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

February 12, 2012

Supt. Mark Mansell
La Center School District
PO BOX 1840
La Center, WA 98629-5507

Dear Supt. Mansell,

The victory in *McCleary v. State* gives us all hope. Hope that the State of Washington will finally live up to its paramount constitutional duty to amply fund education for all K-12 students. Hope that school districts will no longer be unconstitutionally forced to rely on local levies, federal funds, PTA fundraisers and other sources to try to narrow the many gaps between what the State funds and what the State's academic standards demand.

Your support as a member of the Network for Excellence in Washington Schools (NEWS) made this victory possible. The funding provided by NEWS members enabled us to:

- Successfully prosecute our case. After years of preparation, hundreds of thousands of documents, almost 100 depositions, a seven-week trial, and over a year of Supreme Court proceedings, the efforts of our expert legal team delivered the most positive legal results we could have hoped for.
- Keep NEWS members informed and involved over the six years it took us to secure that ruling.
- Educate and maintain relationships with legislators who must now implement that ruling.
- Engage citizens across Washington via electronic and news media to build public support for our cause.

The Supreme Court's decision to retain jurisdiction unexpectedly gives NEWS a remarkable opportunity – and a remarkable responsibility – as the one entity entrusted by the Court to vigilantly monitor and enforce compliance with the Court's rulings against the State. To make those rulings a reality in public school classrooms across Washington, we must hold legislators' feet to the fire. We must keep up public pressure. We must keep the members of NEWS engaged and well informed. And we must continue the legal fight now that the Court has decided to retain jurisdiction in our case. Your support helped us get this far. Now, we are calling upon you once again. **We need your financial support to help ensure that the *McCleary* rulings are enforced.**

Please consider making a contribution to NEWS, a 501(c)(3) nonprofit organization. For school districts, that might equal $1 or more per student – an amount far smaller that the State's unconstitutional underfunding every single year. (A sample resolution is enclosed to assist you in taking this critical issue of NEWS funding to your board.) For citizen associations and civic organizations, we have requested donations of $1,000, $2,500 or more.

The first litigation phase of our efforts may be over, but our work is not. Together, we can change the face of K-12 public education forever. But it will take a continued, united front under the banner of the NEWS Network. We thank you for your past support and hope you will join us as we take these next steps. None of us can afford to idly stand by and hope that others do the heavy lifting for us. Each of us has too much at stake.

Sincerely,

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

Enclosure: Sample board resolution
Cc: Robert Taylor

P.S. Visit ***www.waschoolexcellence.org*** to find an updated summary and PowerPoint presentation about the *McCleary* ruling on the website home page.

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Summary of Supreme Court's *McCleary v. State* Decision

[full copy of this Supreme Court decision & the trial court ruling it affirmed are at: http://www.waschoolexcellence.org/]

news@waschoolexcellence.org

IT IS THE PARAMOUNT DUTY OF THE STATE TO MAKE AMPLE PROVISION FOR THE EDUCATION OF ALL CHILDREN RESIDING WITHIN ITS BORDERS....

Washington State Constitution, Article IX, section 1

On January 5, 2012, the Washington Supreme Court held that the trial court was right:

"We affirm the trial court's declaratory ruling and hold that the State has not complied with its Article IX, section 1 duty to make ample provision for the education of all children in Washington" *[opinion at p. 70].*

Supreme Court unanimously declared what our Constitution's education mandate means

- ***paramount duty*** means that "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].* They are specified in the EALRs, the four numbered provisions from ESHB 1209, and the Court's Seattle School District decision *[p. 51 (those three sources "together define a 'basic education' – the substance of the Constitutionally required 'education' under Article IX, section 1").]*

