

PLAINTIFFS' APPENDIX A
[additional record citations]
[WITH ERRATA CORRECTIONS]

33. *E.g.*, Tr.Ex. 283 (email from Asst. Director of WSIPP AOs summarizing some “long-term benefits of increasing the graduation rate”); RP 2276:10-2277:11 (Asst. Director of WSIPP AOs confirming findings of Tr.Ex. 270 that high school graduates make approximately 24% more money than non-graduates over a lifetime and are approximately 10% less likely to engage in criminal activity as adults); RP 2296:22-2297:25 (Asst. Director of WSIPP AOs explaining that benefits of education, such as decreased crime, higher earnings and tax payment rates, can be monetized); RP 2298:1-2300:2 (Asst. Director of WSIPP AOs explaining the costs to society of not educating kids include additional K-12 costs due to grade repetition, as well as higher crime rates, drug/alcohol abuse, social service costs, etc.); RP 2294:18-2296:11 (Asst. Director of WSIPP AOs explaining WSIPP found there is reason to believe there is a causal relationship between a program of early childhood education and a student’s ability to graduate from high school later, as well as positive economic benefits to society, such as reductions in crime); RP 2300:7-2301:10 (Asst. Director of WSIPP AOs confirming that for every \$1 spent on early childhood education, society sees a return of \$2.50); Tr.Ex. 287, p.4 (stating that the “benefits per dollar cost” of early childhood education for low-income 3 and 4 year olds is “\$2.53 (8 to 10% ROI [Return On Investment]”); Tr.Ex. 270, p.2 (WSIPP study finding that high school graduates “earn 24 percent more money over their lifetime than non-high school graduates” and that high school graduation “reduces the chance of future adult criminal activity by about 10 percent” while likely leading to “greater civic participation and improved health outcomes”); CP 1442:7-14 (Deputy Director of State Bd. For Community & Tech. Colleges Yoshiwara testifying to the relationship between educational attainment and the ability to earn a living); CP 1489:19-22 (Deputy Director of State Bd. For Community & Tech. Colleges Yoshiwara: “if someone leaves high school and doesn’t further their education at some point, that their job opportunities are going to be limited”); RP 3620:14-24 (OFM

Director Victor Moore testifying that education is generally associated with higher earnings); RP 3632:5-13 (OFM Director Victor Moore acknowledging that Washington employers need more qualified workers in math and science, high demand fields); RP 3580:18-3581:10 (OFM Director Victor Moore testifying about studies showing that society saves \$8 for every \$1 invested in early education, and agreeing that more money should be invested in early learning); RP 3618:17-3619:11 (OFM Director Victor Moore acknowledging the link between education and social problems, such as prison, and agreeing that by “investing in education, mentoring and workforce training, you can save taxpayer dollars, improve our communities, keep people out of prison, and prepare all our citizens for good jobs”); Tr.Ex. 352, p.5 (Gov. Gegoire’s 2007-2009 Budget Proposal, depicting the income gains associated with increased education and admitting “Each year Washington spends \$6,237 on educating each student and \$26,623 on incarcerating each prisoner”); RP 3635:11-22 (OFM Director Victor Moore testifying that “investment in early learning shows the biggest return on the dollar in terms of avoiding future costs”); Contreras Dep., 58:9-21 (Dr. Contreras: “education is the pathway to social mobility and has been widely documented that education can be the pathway to social mobility, particularly for students from poverty-stricken backgrounds or from cultures where their parents don’t speak the language or are not familiar with the educational system ... because the tools that a student receives in school can prepare them for success and the pathway out of poverty”); Contreras Dep., 51:15-19 (Dr. Contreras: “if Latino students are going to be prepared and on the pathway to a meaningful economic, you know, viable future, then there needs to be an investment – or they need to achieve educational levels that will allow them to enter the economy”); RP 4006:24- 4009:1 (K-12 Senior Fiscal Analyst Rarick acknowledging that credible literature and studies have found that investments in education can help the economy, reduce crime, reduce health care costs, and reduce drains on public assistance); Tr.Ex. 125, p.2 (Paramount Duty Study) (“A productive economic system demands highly qualified workers.”); RP 1566:20-1567:14 (Chairman Grimm explaining that the Paramount Duty Study found that an imperative of education is to prepare children to assume a productive role in the economy); Dorn Dep., 25:15-26:13 (Supt. of

Public Instruction Dorn testifying that a quality education for all students helps build the future economy); RP 3343:9-3344:4 (Supt. Brossoit: “[W]e can invest in education properly and support the population we’re trying to live with in as a society and community or we shortchange it and we deal with it on the other end.”); RP 378:17-379:8 (Supt. Blair explaining that Washington’s future is in the children of our State and that schools are trying to “bring forth healthy vibrant participants”); RP 3308:23-3309:11 (Supt. Brossoit: “If you invest properly in what we do with these kids, you wouldn’t need to be investing as much in some of the other things that we spend money on.”); Tr.Ex. 483 (Supt. of Public Instruction Dorn: “Education is a ‘pay it forward’ pursuit: the children we teach today improve our society tomorrow. It is one of our most important investments.”).

43. *E.g.*, CP 1993:19-1994:21 (Fmr. Supt. of Public Instruction Bergeson: the four numbered provisions of HB 1209 are “the drivers of our learning standards, and that’s what we assess that’s what we’re trying to have kids accomplish as the core set of skills for every student in the State of Washington”); RP 977:4-12 (Fmr. Supt. of Public Instruction Billings testifying that the EALRs were based on the four numbered provisions of HB 1209); Hunter Dep., 102:2-10 (Rep. Hunter’s understanding of the intent of HB 1209 was that it defined “a set of learning expectations”, and “we would then fund the system so that it provided adequate opportunity for kids to meet those goals”); RP 114:3-18, 201:4-14 (Supt. Blair testifying that the four numbered paragraphs of HB 1209 are the knowledge and skills that define basic education and that all children need to have); RP 3305:6-3306:22 (Supt. Brossoit testifying that the four learning standards of HB 1209 are what the State has specified as the knowledge and skills that school districts are supposed to teach and describing those standards as a “goal line” that all kids need to cross to be successful in the 21st century); RP 1823:8-1824:7 (Supt. Soria stating that the four learning standards of HB 1209 are what the State has specified as the knowledge and skills his school district is supposed to teach, and that it is the district’s responsibility to assure that its students, at the very minimum, meet those four standards); RP 719:12-21 (Supt. Emmil testifying that the State specified the knowledge and skills Colville teaches its students though HB 1209

and everything that entails); Cole Dep., 54:4-18 (Supt. Cole: “This is basic education. These four standards . . . this is what I am trying to get 100 percent of the kids to be able to do.”); Chestnut Dep., 116:22-117:6, 166:5-18 (Supt. Chestnut defining basic education as the four numbered provisions of HB 1209); CP 1700:22-1701:7 (Supt. Heuschel testifying that basic education in Washington is the four learning goals established by HB 1209); Search Dep., 159:13-161:7 (Supt. Search defining basic education as the four standards of HB 1209); Rasmussen Dep., 226:6-228:3 (Supt. Rasmussen confirming that the four learning standards are the definition of basic education); Dorn Dep., 44:4-20 (Supt. of Public Instruction Dorn explaining that HB 1209 shifted education in Washington from “seat time” to “what you know”, with the four numbered provisions being what kids need to know).

