



WASA

| WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS |



Spring Conference

FOR SMALL SCHOOLS LEADERS

"You are never too small to make a difference" - Greta Thunberg

MARCH 21-22 | WENATCHEE, WA

Officially Sanctioned Title:

**“How
little Wahkiakum School District
is trying to force the far more
powerful State government
to provide
ample facilities funding”**



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WAHKIAKUM SCHOOL DISTRICT v. STATE OF WASHINGTON

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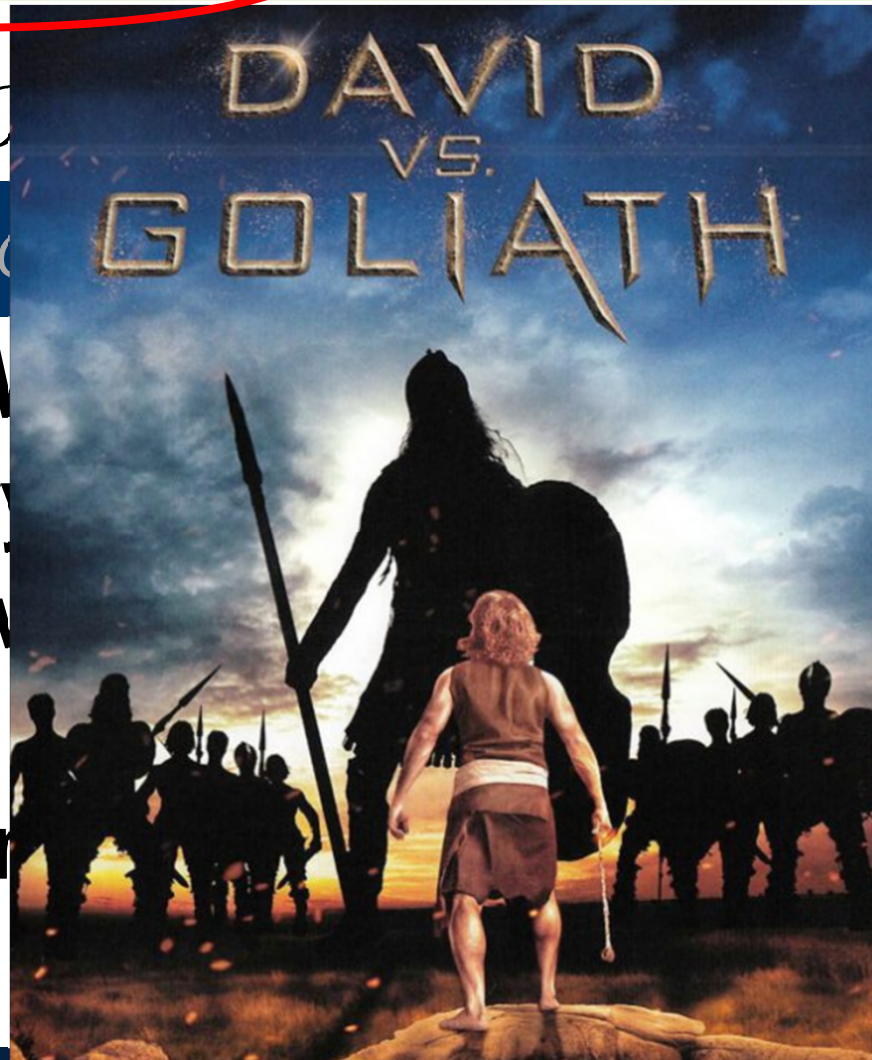
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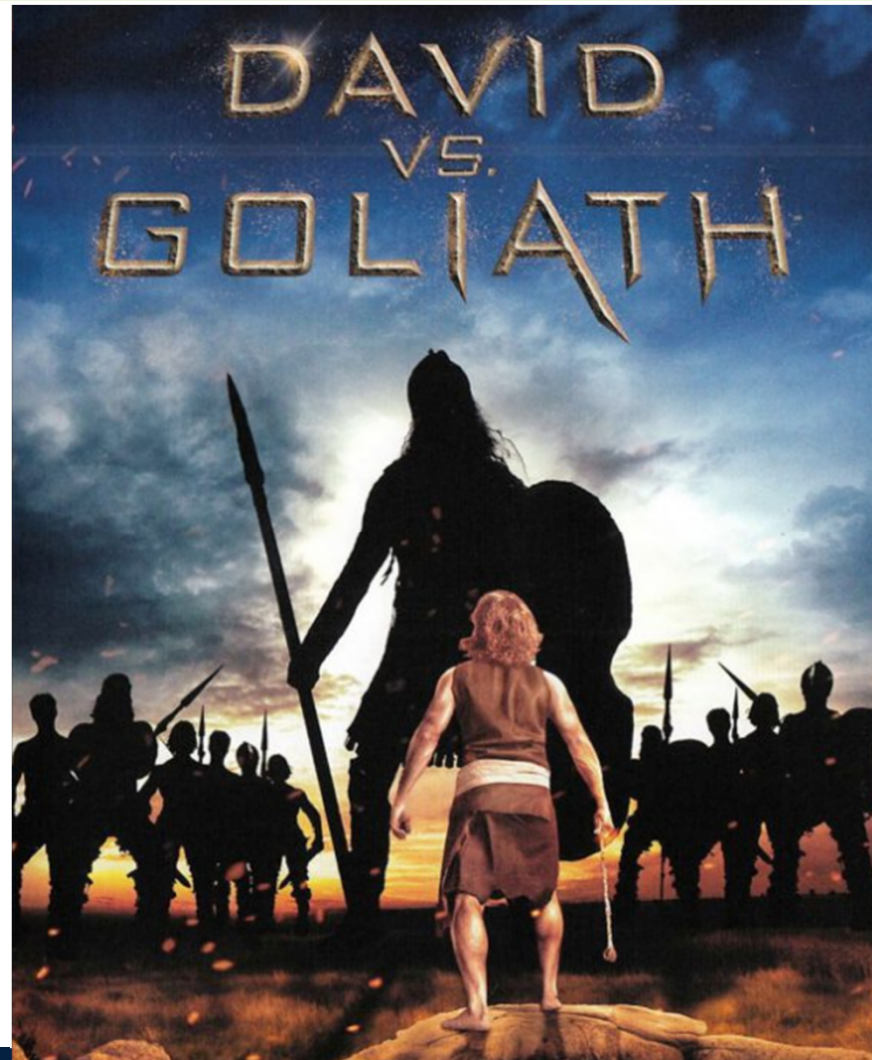