Supreme Court unanimously rejected the State's excuses

- ***Supreme Court rejected the State's claim that the State's K-12 funding level complies with Article IX, section 1:*** The State "has failed to adequately fund the 'education' required by Article IX, section 1. Substantial evidence supports this conclusion"; moreover, "the State has consistently failed to provide adequate funding" *[p. 58, underline added].*
- ***Supreme Court rejected the State's claim that the "education" required by Article IX, section 1 is the same as the basic education program the legislature defines and funds:*** "The legislature's definition of full funding amounts to little more than a tautology" *[p. 61].* Instead, the substantive knowledge and skills specified in the EALRs, ESHB 1209, and *Seattle School District* case are the "education" mandated by our Constitution *[p. 53].*
- ***Supreme Court rejected the State's claim that K-12 funding restrictions (or cuts) are necessary to leave money for other important State programs.*** The State never disputed that it currently has plenty of tax revenue to cover the multi-billion dollar increase necessary to amply fund the State's public schools if the State is required to provide that ample funding first. The Supreme Court held 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].*
- ***Supreme Court rejected the State's claim that a fiscal crisis can justify cuts to parts of the State's K-12 education funding:*** The State may not make reductions "for reasons unrelated to education policy, such as fiscal crisis or mere expediency" *[pp. 55-56].*

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[continued from other side....]

Supreme Court refuses to stand on the sideline and "hope" the State keeps its promise to fully fund 2261

The State had assured the Court that it is increasing K-12 funding so as to amply fund all Washington's public schools by no later than the 2018 deadline noted in ESHB 2261. For example, the State assured that it will:

- fund 95% of pupil transportation costs "by 2012" *[State's 8/20/2010 Brief to Supreme Court, p .18].*
- increase State funding for reduced class sizes, full-day kindergarten, school maintenance, supplies, and operating costs "in the 2011-13 biennium" *[State's 4/9/2010 Brief to Supreme Court, p. 8].*
- increase State funding "by billions of dollars" starting immediately, through full implementation of 2261 no later than 2018 *[State's 4/9/2010 Brief to Supreme Court, p. 8].*
- accordingly increase State funding to at least $9,710 per student/year under 2261 alone *[State's Exhibit 1483].*

Although 2 justices believed the State should be trusted to keep its word, a 7-Justice majority held that the Supreme Court will instead retain jurisdiction to make sure that the State actually does:

- "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].*
- Noting the legislature's recent failures to provide the increased funding it had promised for MSOCs, all-day kindergarten, K-3 class size reduction, and pupil transportation, the Supreme Court concluded that "This court cannot idly stand by as the legislature makes unfulfilled promises" *[pp. 76-77].*
- The Supreme Court declared it is retaining jurisdiction over this case because "Ultimately, it is our responsibility to hold the State accountable to meet its constitutional duty under Article IX, section 1" *[p. 78].*
- Noting that "success depends upon continued vigilance on the part of courts", the Supreme Court reiterated it "intends to remain vigilant in fulfilling the State's constitutional responsibility under Article IX, section 1" *[p. 79].*

The big question: will our State's elected officials obey the Constitution they took an oath to uphold?

The State did not dispute <u>any</u> of the trial court rulings on the importance of education to our State's democracy – e.g., that "a healthy democracy depends on educated citizens", that education "plays a critical civil rights role in promoting equality", that an "amply provided, free public education operates as the great equalizer in our democracy, equipping citizens born into underprivileged segments of our society with the tools they need to compete on a level playing field with citizens born into wealth or privilege", and that education "is the number one civil right of the 21st century." *[trial court ruling ¶¶ 118-143, which the State did not dispute, contest, or appeal].*

Fittingly, ***the Supreme Court unequivocally declared that "Article IX, section 1 confers on children in Washington a positive <u>constitutional</u> <u>right</u> to an amply funded education"*** *[p. 2 (underline added)].*

Fifty-seven years ago, the U.S. Supreme Court held that the Constitution required States to ***desegregate*** their pubic schools. Elected officials in some States had the courage to do so promptly. Elected officials in other States invoked a litany of excuses and tactics to stall.

This year, the Washington Supreme Court held that our Constitution requires the State to ***amply fund*** its public schools. And to do so first – before funding <u>any</u> other program or operation. What remains to be seen is whether our State's elected officials will comply promptly . . . or invoke a litany of excuses and tactics to stall.

