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School lawsuit plaintiffs to court: Enforce the constitution

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Associated Press

SEATTLE — The plaintiffs who sued the state over the way Washington pays for K-12 schools say in their annual filing with the state Supreme Court that it's time to enforce the Constitution.

In a brief filed Tuesday afternoon in connection with the court's ruling in 2012 that lawmakers weren't meeting their constitutional responsibility to fully fund basic education, the plaintiffs criticize the Legislature for its lack of progress. The ruling is known as the McCleary decision.

The attorney representing the coalition of school districts, teachers, parents and community groups that sued the state over education funding reminded the court that Carter McCleary was 7 years old and in second grade when the lawsuit named for his family was filed. Thomas Ahearne said the youngest McCleary sibling will be in the last semester of his senior year in high school when the 2017 Legislature convenes.

“Most high school juniors and seniors in Washington would have a crisp, two-word response to the state's claim that it has produced the progress and plan the court has long ordered: ‘Dude! Seriously?’,” Ahearne wrote in the brief.

The brief goes on to accuse the Legislature of continuing to ignore previous court rulings, despite the Supreme Court's contempt order in August against the state and the \$100,000-a-day fine the court is billing the Legislature until it satisfies the justice's demands. The bill for that fine totaled more than \$27 million in May, according to the Office of Financial Management.

In their report to the court last month, lawmakers said they have answered the court's concerns by approving a plan to finish their work. Ahearne said the Legislature did nothing but delay action for another year.

“Another problem with continually kicking the can down the road is you eventually run out of road. Which is where the state is now,” he wrote. In order to fully pay for basic education by the 2017-2018 school year, the Legislature needed to phase in new sources of revenue this year, Ahearne wrote.

Lawmakers and other government officials have estimated the Legislature needs to add about \$3.5 billion to the state's two-year budget to finish paying the McCleary-related costs, including ended dependence on local tax levies to pay for the state's responsibility for basic education.

The brief does not outline what the court should do to enforce its previous orders. But the court has

already heard a long suggestion list in previous filings and hearings: from taking over the state budget process to shutting down public schools.

New Jersey broke a legislative logjam over a similar school-funding lawsuit after the courts shut down schools until lawmakers finished their work. The result was a state income tax to pay for education.

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