

SPRING CONFERENCE

FOR SMALL SCHOOLS LEADERS

MARCH 20 7:30 AM - 5:30 PM
MARCH 21 7:30 AM - 11:15 AM
Wenatchee Convention Center

WENATCHEE

CONVENTION CENTER

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Wahkiakum School District's Facilities Funding Suit against the State:

- *Quick summary of the March 14 Washington Supreme Court Hearing*
- *Some possible small school outcomes on the horizon*

Quick summary March 14 Supreme Court Hearing

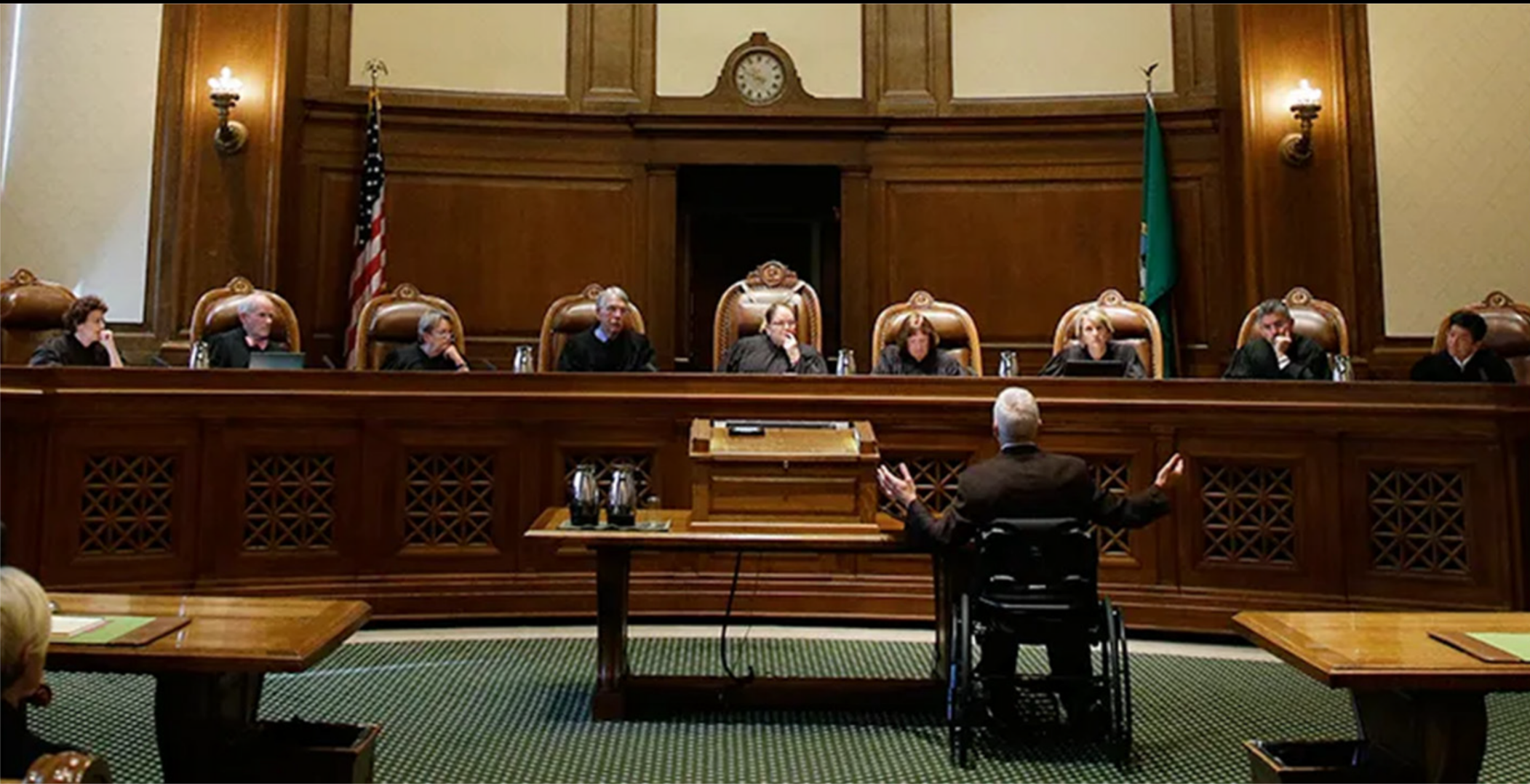


Quick summary March 14 Supreme Court Hearing



[Renovating & replacing HVAC, lighting, plumbing, etc. systems to provide “a safe place for the public and staff”
Washington Supreme Court 6/27/2022 Press Release (<https://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=49733>).]