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The 384 NEWS members, as of February 2012

Organizational Members

American Association of University Women of Washington
ArtsEd Washington
Assn. of Washington School Principals
Citizens for Better Schools
Disability Rights Washington, f/k/a Wa. Protection and Advocacy System
El Centro de la Raza
Equitable Opportunity Caucus
Japanese American Citizens League
League of Women Voters of Wa.
Lutheran Public Policy Council
Minority Executive Directors Coalition
Paramount Duty Coalition
Pierce County Black Collective
Rural Education Center
Seattle Breakfast Group
Special Education Coalition (WSSEC)
Urban League of Metropolitan Seattle
Vietnamese Friendship Association
Washington Assn. of School Administrators
Washington Education Association
Washington State PTA

School District and Local EA Members
(185 districts representing 86% of Washington's K-12 students)

Aberdeen Education Association
Aberdeen School District
Almira Education Association
Almira School District
Arlington Education Association
Arlington School District
Asotin Education Association
Asotin-Anatone School District
Auburn Education Association
Auburn School District
Bainbridge Island Education Association
Bainbridge Island School District
Battle Ground Education Association
Battle Ground School District
Bellevue Education Association
Bellevue School District
Bellingham Education Association
Bellingham School District
Bethel Education Association
Bethel School District
Blaine Education Association
Blaine School District
Bremerton Education Association
Bremerton School District
Brewster Education Association
Brewster School District
Bridgeport Education Association
Bridgeport School District
Castle Rock Education Association
Castle Rock School District
Central Kitsap Education Association
Central Kitsap School District
Central Valley Education Association
Central Valley School District
Centralia Education Association
Centralia School District
Chehalis Education Association
Chehalis School District
Cheney Education Association
Cheney School District
Chimacum Education Association
Chimacum Independent Association
Chimacum School District
Clarkston Education Association
Clarkston School District
Cle Elum-Roslyn Education Association
Cle Elum-Roslyn School District
Clover Park Education Association
Clover Park School District
Ed. Service Employees of College Place
College Place School District
Columbia County Ed. Assn.-Dayton
Columbia Education Association
Columbia School District
Cosmopolis Education Association
Cosmopolis School District
Coupeville Education Association
Coupeville School District
Curlew A/L
Curlew School District
Davenport Education Association
Davenport School District
Dayton School District
Deer Park Education Association
Deer Park School District
Dieringer Education Association
Dieringer School District
Dixie School District
East Valley Education Association
East Valley School District (Spokane)
Easton Education Association
Easton School District
Eatonville Education Association
Eatonville School District
Edmonds Education Association
Edmonds School District
Entiat Education Association
Entiat School District
Enumclaw Education Association
Enumclaw School District
Evergreen Education Association
Evergreen School District
Federal Way Education Association
Federal Way School District
Ferndale Education Association
Ferndale School District
Fife Education Association
Fife School District
Finley Education Association
Finley School District
Franklin Pierce Education Association
Franklin Pierce School District
Freeman Education Association
Freeman School District
Goldendale Education Association
Goldendale School District
Grand Coulee Dam Education Assn.
Grand Coulee Dam School District
Granger Education Association
Granger School District
Harrington Education Association
Harrington School District
Highline Education Association
Highline School District
Hood Canal Education Association
Hood Canal School District
Issaquah Education Association
Issaquah School District
Kahlotus Education Association
Kahlotus School District
Keller School District
Kelso Education Association
Kelso School District
Kennewick Education Association
Kennewick School District
Kent Education Association
Kent School District
Kettle Falls Education Association
Kettle Falls School District
Kiona-Benton Education Association
Kiona-Benton City School District
La Center Education Association
La Center School District
Lake Quinault Education Association
Lake Quinault School District
Lake Stevens Education Association
Lake Stevens School District
Lake Washington Education Association
Lake Washington School District
Lakewood Education Association
Lakewood School District
Liberty Education Association
Liberty School District
Longview Education Association
Longview School District
Lopez Island Education Association
Lopez Island School District
Lynden Education Association
Lynden School District
Mabton Education Association
Mabton School District
Mansfield Teachers Association
Mansfield School District
Manson Education Association
Manson School District
Marysville Education Association
Marysville School District
McCleary Education Association
McCleary School District
Mead Education Association
Mead School District
Medical Lake Education Association
Medical Lake School District
Methow Valley Education Association
Methow Valley School District

