McCleary working group named; new reaction following rulings

Natalie Brand, KING 5 Political Reporter 5:16 p.m. PDT September 11, 2015

Nearly one month after the Washington State Supreme Court ordered fines of $100,000 per day for the legislature's failure to respond to its McCleary ruling, the legislature has appointed a working group that will try to find a solution to education funding in the state.

Two "leads" from each party caucus in the House and Senate were selected. The lawmakers chosen from the House are Reps. Pat Sullivan (D-Covington), Kristine Lytton (D-Anacortes), Chad Magendanz (R-Issaquah) and Norma Smith (R-Clinton). In the other chamber, Sens. Ann Rivers (R-La Center), Doug Ericksen (R-Ferndale), Christine Rolfes (D-Bainbridge Island) and Andy Billig (D-Spokane) were selected.

Gov. Jay Inslee's office says a meeting will likely be scheduled for later this month, with Inslee expected to attend. Inslee wrote a letter to the state legislature saying they "must deal with the much larger financial, policy and constitutional issues surrounding McCleary."

Meanwhile, following an open letter from 19 Senate Republicans blasting the Supreme Court for the contempt sanctions, Senate Democrats have responded.

The letter from Senate Republicans read, in part: "This extraordinary order presents a clear threat to our state legislature as an institution. It demands a frank and open discussion among members and the constituents we represent regarding a proportional response."

Thursday, Senate Democrats wrote, in part, "We were troubled to receive a letter from 19 of you dated August 21 asking the rest of the legislature to join in challenging the recent order issued by the Washington State Supreme Court on funding for public schools. Whether or not we agree with the approach the court has taken, we all agree that our focus should be on improving our public schools now, not wasting taxpayer dollars on litigation to delay or avoid that duty."

The letter also references the court's September 4 ruling overturning Washington's charter schools law. The Democrats wrote, "we are open to a discussion about how to address the needs of the 1,200 kids in charter schools in the context of the much larger and equally urgent discussion about how to meet our obligations to the over one million kids in Washington's public schools."

KING 5 learned that a handful of lawmakers and staff are reviewing possible legislative options to address the future of charter schools in the state.
One GOP lawmaker, Sen. Michael Baumgartner (R-Spokane), called the justices "mushy-headed WEA puppets" following the charter school ruling, referring to the state teachers union, the Washington Education Association.

Baumgartner posted on his Facebook page that he will introduce legislation to block judges from hearing cases brought by donors to their campaigns.

"The WEA teachers union has bought our Supreme Court elections and our kids are suffering from the result," he wrote.

Baumgartner referenced the fact that the WEA PAC made maximum contributions to the majority of the justices on the Supreme Court, including Justices Mary Yu, Charles Wiggins, Mary Fainhurst, Deborah Stephens in 2014, as well as maximum contributions to Susan Owens, Steven Gonzalez and Sheryl Gordon McCloud in 2012.

The WEA did not donate to Justices Barbara Madsen or Charles Wiggins, according to PDC records.

It’s important to note judicial candidates have a different set of campaign finance rules, and are not supposed to personally solicit campaign donations.

Commission on Judicial Conduct

The Supreme Court declined to respond directly to Sen. Baumgartner’s statement but issued the following statement to KING 5.

"In 1889 the drafters of our state constitution decided that judges should be elected. The United States Supreme Court has ruled that citizens, including corporations, have a First Amendment right to spend money in political campaigns. Campaign contributions to judges are governed by federal and state case law, by the code of judicial conduct, and state public disclosure laws.

In Washington we have an elected judiciary whose job is to decide constitutional questions fairly and impartially. That is what our court has always done and will continue to do."

-Chief Justice Barbara Madsen
September 10, 2015

The Honorable Senator Mark Schoesler
PO Box 40409
Olympia, WA 98504

The Majority Coalition Caucus
PO Box 40462
Olympia, WA 98504

Re: Legislative Plan for Education Funding

Dear Majority Coalition Caucus colleagues:

We were troubled to receive a letter from 19 of you dated August 21 asking the rest of the legislature to join in challenging the recent order issued by the Washington State Supreme Court on funding for public schools. Whether or not we agree with the approach that the Court has taken, we all agree that our focus should be on improving our public schools now, not wasting taxpayer dollars on litigation to delay or avoid that duty.

We hope that those of you who did not sign the letter – and even some who did sign – believe as we do that Democrats and Republicans can work together to develop a legislative plan to address our remaining education funding challenges.

