The key word in Washington's constitutional crisis is ample. Whether schools start in the fall may depend on whether the Legislature can fulfill its promise to amply fund public schools.

By Brier Dudley

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Washington lawmakers are burrowing under the cushions, scrabbling for money to fund schools, but there's not enough there to do the job.
They need to look elsewhere — for new tax revenue — to do the job right, end the state’s constitutional crisis and ensure that schools aren’t shut down this fall by the state Supreme Court.

Republicans and Democrats in Olympia worked hard to produce thoughtful education plans, but both fall short. Trying to spend as little as possible is usually the right thing for them to do. But in this case, it’s likely to prolong the legal fight that’s kept the state in limbo and shortchanged students for decades.

The key word to remember is ample: The state must provide ample funding for K-12 schools.

That’s the state’s paramount duty under its constitution. Yet since the 1970s, the state failed to keep up. As it spent on other things, schools scrounged for dollars through local fundraisers such as levies.

Ample means providing enough money that districts don’t have to beg for money locally.

Truly ample funding would fully cover salaries, with regular raises, adjustments for cost of living and wages high enough to attract and retain great teachers. Then districts and local unions wouldn’t have to haggle every few years over additional pay.

Schools must also control costs, and the state can’t write blank checks — it must ensure additional funding is spent properly and actually benefits students.

Deciding what’s ample sounds tricky. But lawmakers in 2009 and 2010 agreed on a work plan to reform the system and provide ample K-12 funding by 2018.

That plan is nearly done. The last big task is providing ample funding, but politicians have dodged that responsibility for decades.

The courts called them on it in the 1970s, ruling that Washington was failing to amply fund schools. But the courts accepted promises to make it right.

Instead, funding became less ample and more unstable. Lawsuits, task forces and reform proposals piled up.

Finally, a lawsuit filed by the McCleary family in the threadbare Chimacum school district and others asked for a new ruling on whether the state was amply funding schools.

The answer was a resounding no. The state argued it was making progress, but the Supreme Court wasn’t fooled. Justices decided in 2012 to monitor progress.

That ruling provides the relevant definition of ample:
“The word ‘ample’ in article IX, section 1 provides a broad constitutional guideline meaning fully, sufficient, and considerably more than just adequate,” it said.

“Ample funding for basic education must be accomplished by means of dependable and regular tax sources. The state has not complied with its article IX, section 1 duty to make ample provision for the education of all children in Washington.”

That’s the duty legislators and Gov. Jay Inslee swore to uphold. They didn’t take an oath promising to cut taxes or increase other spending — they promised to amply fund schools, first and foremost.

The Legislature deserves credit for the 2010 reform plan and improvements since then, such as funding full-day kindergarten.

But its inability to fund that plan led the court to impose $100,000 per day sanctions — money that’s supposed to accrue in a fund to amply fund schools.

More severe sanctions will come if ample funding isn’t lined up soon. Schools may be prevented from opening this fall until the unconstitutional situation is fixed.

Negotiations continued this week but Republicans controlling the Senate and Democrats controlling the House can’t agree on which taxpayers should be tapped for the ample funding.

It looks like neither has a plan to provide ample and dependable funding.

Unless large cuts are made in other state programs, school funding will require new taxes. Yet both sides are playing chicken, waiting for the other to take this painful step.

The Senate plan requires drastic cuts in other services, a selective property-tax increase and still doesn’t provide enough education money. The House plan comes close to ample but leans heavily on local levies that are unreliable and inequitable.

Fully funding the 2010 work plan — and fulfilling promises made to the court — will cost around $5 billion a year in 2018, according to Tom Ahearne, attorney for the McCleary plaintiffs. He roughly estimates the cost to be at least $14,030 per student, not including new buildings needed.

State general funding per pupil was $8,580 in 2016. Overall the state budget is approaching $22 billion a year.

The House plan would provide $13,500 per student in 2018, rising to $14,900 in 2019, but it still relies on local levies. The Senate plan provides a base of $10,000 per student; additional funding for programs such as special education brings the minimum to $12,500. That grows under the Senate plan to $13,310 in 2020, or $14,430 if supplemented with levies.
Lawmakers should have faith that Washingtonians will support them if they are brave enough to approve the needed taxes. Many constituents, especially the wealthy and businesses advocating for better schools, expect tax increases. They may be offset by President Donald Trump’s tax cuts anyway.

No matter who gets stuck with the tab — middle-class homeowners, businesses or the rich — it won’t end well if the Legislature raises taxes and still fails to provide ample funding.

If it’s not ample, schools will keep seeking levies — on top of state taxes that were supposed to amply fund schools.

That may or may not bring the Supreme Court’s hammer down. But it will surely produce ample votes to replace those lawmakers.

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