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- Why now?
- What claim?
- When know?





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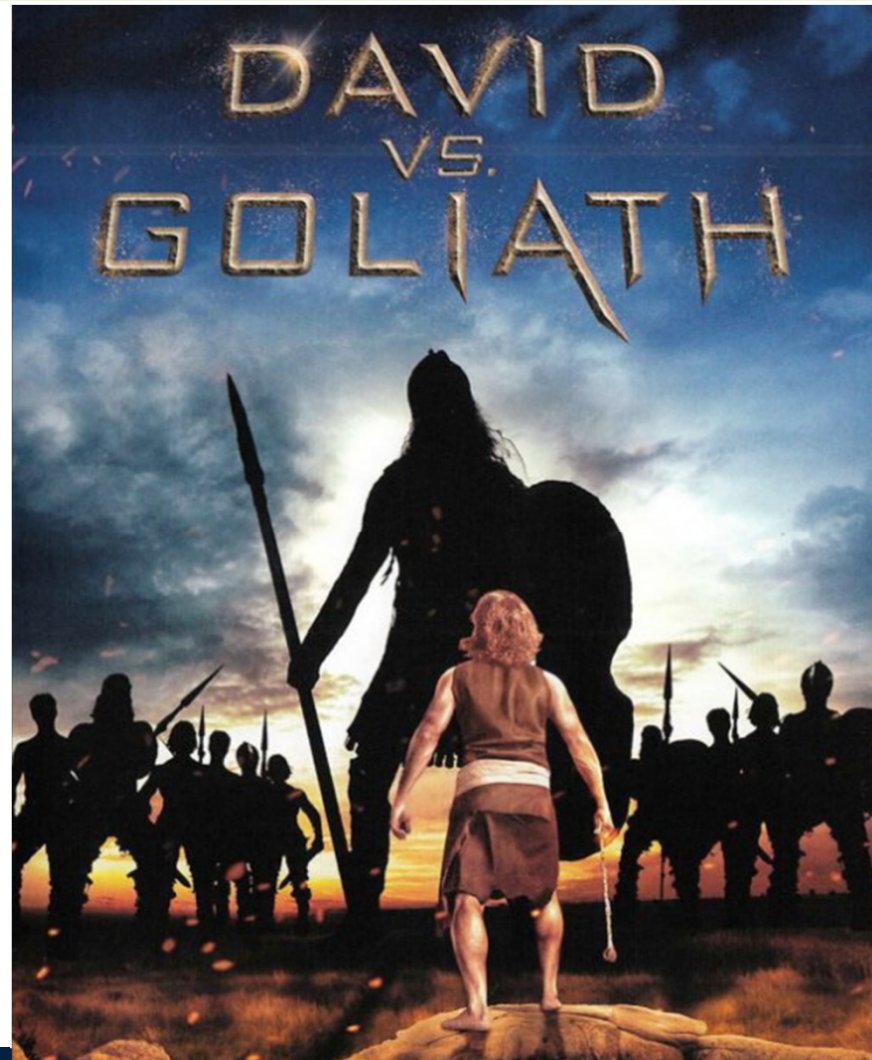
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➤ Why
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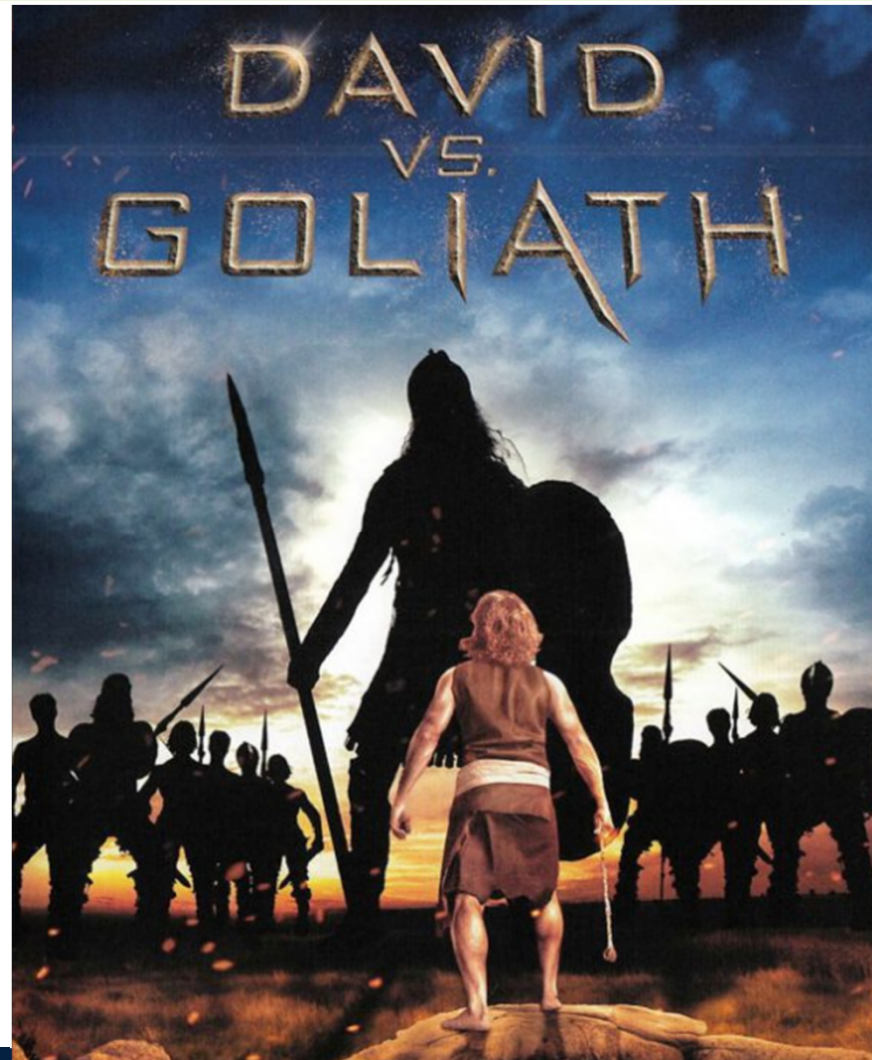