47. *E.g.*, CP 1995:21-1997:9 (Fmr. Supt. of Public Instruction Bergeson describing the extensive process used to develop the EALRs); RP 972:25-974:7 (Fmr. Supt. of Public Instruction Billings testifying that the performance based education system was developed to ensure all students are receiving an education that will prepare them to go “into the workforce or into additional technical training or on to further education”); RP 3305:6-19 (Supt. Brossoit explaining that the HB 1209 learning standards were subdefined by the EALRs); RP 114:3-18, 201:15-21 (Supt. Blair explaining that the EALRs fall underneath HB 1209 and refer to the four learning standards of HB 1209); RP 202:6-23 (Supt. Blair: “This is what they need to know. These are the skills and knowledge that they have to have. That’s the Essential Academic Learning Requirements, and I think they are essential. We’ve got to get there.”); RP 1823:4-12; 1824:8-24 (Supt. Soria testifying that the EALRs clearly define what all students must know at each grade level as they matriculate through the school system); RP 719:12-720:13 (Supt. Emmil testifying that the State specified the knowledge and skills Colville teaches its students through the EALRs); Cole Dep., 55:8-13 (Supt. Cole describing the EALRs as the “specific learnings that have to take place in classrooms so kids meet those standards” of HB 1209); Chestnut Dep., 116:22-117:6 (Supt. Chestnut testifying that the EALRs go into detail about how the four numbered provisions of HB 1209 will be implemented in the subject areas); CP 1700:22-

1701:7 (Supt. Heuschel explaining that from HB 1209, the EALRs were developed to identify what students need to know and be able to do); Search Dep., 160:6-161:7 (Supt. Search defining basic education as including the EALRs); Rasmussen Dep., 226:6-228:7 (Supt. Rasmussen stating that the definition of basic education includes the EALRs); Dorn Dep., 23:2-7 (Supt. of Public Instruction Dorn explaining that the EALRs are the standards the State is expecting of all students).

49. *E.g.*, RP 4315:9-19 (OSPI Director of School Apportionment & Financial Services Brodie testifying to his understanding that certificated instructional staff ratios were part of the original Basic Education Act in the late 1970s or early 1980s); RP 4326:21-4327:15 (OSPI Director of School Apportionment & Financial Services Cal Brodie testifying that administrative salaries originally are based on whatever districts happened to be paying back when the BEA was passed; state has tried to normalize over time, but it has done a pretty poor job of it); RP 1451:12-1452:3 (OSPI Asst. Supt. for Financial Resources Priddy testifying that the State's base salary is based on a snapshot of what districts were paying 30 years ago, and the State hasn't done an update to reflect what districts have to pay today); Tr.Ex. 333 (K-12 Senior Fiscal Analyst Rarick's Summary of Wally Miller Report); RP 3997:1-3998:21 (K-12 Senior Fiscal Analyst Rarick confirming that the Miller Report historically took a snapshot of teacher salaries and portrayed a system" which was broken by the rapidly increased reliance on the special excess levies" and that it called for a way of measuring student outcomes); RP 1451:12-1452:3 (OSPI Asst. Supt. for Financial Resources Priddy testifying that the State's base salary is based on a snapshot of what districts were paying 30 years ago, and the State hasn't done an update to reflect what districts have to pay today); RP 1444:9-1445:2 (Priddy explaining OSPI's recommendation to increase classified ratio from 17/1000 to 25.1/1000 based on evaluation of school district practices and other recommendations); RP 1607:20-1609:12 (Chairman Grimm explaining that the Wally Miller Report used the "shortcut" of looking at what the school system was spending at the time, viewing that as acceptable, and taking a snapshot of those amounts).

53. *E.g.*, RP 4334:19-4335:3 (OSPI Director of School Apportionment & Financial Services Cal Brodie explaining that the State’s Basic Education program “doesn’t address capital at all” and that, other than some matching funds, school construction is left to the local community); Anderson Dep., 39:9-15 (Rep. Anderson testifying that State funding has never been designed to pay the actual costs of school construction and it does not pay the actual cost today); RP 784:10-12 (Supt. Emmil: “[E]very single one of our building budgets is levy money. There is no building budget out of what the State gives us; none.”); RP 759:5-762:21 (Supt. Emmil explaining that the State only funds construction in tandem with local funding, but it’s like “civil war” when his district runs a levy – the idea that local levies are an opportunity for the community to invest and promote support for local schools is a “horrible, sick, nasty joke” in Colville); RP 774:9-15 (Supt. Emmil testifying that the bond for their high school passed by six or seven votes and only after they ran the bond about seven times – “I think that we just beat them into submission . . .”); RP 1959:10-1960:10 (Supt. Soria explaining that they could not upgrade their deteriorated high schools any sooner because the bond had failed twice, and they can’t get any State funds without passing a bond first); RP 3688:12-3690:25 (Supt. Brossoit testifying that although Lynnwood High School was “just flat worn out”, it took three tries to pass a bond, and then the State only contributed \$15 million of their \$100 million construction cost)
54. *E.g.*, RP 3995:6-19 (K-12 Senior Fiscal Analyst Rarick testified that the State’s funding for non-employee related costs or “NERC’s”, certificated instructional staff salaries, administrators, and classified staff is less than the actual expenditures of the school districts); RP 1183:2-3 (Rep. Priest testified: “[T]here is no rational basis for the State’s current allocation system.”); RP 1260:13-1262:16 (Priest testified that in the course of all of his education related work, he has not seen any correlation between the State’s program funding formulas and the actual costs of operating the State’s public schools); Jarrett Dep., 70:13-19 (Sen. Jarrett testified that in the current system, there is no relationship between what we say we want a K-12 system to deliver and the mechanism that we use to determine the resources to fund the system with); RP 266:23-267:14 (Supt. Blair testifying that the State’s funding formulas are just