Quick summary March 14 Supreme Court Hearing



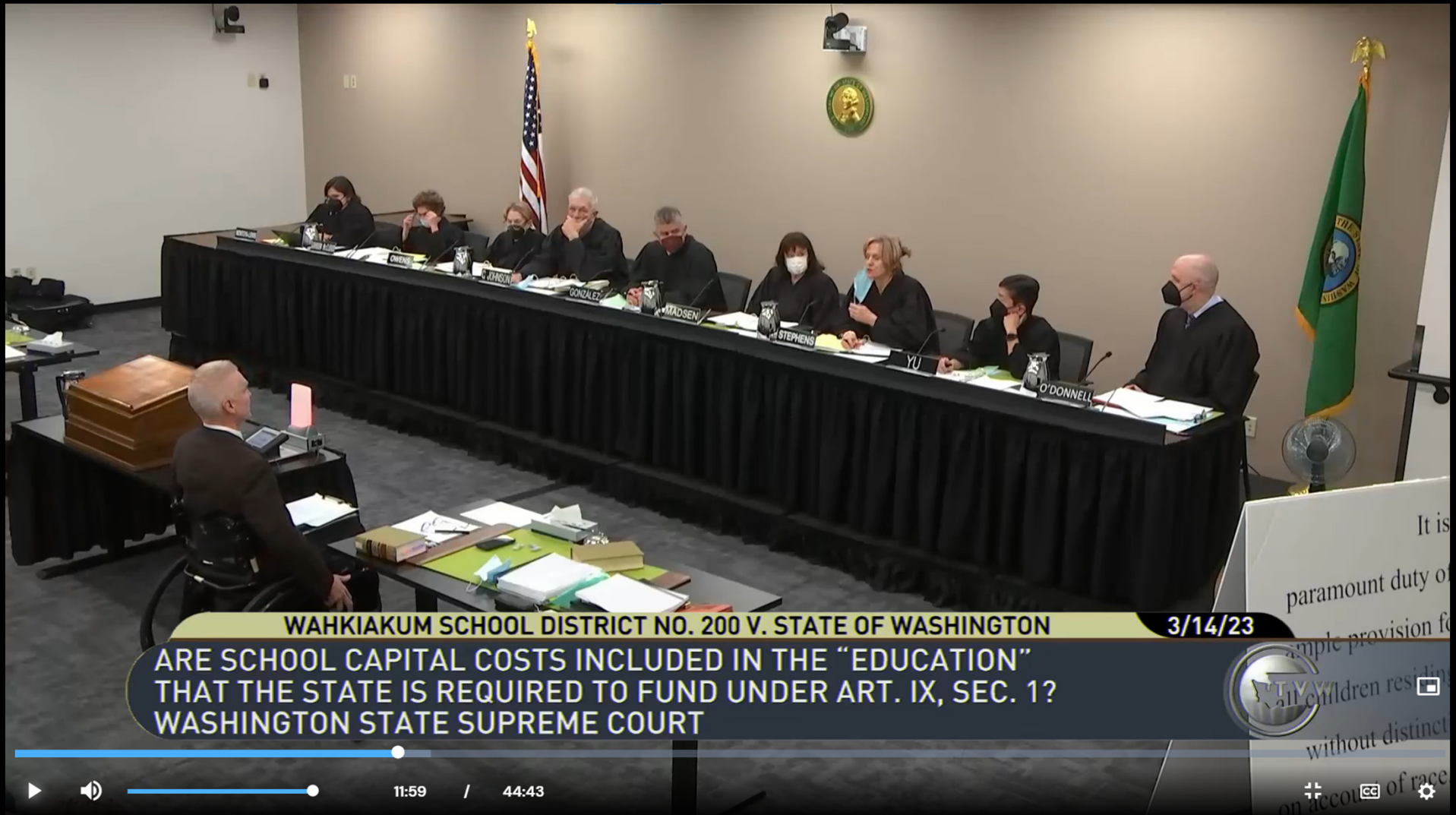
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<https://tvw.org/video/washington-state-supreme-court-2023031370/>



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The FACTS upon which the lower court's Rule 12(b)(6) dismissal is based:

- (1) the State does not fund the facilities required to safely provide Wahkiakum students the 21st century education they'll need in today's world.
- (2) the State's failure to fund these needed education facilities "has caused (and continues to cause) actual, substantial, immediate, and irreparable loss, harm, and damage to the education that the Wahkiakum School District can provide to its students."

Wahkiakum's Opening Brief at 3-15 & 42.