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The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY
OF THE STATE
TO MAKE AMPLE PROVISION
FOR THE EDUCATION
OF ALL CHILDREN RESIDING WITHIN ITS BORDERS,
WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY

“the State’s first and highest priority
before any other State programs or operations.”

McCleary v. State, 173 Wn.2d at 520 (underlines added)

OF ALL CHILDREN RESIDING WITHIN ITS BORDERS,
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Washington State Constitution, Article IX, section 1

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY
OF THE STATE

Not the school district ... or local property taxes ...
or local voters ... or the federal government –
instead:
the State government.

McCleary v. State, 173 Wn.2d at 527-529

Not just the State legislative branch
(or State executive branch)
All three branches - including the State judicial branch

McCleary v. State, 173 Wn.2d at 515

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY
OF THE STATE
TO MAKE **AMPLE PROVISION**

Not simply adequate – instead:
“considerably more than just adequate or merely sufficient.”

McCleary v. State, 173 Wn.2d at 484 (underline added)

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Washington State Constitution, Article IX, section 1

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY
OF THE STATE
TO MAKE AMPLE PROVISION
FOR THE EDUCATION

“the basic knowledge and skills needed
to compete in today's economy
and meaningfully participate in this state's democracy”

McCleary v. State, 173 Wn.2d at 483 & 522-526

The State's funding duty under the Washington Constitution: Article IX, section 1

- (1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;
- (2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;
- (3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and
- (4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

McCleary v. State, 173 Wn.2d at 523 & n.20 (citing the legislature's own definition)(RCW 29A,150,210)

FOR THE EDUCATION

“the basic knowledge and skills needed
to compete in today's economy
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The State's funding duty under the Washington Constitution: Article IX, section 1

The State's Essential Academic Learning Requirements (EALRs) “which specify what ‘all students should know and be able to do at each grade level’”

- ◆ reading
- ◆ math
- ◆ science
- ◆ writing
- ◆ communication
- ◆ social studies
- ◆ the arts
- ◆ health and fitness
- ◆ educational technology

McCleary v. State, 173 Wn.2d at 523 & n.20 (citing the legislature's own definition)(RCW 29A,150,210)

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McCleary v. State, 173 Wn.2d at 483 & 522-526

The State's funding duty under the Washington Constitution: Article IX, section 1

Now called the "state learning standards". RCW 28A.655.070.

(1) the Arts; (2) Computer Science; (3) Educational Technology; (4) English Language Arts; (5) English Language Proficiency; (6) Environment and Sustainability; (7) Financial Education; (8) Health & Physical Education; (9) Mathematics; (10) Science; (11) Social Studies; and (12) World Languages.