mathematical equations and are not correlated to the knowledge and skills that kids need to learn); RP 780:9-19 (Supt. Emmil testifying that the funding formulas have nothing to do with learning the required knowledge and skills, but are just a way for people to do accounting); CP 1701:24-1704:15 (Supt. Heuschel describing the numerous “disconnects” between basic education and the State’s funding formulas, stating that those formulas are “based on a 30-year-old definition of basic education and does not consider the diverse learning needs of what we have in our local schools” (e.g., technology, ELL)); Bria Dep., 199:1-4 (Supt. Bria testifying that the State’s funding formulas are antiquated); Dorn Dep., 99:10-100:17 (Supt. of Public Instruction Dorn testifying that the school funding formulas are based on numbers from 30 years ago and that a myriad of studies have determined that they are inequitable and inadequate); RP 1866:13-18 (Supt. Soria testifying that the State’s funding formula amounts are not even in the ballpark of the actual costs to operate his school district); RP 3322:5-15, 3705:21-3706:2 (Supt. Brossoit testifying that the State’s funding formula doesn’t even come close to their actual operating costs – “if you just look at what we’re doing now, operating in a minimal way, it doesn’t even come close to our cost”); RP 3329:14-3330:18 (Supt. Brossoit testifying that every year the district has to make more reductions just to operate and it’s like they are “cannibalizing” themselves – “it’s, like, which finger do you cut off in order to keep the rest of the body alive. And it is painful whichever one you pick. You can go through a rational conversation about, well, thumbs are pretty valuable, and, you know, the index fingers, and so these little guys on the end start to get a little nervous. But the reality is, we have that conversation with our system about what is it that we have to do less of, what do we have to cut or reduce in order just to operate.”); RP 266:17-22 (Supt. Blair testifying that if the district had to rely on just the State’s funding formula amounts, “that would result in us closing the doors”); RP 743:9-748:8 (Supt. Emmil testifying that the State funding formulas don’t provide enough money for him to open his school doors, not with electricity and water and anything for anybody to use); RP 1840:25-1843:6 (Supt. Soria testifying Yakima would have to close it’s doors if they had to operate on just the State funding formulas); RP 3704:7-10 (Supt. Brossoit testifying that his district could not even stay solvent with just the State funding

formula); Foss Dep., 188:13-25 (Supt. Foss testifying that if Mt. Adams had to rely only on State funding, they “would go out of business” – “We would not exist. We would have to consolidate.”); Seigel Dep., 259:17-260:17 (Supt. Seigel: “There’s a whole variety of shortfalls that were developed in some sort of formula that was some abstraction by some people at one time that no longer bears a reflection to what needs to be done. So as a result, even though some people say the state fully funds education, they don’t. They fund a formula that is grossly inadequate to do the job that the state requires.”)

55. *E.g.*, Tr.Ex. 67 (“Public Schools: Depth, Breadth, and Causes of a Looming Finance Crisis”); RP 1482:1-17 (OSPI Asst. Supt. for Financial Resources Priddy testifying that districts spend “much more than the State funds on the basic operating costs associated with utilities, insurance, facilities, maintenance supplies, textbooks, curriculum, that kind of thing”; Tr. 616, p.1 and 67, p.20 (depicting gap in State funding and actual costs for NERCs); RP 1461:4-1462:14 (OSPI Asst. Supt. for Financial Resources Priddy explaining that a JLARC study confirmed the State is underfunding transportation costs by \$92-114 million each year); Tr.Ex. 357; RP 1464:11-1466:18 (OSPI Asst. Supt. for Financial Resources Priddy confirming that a recent spike in diesel costs increased the gap between actual costs and State funding); Tr.Ex. 79 (OSPI’s supplemental request for funds to defray skyrocketing diesel fuel costs); RP 1465:15-1467:5 (OSPI Asst. Supt. for Financial Resources Priddy explaining that the state tracks actual fuel costs and that a 1 cent increase in the cost of fuel translates to a \$100,000 increase in costs for schools); RP 1474:17-25 (OSPI Asst. Supt. for Financial Resources Priddy testifying that districts have to make up shortfall in classified staff funding with local levy money); Tr.Ex. 67, p.11 (depicting the gap between actual classified, administrative and certificated staff salaries and the salary amounts provided by state funding formulas); RP 1476:15-23 (OSPI Asst. Supt. for Financial Resources Priddy testifying that if you look at what districts actually have to pay to keep and retain their classified and administrative staff, “it would cost another \$140 million to fund the formula of 17 classified staff per thousand students, and four administrative staff per classified student”); RP 1485:11-1486:12

(OSPI Asst. Supt. for Financial Resources Priddy testifying about drops in ending fund balances leaving districts unable to respond to emergencies); RP 1487:5-24 (OSPI Asst. Supt. for Financial Resources Priddy testifying that small districts hit hardest by the lack of ending fund balances because some costs aren't scalable – *i.e.*, a boiler is a boiler); Tr. Ex. 67, p.29 (depicting decline in ending fund balances); RP 1514:3-21 (OSPI Asst. Supt. for Financial Resources Priddy testifying that in contrast to rising costs, State funding per pupil excluding pension contributions was flat from 1994-2008, when adjusted for inflation); Tr.Ex. 74, p.24 (depicting flat funding pattern).RP 3541:1-3542:7 (OFM Director Victor Moore testifying that the State does not fund all school district expenditures because the statute is very clear that they fund only a certain amount); RP 4353:6-4354:10 (OSPI Director of School Apportionment & Financial Services Brodie explaining that the State funds whatever the funding formula says it should, but that formula doesn't provide enough detail for anyone to know what the State actually is funding); RP 4360:1-4363:11 (OSPI Director of School Apportionment & Financial Services Brodie explaining that the current lack of definition with the program funding formulas means that one can never really know what the State is funding); RP 3583:21-25 (OFM Director Victor Moore: “Well, the State doesn't calculate the costs of what a school districts [sic] needs to operate”); RP 3584:18-3585:2 (OFM Director Victor Moore conceding that the State doesn't calculate the amount needed to provide all kids with a “realistic and effective opportunity to learn” the EALRs because “[t]hat is not part of the Basic Education funding model”); RP 3585:17-3586:7 (OFM Director Victor Moore testifying that the State does not use “market rate salaries” when calculating the amount it will provide through the Basic Education funding formulas); RP 3586:10-3587:3 (OFM Director Victor Moore testifying that the State does not determine the actual costs for NERCS as part of budgeting process); RP 3603:5-13 (OFM Director Victor Moore admitting that the “salary mix” used to calculate district salary reimbursements is not based on actual average salaries that districts pay to teachers); Tr.Ex. 347 (describing OFM's budget process).

56. *E.g.*, Tr.Ex. 67, p.11; RP 1471:12-1477:9 (OSPI Asst. Supt. for Financial Resources Priddy testifying that state salary allocations are far less than actual salaries districts pay); RP 1476:15-23 (OSPI Asst. Supt. for Financial Resources Priddy testifying that if you look at what districts actually have to pay to keep and retain their classified and administrative staff, “it would cost another \$140 million to fund the formula of 17 classified staff per thousand students, and four administrative staff per classified student”); RP 1436:15-1437:4 (OSPI Asst. Supt. for Financial Resources Priddy testifying that Tr.Ex. 66 [school district personnel summary report] lists the *actual* salaries that school districts pay employees); RP 1586:14-1587:22 (Chairman Grimm explaining that the State doesn’t fund an amount close to the actual salaries of school administrators because of “a lack of political will on the part of legislators”, who don’t want to be criticized by their constituents for approving what they perceive as high salaries)
57. *E.g.*, RP 1473:19-1474:25 (OSPI Asst. Supt. for Financial Resources Priddy testifying that districts have to make up shortfall in classified staff funding with local levy money); RP 1472:6-1473:18 (OSPI Asst. Supt. for Financial Resources Priddy testifying that Everett’s higher salary allocation allows it to draw away the best teachers from neighboring districts); Tr.Ex. 67, p.8 (depicting Everett’s additional allocation); RP 1476:15-23 (OSPI Asst. Supt. for Financial Resources Priddy testifying that if you look at what districts actually have to pay to keep and retain their classified and administrative staff, “it would cost another \$140 million to fund the formula of 17 classified staff per thousand students, and four administrative staff per classified student”); RP 3996:4-9 (K-12 Senior Fiscal Analyst Rarick testified that the amount the State funds for certificated instructional staff salaries is less than the actual expenditures that the school districts pay); RP 1184:10-1185:21 (Rep. Priest testifying that school districts have to pay more than the allocation to pay at market rate for classified and administrative staff); Hunter Dep., 30:7-12 (Rep. Hunter testifying he does not believe districts would be able to hire and retain competent teachers with solely the dollar amount the State funds); RP 3268:18-3271:21 (Supt. Brossoit testifying that State funding does not allow Edmonds to be competitive, so the district has to pay