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The LEGAL ARGUMENT upon which the lower court's Rule 12(b)(6) dismissal is based:
Article IX, §1 excludes capital costs



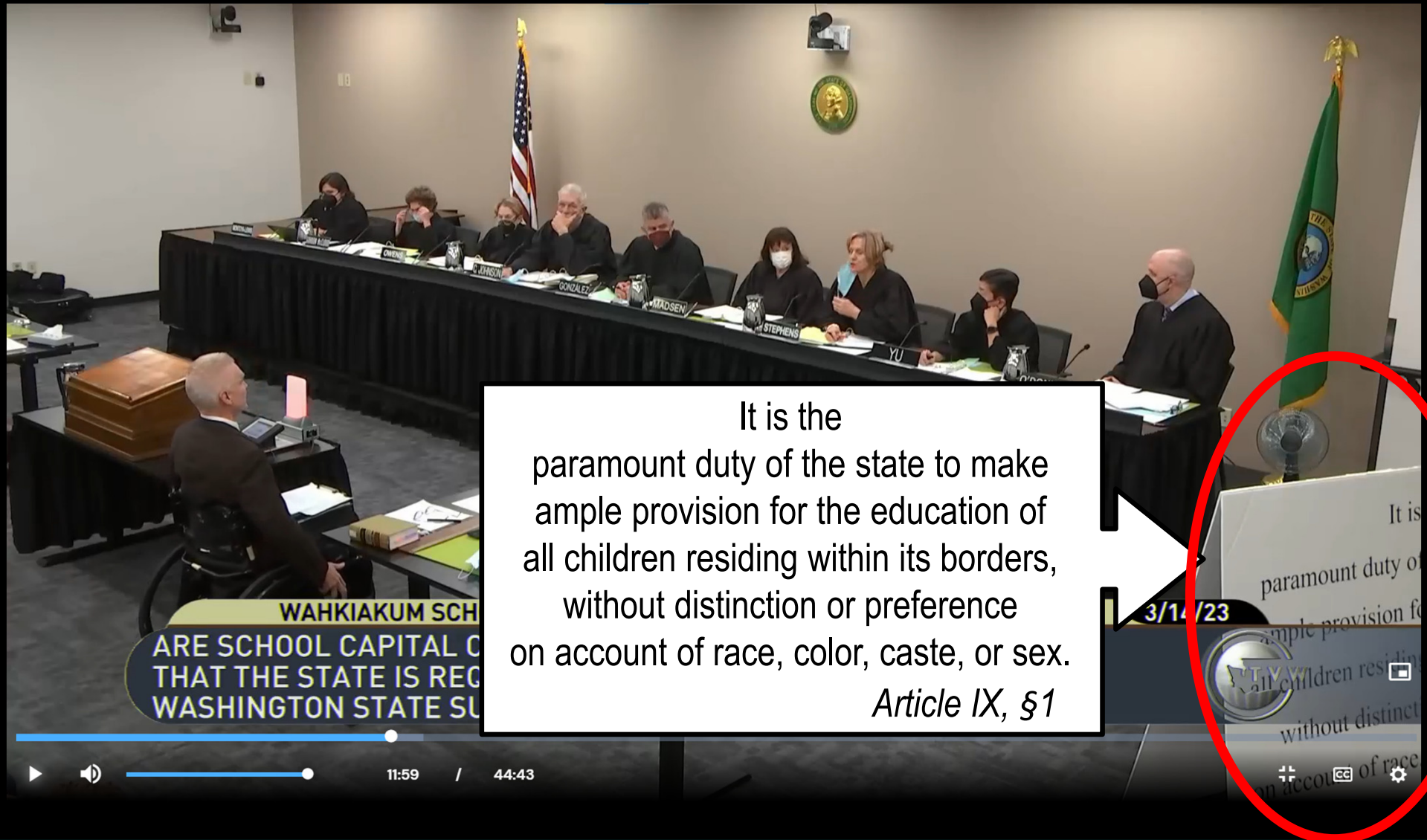
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