McCleary v. State, 173 Wn.2d at 523 & n.20 (citing the legislature's own definition)(RCW 29A,150,210)

FOR THE EDUCATION

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The State's funding duty under the Washington Constitution: Article IX, section 1

“... amply provided, free public education operates as the great equalizer in our democracy, equipping citizens born into underprivileged segments of our society with the tools they need to compete on a level playing field with citizens born into wealth or privilege.”

McCleary v. State Final Judgment at ¶¶ 132 & 134 (underline added)

“every child residing in our State – not just those children who enjoy the advantage of being born into one of the subsets of our State's children who are more privileged, more politically popular, or more easy to teach.”

McCleary v. State Final Judgment at ¶168 (underline added)

OF **ALL CHILDREN** RESIDING WITHIN ITS BORDERS,
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OF **ALL CHILDREN** RESIDING WITHIN ITS BORDERS,

“each and every child”

“No child is excluded.”

McCleary v. State, 173 Wn.2d at 520 (underlines added)

OR PREFERENCE ON
OR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE PARAMOUNT DUTY
OF THE STATE
TO MAKE AMPLE PROVISION

“a division of society based on differences of wealth,
inherited rank or privilege, profession, occupation, or race”

<https://www.merriam-webster.com/dictionary/caste>

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, **CASTE**, OR SEX.

Washington State Constitution, Article IX, section 1

The State's funding duty under the Washington Constitution: Article IX, section 1

WAHKIAKUM SCHOOL DISTRICT

\$500 million assessed property value

- **\$29,000 per capita income**
- **57%** of students low income

A CERTAIN PUGET SOUND SCHOOL DISTRICT

\$15 billion assessed property value

- **\$90,000 per capita income**
- **4%** of students low income

“a division of society based on differences of wealth,
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tax per thousand to raise \$30 million:

➔ **\$3.83**

tax per thousand to raise \$30 million:

➔ **\$0.12**

The State's funding duty under the Washington Constitution: Article IX, section 1

IT IS THE **PARAMOUNT DUTY**
OF THE **STATE**
TO MAKE **AMPLE PROVISION**
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“Article IX, section 1 confers on
children in Washington a positive
constitutional right to an
amply funded education.”

McCleary v. State, 173 Wn.2d at 483 (underlines added)

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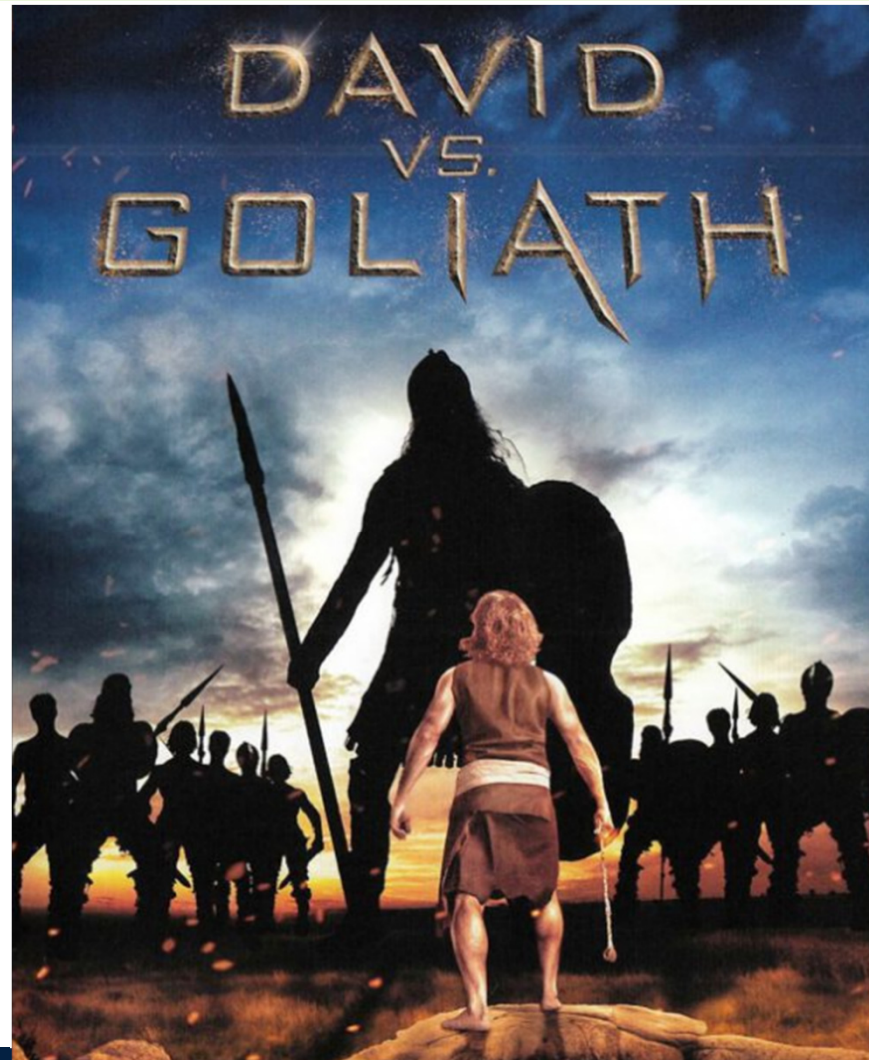
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➤ Why
now?

