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State asks state Supreme Court to end education sanctions

HIGHLIGHTS

Attorneys from the office of Attorney General Bob Ferguson says the state is on track to fulfill its constitutional requirement to properly fund education and in a court filing Wednesday asked the state Supreme Court to drop a contempt order and lift daily sanctions imposed last year.

BY RACHEL LA CORTE

Associated Press

OLYMPIA, WASH. — Attorneys from the office of Attorney General Bob Ferguson says the state is on track to fulfill its constitutional requirement to properly fund education and in a court filing Wednesday asked the state Supreme Court to drop a contempt order and lift daily sanctions imposed last year.

David Stolier, a senior assistant attorney general, and deputy solicitor general Alan Copsey filed a memo with the high court alongside a bipartisan legislative report detailing the Legislature's progress this year on education funding.

"The State has not yet achieved, and does not claim to have achieved, full constitutional compliance," they wrote. "However, it has made significant cumulative progress over the last four years."

Stolier and Copsey wrote that the state is "poised to finish the legislative work necessary to achieve compliance by 2018."

The justices have held the state in contempt over the Legislature's failure to make a plan for resolving the remaining issues over paying the full costs of basic education, while ending its overreliance on local tax levies.

Last August, the high court ordered the state to set aside \$100,000 a day in sanctions for its lack of progress toward fully paying the cost of basic education. The money was supposed to be put into a dedicated education account, but

lawmakers ignored that directive when writing a supplemental budget earlier this year. There is enough money in reserves to cover the amount, which is currently more than \$27 million, according to the Office of Financial Management.

This year's report to the court outlines a plan approved by the Legislature to finish the work, although that plan does not say exactly where lawmakers will find the rest of the money they need. The plan, signed by Gov. Jay Inslee earlier this year, establishes a task force to find the state dollars needed to replace some local levy spending and instructs the 2017 Legislature to finish the work.

It also instructs the task force to make recommendations on teacher pay and asks for clarification on how local levies are used. The measure directs the task force to determine whether more legislation is needed to ensure all-day kindergarten and smaller K-3 class sizes are possible in every elementary school in the state.

Stolier and Copsey wrote that plaintiffs and other will disparage the plan "as unworkable, too little too late, inconsequential, and worse."

But, they wrote that it is "unquestionably a plan for addressing compensation and funding by the end of the 2017 legislative session."

"It provides a process-with precise timelines and benchmarks-for obtaining the information necessary to complete that task," they wrote. "The Legislature has done what the Court ordered and there is no basis for continuing to hold the State in contempt or to continue levying sanctions."

The coalition that sued the state over education funding has 20 days to respond.

Thomas Ahearne, an attorney for the plaintiffs, said that the court needs to increase the pressure on lawmakers, either by shutting down the schools in the 2017 school year or closing hundreds of tax exemptions passed by the Legislature in order to find the money needed for compliance.

"Clearly the Legislature did not take the court seriously, because they really didn't do anything," he said. "This idea that we have a plan to do a plan and we promise to do everything at the last minute isn't the plan the court has been ordering for years now."



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