more out of local funds to attract and retain quality teachers, principals, and administrators); RP 3270:2-3271:17 (Supt. Brossoit describing his experience in Tumwater where the district lost really good teachers to Olympia because people could make \$5,000 more); RP 178:13-179:18, 186:8-19, 384:16-385:22 (Supt. Blair testifying that Chimacum could not attract and retain quality teachers, principals, or a superintendent with only the State funding amount); RP 1805:14-1806:1, 1814:25-1815:12 (Supt. Soria testifying that Yakima pays more than State funding for teachers to stay competitive, and they could not attract and retain quality teachers or principals with the amount the State funds); RP 697:7-20 (Supt. Emmil stating that Colville pays more than State funding for principals because that amount is “nowhere close to what the market value is for our principal, not even – it’s ridiculous.”); Bria Dep., 141:2-142:7 (Supt. Bria testifying that her district is considered the “training ground for Vancouver and Evergreen, Camas and Washougal” in that teachers work there for a few years and then leave for districts where they can make more money); Bria Dep., 177:15-24 (Supt. Bria describing the difficulty of her district attracting teachers because Battle Ground has a reputation for failing levies and the district can’t guarantee teachers that they’ll still have a job in two years); CP 1815:16-1816:21 (Supt. Heuschel stating that Renton has to pay more than the State salary schedule to stay competitive).

58. *E.g.*, Tr.Ex. 616, p.1; RP 1481:19-1483:9 (OSPI Asst. Supt. for Financial Resources Priddy testifying about Tr.Ex. 67, p.20 & 616, p.1 and explaining that “school districts spend much more than the State funds on the basic operating costs associated with utilities, insurance, facilities, maintenance supplies, textbooks, curriculum, that sort of thing”); RP 3995:15-19 (K-12 Senior Fiscal Analyst Rarick testified that the amount the State funds for NERCs, or non-employee related costs, is less than the actual expenditures of the school districts); RP 1189:8-23(Rep. Priest testifying that according to OSPI, the State is currently underfunding NERCs by approximately \$585 million per year)

59. *E.g.*, RP 4531:25-4539:12 (OSPI Asst. Supt. for Financial Resources Priddy testifying that the State is currently underfunding basic education by at least a billion dollars each school year). Other examples – diesel fuel, RP 1465:10-1468:2 & Tr.Ex. 79, p.2-3; RP 4533:3-5 (OSPI Asst. Supt. for Financial Resources Priddy testifying that non-employee related costs is a category of funding that is “woefully underfunded”); RP 5118:3-11 (OFM K-12 Budget Analyst Salvi testifying that the chart on page 4 of Tr.Ex. 359 shows how diesel prices rose from 2000-2008, which is an example of how certain categories like fuel prices can inflate differently than the implicit price deflator); RP 1234:17-22 (Rep. Priest testifying that transportation funding is a one mile radius as the crow flies); RP 2127:15-2128:11 (Mrs. Venema testifying that the State reimburses transportation for a mile radius as the crow flies); RP 4074:7-18 (OFM K-12 Budget Analyst Salvi testifying pupil transportation is funded by a formula based on how the crow flies, with some adjustment factors to assume some routing of the bus); Tr.Ex. 356; Tr.Ex. 357; RP 1188:3-20 & 1189:7-23 (Rep. Priest testifying that the two Legislature studies on pupil transportation funding shows the State is underfunding transportation by approximately \$125 million per year; NERC underfunding too);
60. *E.g.*, RP 1489:6-1490:6 (OSPI Asst. Supt. for Financial Resources Priddy testifying that school districts are maximizing their levy capacity and collecting 90% of available levy dollars they can under levy lid rules); Tr.Ex. 67, p.49 (depicting school districts’ increasing reliance on local levies); RP 1491:4-15 (OSPI Asst. Supt. for Financial Resources Priddy testifying that primary reasons it’s only at 90% – *i.e.*, not 100% – is that districts have to ask for less money to get levies passed); RP 1473:19-1474:25 (OSPI Asst. Supt. for Financial Resources Priddy testifying that districts have to make up shortfall in classified staff funding with local levy money); RP 1476:15-23 (OSPI Asst. Supt. for Financial Resources Priddy testifying that if you look at what districts actually have to pay to keep and retain their classified and administrative staff, “it would cost another \$140 million to fund the formula of 17 classified staff per thousand students, and four administrative staff per classified student”); RP 2187:5-11 (Mrs. Venema testifying that without the fundraising efforts, the schools would not be able to provide basic

services necessary for kids to learn); RP 542:14-543:2 (Mrs. McCleary testifying the fundraising activities she participated in were necessary for classroom supplies and activities); RP 561:14-15 (Mrs. McCleary testifying “[i]t would be hard to survive without our levy dollars.”); RP 1190:5-8 (Rep. Priest testifying that according to OSPI, “we are providing out of levies basic education dollars to supplement to the tune of about \$1.3 billion”); Hunter Dep., 60:11-15 (Rep. Hunter testifying that school districts use local levies to try and provide children with a basic education); RP 2413:6-2415:3 (State Bd. of Education Chair Ryan testifying that schools have increasingly relied on local levies to pay the operating expenses); RP 1864:23-1866:1 (Supt. Soria: “If we had the adequate resources, we wouldn’t have to be scrambling as much as we do in order to provide the resources to give the opportunities for our students to acquire the knowledge necessary to navigate. I would tell you, in fact, as Superintendent, even though you like to think you’re an educational leader -- and that is what you pride yourself in being -- we basically are requested to be magicians, and the big part of our work is this whole issue of how do we provide the adequate resources to try to meet the absolute basic needs of our community.”); RP 1847:8-1850:3 (Supt. Soria testifying that Yakima has to fill the gap between actual operating costs and State and federal funding with local levy dollars, grants, ASB funds, etc.); RP 1832:5-16 (Supt. Soria testifying that in trying to close the achievement gap the district has to, as they do everything else in Yakima, “cobble things together to try to make it work, that includes utilizing the resources, maybe grants, our local levy, the federal programs”); RP 250:15-251:16 (Supt. Blair testifying that the gap between the State’s basic education allocation and Chimacum’s actual expenditures is typical and getting larger: “Well, the trend is trending, so that more local dollars are needed to fill that gap. They are scraping dollars together. That gap has fund raising activities. It has auctions, those kinds of activities. We try to fill those as we go out and beg and go to the community and see what they can do to help us fill the gap.”); Bria Dep., 24:21-25:7 (Supt. Bria testifying about their difficulty in passing levies and that it’s “like a dike in a dam, where they’re trying to plug one and put the money there, and there are three more leaks or cracks over here, so they run over and try to plug those, while the whole thing was