In the last few days, some of you have called for an immediate legislative response to the Supreme Court’s ruling on charter schools. We are open to a discussion about how to address the needs of the 1,200 kids in charter schools in the context of the much larger and equally urgent discussion about how to meet our obligations to the over one million kids in Washington’s public schools.

We invite you to work with us over the next few months on this goal. Let’s work across party lines to do what is best for Washington’s kids and their parents and teachers. Together we can put party and ideology aside to meet our constitutional duty. The signatures of all 22 members of our caucus are at the bottom of this letter. It is our pledge to you and to the people of this state that we are ready to work to solve this problem.

Together we have the power and the opportunity to accomplish something great for the state of Washington.

Sincerely,

The Senate Democratic Caucus

Senator Jamie Pedersen
43rd Legislative District

Senator Sharon Nelson
34th Legislative District
Senator Andy Billig  
3rd Legislative District

Senator Maralyn Chase  
32nd Legislative District

Senator Annette Cleveland  
49th Legislative District

Senator Steve Conway  
29th Legislative District

Senator Jeannie Darnelle  
27th Legislative District

Senator Karen Fraser  
22nd Legislative District

Senator David Frockt  
46th Legislative District

Senator Cyrus Habib  
48th Legislative District

Senator Jim Hargrove  
24th Legislative District

Senator Bob Hasegawa  
11th Legislative District

Senator Steve Hobbs  
44th Legislative District

Senator Pramila Jayapal  
37th Legislative District

Senator Karen Keiser  
33rd Legislative District

Senator Jeanne Kohl-Welles  
36th Legislative District
Senator Marko Liias
21st Legislative District

Senator Rosemary McAuliffe
1st Legislative District

Senator John McCoy
38th Legislative District

Senator Mark Mullet
5th Legislative District

Senator Kevin Ranker
40th Legislative District

Senator Christine Rolfes
23rd Legislative District
September 11, 2015

Dear Members of the Washington State Legislature:

I am writing today to update you on efforts to address pressing education needs in our state.

First, I am happy to let you know that we have commitments from all four caucuses to participate in a McCleary plan workgroup. We will meet on September 24 in SeaTac. The names forwarded to us by your caucuses are:

- Senators Ericksen and Rivers
- Senators Rolfes and Billig
- Representatives Sullivan and Lytton
- Representatives Magendanz and Smith

Those members will meet with me and my staff to find a plan to fulfill our constitutional obligation to adequately fund basic education and to end the Court’s $100,000-a-day contempt fine. There will be different approaches to this problem, but I expect that all members of the McCleary workgroup will share that goal.

The members of the workgroup are your voice in these talks. I urge you to reach out to your caucus representative and let your opinion be heard. It’s important that members of the workgroup have the confidence of their caucuses. I don’t want to set any deadlines at this point. But if the workgroup can find consensus by November 19 when the Legislature is in Olympia for Assembly Days, I will call a special session to get this work done.

Our state constitution establishes our public education system as our highest priority, and I believe developing a responsible plan to meet this duty needs to be our primary focus. There have been media reports that at least a few of you have also called for a special session to address the Supreme Court’s finding that the Charter School Act, which established charter schools in our state, is unconstitutional.

Attorney General Bob Ferguson and I met this morning, and he will be filing a motion for reconsideration. The details of that motion aren’t settled, but at this point we don’t yet have a final decision from the Supreme Court. Since it’s important that students’ education not be interrupted, it is worth noting that it appears the state’s existing charter schools have secured private funding to continue operating for the remainder of the school year.

I do not believe it is in the best interest of the state to call a special session to attempt to cure the constitutional concerns with the current system. I should also note that I don’t believe the McCleary
workgroup is the place to debate charter schools. We must deal with the much larger financial, policy and constitutional issues surrounding McCleary.

I opposed the initiative that created charter schools because I did not believe that public money belongs in schools that lack public oversight and accountability. That remains my position. We must have accountability for all taxpayer money spent on education, particularly at a time when the Court has ruled that we have consistently failed to adequately fund public schools.

My focus will remain on basic education. Some families look to charter schools out of frustration with their local public school. The answer is to remain committed to improving our public K-12 system and making sure every child has a local public school that meets his or her needs.

As I write this letter, the state has accrued millions of dollars in fines for being in contempt of the Supreme Court’s McCleary order. I’ve heard some say that the fines aren’t much compared to the cost of funding basic education. That’s true. But I believe those fines cost us in our standing with Washingtonians who expect we will support public education and live by the rule of law.

I look forward to the workgroup convening and continuing our conversations that may be difficult but must be productive.

Very truly yours,

Jay Inslee
Governor