

Court Rejects Legislature's Solution to McCleary and Retains Jurisdiction

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In less than 400 words, the entire Washington State Supreme Court told the Washington State Legislature and Governor to finish what they started--fulfill the state's obligation to provide ample funding for basic education. The court rejected the state's arguments that close was enough. For the Court, partial compliance was not full compliance.

"Amplify Fund Basic Education" is a Top 5 legislative issue for Washington State PTA for the 2017 and 2018 legislative sessions. The WA State PTA web site hosts its legislative platform and supported issues.

https://www.wastatepta.org/wp-content/uploads/2016/05/2017_Legislative_Platform.pdf and

<https://www.wastatepta.org/focus-areas/advocacy/>

In the Court's order, Chief Justice Mary E. Fairhurst wrote, "The court deferred to the legislature's chosen means of discharging its constitutional duty." The order noted that the State set the deadline for compliance as September 1, 2018. After waiting almost six years, "...the court must determine whether the State has made the grade."

Acknowledging that the State has made "significant progress" and "will achieve constitutional compliance according to the benchmarks that have consistently guided judicial oversight," the Court wrote, nevertheless the State has admitted it won't meet the deadline. In the Court's words, this was due to a delay in a "compliant salary model."

According to the Court, the goals, deadline and definition of "amply fund" have "long been clear." The Legislature had passed two laws in 2009 and 2010, ESHB 2261 and SHB 2776, which defined "basic education" and established implementation benchmarks, respectively. In 2012 the legislature established the Joint Task Force on Education Funding (JTFF) per HB2824 "to develop and recommend a reliable and dependable funding mechanism to support full implementation."

The Court said for the State to be in compliance, it must implement the funding program. Finally, the court stated it is retaining jurisdiction and reserved "all enforcement options to compel compliance with its decisions and orders."

The Court filed this latest order on November 15, 2017, after the votes were counted for the November 2017 election. The election results meant Democrats in the 45th Legislative District secured the open Senate seat. As a result, Democrats now control the legislative and executive branches of the State going into the 2018 legislative short session.

After the Governor signed the state budget on June 30 and filed the required report with the Court, the Court heard oral arguments on October 24. The complete order, was 45 pages long and included 43 pages of background, addressing the points made by the plaintiff, defendant and other parties who filed four amicus briefs.

<https://www.courts.wa.gov/content/publicUpload/McCleary/McClearyOrder11152017.pdf>,

All orders, rulings and filings are on the McCleary case's web site, hosted by the State court system, beginning with the King County Superior Court Opinion in February 2010.

http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.McCleary_Education