

How We Got Into This Mess



“State allocations have consistently fallen short of the actual cost of implementing the basic education program. By the legislature’s own terms, it has not met its duty to make ample provision for ‘basic education.’”

— *Washington State Supreme Court, **McCleary v. State** (2012)*¹

KICKING THE CAN INSTEAD OF CLOSING THE GAP

For the past four decades, dozens of committees, studies, and reports have been convened, conducted, and conveyed on the problem of funding basic education in Washington State. From 1991 – 2007, there were more than 60 studies done by various commissions, committees and organizations, examining Washington’s education system, looking at everything from reforming or redefining basic education program to actual costs of operating, equipping, and staffing our K-12 classrooms — with at least 11 reports detailing major flaws in how we fund basic education.

However, given all this time, effort and resources, state government policies have only led to a slow but steady decline in basic education funding. Viable solutions have been adopted but not funded or, worse, simply shelved. True, there have been education champions who have fought to deliver on our children’s legal and moral right to a fully funded basic education. But those efforts have been stalled by state government’s collective excuses, broken promises, lack of political will, and endless kick-the-can tactics.

Today, even while being fined \$100,000 a day by the state Supreme Court for failing to provide the plan to fund public schools, the State continues to delay, calling for yet another commission and another study instead of getting the job done. Meanwhile, another school year passes and more of our children suffer the consequences.

So, how **did** we get here?

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THE CHECK IS IN THE MAIL

Decades of Broken Promises to Fund Education

The following highlights just some of the State’s promises to fully fund basic education versus its failure to deliver over the past 40 years.

1970s	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	After local school district levies balloon from a rate of 6.8% in 1960 to 24% in 1974 and several levies fail, Seattle Schools sue the State. In 1977, Judge Doran sides with the parents and students, ruling the State cannot rely on local levy dollars to fund “basic education”: That’s the State’s job. The Legislature responds, enacting “The Basic Education Act” — defining “basic” & setting a 180-day school year, and the “Levy Lid Act” — capping local levies at 10%.		The State has continued to fail to fully fund basic education, instead raising the levy lid several times since the 10% cap in 1977. The rate was “temporarily” raised in 2010 to 28% (with some districts “grandfathered” at higher rates) when the State once again promised to fully fund basic education by the 2017-18 school year. The local levy rate remains at 28% (or higher for some districts) today.
2000	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	Voters approve I-728 (+71% in favor), mandating class-size reduction, and I-732, which mandates increases in teacher pay.		These initiatives were suspended in 2003 to close a “\$2.4 billion budget deficit.” ² They were funded in 2005-2007 budgets. I-718 was suspended again in 2007-2011, ³ and finally repealed in 2012. ⁴ Teachers go without any pay increase or cost-of-living-adjustment from 2007 to 2015.
2003	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	“What will it Take” report, commissioned by 18 organizations including OSPI and WSPTA, says, “\$8,393 needed per pupil at that time, and that the State needs to raise total expenditures for schools from \$5.6 billion to \$7.3 billion annually.” ⁵		Actual per pupil funding from the State for the 2003-04 school year was only \$5,339. ⁶ Per-pupil spending (adjusted for inflation) DECREASED after 2009, and only returned to the already unconstitutional levels of 2009 in 2015. ⁷

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2005-06	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>Washington Learns, with a Governor-chaired steering committee, is appointed in 2005. The committee commissioned a study from the firm Picus and Odden entitled “AN EVIDENCED-BASED APPROACH TO SCHOOL FINANCE ADEQUACY IN WASHINGTON.”⁸ At the end of 2006, WA Learns issues its final report, minus the recommendations from the commissioned study, stating that it is the “resolve of the Washington Learns steering committee to work over the next two years “to develop a ten-year implementation strategy for stable and significantly increased funding to support a world-class, learner-focused, seamless education system for Washington.”</p>		<p>After spending \$1.7 million on the Picus and Odden consultant team, Washington Learns steering committee ignores their recommendations. According to an informed observer, the final report did not endorse the consultant team’s recommended funding reforms, based on adopting a “prototypical school model” because it would have cost the State several billion dollars.⁹ A Minority report by Rep. Glenn Anderson states that the Washington Learns steering committee failed to meet their legislative mandate because they “largely dodged the difficult issues in K-12 finance.”</p>
2007	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>McCleary Lawsuit is filed.</p>		<p>Based on the Washington Learns report, the legislature enacts minor education reforms, tinkering around the edges.</p>
2007-09	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>The State’s Joint Task Force on Basic Education is formed. The report is produced 17 months later (2009) and says that significantly increased funding is needed for K-12 education.¹⁰ “...[T]he resulting total increase in funding is estimated at approximately \$7.5, \$8.3, and \$10.1 billion per biennium.”</p> <p>“Development of the funding formulas for the new instructional program of basic education and the supporting compensation, personnel, and accountability systems should begin immediately, and be phased in over a six-year period, starting in the 2011–12 school year.”</p>		<p>Phase-in does not start as recommended. Substantial funding cuts are made to basic education in the 2009-2013 state budgets, and again the funding for I-728 and I-732 are suspended.¹¹ In 2011, the cuts to levy equalization (\$’s for property poor districts to make up funding shortfalls) are blamed on the Great Recession.¹²</p>