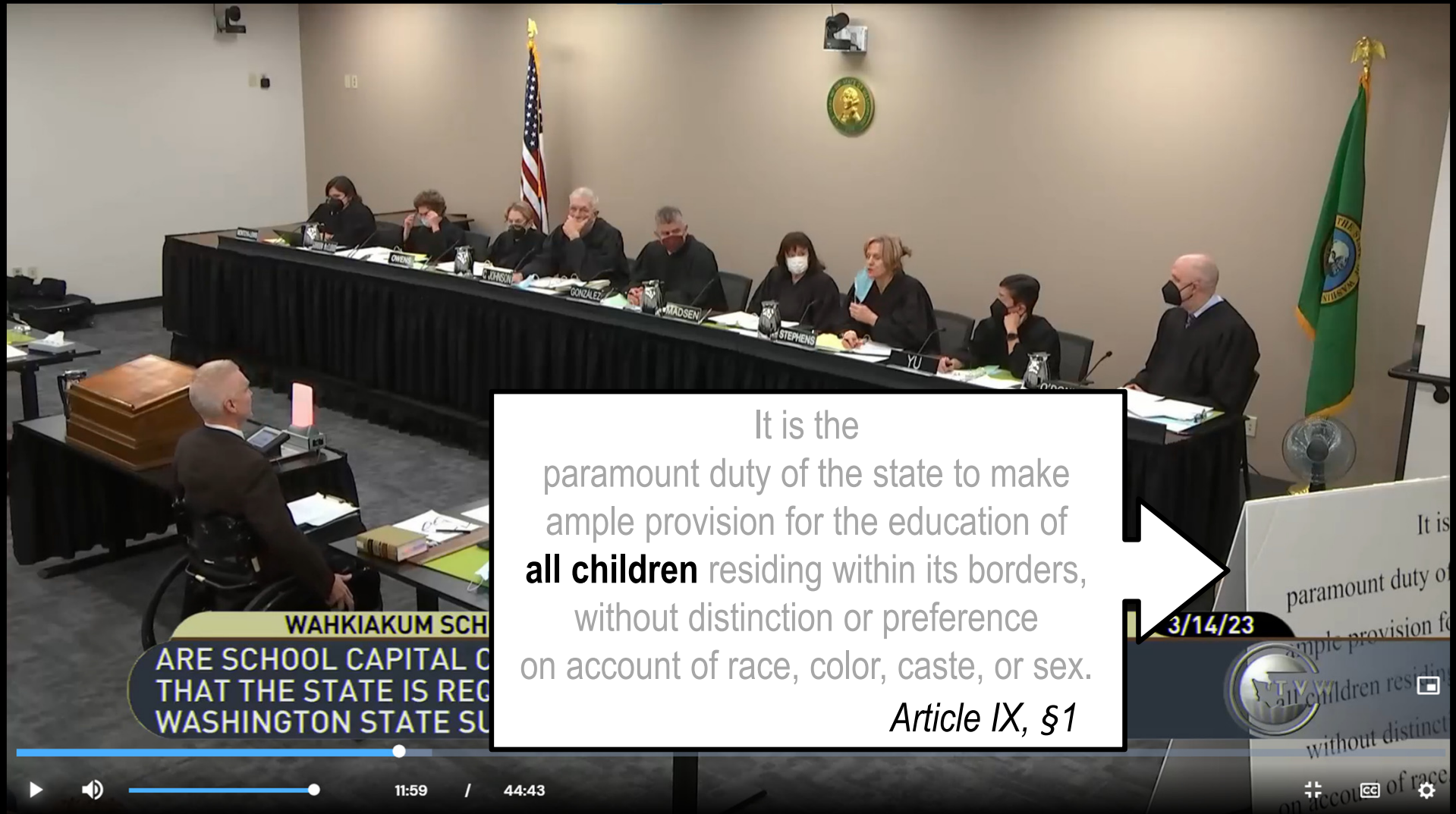
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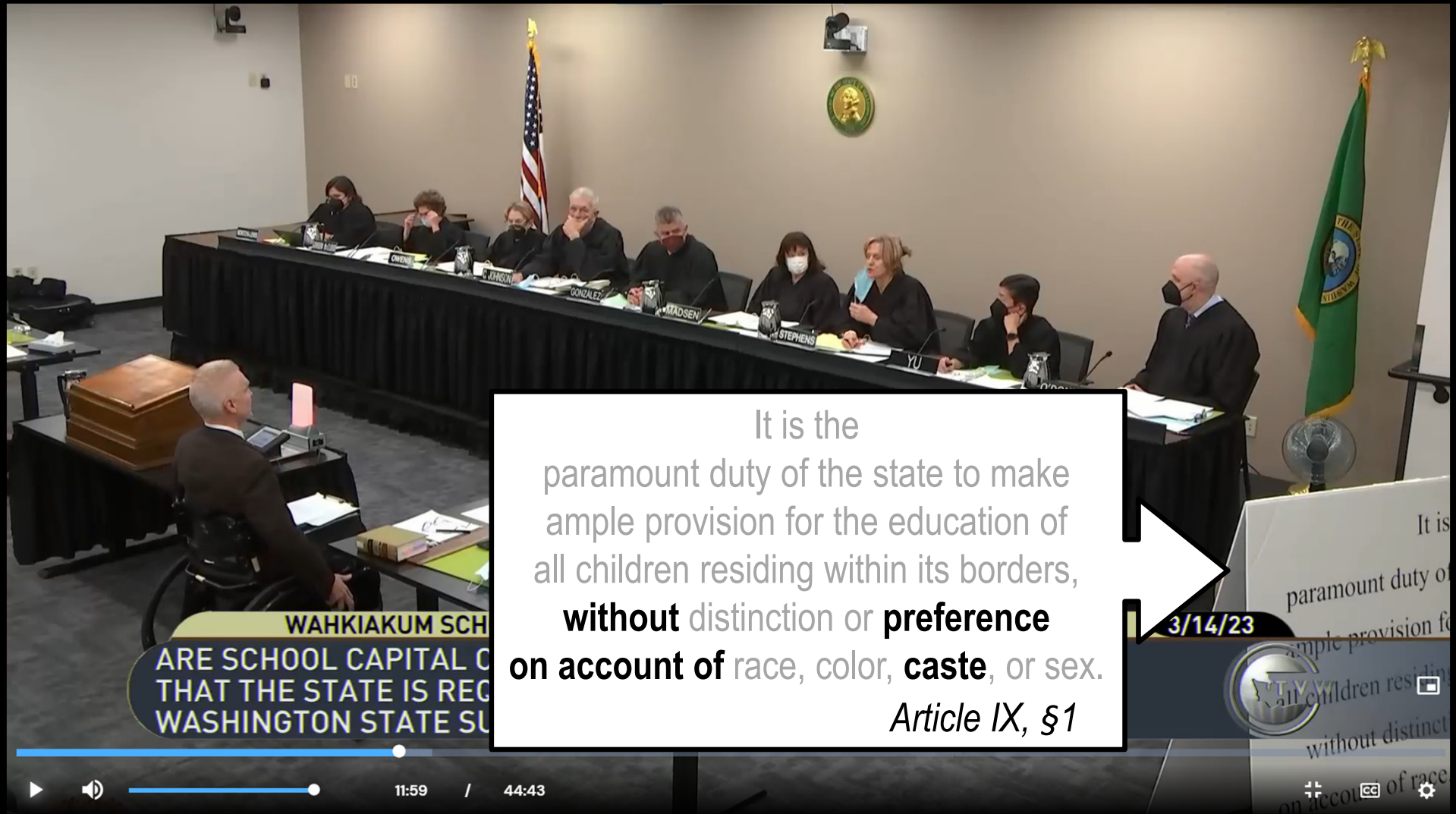
