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Editorial: So far, court guiding well on funding of education

The Washington Supreme Court remains on the case, and will for a long time.

In January, the justices ruled in what is now referred to simply as the McCleary case that the state of Washington was failing to meet its “paramount” constitutional obligation to provide “ample” funding for K-12 education. The finding was a surprise to no one, but its perhaps unprecedented decision to retain jurisdiction was.

By so doing, the court was assuming the role of supervisor/referee in Olympia’s search for adequate, let alone ample, money for schools.

Like ruling dissenters Chief Justice Barbara Madsen and Justice James M. Johnson, we were troubled then by the potential for court usurpation of legislative responsibilities. Or, should the Legislature decide to snub its nose at the judicial branch, the danger the court’s authority in future cases might be compromised.

The judicial, legislative and executive branches are co-equal only as long as each respects the prerogatives of the other.

As another painful session of the Legislature played out, education escaped further cuts. But real progress came in the form of new teacher evaluations and consolidation of hundreds of individual district insurance plans into a statewide program that should be less expensive over the long term and fairer to maintenance, clerical and other non-teaching staff.

The Supreme Court had said it would keep its eye on the Legislature’s efforts to fund schools until 2018. Last week, in a follow-up decision, the justices outlined the role school districts, parents and other concerned parties will play as plans to restore K-12 dollars roll toward that deadline.

If embraced by everyone involved – attorneys for the McCleary faction were enthusiastic – the state should be able to make gradual progress, and get out of the court’s crosshairs.

The Legislature did its part by creating a committee specifically to engage the court on the issues raised by McCleary. The committee is supposed to report the state’s progress within 60 days of the end of each legislative session.

Instead of taking those reports at face value, the court will allow the plaintiffs in the McCleary case to review them, and challenge or question the findings. That opportunity should prevent any surprises that could create snags later.

In conclusion, the justices put the state in a position much like that created for schools by the federal No Child Left Behind education bill by requiring “steady progress” toward meeting the constitutional standard for school funding. Thirty-three states have received waivers from the federal requirements because the proficiency goals were unrealistic.

That cannot happen with education funding. The court, the state constitution and parents will not stand for a waiver in McCleary.