

From: Superintendent
Sent: Friday, February 22, 2013 8:55 AM
To: EPS.MailList
Subject: The Legislature and McCleary -- knowns and unknowns

Dear Colleague,

As I visit with students, families and staff in the district, many ask what to expect from this legislative session and what the Supreme Court's *McCleary* decision might mean for schools.

We all have similar questions. We know that the court said K-12 schools must be fully funded and established 2018 as the deadline for that funding. We don't know how, when or if the Legislature will respond. We ARE following the Legislature very closely to be ready for whatever happens. AND we are responding to legislators' requests for information about how their actions might impact our students.

Early in March, school board representatives and I will be joined by seven of our high school students at the 2013 WSSDA/WASA/WASBO Legislative Conference in Olympia. This is the fourth year that students have travelled with school leaders to help convey the importance of legislative support for our schools.

Recently I received a document from the Network for Excellence in Washington Schools – a group of organizations and school districts advocating for constitutionally-mandated funding for Washington's K-12 schools. It is the most clearly written explanation I've seen of the *McCleary* decision, and I share it with you a piece of the challenging puzzle our legislators face making school funding decisions.

What is the *McCleary* decision?

In January 2012, Washington's State Supreme Court ruled unanimously that Washington is violating the constitutional rights of children by failing to live up to its "paramount duty" to amply fund 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.

What does the case mean for students and communities?

The Court ruled that our constitution requires the state to provide ample funding for K-12 education – and that means "*considerably more than just adequate*," according to the Court – and to fund our K-12 public schools first, before the state funds any other program or operation. The Court said school funding must be ample enough to ensure that all students are given a realistic and effective opportunity to meet the high learning standards established by the state.

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. (However, public school funding has actually decreased since 2009.)

The Court added the power of its orders to ensure “the promise” becomes reality. And, the Supreme Court retained 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.

How is the State doing so far?

The state issued its first report in December 2012. In response, the Supreme Court said the state is failing to show progress, noting that *“the overall level of funding remains below the levels that have been declared constitutionally inadequate.”* The Court also reaffirmed that *“year 2018 remains a firm deadline for full constitutional compliance,”* adding that *“we cannot wait until ‘graduation’ in 2018” for the state to begin to make progress toward meeting its constitutional paramount duty.”*

What has to happen now?

On Dec. 20, 2012, the Court told the Legislature, *“The report submitted at the conclusion of the 2013 legislative session must set out the state’s plan in sufficient detail to allow progress to be measured according to periodic benchmarks between now and 2018 ... the phase-in plan should address all areas of K-12 education identified in ESHB 2261, including transportation, materials, supplies, other operating costs, full time kindergarten, and class size reduction. Given the scale of the task at hand, 2018 is only a moment away – and by the time the 2013 Legislature convenes, a full year will have passed since the Court issued its opinion in this case.”*

This mix of court-ordered actions and the looming deadline of 2018 is a challenge for legislators who have told our school board – and our Associated Student Body representatives – that legislative decisions are better informed when legislators hear from their constituents.

The district’s [homepage](#) includes links to legislators who welcome your questions and suggestions. The [Network for Excellence in Washington Schools’](#) website includes more state school funding information and an invitation to sign up for their e-newsletter. You can also sign up for the district’s e-newsletter [InTouch](#) for general district news and legislative news as it is available.

While my messages to you this time of year by necessity are more about uncertain outside influences on our work, my heart and the lion’s share of my attention remains on the positive changes you are supporting in our work. In this season of *State of the School Reviews* (SOSR), our school board, school leaders, educators and I are able to dig deeply into the systems, supports and results of this world’s most important work. What I learn and see in schools all year combined with these deep, meaningful SOSR conversations continually affirms my belief in public education as a cornerstone of our democracy.

Thank you for all you do,

Gary