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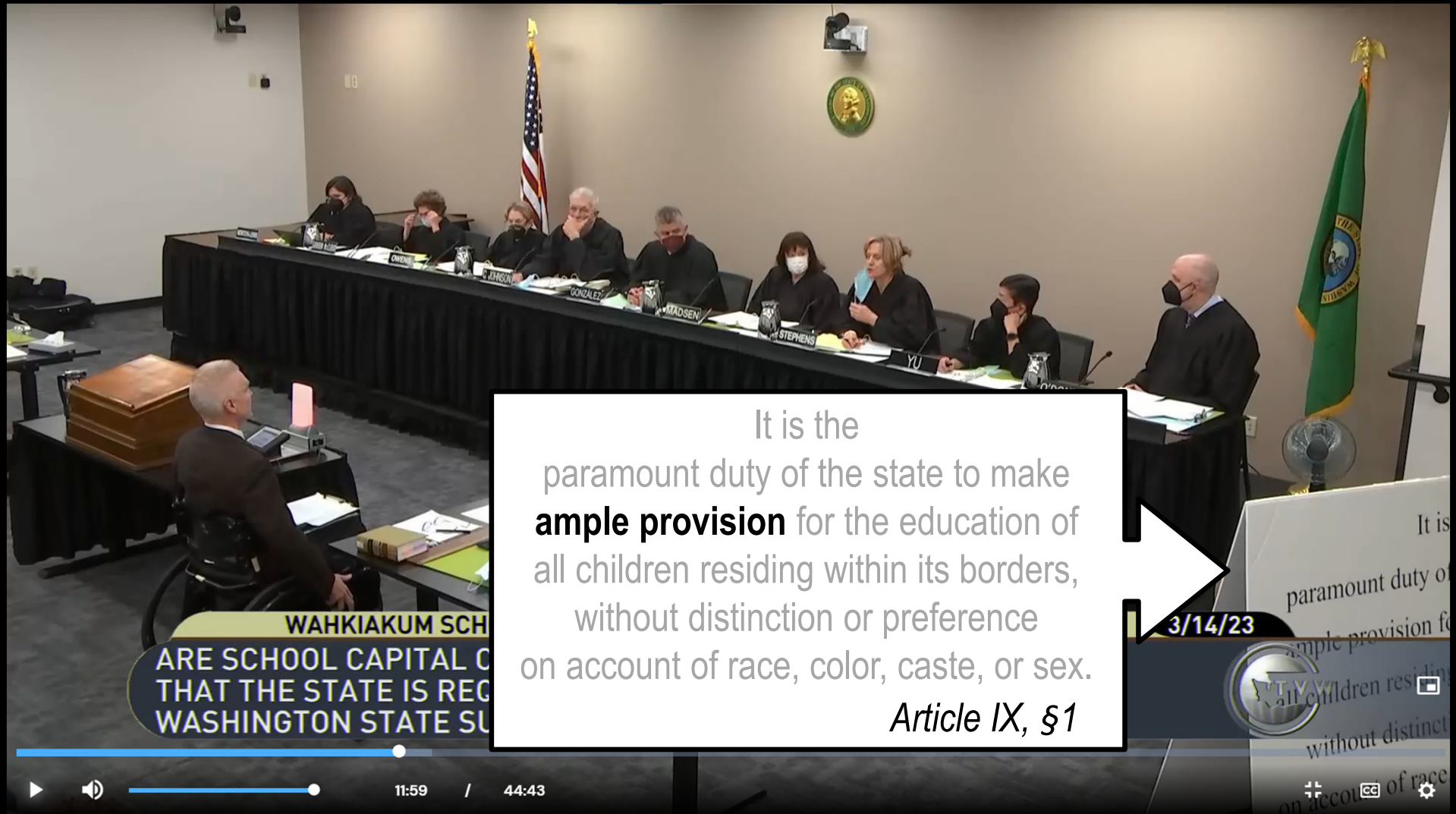
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