crumbling.”); RP 765:4-766:5 (Supt. Emmil testifying that if they are lucky, they can try to fill their funding gap with levies and local donations, but they can’t count on levies because just about every other levy double fails); RP 692:25-693:16 (Supt. Emmil describing his conversation with a principal requesting another Spanish teacher: “the first question I asked him is what do you want to cut. You know, because honestly, what I do on a daily basis is triage. I determine what’s the most important vital, crucial thing that we have to do amongst lots of vital crucial things and I pick and choose which programs live and which programs die, you know, because, you know, we can’t afford to do all that. So, you know, I told him, you know, what program do you want to cut, Kevin, and he said I don’t want to cut any. I said, well, then you’ve got some kids to tell you can’t take Spanish.”); RP 736:22-738:10 (Supt. Emmil testifying that during trial he had too many kids enroll for kindergarten, so now he has to hurry and find another teacher, along with funding from some other source, like the levy: “We are going to do triage again and kill another something for another group of kids some place else that is less important than kindergarten.”); RP 3315:1-3316:4, 3857:21-3858:14 (Supt. Brossoit likening his job to a Japanese acrobat spinning plates on sticks – taking resources from one place to another causes plates to fall and creates a whole new group of at-risk kids); RP 268:14-269:7 (Supt. Blair testifying that his district relies on levies to operate for teaching the basic knowledge and skills mandated by minimum State standards); RP 780:20-781:9 (Supt. Emmil testifying the same); RP 1867:12-22 (testifying the same); RP 3706:16-3707:3 (Supt. Brossoit testifying the same); RP 368:14-22 (Supt. Blair testifying that he is “hopeful” for local funding because “I need that funding to just get by. If I didn’t get that funding, it’s catastrophic. Programs are cut, folks are – kids are hurt. And without 20 percent, one out of every \$5 of your budget, you would end up closing some doors.”); RP 3328:11-3329:13 (Supt. Brossoit testifying that to fill their funding gap between actual costs and total funding, they have to rely on their three levies (maintenance and operations, bond (if they have one), and technology), and that as the gap gets larger more things are getting passed back to the district to pay for); RP 773:1-774:15 (Supt. Emmil testifying that in trying to fill the district’s funding gap, they can’t get funding from local fundraisers, PTA, etc.,

because if people pay money at fundraisers they won't vote for the levies; the largest levy they've passed is 12%, which passed by a margin of about 18 votes); RP 3252:10-3254:18 (Supt. Brossoit testifying that all technology in Edmonds is purchased with a special technology levy, and that teachers also go out and get grants, private donations, and sometimes use their own money to purchase additional technology); RP 782:21-784:9 (Supt. Emmil explaining that he has to use levy money for teacher development and that the State originally promised ten learning improvement days but only funded three, and then cut down to one); Bria Dep., 172:14-173:19 (Supt. Bria: "I mean, I'm trying to just run a district here, I can only tell you in this district, we work harder than anybody else and we just don't have the money. And I try so hard, and without the levy you just can't do it. And now that we have art and we have band and we have music and all those teachers are on the levy, and if I don't get this 5 percent pay cut downstairs, every single one of our art teachers and all of our music teachers go away. And the state, we will not be able to provide any of the standards in any of those areas. And if I don't get the 5 percent, we RIF 120 teachers and my organizational chart for administrators goes back to the nonlevy year. And we have a levy. What will happen in January and February?")

63. *E.g.*, RP 4144:13-24 (OSPI Director of School Apportionment & Financial Services Cal Brodie testifying that his OSPI division is the "accounting guidance office for school districts" that provides standards for budgeting and for year-end financial statements); RP 4159:8-4160:11 (OSPI Director of School Apportionment & Financial Services Cal Brodie testifying that OSPI publishes the Administrative Budgeting And Financial Reporting document that tells districts how to prepare their F-195 and F-196 statements); RP 4329:5-18 (OSPI Director of School Apportionment & Financial Services Cal Brodie testifying that OSPI and the State Auditor's Office jointly publish the *Accounting Manual For Public School Districts In The State Of Washington* [Tr.Ex. 30] to provide accounting rules for reporting revenues and expenditures); RP 4337:5-4338:6 (OSPI Director of School Apportionment & Financial Services Cal Brodie testifying the F-196 activity codes are explained in accounting manual [Tr.Ex. 30]); RP 171:9-271:9 (Supt.

Blair explaining Chimacum’s financial statement); RP 682:8-787:22 (Supt. Emmil explaining Colville’s financial statement); RP 1802:2-1869:2 (Supt. Soria explaining Yakima’s financial statement); RP 3264:12-3337:16, 3699:4-3709:12 (Supt. Brossoit explaining Edmonds’s financial statement)

69. *E.g.*, RP 2677:4-11 (Asst. State Supt. of Student Achievement Jones testifying that African American males who drop out of high school are around 80% more likely to be incarcerated at some point); RP 1410:6-1411:21 (Asst. State Supt. of Student Achievement Jones testifying about WASL achievement gap; Tr.Ex. 293, p.16 (showing that African American students are doing significantly worse than peers on WASL reading and math tests, especially African American males); RP 2672:10-2673:25 (Asst. State Supt. of Student Achievement Jones acknowledging that “there are system issues that are denying African American students access to kind of completely use the resources that are available”); RP 2676:6-12 (Asst. State Supt. of Student Achievement Jones testifying that approximately 50% of black males drop out of high school and approximately 20-30% of black females drop out); Tr.Ex. 293, p. 22 (reporting that the on-time graduation rate for all black students is 53.6%, compared to 74% for “White” students and 76.5 for “Asian/P.I.” students); RP 2678:9-20 (Asst. State Supt. of Student Achievement Jones testifying that only about half of African American students who graduate from high school go on to college; Tr.Ex. 293, p.20 (stating that those African American students who attend higher education are far less likely than their peers to graduate); RP 2679:1-20 (Asst. State Supt. of Student Achievement Jones testifying that African American students are over-represented in SpEd and under-represented in gifted programs); Tr.Ex. 293, p.15 (stating that African Americans make up 14.8% of SpEd population and 5.7% of population); RP 2681:19-2682:18 (Asst. State Supt. of Student Achievement Jones testifying that African American students who go to college more frequently must take remediation courses before doing college-level work; Tr.Ex. 293, p.17 (reporting that African American students’ “participation in Advance Placement tests is disproportionately low, and has remained flat over time”); Tr.Ex. 293, p.18 (reporting that African American students “consistently scored below all other ethnic groups in all

