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## Lawmakers OK report on efforts to fully fund public schools

By [Jerry Cornfield](#)

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OLYMPIA — Without a fight, a bipartisan group of lawmakers on Wednesday approved [a mandated progress report](#) to the state Supreme Court on their efforts to fully fund public schools.

But the Democratic and Republican lawmakers disagreed on whether their actions in the 2016 session will be enough to convince justices to lift a contempt order and end sanctions that are nearing \$28 million in fines.

The report, to be filed May 18, says lawmakers [did as the court asked and passed a plan](#) for ensuring that a constitutional means of paying for public education is in place by 2018 as required [in the McCleary case](#).

The report does not request justices remove the contempt order issued last summer when lawmakers failed to turn in such a plan. Nor does it ask for an end to the \$100,000-a-day fine accumulating since Aug. 3, 2015.

The Attorney General's Office is expected to make those arguments on behalf of the state in a separate legal brief to be submitted with the report next week.

“I am not going to try to read the court's mind,” said Sen. Joe Fain, R-Auburn, [one of the eight members of the committee](#) entrusted with drafting the report. “The court's response is not my greatest concern. My concern is solving the (school funding) inequities across the state.”

Republican Rep. Chad Magendanz of Issaquah said the court needs to look at the totality of legislative actions since the McCleary decision was issued in December 2012.

“We have a track record. We have delivered on every single deadline,” he said. “I know we've got our work cut out for us. We don't take this obligation lightly.”

Sen. Christine Rolfes, D-Bainbridge Island, said there was “no consensus” on the committee that legislators achieved enough to satisfy the court.

“A lot more could have been done. This report reflects what we did do,” she said.

She and Sen. David Frockt, D-Seattle, also said justices may frown when reading that lawmakers didn't put money to pay the fine in a separate account as the court requested.

“I think it would be stronger had we gone ahead and appropriated money to pay the fine,” Frockt said. “I think that would have put us in a stronger position vis-à-vis the court.”

The committee was established in response to the McCleary decision. It has two lawmakers from the Democratic and Republican caucuses in the House and Senate.

[Its purpose each year](#) is to craft what Fain called a “book report” for the court on accomplishments in the last session.

This year's report chronicles bills that passed and ones that didn't. It also notes that since the McCleary decision funding for public schools has increased by \$4.8 billion, going from \$13.4 billion in the 2011-13 bienium to \$18.2 billion in the current two-year budget. It claims several pieces of basic education are now fully funded as required.

And, it points out that a law passed this year commits the Legislature to acting in 2017 to eliminate school district dependency on local property tax levies to fund teacher salaries and basic education. This is the most significant piece of unfinished McCleary business.

Once the report and legal brief are filed with the Supreme Court, [the coalition](#) of parents, teachers and education groups that sued the state will get 20 days to respond. It's almost certain they will contend the Legislature has not done enough to get out of contempt and will want even tougher sanctions imposed.

Thomas Ahearne, attorney for the plaintiffs, questioned how the lawmakers could claim to be fully funding any parts of basic education when it's clear the state is not.

“Reading legislators' full funding claims makes me appreciate what Christopher Columbus felt like when people kept telling him the world is flat. Neither are true,” he said.

Last year Ahearne [argued in court papers](#) that justices should impose tougher sanctions if the lawmakers fail to make substantial progress.

The court is also allowing Superintendent of Public Instruction Randy Dorn to respond to the state's filing within the 20-day window.

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