➤ What
claim?

➤ When
know?



The State's paramount duty under Article IX, §1 requires the State to amply fund the education facilities a district needs to safely provide all its students the "education" to which Article IX, §1 grants them a positive constitutional right.



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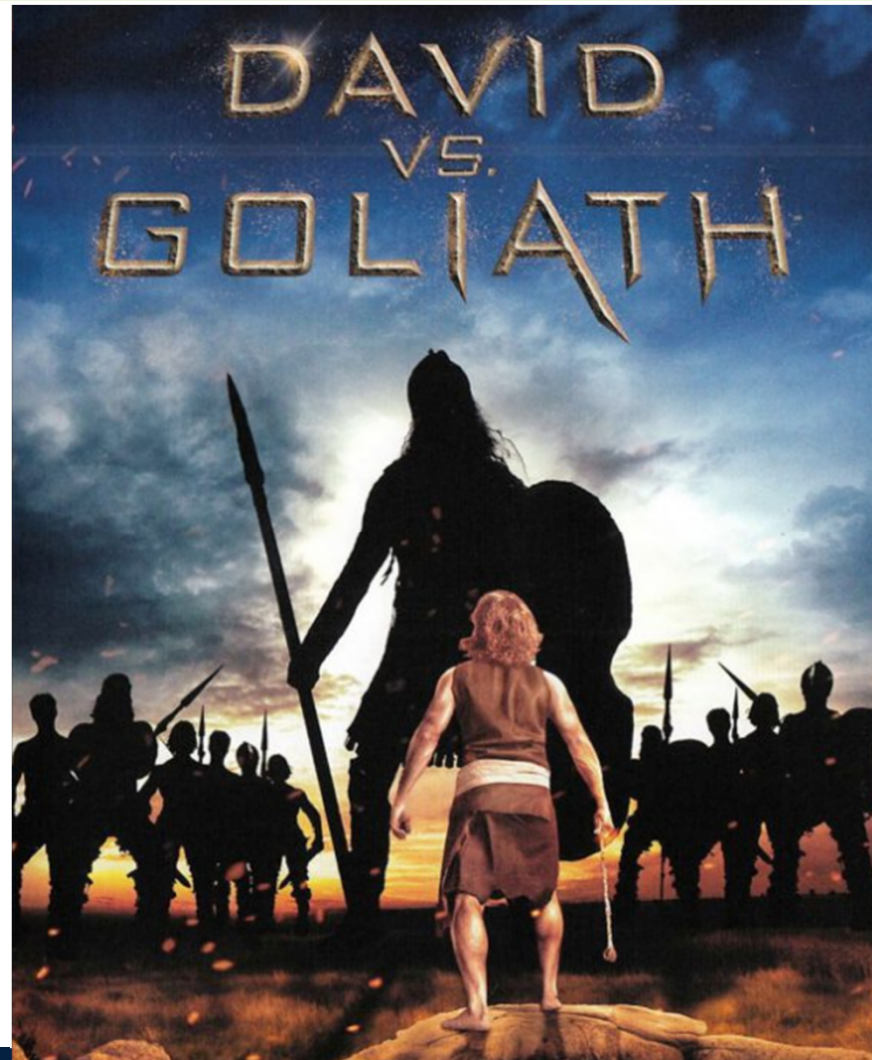


