Network for Excellence in Washington Schools
Keeping our Promise to All Children.

"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

Learn first-hand about the McCleary ruling as we celebrate our Supreme Court victory at a lunchtime meeting of NEWS members. Please join us!

Friday, February 3
11:30 a.m. – 1:30 p.m.

To accommodate an expected large crowd, the Washington Education Association has offered us its large conference meeting space at

32032 Weyerhaeuser Way S., Federal Way

Please RSVP: news@waschoolexcellence.org

January 20, 2012

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

Dear Supt. Green,

Congratulations and thank you!

The Washington State Supreme Court could not have been clearer or more decisive, ruling unanimously on January 5 in *McCleary v. State* that the State of Washington is violating its constitutional paramount duty to amply fund the education of all K-12 students. (*See the attached summary of key points of the ruling.*)

As a member of the Network for Excellence in Washington Schools, which filed the lawsuit on behalf of the McCleary and Venema families, you deserve our deepest appreciation for this historic victory. Without the support of school districts, education associations, civic organizations and other groups across the state, NEWS could never have succeeded in this fight for the future of Washington's school children. Today, NEWS membership stands at 382, including 184 school districts representing 86 percent of Washington students. This incredible support enabled NEWS to exhibit real solidarity at both the trial court and Supreme Court; to keep NEWS members, policy-makers and the public apprised of the case's significance; and to continue to muster support from all corners of the state during the litigation phase of our efforts.

What comes next? First, celebration! We are inviting all members of NEWS to a lunch meeting from **11:30 a.m. – 1:30 p.m. on Friday, February 3**. The meeting will be held in the Washington Education Association's large meeting space at 32032 Weyerhaeuser Way S. in Federal Way. **Please let us know by February 1 if you will be able to attend by emailing *news@waschoolexcellence.org*.** Our lead attorney, Tom Ahearne, will join us to answer your questions about the ruling. We will also talk about the next phase of our work: holding legislators accountable for following the directives of the *McCleary* decision.

Once again, thank you for your support. We hope to see you on February 3.

Sincerely,

Mike Blair

Mike Blair, President, Network for Excellence in Washington Schools
Former Superintendent, Chimacum School District (retired)

Enclosure: Summary of the McCleary decision

Cc: Jimmy Bays

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

A Summary of the Supreme Court ruling in McCleary v. State of Washington

January 5, 2012

First: Our Constitution means what it says:

- ***"Paramount"*** duty means "the State must amply provide for the education of all Washington children as the State's first and highest priority before any other State programs or operations" *[pp. 47-48, underline added]*.
- ***"Ample"*** provision means "considerably more than just adequate" *[p. 3]*.
- ***"All"*** children means "each and every child" in Washington – "no child is excluded" *[pp. 47-48]*.
- ***"Education"*** means "the basic knowledge and skills needed to compete in today's economy and meaningfully participate in this state's democracy" *[p.2]* – which currently are the knowledge and skills described in the Supreme Court's *Seattle School District* decision, the four numbered provisions of ESHB 1209, and the State's EALRs *[p.53]*. This substantive "education" and the term "basic education" mean the same thing *[p.51, n.21]*.

Second: The State is violating the constitutional rights of Washington's children:

- "Article IX, section 1 confers on children in Washington a positive constitutional right to an amply funded education" *[p.2]*.
- But "the State has failed to adequately fund the 'education' required by Article IX, section 1. Substantial evidence supports this conclusion", and "the State has consistently failed to provide adequate funding" *[p.58]*.

Third: The McCleary family had asked the court to set a one-year deadline for the State to amply fund education. To avoid that deadline, the State assured the Supreme Court that it was going to be increasing funding every year so as to be amply funding all Washington's public schools by no later than 2018. The Supreme Court is retaining jurisdiction to ensure the State does so:

- "What we have learned from experience is that this court cannot stand on the sidelines and hope the State meets its constitutional mandate to amply fund education" *[p.72]*.
- "This court cannot idly stand by as the legislature makes unfulfilled promises" *[p.77]*.
- The Supreme Court is retaining jurisdiction because "Ultimately, it is our responsibility to hold the State accountable to meet its constitutional duty under Article IX, section 1" *[p.78]*.
- Since "success depends upon continued vigilance on the part of courts", our Supreme Court "intends to remain vigilant in fulfilling the State's constitutional responsibility under Article IX, section 1" *[p.79]*.

– OVER –

Four common excuses invalidated by the Supreme Court ruling in McCleary v. State of Washington

Excuse #1: The State does not have to increase K-12 funding because current funding is large enough to be constitutional.

State legislators (and governors) have for years claimed that while more K-12 education funding might be nice, it isn't required because State funding is large enough to fulfill the State's paramount education duty under Article IX, section 1.

The Supreme Court ruled that such an excuse is not legally valid: "The State has failed to adequately fund the 'education' required by Article IX, section 1," and "the State has consistently failed to provide adequate funding" *[p.58, underline added]*.

Excuse #2: The State fully funds the constitutionally required "education" by fully funding the State's "basic education program".

The legislature has similarly claimed for years that the word "education" in our Constitution means the basic education program that the legislature funds – and since it always funds the program it funds, it accordingly complies with our Constitution.

The Supreme Court expressly rejected that circular excuse, holding that "the legislature's definition of full funding amounts to little more than a tautology" *[p.61]*. Instead, our Supreme Court ruled that the word "education" in our Constitution means the substantive knowledge and skills specified in the Court's *Seattle School District* decision, ESHB 1209, and the EALRs *[p.53, p.51, n.21 ("education" and "basic education" mean the same thing]*.

Excuse #3: Lack of revenue forces the State to restrict (or cut) K-12 funding in order to have money for other important State programs.

State legislators (and governors) have for years rationalized K-12 funding restrictions (or cuts) with the excuse that restrictions or cuts were necessary to leave money in the general fund for other important State programs.

The Supreme Court ruled that such an excuse is not legally valid. There is no dispute that the State currently has plenty of tax revenue to amply fund all of its public schools – if the State amply funded its schools first. And the Supreme Court ruled that that is precisely what our Constitution requires the State to do: "The State must amply provide for the education of all Washington children as the State's first and highest priority before any other State programs or operations" *[pp. 47-48, underline added]*.

Excuse #4: The State has to restrict (or cut) K-12 funding because of today's fiscal crisis.

State legislators (and governors) likewise often claim that a fiscal crisis is forcing them to restrict or cut K-12 education funding.

The Supreme Court ruled that such an excuse is not legally valid, holding that the State may not make reductions "for reasons unrelated to education policy, such as fiscal crisis or mere expediency" *[pp.55-56]*.