

## In Our View

# It's Supreme Court turn to judge lawmakers' progress

By The Herald Editorial Board

As required, a bipartisan group of state lawmakers has finished and will submit next week [a report to the state Supreme Court](#) regarding the Legislature's progress in satisfying the court's mandate to amply fund education and end the state's reliance on local school levies to pay a significant part of basic education.

The report outlines the progress the Legislature has made with funding, including a 36 percent increase in support since the court's 2012 McCleary ruling for materials, supplies and operating costs; student transportation; all-day kindergarten; and lower student-teacher ratios in K-3 classrooms.

But the report also admits lawmakers' lack of progress in determining how to end the reliance on levies.

Rather than outline a specific solution, the Legislature this year called together a task force to gather data from school districts on their levies and teacher pay, with the intent of finding and agreeing to a solution next year.

Individual assessments of how the report will be received by court justices has ranged from Democrats admitting that more could have been done to Republican indifference to the court's reaction.

"I am not going to try and read the court's mind," Sen. Joe Fain, R-Auburn, one of eight lawmakers who drafted the report, [told The Herald's Jerry Cornfield](#). "The court's response is not my greatest concern. My concern is solving the (school funding) inequities around the state."

Fair enough. But, while the Legislature has given itself a deadline of 2018 to fix school funding, it's the court's mandate that serves as incentive, bolstered by a \$100,000-a-day fine that, since it was imposed on Aug. 3, is now nearing \$28 million.

But to meet that 2018 deadline, the Legislature must find a solution for fully funding basic education, in particular teacher salaries, and end the reliance on local levies by the end of next April.

Between the start of the next session and the end of April, the Legislature will have about four months to resolve the levy issue, as well as negotiate a path to include the state as a party in contract talks with

unions for teachers and other school employees.

The report does give the Legislature an out, allowing that it can simply extend the current levy policy for a calendar year or more if it doesn't reach agreement, though that would bust its 2018 deadline.

Keeping to that deadline will be difficult, and the daily fine doesn't seem to have provided much incentive, so state Superintendent of Public Instruction Randy Dorn wants the Supreme Court to push the issue.

[Dorn told the Yakima Herald-Republic](#) last week that he'll ask the court to issue a declaratory judgment on whether local levy funds can be used for teacher salaries and other basic education costs. Such a finding would end any possibility of fudging on deadlines. Courts in other states have taken similar steps, even delaying the start of school in the fall to force budget decisions, Dorn said.

Failing that, Dorn also recommended the court fine individual lawmakers.

Justices could well add sanctions on top of the court's 2014 finding of contempt. That daily fine was to be paid to a special account "for the benefit of education." But the Legislature took no action to establish the account. The fine continues to mount, but only in the ether.

No payments have been made.

Instead, the report to the Supreme Court points to the \$577.5 million in the state's general fund reserves and another \$700.7 million in the Budget Stabilization Account. "For a total of \$1.278 billion," the report states, "an amount that far exceeds the accumulated total of the monetary sanction."

But it's disingenuous for lawmakers to gesture toward the state's reserves for that purpose, when many Republican lawmakers zealously protected those reserves in the recent session when it was suggested that some of it be used to increase the starting salaries of teachers to address a dire shortage of qualified educators in the state.

Lawmakers can feign indifference as to how the Supreme Court will respond to their progress.

Come Election Day, the voters' contempt may be harder to ignore.