portions of the SAT”); Tr.Ex. 98, p.1 (reporting that more than half of recent high school graduates entering community or technical colleges had to take remedial, pre-college courses before they could move on to college level work); CP 1473:13-1474:13 (Deputy Director of State Bd. For Community & Tech. Colleges Yoshiwara testifying that people of color are underrepresented in higher education and have lower degree completion rates); Tr.Ex. 99, pp.1-2 (State Board of Technical & Community Colleges Research Report, “Access And Success For People Of Color In Washington Community And Technical Colleges: Progress Report”, which discusses the achievement gap (p. 1), explains that Hispanics are enrolling and graduating at much lower rates than other groups and below their share of the State population (p.2), and that, while over half of young high school graduates enter remedial programs, “Students of color, and in particular Hispanics, enroll at higher rates than white students.”); CP 1986:23-1987:11 (Fmr. Supt. of Public Instruction Bergeson confirming that “there are kids that are not reading well enough or doing math well enough to be able to participate in the marketplace”); CP 2007:20-25 (Fmr. Supt. of Public Instruction Bergeson testifying from her experience as the State’s chief education official that the State is not amply providing for the education of our State’s high school students); CP 2015:20-2016:4 (Fmr. Supt. of Public Instruction Bergeson testifying that, in 2005, 63% of African American males failed to pass the WASL reading section and 84% failed to pass the entire WASL test); Tr.Ex. 17 (confirming failure rates); CP 2017:1-10 (Fmr. Supt. of Public Instruction Bergeson testifying that thousands of students are still not receiving a diploma backed by skills they need to succeed); CP 2020:9-2021:6 (Fmr. Supt. of Public Instruction Bergeson testifying that we’ve made progress towards preparing our students to compete, through such things as early learning, but we aren’t there yet; still failing many kids); Contreras Dep., 52:19-53:8 (Dr. Contreras testifying that only 1 of the 14 schools evaluated in the Commission on Hispanic Affairs study had an appropriate approach to educating Latino children); Contreras Dep., 52:18-55:7 (Dr. Contreras explaining that the cohort graduation rate shows that only 56.9% of Washington Latino students graduated from high school and that the State’s graduation rate method understates the graduation crisis); Contreras Dep., 92:8-93:4 (Dr. Contreras

testifying that her study of a representative sample of Washington schools found that Washington schools are not providing Latino students with ample opportunities to learn); Contreras Dep., 69:11-24 (Dr. Contreras explaining that adequate yearly progress has not been met for Latino students in reading and math combined over the last 6 years) Tr.Ex. 297, p.29 & Contreras Dep., 69:25-70:25 (explaining that math is a “gatekeeper for college” and that being underprepared in math makes it more likely that kids will drop out of college); Contreras Dep., 72:13-73:2 (Dr. Contreras explaining that, while “progress has been made slowly” on test scores, the gap “is not closing with all students performing at similar levels”); Contreras Dep., 88:18-89:14 (Dr. Contreras explaining that about half of Washington Latino students will graduate high school and less than half of those (around 18%) will go on to college); RP 2241:11-18 (State Bd. of Education Chair Ryan testifying that as many as half of the students graduating from high school into community colleges need to take remedial classes); RP 2236:5-2237:1 (State Bd. of Education Chair Ryan testifying the State is not providing students with a meaningful high school diploma); CP 1924:1-16 (Rule 30(b)(6) rep. Wilson testifying employers have difficulty finding qualified job applicants); Daley Dep. 42:7-19 (Director of Washington Learns Daley testifying one of the conclusions of Washington Learns was the older population is better educated than the younger population); Jarrett Dep., 26:14-27:14 (Sen. Jarrett testifying the most significant conclusion of the Basic Education Finance Task Force Final Report was that the system we have today is not adequate for the 21st century and is not providing our children with the education they need for the 21st century); RP 1566:2-9 (Chairman Grimm testifying that Washington’s dropout rate of 25% also existed at the time of the Paramount Duty Study in 1985); RP 1600:5-1601:14 (Chairman Grimm testifying that academic achievement has stagnated and dropout rates have barely budged); Dorn Dep., 36:11-37:2 (Supt. of Public Instruction Dorn testifying that the WASL passage rates don’t even tell the whole story when you consider the 31% that didn’t make it to graduation); Dorn Dep., 42:1-10 (Supt. of Public Instruction Dorn testifying that at least one-third of Washington students entering college need some remedial assistance in getting to standard); RP 269:8-270:8 (Supt. Blair testifying about how Washington

students have been failing); RP 785:19-21 (Supt. Emmil testifying that five or six of his schools are not meeting adequate yearly progress); RP 388:3-389:15 (Supt. Blair testifying that Chimacum did not meet adequate yearly progress in math at elementary, middle, and high schools for the last two years); Search Dep., 122:21-124:8 (Supt. Search testifying that her entire district is in its second year in a row of not making adequate yearly progress); Chestnut Dep., 204:18-205:11 (testifying that the lack of State funding raises dropout rates because districts cannot provide enough remedial help to students, who then get discouraged and drop out); RP 1179:18-1180:8 (Rep. Priest referring to the achievement gap: “we are not providing the resources necessary to close that gap”); RP 2211:17-2212:15 (State Bd. of Education Chair Ryan testifying there is a serious lack of education attainment in certain subpopulations, and the lack of a sharp progress in that area indicates there is a lot of work to be done to close the gap); Tr.Ex. 215; RP 1171:10-20 (Rep. Priest testifying that the graduation rate is less than 75%); RP 1163:12-1164:6 (Rep. Priest testifying that one of the conclusions of the Building Bridges Report was that school districts currently lack the time and resources to sufficiently address the dropout issue)

80. *E.g.*, RP 982:9-983:15 (Fmr. Supt. of Public Instruction Billings confirming that all Washington students can be provided with the education described in the Essential Academic Learning Requirements, HB 1209, and the *Seattle School District* opinion); RP 4496:3-20 (OSPI Asst. Supt. for Financial Resources Priddy testifying that OSPI’s conclusion was that poor kids could meet State standards if given proper support); RP 2603:18-22, 2622:5-2623:8, 2658:12-18 (El Centro de la Raza Director Maestas testimony regarding the impact of individual attention and additional resources for at-risk students); RP 2499:8-13, 2500:13-19, 2501:16-2502:23, 2503:7-25, 2512:25-2515:5, 2515:6-2517:2 (NEWS Vice-President Kelly testifying about the impact of additional attention and resources for at-risk students); Anderson Dep., 94:11-17 (Rep. Anderson testifying that, based on his work with education over the past nine legislative sessions, he has absolutely no reservation that every child can learn equally and that low income kids can learn as well as upper income kids); Jarrett

