



“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

FAQs about *McCleary v. State* **Washington State’s landmark K-12 funding court case**

What is the *McCleary* decision?

McCleary v. State is the most important court case in decades for Washington public school students and for the future of our state. In January 2012, the Washington State Supreme Court ruled unanimously that the State of Washington is violating the constitutional rights of children by failing to live up to its “paramount duty” to amply fund the education of all K-12 students. The Court ordered the Legislature to make steady, real and measurable progress each year and to fully fund K-12 public education by 2018.

How do we know what “full funding” means?

During the *McCleary* trial, the State assured the Court that the 2009 education reform and funding law, ESHB 2261, is the promise that K-12 public education will be fully funded by 2018. The Court took the strong step of retaining jurisdiction over the case after it issued its ruling, stating, “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.” The Court ordered the State to demonstrate and report on its progress every year and also asked NEWS to file its response to those progress reports with the Court.

How is the State doing so far?

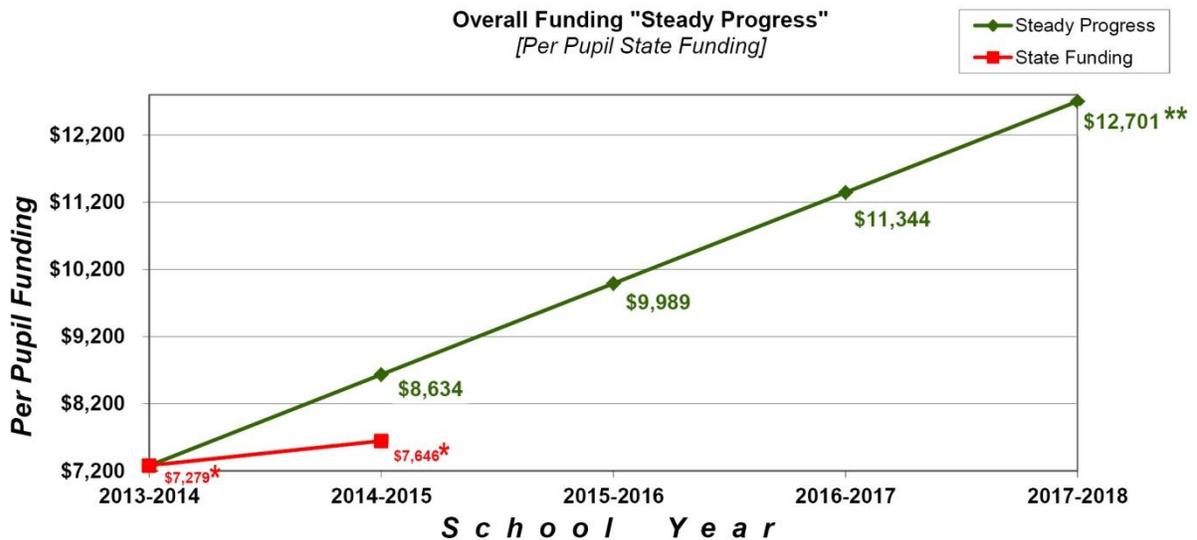
Responding to the first mandated report in December 2012, the Supreme Court admonished the State for failing to show progress, noting that “the overall level of funding remains below the levels that have been declared constitutionally inadequate.” In January 2014, the Court ordered the State to speed up funding and to provide local school districts the billions of dollars of additional K-12 funding that the State’s own studies have confirmed are needed to cure decades of unconstitutional underfunding – including fully funding salary increases, materials and operations, transportation, and both the staffing and construction costs for full-day kindergarten and K-3 class size reductions. The Court issued an order to compel the State to submit a detailed plan no later than April 30, 2014, that includes a year by year phase-in schedule for fully funding every element of basic education as defined in the *McCleary* ruling. “It is incumbent upon the State to demonstrate, through immediate, concrete action, that it is making real and measurable progress, not simply promises,” the order stated.