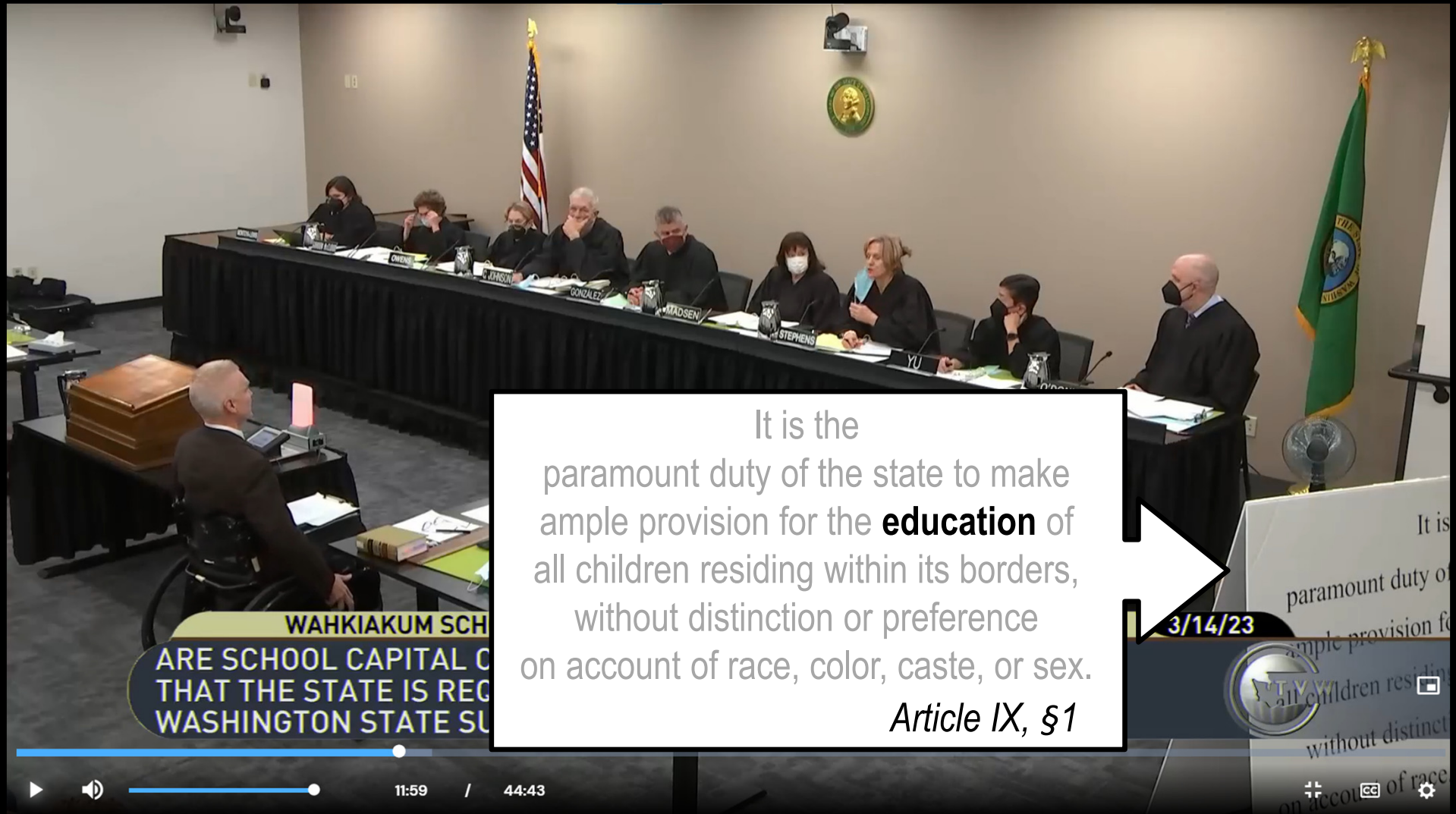
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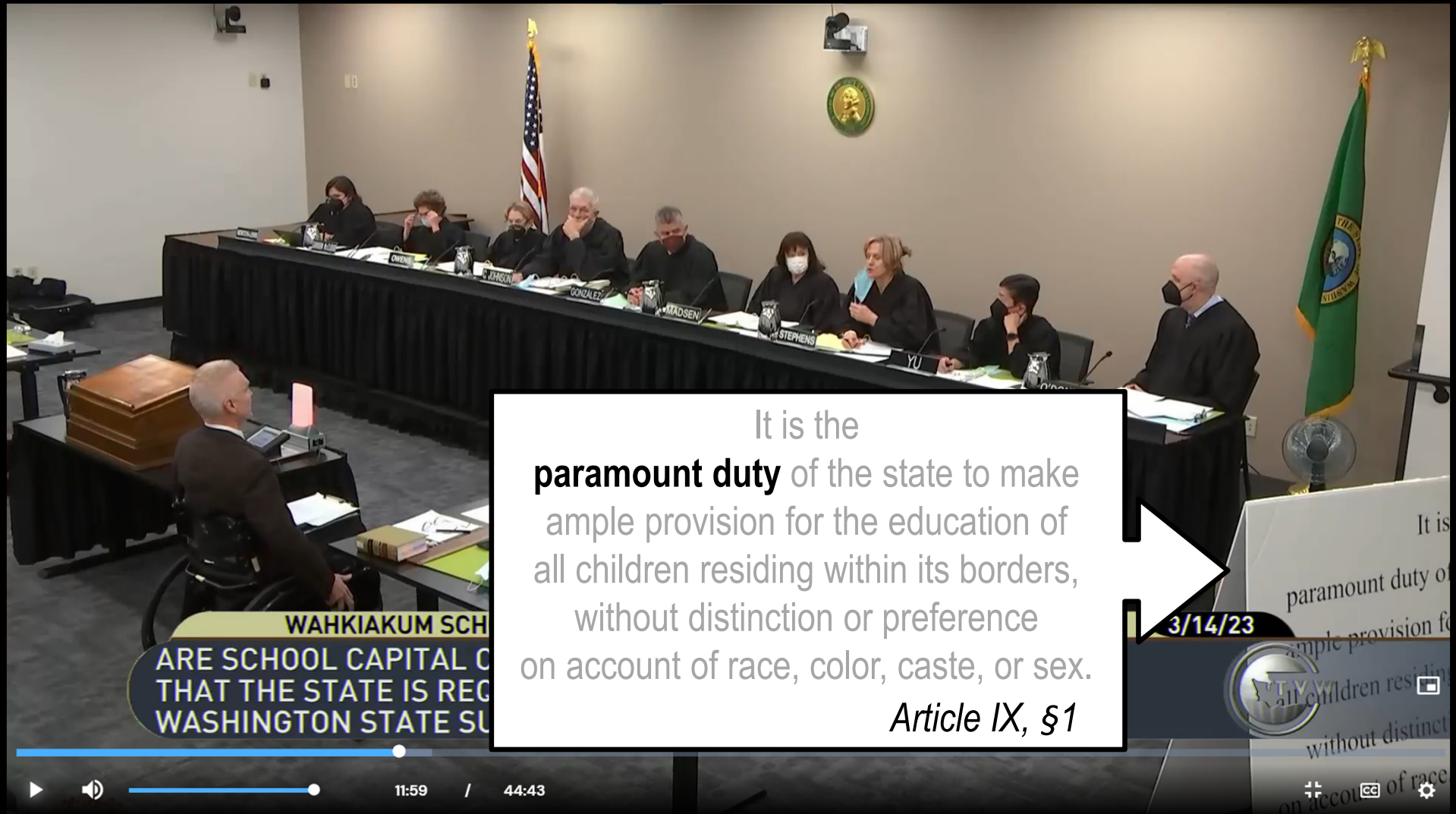
