

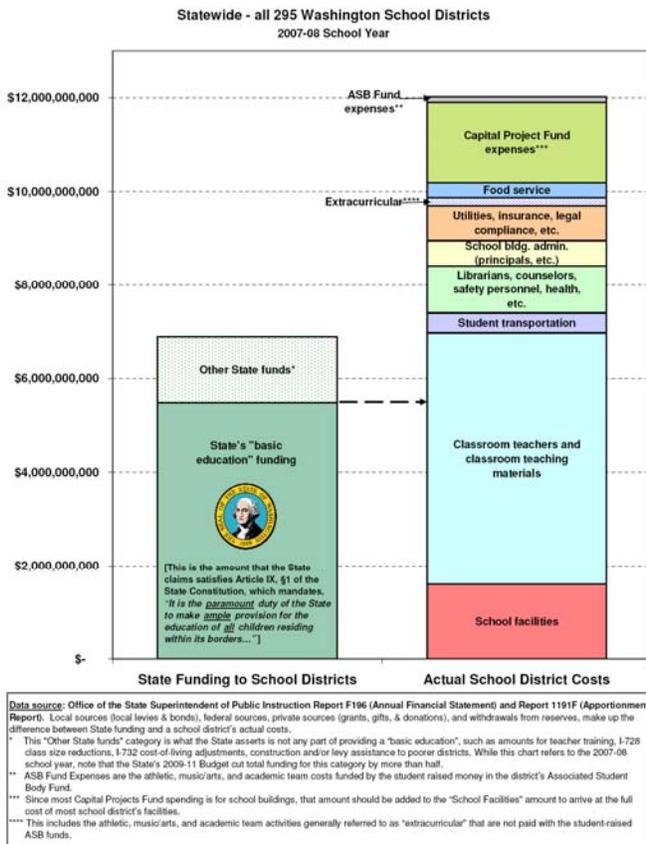
Summary Sheet Regarding the Court's *McCleary v. State* Ruling

Court's full ruling is at http://www.waschoolexcellence.org/whats_new

Testimony summaries of each trial day are at http://www.waschoolexcellence.org/daily_trial_updates

Funding gap charts for the State (other side of this page) and for individual school districts are at http://www.waschoolexcellence.org/impact_state_underfunding/local_district_funding_gaps

- It makes sense that Article IX, §1 mandates “It is the *paramount* duty of the State to make *ample* provision for the *education* of *all* children residing within its borders”. A well educated population is the foundation of our democracy, our economy, and the American dream. [¶137.] Education also operates as the great equalizer in our democracy, equipping citizens born into the underprivileged segments of our State with the tools they need to compete on a level playing field with citizens born into wealth or privilege. [¶132.]
- The State’s education duty is the only duty that is its paramount duty. [¶145.] Each child in our State has a paramount, constitutional right to the “*education*” specified in Article IX, §1. [¶147.]
- “*paramount*”: It is not a mere synonym of “important”. The word “paramount” means that the State must fully comply with its duty under Article IX, §1 as its first priority before all others. [¶161.]
- “*ample*”: It means considerably more than just adequate or merely sufficient. [¶165.]
- “*all*”: means every child residing in our State – not just those children who are more privileged, more politically popular, or more easy to teach. [¶168.]
- The word “*education*” in Article IX, §1 is substantive. It means the basic knowledge and skills needed to compete in today’s economy and meaningfully participate in our State’s democracy. The current definition of the word “*education*” in Article IX, §1 is: (a) the substantive skills specified in the Supreme Court’s *Seattle School District* ruling (90 Wn.2d at 517-18); (b) the knowledge and skills in the four numbered provisions of House Bill 1209 (RCW 28A.150.210(1)-(4)); and (c) the knowledge and skills in our State’s Essential Academic Learning Requirements (the nine “EALRs”). [¶212.]
- The terms “basic education” and “basic program of education” are not synonyms. They are two distinct terms. [¶175.] “Basic education” is substance – the minimum, basic knowledge and skills described in this court’s ruling. A “basic program of education”, on the other hand, is exactly what it’s called – a program instituted to deliver that substance. [¶176.]
- The State has passed legislation, it has ordered countless studies, it has commissioned a multiplicity of reports. And yet there remains one harsh reality – it has not, and is not, amply and fully funding basic education. [¶264.] Society will ultimately pay for these students. The State will pay for their education now, or society will pay for them later through unemployment, welfare, or incarceration. [¶265.]



- On the question of whether the State is complying with its Constitutional duty under Article IX, §1, the answer is no. [¶255.]
- The State's arithmetic equations (program "funding formulas") produce far less than the resources actually required to *amply* provide for the *education* of *all* children in our State. They do not make *ample* provision for the facilities and services needed to equip *all* children in our State with the basic knowledge and skills included in the "*education*" mandated by Article IX, §1. [¶227.]
- State funding is not ample, it is not stable, and it is not dependable. Local school districts continue to rely on local levies and other non-State resources to supplement State funding for a basic program of education. [CONCLUSION]



- The State cannot avoid its constitutional violation by stating its intent to comply some time in the future. A defendant's intent to stop breaking the law in the future does not negate the fact that the defendant is breaking the law now. [¶253.]
- Recent legislation addresses, but does not resolve, the State's perennial underfunding of basic education. [CONCLUSION.] Without funding, reform legislation is an empty promise. [¶272.] ESHB 2261 does not require future legislatures – or governors – to do anything. Rather, the legislation is the expressed intent of a current legislature as to what future legislatures should or might do. [¶274.]
- The State, through its legislative and executive bodies, must fulfill their mandate under Article IX, §1. [¶274.]
- The legislature must proceed with "real and measurable progress" to (1) establish the actual cost of *amply* providing *all* Washington children with the *education* mandated by this court's interpretation of Article IX, §1, and (2) establish how the State will fully fund that actual cost with stable and dependable State sources. [¶275.]
- The State must provide stable and dependable funding for such costs. And that funding must be based as closely as reasonably practicable on actual costs. [CONCLUSION.]