2009-10	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>The Legislature makes THE PROMISE to enact laws to finally meet the State’s paramount duty. This legislation (HB 2261 and HB 2776) sets a phased-in timeline, with full funding for basic education, as defined by these bills, to be implemented by the 2017-18 school year:</p> <p>HB 2261 clarifies the definition of basic education and established work groups tasked with sorting out all the other details. The Quality Education Council (QEC), is appointed “to develop strategic recommendations for implementation of a new definition of Basic Education and the financing necessary to support it.”¹³ HB 2776, adopted in 2010, frames the basic education-funding model, based on recommendations from the QEC.</p>		<p>The State actually CUTS funding to basic education in the following biennium, blaming the recession.¹⁴ There is a drop in per pupil allocations after 2009.¹⁵ “... overall K-12 funding — including funding for basic education — sustained massive cuts in the 2011-13 operating budget. Teacher and staff salaries are reduced by 1.9 percent, and administrator salaries are cut by 3 percent.”¹⁶ Later, the Legislature refuses to adopt or act on many of the QEC recommendations.¹⁷</p>
2010	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>The plaintiffs WIN in King County Court in the McCleary case. The Judge states: “‘State funding is not ample, it is not stable, and it is not dependable ...’ He orders the Legislature to establish the cost of providing a basic education for all students, then pay for it, as the constitution requires.”¹⁸</p>		<p>Many districts face insolvency; Levy lid increased to 28%; grandfathered districts increased to 28–38%.¹⁹</p>
2012	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	<p>The Supreme Court decides the <i>McCleary</i> case, ruling that the State is in violation of its constitutional obligation to amply fund basic education for all students. The court, maintaining jurisdiction, orders the State to lay out its plan to fully fund basic education, saying “the State must demonstrate steady progress according to the schedule anticipated by the enactment of the program of reforms in SHB 2261.”²⁰</p>		<p>The 2012 legislative session comes to a close with no additional funding and plan to secure additional funding.</p>

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2013	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	The Quality Education Council (QEC) releases its annual report in 2013 confirming. "... ESHB 2261 and SHB 2776, which if fully funded would remedy the state funding deficiencies in the K-12 system ... Priority Area 1: Make Progress Toward Ample Funding for Basic Education." ²¹		Actual per pupil funding from the State still only \$7,139 in 2013-14. ²² This is still below 2009 per pupil funding levels when adjusted for inflation.
2014	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	The Supreme Court again orders the State to submit a plan, phasing-in implementation of the basic education program, as defined by 2261 and 2776, with full funding to be obtained by the 2017-18 school year. The plan is due on April 30, 2014. ²³		In September 2014, the State admits to failing to comply with the court's orders and is held in contempt of court. Promising to act in the 2015 Legislature, and the Court holds off on sanctioning the State.
2015	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	The Legislature appoints the Washington Education Funding Council "provide a new salary allocation model and appropriate funding under the new model for the 2018-19 school year; make any necessary state and local tax law revisions; and establish school district levies for 2018 ..." ²⁴		Rather than implement the QEC's recommendations for phased-in funding for basic education, as defined by 2261 and 2776 — as was promised — the Legislature eliminates Quality Education Council (QEC) altogether and replaces it with a new task force.
2015	<i>The Promise</i>	versus	<i>The Check is in the Mail</i>
	"The State has assured the court that education funding is the Legislature's top priority and that the Legislature is determined to ... take meaningful action in the 2015 budget session ..." ²⁵		The State does not comply with the Court order by providing a plan or funding, again, and is sanctioned \$100,000 per day "until it adopts a complete plan for compliance with article IX, section 1 by the 2018 school year." ²⁶

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Sources:

¹ McCleary v. Washington. Page 77 of

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³ http://www.ofm.wa.gov/reports/Guiding_Washington_through_the_Great_Recession_final.pdf

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⁵ <http://seattlewebcrafters.com/rainierinstitute/issues/education/whatwillittake.php>

⁶ Page 154 of <http://k12.wa.us/safs/PUB/ORG/15/OrganizationFinancing2015.pdf>

⁷ Page 38 of <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/2015%20Report.pdf>

⁸ <http://picusodden.com/wp-content/uploads/2013/09/WA-Evidence-Based-Adequacy-Study-July-2006.pdf>

⁹ Page 25 of <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=843627MAJ>

¹⁰ Pages 24 and 26 of <http://www.k12.wa.us/Compensation/pubdocs/BasicEdFinanceTaskForceFinalReport.pdf>

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¹² <http://www.spokesman.com/stories/2011/nov/18/gregoire-education-table-budget-cuts/>

¹³ <http://www.k12.wa.us/qec/>

¹⁴ <http://www.seattletimes.com/seattle-news/politics/gregoire-looking-at-massive-state-budget-cuts/>

¹⁵ Page 38 of <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/2015%20Report.pdf>

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¹⁷ <http://www.k12.wa.us/Compensation/default.aspx>

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¹⁹ <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=843627MAJ>

²⁰ <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/mcclearyOrder.pdf>

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