Dep., 91:20-92:16 (Sen. Jarrett concluding from experiences during Washington Learns and the Basic Education Finance Task Force that schools need more resources to bring kids in poverty up to State standards); RP 900:11-902:22 (Supt. Emmil testifying that he's seen kids come from unbelievably horrible places and be very successful – he is an example, going from one 2% of the population to the other 2%: “I think all kids can meet those standards that have been set. And I think all kids, all kids can end up being a positive contributing member of their community, of society and be part of democracy. And I think that all kids, given the right help and resources, can be successful in the workplace.”); RP 1831:10-1832:4 (Supt. Soria testifying that there is ample proof in Yakima that given the right resources, all students can learn, including the poor kids, the Latino kids, and the kids from homes where their parents are illiterate); RP 3316:5-17, 3343:2-6 (Supt. Brossoit testifying that all students can learn State standards: “A student who's born into poverty or has a language disadvantage or both is capable of and can learn at the high standards. I have no question about that.”); RP 214:2-8 (Supt. Blair emphasizing that all students can learn State standards); RP 728:8-11, 730:13-15 (Supt. Emmil testifying that “absolutely” all kids in Colville can meet State standards and all children can graduate); RP 1825:12-1826:3, 1827:8-11 (Supt. Soria stating that all students in Yakima can learn the necessary knowledge and skills, but that's not currently happening due to lack of resources); RP 1861:2-12 (Supt. Soria testifying that from his experience he knows, as a practical matter, that getting all kids up to State standards can be done); Cole Dep., 80:3-11, 227:14-228:17 (Supt. Cole testifying that all kids can learn and can be motivated to learn); RP 2672:2-4 (Asst. State Supt. of Student Achievement Jones testifying that the achievement gap for African American students can be closed); Tr.Ex. 293, p.5 (stating “these actions can turn the tide for African American students, and lead to higher educational attainment for the more than 57,000 African American children, preschool to graduation and beyond”); Tr.Ex. 297, p.5 (“Academic achievement [for Latino students] can be improved, but to get there will require systemic improvements in educational services, content and attention.”); RP 2294:18-2296:11 (Asst. Director of WSIPP AOS testifying that WSIPP found a causal relationship between a program of early childhood education and a

student's ability to graduate from high school); RP 2347:20-2349:5 (Asst. Director of WSIPP Aos testifying that WSIPP found a statistically significant relationship between spending more money and student outcomes – “If you raise money, you will get better student outcomes, usually as measure [sic] by test scores, sometimes by graduation rates” and that “zero [i.e., no effect] is not an option here. There is a positive causal relationship.”); RP 2290:17-2291:7 (Asst. Director of WSIPP Aos testifying that WSIPP “found evidence that would lead the reasonable investor to assume that there is some casualty [sic] between certain inputs and certain outputs”); RP 2352:8-2353:14 (Asst. Director of WSIPP Aos noting that the best way to improve student achievement is to provide an effective teacher; if we could get the best teachers into “our school system, graduation rates [and] test scores would climb rapidly out of there”; RP 2377:11-22 (Asst. Director of WSIPP Aos: “effective teachers raise student outcomes”); RP 2439:4-2340:1 (Asst. Director of WSIPP Aos testifying about slide 12 of Tr.Ex. 282, which summarizes WSIPP's analysis of high quality studies on spending and achievement and concludes that a 10% increase of funding can boost student achievement by “about .007 standard deviation units per year, per grade”)

81. *E.g.*, RP 701:23-717:19 (Supt. Emmil explaining the importance of co-curricular activities in increasing graduation rates, citing himself as an example, and discussing in detail eight students on the Colville football team who would not have graduated otherwise); RP 890:5-891:7 (Supt. Emmil testifying that when the district has put resources towards the students at the alternative school, graduation rates have increased); RP 895:8-896:4 (Supt. Emmil testifying that he knows more resources translate into better performance because when they pass a levy to fund specific resources and put those resources in front of kids, there is a marked difference in the scores for the classroom); RP 1836:10-1838:6, 1894:3-19, 1895:10-1896:25, 1953:7-1954:13 (Supt. Soria testifying that his graduation rates improved 10-11% in the last year and his dropout rates decreased from 21% in 2002-03 to 7.1% in 2007-08 because of his district's alternative schools, partnership with the Mexican government for appropriate curriculum, and implementation of an aggressive retention program, paid for by cobbling together funds

from grants, federal dollars, levy money, and other sources; they could not have produced those results with the State’s current funding); RP 98:15-99:12 (Supt. Blair describing his experience in a private school where the school had minorities from public schools who were often four or five grade levels behind, but with tutoring, small classes, etc., the kids improved two grade levels within months); RP 1832:5-1835:5 (Supt. Soria describing their relatively immediate results in working to close the achievement gap for Latino students by, for example, updating their curriculum and investing in teacher training, all of which was paid for with whatever resources they could cobble together); RP 3696:9-3797:21, 3816:10-20 (Supt. Brossoit describing a group of 18-19 students who didn’t pass the WASL, but when given targeted tutoring as one of their classes, by the end of the semester 95% of the kids were able to graduate – “So it is not this hypothetical construct of, you know, is it possible or not possible to close the achievement gap? It is possible, given the focus and concentration of resources on those students.”); RP 3313:14-3314:25 (Supt. Brossoit testifying that he knows the challenges posed by the achievement gap with low-income kids can be overcome – “I know they can. It’s not even a belief. I have direct experience where we take kids who are struggling learners and we’re able to get a small enough number and a quality teacher to focus on those kids and have them achieve at a high level.”); Cole Dep., 76:21-79:16 (Supt. Cole testifying that increased funding mitigates the variables that are affecting kids to keep them on track (e.g., mitigating the gang problem in his district) and that they’ve already achieved results in keeping kids in school); Bria Dep., 187:6-13 (Supt. Bria attributing Battle Ground’s improvement in on-time graduation rates to lower class sizes and focused remediation for struggling students)

84. *E.g.*, RP 1251:20-1254:1, 1255:1-15, 1257:20-1260:4, 1308:9-1309:4 (Rep. Priest testifying regarding cuts to funding in the 2009-11 biennium for I-728, I-732, the Biennium Levy Equalization, learning improvement days, Promoting Academic Success Program, summer programs in skill centers, and the Building Bridges Program); RP 3697:2-3699:3, 3857:21-3858:14 (Supt. Brossoit explaining that he cannot provide programs such as his focused WASL assistance class due to lack of funding; to do so, he would

need to pull resources from other places, which is like “robbing Peter to pay Paul”); RP 1953:7-1954:13 (Supt. Soria testifying that his successful dropout prevention and retrieval programs could not have been provided if the district had to rely on State funding alone); RP 664:5-666:13 (Supt. Emmil describing shed building and knife making classes that help teach kids State standards and testifying that the knife making class will be cut next year along with the cuts to I-728 funding); RP 164:2-165:10 (Supt. Blair testifying about the loss of three full-day kindergarten classes, despite clear research that those classes help close the achievement gap for low-income students); RP 146:3-147:11, 195:17-25 (Supt. Blair describing a horticulture class paid for with levy funds that helps provide students with the necessary knowledge and skills); RP 195:17-199:21 (Supt. Blair explaining that co-curriculars are part of teaching the EALRs (e.g., arts, P.E.) and help kids learn to compete, but they are provided through non-State sources such as student-raised ASB funds, parent funds, or other community donations); RP 3709:9-12 (Supt. Brossoit testifying that he does not currently have the resources to provide additional instructional support to at-risk kids); Cole Dep., 168:10-170:11 (Supt. Cole testifying that his district was working on a reading program and getting more staff to work individually with kids, but with upcoming funding cuts, they will have to reduce staff, cut programs, and delay planned adoption of new curriculum); Foss Dep., 148:3-149:2 (Supt. Foss explaining that his district really needs additional funding for intervention and after-school programs for his students); Search Dep., 106:1-18 (Supt. Search explaining that her district needs appropriate programs for students requiring language assistance, but the district is using the “pull-out” model, which is statistically shown to be the least effective, because that’s all they can afford; she would prefer to have a (more effective) dual-language program where students learn in English and Spanish like they have in other districts)

