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Special session possible on school issues

Inslee says he'll call one in November if solution is found

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OLYMPIA — A special session of the Legislature could be called for mid-November to deal with legal questions surrounding public schools and their financing.

Gov. Jay Inslee said he'd be willing to call one starting Nov. 19, when legislators will be in Olympia anyway for "committee days" in advance of the 2016 regular session. But there's a caveat:

It will depend on a recently named "working group" reaching a consensus on a plan to address the \$100,000-per-day contempt fine being levied by the state Supreme Court. That fine is a result of the court deciding legislators have not submitted a plan earlier this year on replacing local tax money being used by some school districts to cover certain education costs that the court has said are the responsibility of the state.

Two members from each caucus in each chamber have been appointed to a working group, which will meet with Inslee and his staff starting in two weeks. If they reach agreement by Nov. 19, "I will call a special session to get this work done."

The two members appointed to the working group from the predominately Republican Senate Majority Caucus — Sens. Doug Ericksen, of Ferndale, and Ann Rivers, of Vancouver — have signed a letter from that group that insists the court's fine and continued orders on what's known as the McCleary case violate both the state and federal constitutions. They asked other legislators to join them "to explore the range of political, legal and constitutional responses we have at our disposal."

That may be hard to reconcile with Inslee's stated goal to "fulfill our constitutional obligation to adequately fund basic education and to end the Court's \$100,000-a-day contempt fine."

Inslee said he's not interested in a special session to address another ruling of the Supreme Court on the state's education, last Friday's decision that charter schools are unconstitutional as they were set up under an initiative approved by voters in 2012.

Attorney General Bob Ferguson said Friday he will file a motion for the Supreme Court to reconsider that decision. The court's reasoning on the constitutional problems with charter schools are so broad they could affect a wide range of other programs, from Running Start to the state Skills Centers, he said.

The state and other groups involved in the charter schools case have until Sept. 24 to ask for reconsideration, and the final orders won't be filed until some time after that, Inslee said. The Charter School Association has said it expects to find private funds to keep charter schools open through the school year so those students aren't disrupted.

Any reconsideration would delay the court's finding from being sent back to the King County Superior Court, which first heard the case, for a ruling in line with the decision that state money can't be spent on charter schools. That lower court ruling could then be appealed back to the Supreme Court.

"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 charter schools, Inslee wrote in a letter to legislative leaders. The McCleary work group is also not a place to debate charter schools, he added, and repeated that he remains opposed to charter schools, as he was when the initiative was on the ballot.

But while the state constitution gives Inslee the power to call a special session, which can last for 30 days, it does not allow him to limit the topics the Legislature may address. Lawmakers could decide to take up charter schools, or any other issue, once they arrive in Olympia and would be limited only by what types of legislation they can pass through chambers that are controlled by different parties.

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