

Washington's school superintendent says it's time to consider closing public schools

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Randy Dorn says it could be time to close Washington state's K-12 public schools. You wouldn't expect the state superintendent of public instruction to say that. But he is serious about seeking ways to enforce the state Supreme Court's 2012 ruling that demands education funding.

OLYMPIA — Randy Dorn says it could be time to close Washington state's K-12 public schools.

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But Dorn, who isn't seeking re-election, argues in a [court brief](#) filed Wednesday that the state Supreme Court needs to get serious about enforcing its 2012 [ruling](#) that the state was violating its constitution in underfunding K-12 schools.

Serious, Dorn says in the court filing, means the court should consider closing the schools until the Legislature makes real progress.

In the past, "The Superintendent has opposed closing the schools as a remedy for McCleary," according to the brief. But it cites the apparent success of that tactic once in New Jersey, and "closing the schools cannot be ruled out as a final remedy."

Although Washington state lawmakers have poured billions of dollars more into the education system, they've stalled on finishing the final elements needed to comply with the McCleary ruling.

For that they've been held in contempt of court. And in August, the court began fining the state \$100,000 a day for not making enough progress on a full plan to fund K-12 education.

Among other things, Dorn also suggests the court stop some special state tax exemptions or divert nonschool funds to spend on education.

Or the court could punish individual lawmakers, argued Dorn, [a vocal advocate for education funding](#).

“These options are dramatic, but it is clear by now that the Governor and the Legislature will continue to ignore the Court and continue to avoid doing their constitutional duty until the Court does something dramatic,” Dorn said in a news release. “That time has come.”

In drafting their spring progress report to the court, both Democratic and Republican lawmakers acknowledged [they’ve essentially been stuck](#) on the last big part of McCleary.

That would be the complex and politically difficult task of reforming how the state pays for teachers, which is expected to include changes in how local property-tax levies are used in school districts.

Lawmakers have been hesitant to put a number on the cost of such changes. Some projections peg it at \$3.5 billion every two years.

Dorn isn’t the only one calling for more punishment. Thomas Ahearne, an attorney for the plaintiffs in the 2012 case, including members of the McCleary family, is also arguing for sanctions.

In a [report to the court](#), Ahearne suggests two roads justices could take.

If lawmakers and Gov. Jay Inslee haven’t fully complied with McCleary by the end of the regular 2017 legislative session, the court could rule the school system unconstitutional, which could lead to shutting it down.

In a second option, Ahearne argues that if the state doesn’t comply by the end of that session, the court should strike down all tax exemptions enacted by lawmakers, to raise education revenue.

Ahearne cites the [swift action lawmakers took](#) to secure tax breaks in a 2013 special session for Boeing as a reason this might motivate the Legislature.

That “session’s prompt and concrete action in response to Boeing’s tax break request illustrates that our State’s decision-makers respond swiftly when State tax exemption statutes are involved,” wrote Ahearne.

Side note: Lawmakers in recent years have rarely been able to complete their work in regular session, requiring one or more special sessions to finish.

An education-advocacy group, Washington’s Paramount Duty, [also filed a court brief](#) urging justices to strike down tax preferences if the state hasn’t complied by the end of the 2017 regular session.

The court is expected to review the case again soon and could lift the contempt order, impose more sanctions or take some other action.

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