served on committees examining district finances. She worked to pass maintenance and operation levies, and bond measures to build schools such as Glacier Peak High School. She led parent organizations at her children's schools.

Her commitment is what earned her a visit in the fall of 2006 from Betty Robertson, then assistant superintendent of Snohomish School District, and Kit Raney, then leader of the teacher's union.

They explained school districts and local teacher unions around the state had formed the Network for Excellence in Washington Schools and intended to sue the state. They were seeking parents who could potentially bear the torch as plaintiffs.

They outlined details of the legal battle then put her in touch with the lead attorney, Thomas Ahearne, who would make the final selection. Venema and Ahearne spoke at length.

“I thought, this is something I can get behind,” she recalled. “I’m thinking, here’s my daughter, she’s going to start high school and they’re still talking about (funding). After all of the fundraising and all of the volunteer work I had done in the kids’ classrooms these years, I saw how underfunded the schools really are.”

She needed to check with Tod. He didn’t object. Halie and Robbie didn’t get a vote.

“It is not a democracy,” Robbie said, joking.

Ahearne, who had spoken with many parents willing to be plaintiffs, was impressed by Patty Venema’s knowledge and poise.

“She knew her stuff. She was articulate,” he said. “I remember her knowing where the funding problems were and where the deficiencies were, at least in her kids’ schools.”

### **Making legal history**

The state constitution is clear that it is the “paramount duty of the state to make ample provision for the education of all children.” What the plaintiffs alleged in the lawsuit filed Jan. 11, 2007, is the state had not lived up to its obligation, forcing districts to rely too heavily on local property taxes to make up the difference. They wanted the court to make the state re-balance the system.

The civil trial in King County Superior Court spanned 25 days between August and October 2009. Patty Venema [testified on the 10th day](#) for roughly 90 minutes.

“It was nerve-wracking because we were talking about the lack of money and how it affects my children and what I saw was the direct impact on their education,” she said.

When the suit was filed, Halie Venema was 15 and at the freshman campus of Snohomish High School. Robbie, then 12, was a sixth-grader at Cathcart Elementary. She was a senior and he a freshman at Glacier Peak High School when the trial started.

Patty Venema described how algebra textbooks were so worn out that they practically fell apart in her daughter’s hands. She testified about a middle school with one five-stall bathroom for girls on a campus of roughly 700 students.

She told how overcrowding at Robbie’s middle school meant the lunch period for him and other students began at 10:15 a.m.

And she mentioned the plethora of ventures to generate private dollars for schools, including one in which Cathcart parents hauled in \$68,000 to purchase computers.

King County Superior Court [Judge John Erlick ruled in February 2010](#) that the state had not met its constitutional obligations for school funding. Two years later the state Supreme Court came to the same conclusion. It didn’t require an overnight fix, instead giving the state until the 2017-18 school year to fully fund basic education for a million students.

Justices also required annual progress reports from lawmakers. And, in 2014, frustrated by what they

considered a slow pace of progress, demanded lawmakers turn in a plan showing how they intended to meet the deadline.

State lawmakers haven't produced such a plan. A year ago, the court found the state in contempt for not doing so. On Aug. 13 [justices fined the state \\$100,000-a-day](#) until they get one.

### **Waiting and wondering**

Venema figured that unprecedented fine would incite action.

“Their intent was not to really punish the taxpayers but to levy a warning against the legislators,” she said. “I thought \$100,000-a-day is a pretty good chunk of change for (lawmakers) to have to explain to their constituents that they are having to spend on a lawsuit that they could be spending other places.”

Thus far, the fine isn't stirring the desired response.

Gov. Jay Inslee is trying to convince legislative leaders to create a bipartisan committee to craft a response for the court. Leaders of House Democrats, House Republicans and Senate Democrats told him their caucuses would participate but the Senate Republicans had not decided as of Tuesday.

Any plan would need to be voted on. Inslee isn't willing to summon lawmakers back for a special session to act unless there's something definitive in hand.

“With every turn that we've taken with this lawsuit you've got legislators that do not believe that there is anything the Supreme Court can do to them to make this happen,” Venema said. “And then you have some that are taking this seriously and say ‘Yeah, we need to come up with a plan.’”

Tod Venema voiced disbelief some lawmakers appear to be giving the court the brush off.

“When you get a direct order from the Supreme Court, I don't know how much higher you can go,” he said.

Halie Venema, now 23, and Robbie, who is 20, share their parents' frustration with the lack of resolution in this case.

“I was pretty blown away by the fact that they have been told multiple times that they need to fix it and they haven't,” Halie said. “It doesn't make sense to me why it's so difficult.”

Robbie lamented the inability of lawmakers to solve a problem more than 30 years in the making.

“I don't know if it makes you cynical,” he said. “It makes you think who you elect to represent your vote and are they really representing what you voted for.”

### **What victory might look like**

To Patty and Tod Venema, victory in this lawsuit will mean smaller classes, more classrooms and no portables, an ample supply of books and computers. Teachers also would earn what they deserve and pay scales would be equitable throughout the state.

The couple understands lawmakers must revamp the teacher compensation system and reduce school districts' reliance on local levies. They realize the price tag could be another \$3 billion a biennium and cost some lawmakers their seats if they vote for any type of tax hike to pay for it.

The Venemas aren't endorsing any path to the finish line. They are rooting for the legislators to find a way past their political differences to get there.

“They are smart people,” Tod Venema said. “They signed up for this. Figure it out. The future of the state is the youngsters. We're counting on you.”

The family isn't overly confident the work will all get done by the deadline.

“I didn't think it would still be going on,” Patty Venema said. “But it has become so contentious down there (Olympia) and so partisan that they cannot figure out a way to fund this.

“Ultimately the people that pay the price in this whole thing are the kids because the adults can't seem to come to an agreement,” she said. “And that's sad because I'll probably have grandkids that are still fighting this battle.”

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#### Key dates

October 2005 - The Network for Excellence in Washington Schools is founded. There are 11 original members including Edmonds School District Washington State PTA and the Washington Education Association.

January 2007 – The McClearys, the Venemas and the Network for Excellence in Washington Schools sue the state alleging it is not providing ample funding for public schools.

February 2010 – King County Superior Court Judge John Erlick rules in favor of the families and coalition; state appeals to the Supreme Court.

June 2011 – Supreme Court hears arguments in McCleary v. State

January 2012 – Justices rules the state is in violation of the constitution by not amply funding public schools, gives the state until 2017—18 school year to comply and retains jurisdiction to facilitate progress.

July 2012 – Justices require lawmakers to provide them with progress reports at the end of each legislative session through 2018.

December 2012 – The court holds that the first report falls short of its requirement to show progress.

January 2014 – Justices order lawmakers to turn in a complete plan by April 2014 showing how they intend to meet the 2018 deadline.

September 2014 - Supreme Court finds the state in contempt for failing to comply with its order to produce a plan.

Aug. 13, 2015 – Justices fine the state \$100,000-a-day as a sanction for the Legislature's failure to turn in a plan as ordered.

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