

# Wahkiakum School District v. State *bullet point summary*

## WASHINGTON CONSTITUTION: ARTICLE IX, §1

“It is the **paramount duty** of **the state** to make **ample** provision for the **education** of **all children** residing within its borders, without distinction or preference on account of race, color, **caste**, or sex.” <sup>1</sup>

## WASHINGTON SUPREME COURT

- “**paramount duty**” means the duty that is “preeminent, supreme, and more important to all others” <sup>2</sup>
- “**the state**” means our State government in Olympia –  
not local school districts, local voters, local property taxes, or the feds.<sup>3</sup>
- “**ample**” means “considerably more than just adequate or merely sufficient” <sup>4</sup>
- “**all children**” means “each and every child ... No child is excluded” <sup>5</sup>
- “**caste**” includes “a division of society based on differences of wealth” <sup>6</sup>
- “**education**” means “the basic knowledge and skills needed to compete in today’s economy and meaningfully participate in this state’s democracy” – knowledge & skills which the State itself acknowledges & sets forth in the State’s Basic Education Act and State Learning Standards (previously called “EALRs”).<sup>7</sup>
- “Article IX, section 1 imposes a **judicially enforceable** affirmative duty on the State to make ample provision for the education of all children residing within its borders” <sup>8</sup>
- “Article IX, section 1 confers on children in Washington a positive **constitutional right** to an amply funded education” <sup>9</sup>

## WAHKIAKUM SCHOOL DISTRICT’S SITUATION

- Poor rural district with per capita income of about \$29,000 and less than 500 students (about 57% are low income).
- Wahkiakum voters barely pass levies, and do not pass construction bonds.
- The State is not amply funding the facilities needed to provide all Wahkiakum students the above “education” promised by Article IX, §1.
- The State’s facilities funding failure leaves the district without the facilities needed to provide all its students the above “education” promised by Article IX, §1.
- The facilities work needed to provide the district’s elementary, middle school, & high school students the above “education” promised by Article IX, §1 requires over \$50 million of funding.

## WAHKIAKUM SCHOOL DISTRICT’S LAWSUIT

- The State’s failure to amply fund the facilities needed to safely provide all the district’s students the “education” promised by Article IX, §1 violates the State’s paramount duty under Article IX, §1.
- The State’s facilities funding failure also imposes an unconstitutional preference against the lower-income caste to which most Wahkiakum students belong.
- Suit seeks a declaratory judgment declaring that the State’s failure to amply fund needed facilities violates Article IX, §1.
- Suit seeks an injunction requiring the State to amply fund the facilities needed to safely provide all of the school district’s students the education promised by Article IX, §1.

*[[[ footnoted sources printed on back side of this page ]]]*

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*[[[ below are sources for the footnoted text on front side of this page ]]]*

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<sup>1</sup> Washington State Constitution, Article IX, §1 (bold font added).

<sup>2</sup> McCleary v. State, 173 Wn.2d 477, 520, 269 P.3d 227 (2012).

<sup>3</sup> McCleary, 173 Wn.2d at 486, 527-529.

<sup>4</sup> McCleary, 173 Wn.2d at 527, 484.

<sup>5</sup> McCleary, 173 Wn.2d at 520.

<sup>6</sup> Gerberding v. Munro, 134 Wn.2d 188, 199, 949 P.2d 1366 (1998) & Boeing Co. v. Aetna Cas. & Sur. Co., 113 Wn.2d 869, 877, 784 P.2d 507 (1990) (Washington Supreme Court applies standard English dictionary definitions to words in the Washington Constitution); English Merriam-Webster dictionary at <https://www.merriam-webster.com/dictionary/caste> (“caste” includes “a division of society based on differences of wealth”).

<sup>7</sup> McCleary, 173 Wn.2d at 483, 522-526, 523 & n.20 (citing RCW 29A.150.210); **Basic Education Act** RCW 28A.150.210(1)-(4) (“Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences”; “Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness”; “Think analytically, logically, and creatively, and to integrate technology literacy and fluency as well as different experiences and knowledge to form reasoned judgments and solve problems”; “Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities”); RCW 28A.655.070(1) (**State Learning Standards** “identify the knowledge and skills all public school students need to know and be able to do”); OSPI’s <https://www.k12.wa.us/student-success/learning-standards-instructional-materials> (the **State Learning Standards** “define what all students need to know and be able to do at each grade level” in the Arts; Computer Science; Educational Technology; English Language Arts; English Language Proficiency; Environment & Sustainability; Financial Education; Health & Physical Education; Mathematics; Science; Social Studies; and World Languages).

<sup>8</sup> McCleary, 173 Wn.2d at 485 & 514-515 (bold font added); Seattle School District No. 1 v. State, 90 Wn.2d 476, 482 & 503-504, 585 P.2d 71 (1978) (bold font added).

<sup>9</sup> McCleary, 173 Wn.2d at 483 (bold font added).