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Chronology

Dec.28 – suit filed

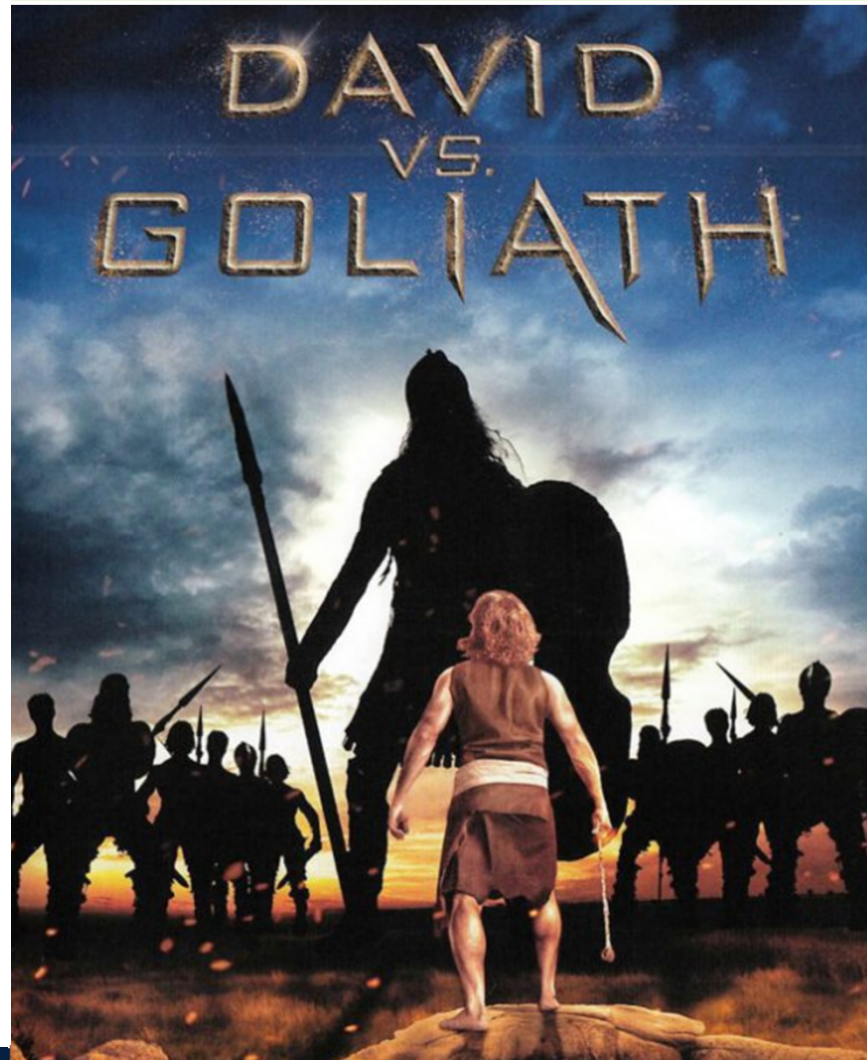
Feb.28 – State
motion to dismiss

Mar.20 – district
opposition brief

Apr.4 – trial court
hearing on dismissal

... then loser appeals

... and depositions,
document discovery,
experts, and trial



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QUESTIONS ???

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