The order was blunt and clear regarding any progress the State claims to have made:

- The State took “some steps” in 2013 but “it cannot realistically claim to have made significant progress”.
[page 6]

- “The legislature is embarking on a short session in 2014, where it has an opportunity to take a significant step forward. We are aware that OSPI has submitted a supplemental budget request of approximately \$544 million, with \$461 million addressing basic education funding.” [page 8 (underline added)]
- “The need for immediate action could not be more apparent. Conversely, failing to act would send a strong message about the State’s good faith commitment toward fulfilling its constitutional promise.” [page 8 (underline added)]
- “We have no wish to be forced into entering specific funding directives to the State, or, as some state high courts have done, holding the legislature in contempt of court. But, it is incumbent upon the State to demonstrate, through immediate, concrete action, that it is making real and measurable progress, not simply promises.” [page 8 (underline added)]
- “Toward that end, it is hereby ordered: the State shall submit, no later than April 30, 2014, a complete plan for fully implementing its program of basic education for each school year between now and the 2017-18 school year. This plan must address each of the areas of K-12 education identified in ESHB 2261, as well as the implementation plan called for by SHB 2776, and must include a phase-in schedule for fully funding each of the components of basic education... it is clear the pace of progress must quicken.” [page 8 (underline added)]
- “Our decision in this case remains fully subject to judicial enforcement.” [page 8]

The chart below illustrates the Supreme Court’s point about the State’s lack of significant progress. The **green** line shows steady progress. The **red** line shows what the State has done instead.



* This chart's per pupil State funding levels of **\$7,279** (2013-14) and **\$7,646** (2014-15) are stated on page 6 of the State's 2013-15 Operating Budget Overview for Striking Amendment to 2ESSB 5034 (the adopted 2013-15 biennium budget). OSPI's per pupil data shows lower State funding: State funding of \$6,862/pupil in 2008-09 school year (time of the *McCleary* trial court litigation), reduced to estimated State allocations of \$6,817/pupil for 2013-14. (See "Per Pupil Funding (Grand Total)" line in OSPI's 2013 Funding Comparison spreadsheet – School Year 2008-2009 to School Year 2013-2014.)

** This chart's **\$12,701**/pupil State funding level for 2017-18 is a minimum level based on the State's own trial testimony and compensation study. The State testified at trial that ESHB 2261's reforms will increase State funding to **\$9,710**/pupil before covering market rate salaries, inflation after 2007-08, or any capital construction needs. The June 30, 2012, Final Report of ESHB 2261's Compensation Technical Work Group then determined the cumulative increase needed to cover those market rate salaries is approximately \$2.9 billion/year (about **\$2,991**/pupil for 1 million students). $\$9,710 + \$2,991 = \$12,701$.

What can we do to help ensure that the Legislature heeds the Court's order?

State senators and representatives really do pay attention to what their constituents tell them. A groundswell of grassroots support for significant K-12 education funding increases this legislative session can make all the difference. So, speak up! Call your legislators. Write letters and emails. Stay up to date on when critical budget votes are due in committees and in the House and Senate and let them know how you expect them to vote. Write letters to the editor to your local newspaper and contact local newspaper editors and ask them to write editorials urging local lawmakers to take a big step – not a tiny one – toward meeting the 2018 full funding deadline.

How can I learn more?

Go to www.waschoolexcellence.org to learn more about the *McCleary* case and about the Network for Excellence in Washington Schools, the coalition of 428 community groups, school districts and education associations that filed the *McCleary* lawsuit on behalf of Washington students and families. Sign up for the NEWS e-newsletter on the website or “like” NEWS on Facebook.

Is your school district a member of NEWS?

NEWS comprises 428 organizations that are committed to improving the quality of public education in Washington state. Members include 202 school districts representing nearly 90 percent of Washington's public school students. When your school district becomes a member of NEWS, you will help to ensure that the Legislature heeds the State Supreme Court's ruling to fully fund K-12 schools by 2018. By joining NEWS, you will support:

- Successful ongoing legal representation with the Washington State Supreme Court to hold the Legislature accountable for ample school funding;
- Activities to engage citizens across Washington through in-person presentations, electronic communications and the news media to build public support for the Legislature's response to the Court order;
- Efforts to keep NEWS members informed about the progress of the case and improved funding; and,
- Work to educate and maintain relationships with legislators who must implement *McCleary*.

The Supreme Court's decision to retain jurisdiction over the case gives public school supporters a remarkable opportunity – and a remarkable responsibility. NEWS is the only entity entrusted by the Supreme Court to vigilantly monitor and enforce compliance of *McCleary*. To learn more about NEWS membership, email news@waschoolexcellence.org or call 253-765-7043.