

Omak School District
KEY COMMUNICATOR BULLETIN
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LAWSUIT CHALLENGES STATE OVER SCHOOL FUNDING

The Omak School District and Omak Education Association (teachers' union) are co-plaintiffs in a lawsuit that went to trial this week in King County Superior Court. The suit has been brought by a coalition of more than 70 community organizations, school districts and education associations called Network for Excellence in Washington Schools (NEWS).

The basic premise of the lawsuit is that the state is not adequately funding basic education. In opening arguments Monday, Tom Ahearne, lead attorney for NEWS, quoted from the Washington State Constitution: "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders."

"Is the state satisfying its paramount duty? The evidence will show that the answer is no," Ahearne said.

Presenting the state's opening arguments, Assistant State Attorney General Bill Clark said the Legislature already redefined basic education and changed the funding formula earlier this year by passing HB 2261. The new law, he said, represents "a more measured approach for an enhanced funding and accountability system ..."

Despite the Legislature's action, NEWS pursued its lawsuit, claiming the new law does not go far enough and will not be fully implemented for another 10 years.

This is the second time the state has been sued over education funding. In 1977, Thurston County Superior Court Judge Robert Doran found in favor of some two dozen school districts that claimed the state was not living up to its constitutional duty.

Under Doran's ruling, which was upheld by the state Supreme Court, the Legislature was ordered to define and fund basic education for all students. "Basic," the Supreme Court stated, is more than reading and writing. It is the kind of education that equips students to be citizens and competitors "in today's market as well as in the marketplace of ideas." A second lawsuit a few years later expanded the definition of basic education to include areas such as special education and transportation.

Local levies – at one time called "special" levies – were supposed to be only for "extras." The Seattle Times reports that after Doran's ruling, reliance on local levies dropped from an average of 20 to 25 percent of school district budgets to less than 10 percent. But NEWS argues that since that time, the gap between state funding and district costs has steadily widened. On average, local levies again make up 20 to 30 percent of district budgets. The levies approved by Omak voters in 2008 pay for about 15 percent of the district's operating costs.

The trial is expected to last about six weeks. Daily updates are available at the NEWS Web site, www.waschoolexcellence.org.

-- Mary Koch
Omak School District Communications
Information for this report was provided by the NEWS coalition and Seattle Times