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Competing Legislature bills to address *McCleary* decision

By Chris McDaniel
Peninsula Daily News

OLYMPIA — The House last week passed an education bill requiring the 2017 Legislature to study how to address the funding requirements of the *McCleary* decision.

HB 2366 also collects data on teacher compensation and creates a task force that — with the help of a consultant — would produce for the 2017 legislative session recommendations to fully fund teacher pay.

HB 2366 passed 64-34 on Jan. 25. Both District 24 House legislators — Sequim Democrats Steve Tharinger and Kevin Van De Wege — voted in favor of the measure.

District 24 covers Clallam and Jefferson counties and part of Grays Harbor County.

No Democrat voted against the measure. The bill passed the House with bi-partisan support.

State Superintendent of Public Instruction Randy Dorn spoke against HB 2366 during House Appropriations Committee public hearing last week, saying the bill did not do anything that was not previously studied by other task forces, councils and work groups created by the Legislature.

SB 6195, a competing bill approved Thursday by the Senate Early Learning and K-12 Education Committee, pushes the deadline back a year to 2018.

Both bills address the *McCleary* decision, named for Stephanie McCleary, a Sequim native who is a Chimacum parent and school district human resources director.

McCleary was the lead plaintiff in a state Supreme Court decision in 2012 directing the Legislature to fund basic public education.

The Supreme Court decision includes teacher compensation as a component of basic education and found that local tax levy funds, which the court considers unreliable for sustained financial resources, have paid for parts of teacher compensation that should have been paid by the state.

Since September 2014, the court has held the state in contempt for failing to produce plans to accomplish this task, and in August last year issued a \$100,000-per-day penalty for failing to comply with its order.

Basic education must be fully funded by 2018.

Sen. Jim Hargrove, D-Hoquiam, said SB 6195 would delay legislation beyond the court deadline.

“The deadline that came out of the [Senate] education committee is different than the court deadline and the existing law,” he said.

As such, “I don’t know exactly how that would fly with the court, frankly,” he said.

“If that worked, why wouldn’t we just change the deadline to 2300? Just kick it down the road? I am not sure that is going to pass muster, but I haven’t heard all of the explanations of it yet.”

Van De Wege said Friday he opposes SB 6195.

“My caucus doesn’t agree with it, the Supreme Court doesn’t agree with it, the governor doesn’t agree with . . . and I think schools in general don’t agree with it,” he said.

Referring to HB 2366, Hargrove said the bill “is about the minimum we can do and hope to satisfy the court’s contempt concerns because they wanted a plan, and hopefully this will fulfill that requirement.”

However, “I don’t know what the future of it is in the Senate” where the bill is headed next, he said.

Van De Wege said he continues to support HB 2366, which was drafted using recommendations from a bipartisan task force.

“What the legislature did last year was . . . develop a committee with legislators on it to really figure out how this is going to be done,” he said.

“That bill that we voted on was pretty much the committee’s recommendations on how to move forward on McCleary.”

Tharinger also continues to support the house version.

“I think it sets out a pretty good strategy to be able to close the McCleary obligation by 2018, which is what the court has told us to do,” he said.

“I think that makes a lot more sense. I am getting a lot of folks talking about how their kids are in classrooms with 29 or 30 students and we are having trouble finding teachers and substitute teachers and so I think it is important to us to solve the problem instead of delaying it.”

Reporter Chris McDaniel can be reached at 360-452-2345, ext. 5074, or cmcdaniel@peninsuladailynews.com.

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