



"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders..."
Article IX, Section 1, Washington State Constitution

June 1, 2010

American Assn. of University Women-Wa.
Arlington Education Assn.
Arlington School District
Auburn Education Assn.
Auburn School District
Bainbridge Island Education Assn.
Bainbridge Island School District
Bellevue Education Assn.
Bellevue School District
Bellingham Education Assn.
Bellingham School District
Chimacum Education Assn.
Chimacum Independent Assn.
Chimacum School District
Clover Park Education Assn.
Clover Park School District
Disability Rights Washington
Edmonds Education Assn.
Edmonds School District
El Centro de la Raza
Equitable Opportunity Caucus
Federal Way Education Assn.
Federal Way School District
Highline Education Assn.
Highline School District
Japanese American Citizens League
Kelso Education Assn.
Kelso School District
Kent Education Assn.
Kent School District
Lakewood Education Assn.
Lakewood School District
League of Women Voters of Wa.
Lutheran Public Policy Council
Marysville Education Assn.
Marysville School District
Minority Executive Directors Coalition
North Kitsap Education Assn.
North Kitsap School District
Northshore Education Assn.
Northshore School District
Olympia Education Assn.
Olympia School District
Omak Education Assn.
Omak School District
Orcas Island Education Assn.
Orcas Island School District
Pasco Assn. of Educators
Pasco School District
Peninsula Education Assn.
Peninsula School District
Pierce County Black Collective
Puyallup Education Assn.
Puyallup School District
San Juan Island Education Assn.
San Juan Island School District
Seattle Breakfast Group
Seattle Education Assn.
Seattle School District
Shoreline Education Assn.
Shoreline School District
Snohomish Education Assn.
Snohomish School District
South Kitsap Education Assn.
South Kitsap School District
Special Education Coalition (WSEEC)
Spokane Education Assn.
Spokane School District
Tahoma Education Assn.
Tahoma School District
Urban League of Metropolitan Seattle
Vancouver Education Assn.
Vancouver School District
Vietnamese Friendship Association
Washington Education Assn.
Washington State PTA
Yakima Education Assn.
Yakima School District

Michael Green
Woodland School District
800 3RD ST
Woodland, WA 98674-8467

Jimmy Bays
Woodland School District
800 3RD ST
Woodland, WA 98674-8467

Dear Mr. Bays,

Earlier this year, a landmark court ruling set in motion what could be the most dramatic improvements in K-12 education funding in Washington's history. Every student, every school, every district – including yours – stands to gain as a result of the *McCleary vs. State* case brought by the Network for Excellence in Washington Schools. In addition to confirming what we've all known for decades – State funding falls far short of what is needed to educate our kids – *McCleary* also held that:

- "Paramount" means the State must amply fund the education mandated by Article IX, Section 1 of the State Constitution before the State funds anything else.
- "Ample" means State funding must be more than just adequate.
- "All" means every child, not just those who are easy to teach.
- "Education" means the knowledge and skills in our State's academic standards – not programs and funding formulas in State statutes.
- It is unconstitutional to force districts to rely on levies, bonds or other non-State funds to pay for basics like facilities, technology, textbooks or transportation.

This year's Legislature appropriated \$950,000 to appeal the *McCleary* ruling to the Washington Supreme Court. That's why we need your help. We are asking you to join with the 32 school districts already in the NEWS coalition and make a one-time financial contribution to help defeat the State's appeal. Despite the squeeze caused by ongoing State underfunding, school districts who have joined NEWS contributed an average of \$1.95 per student toward our Superior Court victory. We are asking you to invest in the future of your schools, community and state by considering a similar \$1.95 per student contribution. Every dollar counts.

We are at the crossroads of real change in school funding. Upholding *McCleary* will mean no more unfunded State promises. We will have the power of a State Supreme Court mandate behind us. Please help us preserve the *McCleary* ruling by joining this important endeavor. You are welcome to contact me if you have questions at 360-385-3922, ext. 222; 253-765-7043; or news@waschoolexcellence.org.

Sincerely,

Mike Blair, President
Network for Excellence in Washington Schools
Superintendent, Chimacum School District

Enclosures: Summary of McCleary; draft School Board Resolution

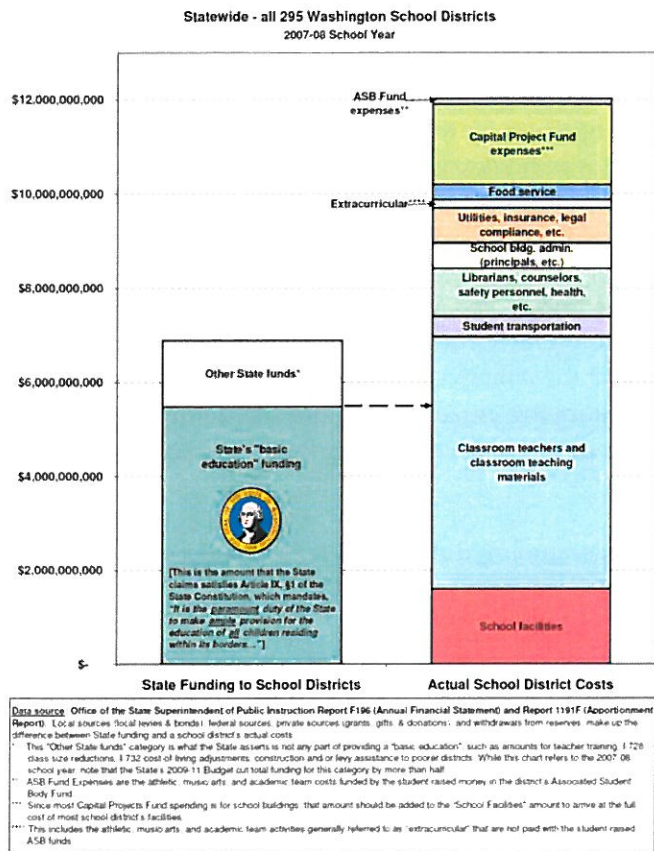
Summary Sheet Regarding the Court's *McCleary v. State* Ruling

