



***“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**

## **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.

## **What does the case mean for students and communities?**

The Supreme 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 also said that school funding must be ample enough to ensure that all students are given a realistic and effective opportunity to meet the high learning standards that the State has established for them.

## **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 did not allow that promise to stand without the power of court orders to ensure it became reality. In fact, the Supreme 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.

## **How is the State doing so far?**

Responding to the first mandated report, the Supreme Court said in December 2012 that 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

– OVER –

“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?**

The State’s 2013 budget must catch up to the steady, real and measurable progress ordered by the Court. Elected officials cannot ignore court orders. On December 20, 2012, the Supreme 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 Court said that “the phase-in plan should address all areas of K-12 education identified in ESHB 2261, including transportation, MSOCs (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.”

### **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.

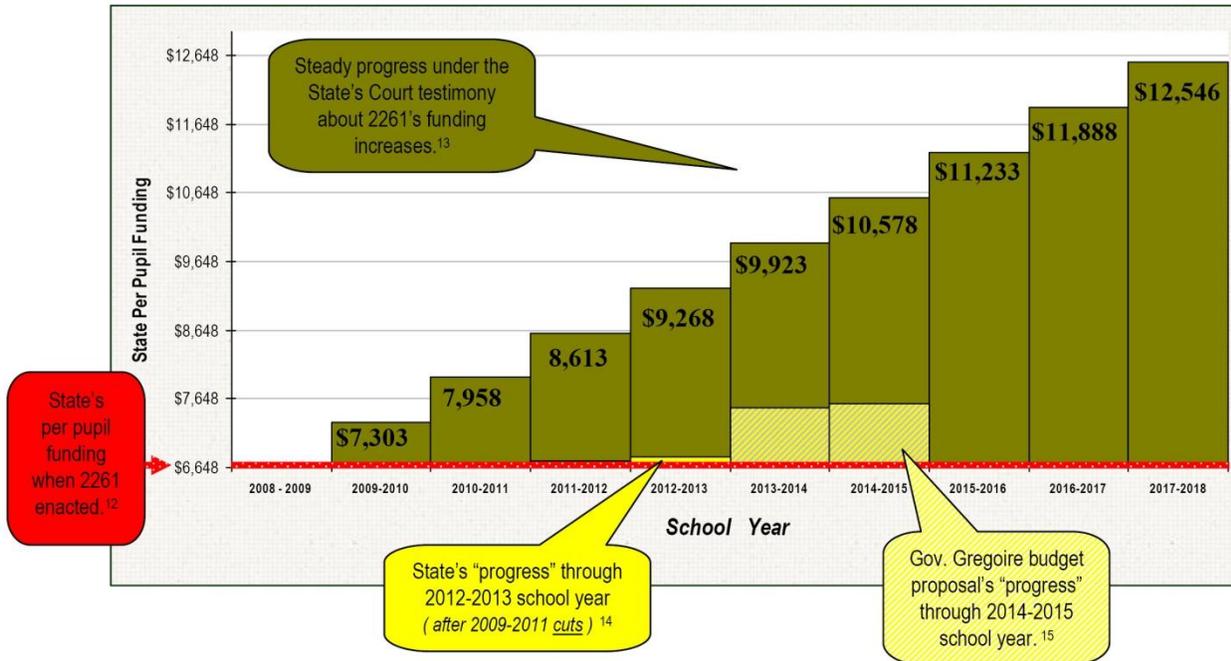
### **How can I learn more?**

Go to [www.waschoolexcellence.org](http://www.waschoolexcellence.org) to learn more about the *McCleary* case and about the Network for Excellence in Washington Schools, the coalition of 418 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 online or “like” NEWS on Facebook.



***"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**

## What does this chart show us?



The red line at the bottom is the per-pupil State funding level that was in place when ESHB 2261 was enacted in 2009. The solid yellow boxes show the woefully poor "progress" made since the ESHB 2261 was passed and how the Legislature actually cut K-12 funding in 2009-2010 and 2010-2011. The shaded yellow boxes represent funding levels in the budget proposal that Gov. Chris Gregoire proposed before leaving office (the only State budget proposal put forth in the legislative session as of February 12, 2013); it called for some additional funding for K-12 public schools, but it's still far less than what is needed to demonstrate steady progress toward full funding by 2018. The \$12,546 per-pupil figure for full funding is based on the State's own trial testimony, exhibits and reports.\*

\* The State testified that it would cost \$9,710 per student to fund ESHB 2261 without the additional increases needed to fund market-rate salaries, capital construction needs and inflation. The State later determined that it would cost \$2.836 billion per year (about \$2,836 per pupil for 1 million students) to fund market-rate salaries. Even ignoring inflation and capital construction needs, that adds up to State per-pupil funding of more than \$12,500 a year ( $\$9,710 + \$2,836 = \$12,546$ ) above and beyond existing local and federal funding. Steady progress reaching that \$12,500 per pupil funding figure by 2018 requires the State to increase per-pupil funding by more than \$650 in each of the nine years from 2009-2010 to 2017-2018.