94. *E.g.*, RP 3601:3-12 (OFM Director Victor Moore acknowledging that each legislature can change prior statutes, budget statutes and otherwise); RP 4010:20- 4011:9 (K-12 Senior Fiscal Analyst Rarick confirming that ESHB 2261 requires action by future legislatures and that existing legislatures can't bind future legislatures: “Q. With

respect to 2261, future legislators could amend 2261. They could change it. They can repeal it. They could reject recommendations. They can extend timelines. They can do something completely different; right? A. That is correct.”); RP 4022:9-12 (K-12 Senior Fiscal Analyst Rarick noting that ESHB 2261 “contemplates recommendations and does not bind the legislature as to adopting those or not”); RP 1236:24-1237:2 (Rep. Priest testifying that “[l]egislation can be changed”); Anderson Dep., 116:21-117:2 (Rep. Anderson acknowledging the laws passed in one legislative session can be changed by the next legislature); RP 5123:11-25 (OFM K-12 Budget Analyst Salvi testifying that one legislature intending to do something does not mean future legislatures will do it); RP 2409:12-15 (State Bd. of Education Chair Ryan acknowledging the 2010 Legislature does not have to follow ESHB 2261, and can change it); RP 1722:4-1723:2 (Chairman Grimm testifying that, based on his experience as a legislator, when one legislature says “we intend that some future legislatures will do something”, it means that “they want to get credit for the proposal, but not have to do the dirty work of actually implementing it”, which in this case includes funding it); Dorn Dep., 59:18-22 (Supt. of Public Instruction Dorn, a former legislator, testifying that ESHB 2261 was enacted by the 2009 legislature and that the 2010 legislature can change it); RP 108:1-109:5 (Supt. Blair: “I don’t know if the future legislature will agree to that promise. I don’t have confidence in that. I don’t know if the State will fulfill that obligation.”)

113. *E.g.*, Tr.Ex. 124, p.24 (Basic Education Finance Task Force Report, recommending an increase of between \$7.5 and \$10.1 billion per biennium (not including funding for school construction or pupil transportation), which represents an increase of 63% to 85%, respectively, over current funding for basic education); Tr.Ex. 364, pp. 64-97 (*An Evidence-Based Approach To School Finance Adequacy In Washington* study commissioned by Washington Learns, recommending substantial increases in per-pupil funding); RP 4016:20-4017:2 (K-12 Senior Fiscal Analyst Rarick acknowledging that the funding increase recommendations in Basic Education Task Force Final Report [Tr.Ex 124, p.24] would be considered significant to a reasonable person); RP 3879:9-21, 3920:3-15, 3941:22-3942:4, 3951:14-3952:2, 4017:8-20 (actual cost

calculations done by K-12 Senior Fiscal Analyst Rarick called by the State to testify at trial for the Basic Education Finance Task Force, and for ESHB 2261 based on the implementation specifics that the State's attorney told him to assume some future legislature would make); Tr.Exs. 337 (K-12 Senior Fiscal Analyst Rarick's cost calculations for Basic Education Finance Task Force), 1483 (K-12 Senior Fiscal Analyst Rarick's cost calculations for State's counsel regarding ESHB 2261)

117. *E.g.*, RP 164:2-165:10, 230:14-18 (Supt. Blair testifying that he cannot count on State funding, giving the example of I-728 cuts, which resulted in the loss of three of his four full-day kindergarten classes); RP 757:22-759:4, 785:22-786:2 (Supt. Emmil testifying that their full-day kindergarten used to be paid for with levy funding, which was not dependable, so the district starting funding it with the State's I-728 money, but then their I-728 funding was cut the very next year – every year he can't count on whether he'll have full-day kindergarten because he doesn't have a stable funding source for it); RP 1844:4-1845:6, 1953:3-5, 1954:14-1955:8 (Supt. Soria describing the instability of State funding, including levy equalization assistance, which is a huge concern for Yakima and other tax-poor districts in Eastern Washington); RP 3262:2-15, 3324:14-3327:7 (Supt. Brossoit describing cuts to levy equalization assistance and I-728 and the impact those cuts will have on his district); Cole Dep., 173:13-174:18, 225:5-15 (Supt. Cole describing the uncertain extent of upcoming cuts and testifying that the State does not provide reliable or consistent basic education funding); Foss Dep., 189:4-9 (Supt. Foss testifying that State funding is not consistent)
119. *E.g.*, RP 1497:15-1498:12 (OSPI Asst. Supt. for Financial Resources Priddy confirming that the State provides 58% of facilities maintenance expenditures); Tr.Ex. 71, 3rd page (showing decline in maintenance funds to the 58% level); RP 1496:4-25 (OSPI Asst. Supt. for Financial Resources Priddy testifying that State funding for maintenance of school facilities is lower than the amount spent by the State for maintaining UW buildings and other comparables); Tr.Ex. 266, p.4 (listing comparable maintenance rates); RP 1499:2-11 (OSPI Asst. Supt. for Financial Resources

Priddy acknowledging that State underfunding led to deferred maintenance of \$485 million); Tr.Ex. 71, 4th page (discussing deferred maintenance problem); RP 1500:15-1501:10 (OSPI Asst. Supt. for Financial Resources Priddy describing small repair grant program where applications far exceed available funds).

134. *E.g.*, RP 2032:2-2033:8 (Prof. Soder testifying that all is important in democracy because it isn't just a Mandarin class or the top 10% of the population that need to be educated – all people need education for democracy to work); RP 2035:19-2036:11 (Prof. Soder pointing to mandated workplace posters as an example of why education is required to know and protect ones rights, as the posters and the concepts they contain are not simple or self-evident); Tr.Ex. 560 (workplace posters describing rights afforded Washington laborers under State and federal law); RP 2037:5-2043:23 (Prof. Soder, testifying that education is crucial for jury service, given complicated instructions and rights at stake); RP 2038:12-2039:9 (Prof. Soder testifying that a certain level of understanding is required to exercise the rights to serve as a juror); Tr.Exs. 561, 562 & 564 (jury instructions); RP 91:11-92:6 (Supt. Blair testifying that when he was superintendent of Kettle Falls the district lost a levy election by one vote, illustrating “how important it is for our citizens to participate in the democratic society and to know what that means. I learned that lesson very well in Kettle Falls.”); RP 745:21-746:15 (Supt. Emmil, a former ironworker, explaining that even an ironworker needs to be able to read his union pamphlet and to vote on local initiatives and levies).