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High court sets Sept. 7 hearing on education funding case

HIGHLIGHTS

The Washington Supreme Court on Thursday ordered the state back in to court Sept. 7 to lay out its progress and address how much it's expected to cost to fulfill its constitutional requirement to properly fund basic education.

BY RACHEL LA CORTE
Associated Press

OLYMPIA, WASH. — The Washington Supreme Court on Thursday ordered the state back in to court Sept. 7 to lay out its progress and address how much it's expected to cost to fulfill its constitutional requirement to properly fund basic education.

In a four-page order, the court notes that the 2017 legislative session "presents the last opportunity for complying with the State's paramount duty."

The state Supreme Court first ruled in 2012 that lawmakers were not meeting their constitutional responsibility to fully pay for basic education. The court gave the Legislature until 2018 to fix the problem, and it ultimately found the state in contempt in 2014. Last August, the court ordered \$100,000 a day in sanctions — to ultimately be used for education spending — for the state's lack of progress. The money was supposed to be put into a dedicated education account, but lawmakers did not allocate that money when writing a supplemental budget earlier this year.

There is enough money in reserves to cover the amount of the sanctions, which is currently more than \$33 million, according to the Office of Financial Management.

"What remains to be done to achieve compliance is undeniably huge, but it is not undefinable," Chief Justice Barbara Madsen wrote for the unanimous court.

Since the 2012 ruling, lawmakers have spent more than \$2 billion to address issues raised in the lawsuit. State officials have estimated that the costs related to that court mandate are at least another \$3 billion.

Thursday's order requires both lawyers representing the state and the coalition that sued to appear at the hearing. But the high court specifically wants the state to provide detailed answers to several questions, including the estimated costs for fully funding K-12 education, as well as how the state plans to pay for it. The court also wants to know "what remains to be done to timely achieve compliance."

The state has a Aug. 22 deadline to file a brief addressing the court's questions. The plaintiffs — a coalition of school districts, teachers, parents and community groups that sued the state over education funding — must file their answer no later than Aug. 29.

One of the questions the court wants answered is how the state views the 2018 deadline: as the beginning of the 2017-2018 school year, the end of the 2017-2018 fiscal year, the end of 2018 or some other date.

A bipartisan legislative task force that has been charged with defining the actual likely costs anticipated to meet the funding requirements has been meeting over the summer, most recently on Wednesday.

The task force has also been instructed to make recommendations on how to pay for it, as well as addressing teacher pay.

The task force's report is due by Jan. 9, the first day of the 2017 legislative session.

A decision on whether to dismiss the contempt order or to continue sanctions will come following the September hearing, Madsen wrote.



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