Court's full ruling is at http://www.waschoolexcellence.org/whats_new

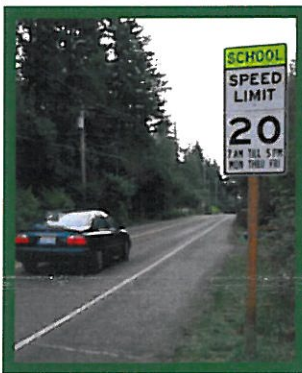
Testimony summaries of each trial day are at http://www.waschoolexcellence.org/daily_trial_updates

Funding gap charts for the State (other side of this page) and for individual school districts are at http://www.waschoolexcellence.org/impact_state_underfunding/local_district_funding_gaps

- It makes sense that Article IX, §1 mandates “It is the *paramount* duty of the State to make *ample* provision for the *education* of *all* children residing within its borders”. A well educated population is the foundation of our democracy, our economy, and the American dream. [¶137.] Education also operates as the great equalizer in our democracy, equipping citizens born into the underprivileged segments of our State with the tools they need to compete on a level playing field with citizens born into wealth or privilege. [¶132.]
- The State’s education duty is the only duty that is its paramount duty. [¶145.] Each child in our State has a paramount, constitutional right to the “*education*” specified in Article IX, §1. [¶147.]
- “*paramount*”: It is not a mere synonym of “important”. The word “paramount” means that the State must fully comply with its duty under Article IX, §1 as its first priority before all others. [¶161.]
- “*ample*”: It means considerably more than just adequate or merely sufficient. [¶165.]
- “*all*”: means every child residing in our State – not just those children who are more privileged, more politically popular, or more easy to teach. [¶168.]
- The word “*education*” in Article IX, §1 is substantive. It means the basic knowledge and skills needed to compete in today’s economy and meaningfully participate in our State’s democracy. The current definition of the word “*education*” in Article IX, §1 is: (a) the substantive skills specified in the Supreme Court’s *Seattle School District* ruling (90 Wn.2d at 517-18); (b) the knowledge and skills in the four numbered provisions of House Bill 1209 (RCW 28A.150.210(1)-(4)); and (c) the knowledge and skills in our State’s Essential Academic Learning Requirements (the nine “EALRs”). [¶212.]
- The terms “basic education” and “basic program of education” are not synonyms. They are two distinct terms. [¶175.] “Basic education” is substance – the minimum, basic knowledge and skills described in this court’s ruling. A “basic program of education”, on the other hand, is exactly what it’s called – a program instituted to deliver that substance. [¶176.]
- The State has passed legislation, it has ordered countless studies, it has commissioned a multiplicity of reports. And yet there remains one harsh reality – it has not, and is not, amply and fully funding basic education. [¶264.] Society will ultimately pay for these students. The State will pay for their education now, or society will pay for them later through unemployment, welfare, or incarceration. [¶265.]



- On the question of whether the State is complying with its Constitutional duty under Article IX, §1, the answer is no. [¶255.]
- The State's arithmetic equations (program "funding formulas") produce far less than the resources actually required to amply provide for the education of all children in our State. They do not make ample provision for the facilities and services needed to equip all children in our State with the basic knowledge and skills included in the "education" mandated by Article IX, §1. [¶227.]
- State funding is not ample, it is not stable, and it is not dependable. Local school districts continue to rely on local levies and other non-State resources to supplement State funding for a basic program of education. [CONCLUSION]



- The State cannot avoid its constitutional violation by stating its intent to comply some time in the future. A defendant's intent to stop breaking the law in the future does not negate the fact that the defendant is breaking the law now. [¶253.]
- Recent legislation addresses, but does not resolve, the State's perennial underfunding of basic education. [CONCLUSION.] Without funding, reform legislation is an empty promise. [¶272.] ESHB 2261 does not require future legislatures – or governors – to do anything. Rather, the legislation is the expressed intent of a current legislature as to what future legislatures should or might do. [¶274.]
- The State, through its legislative and executive bodies, must fulfill their mandate under Article IX, §1. [¶274.]
- The legislature must proceed with "real and measurable progress" to (1) establish the actual cost of amply providing all Washington children with the education mandated by this court's interpretation of Article IX, §1, and (2) establish how the State will fully fund that actual cost with stable and dependable State sources. [¶275.]
- The State must provide stable and dependable funding for such costs. And that funding must be based as closely as reasonably practicable on actual costs. [CONCLUSION.]