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Mercer Island Education Association
Mercer Island School District
Monroe Education Association
Monroe School District
Montesano Education Association
Montesano School District
Moses Lake Education Association
Moses Lake School District
Mossyrock Education Association
Mossyrock School District
Mount Vernon Education Association
Mount Vernon School District
Naches Valley Education Association
Naches Valley School District
Napavine Education Association
Napavine School District
Naselle-Grays River Education Assn.
Naselle-Grays River School District
Nespelem Education Association
Nespelem School District
Newport Education Association
Newport School District
Nine Mile Falls Education Association
Nine Mile Falls School District
Nooksack Valley Education Association
Nooksack Valley School District
North Franklin Education Association
North Franklin School District
North Kitsap Education Association
North Kitsap School District
North Mason Education Association
North Mason School District
North Thurston Education Association
North Thurston Public Schools
North River Education Association
North River School District
Northshore Education Association
Northshore School District
Oak Harbor Education Association
Oak Harbor School District
Ocean Beach Education Association
Ocean Beach School District
Ocosta Education Association
Ocosta School District
Odessa Education Association
Odessa School District
Okanogan Education Association
Okanogan School District
Olympia Education Association
Olympia School District
Omak Education Association
Omak School District
Onalaska Education Association
Onalaska School District
Onion Creek A/L
Onion Creek School District
Orcas Island Education Association
Orcas Island School District
Orchard Prairie School District
Orient School District
Orting Education Association
Orting School District
Pasco Association of Educators
Pasco School District
Pateros Education Association
Pateros School District
Paterson School District
Pe Ell Education Association
Pe Ell School District
Peninsula Education Association
Peninsula School District
Pioneer Education Association
Pioneer School District
Garfield County (Pomery) Ed. Assn.
Pomeroy School District
Port Angeles Education Association
Port Angeles School District
Port Townsend Education Association
Port Townsend School District
Prescott Education Association
Prescott School District
Prosser Education Association
Prosser School District
Pullman Education Association
Pullman School District
Puyallup Education Association
Puyallup School District
Quilcene Education Association
Quilcene School District
Quincy Education Association
Quincy School District
Rainier Education Association
Rainier School District
Raymond Education Association
Raymond School District
Reardan-Edwall Education Association
Reardan-Edwall School District
Republic Education Association
Republic School District
Renton Education Association
Renton School District
Richland Education Association
Richland School District
Riverside Education Association
Riverside School District
Riverview Education Association
Riverview School District
Rochester Education Association
Rochester School District
Rosalia Education Association
Rosalia School District
Royal Education Association
Royal School District
San Juan Island Education Association
San Juan Island School District
Seattle Education Association
Seattle School District
Selah Education Association
Selah School District
Sequim Education Association
Sequim School District
Shelton Education Association
Shelton School District
Shoreline Education Association
Shoreline School District
Skykomish Education Association
Skykomish School District
Snohomish Education Association
Snohomish School District
Snoqualmie Education Association
Snoqualmie Valley School District
South Bend Education Association
South Bend School District
South Kitsap Education Association
South Kitsap School District
South Whidbey Education Association
South Whidbey School District
Spokane Education Association
Spokane School District
Stanwood-Camano Education Assn.
Stanwood-Camano School District
Star School District
Steilacoom Education Association
Steilacoom Historical School District
Sultan Education Association
Sultan School District
Summit Valley Education Association
Summit Valley School District
Sumner Education Association
Sumner School District
Sunnyside Education Association
Sunnyside School District
Tacoma Education Association
Tacoma School District
Tahoma Education Association
Tahoma School District
Tekoa Education Association
Tekoa School District
Toledo Education Association
Toledo School District
Tonasket Education Association
Tonasket School District
Trout Lake Education Association
Trout Lake School District
Tukwila Education Association
Tukwila School District
Tumwater Education Association
Tumwater School District
University Place Education Association
University Place School District
Valley School District
Vancouver Education Association
Vancouver School District
Vashon Island Education Association
Vashon Island School District
Waitsburg Education Association
Waitsburg School District
Wahkiakum County Education Assn.
Wahkiakum School District
Wapato Education Association
Wapato School District
Washougal Association of Educators
Washougal School District
Washtucna Education Association
Washtucna School District
Wellpinit Education Association
Wellpinit School District
Wenatchee Education Association
Wenatchee School District
West Valley Spokane Education Assn.
West Valley School District-Spokane
West Valley Yakima Education Assn.
West Valley School District-Yakima
White Pass Education Association
White Pass School District
White River Education Association
White River School District
White Salmon Education Association
White Salmon Valley School District
Wilbur Teachers Association
Wilbur School District
Willapa Valley Education Association
Willapa Valley School District
Woodland Education Association
Woodland School District
Yakima Education Association
Yakima School District