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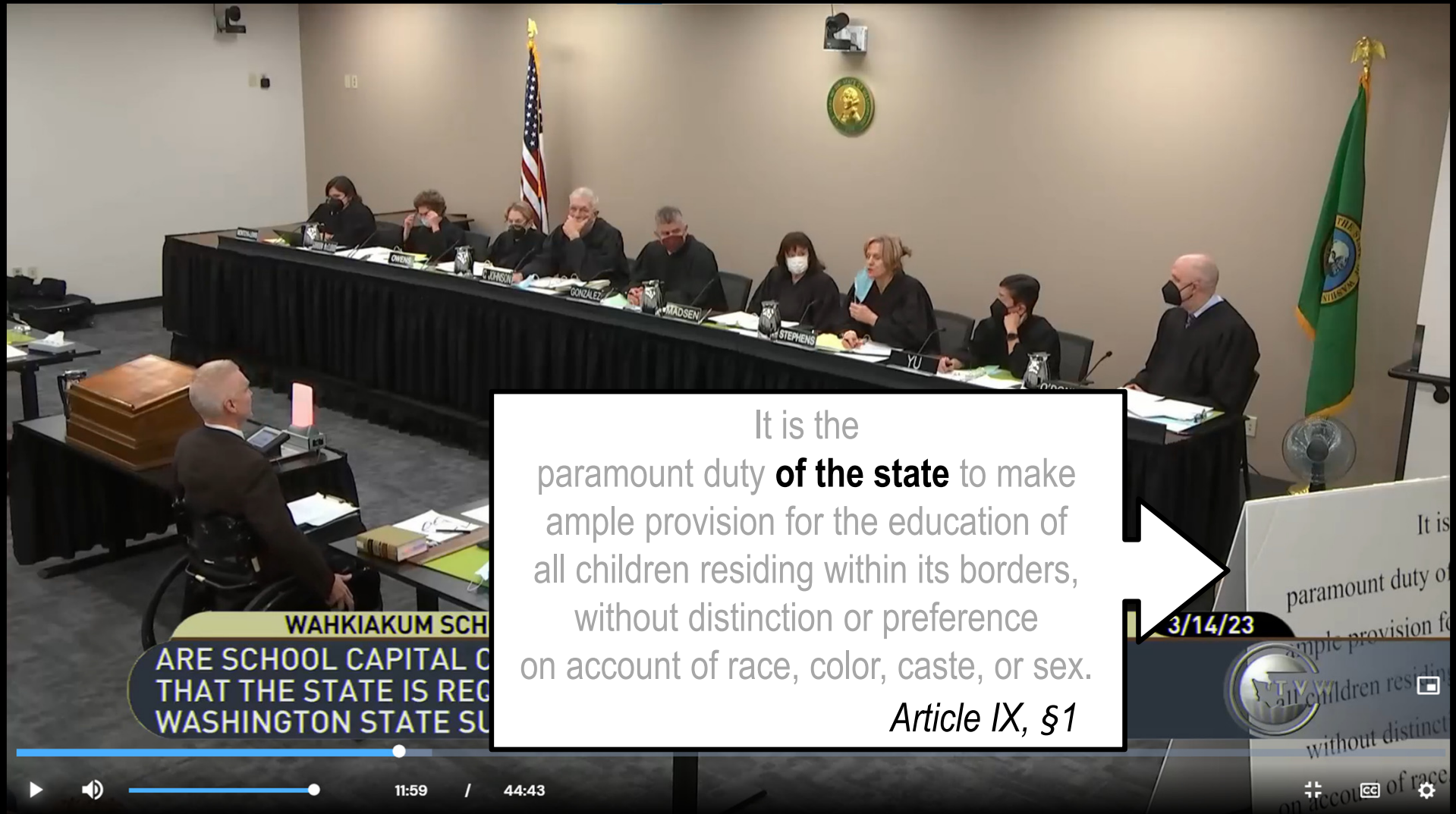
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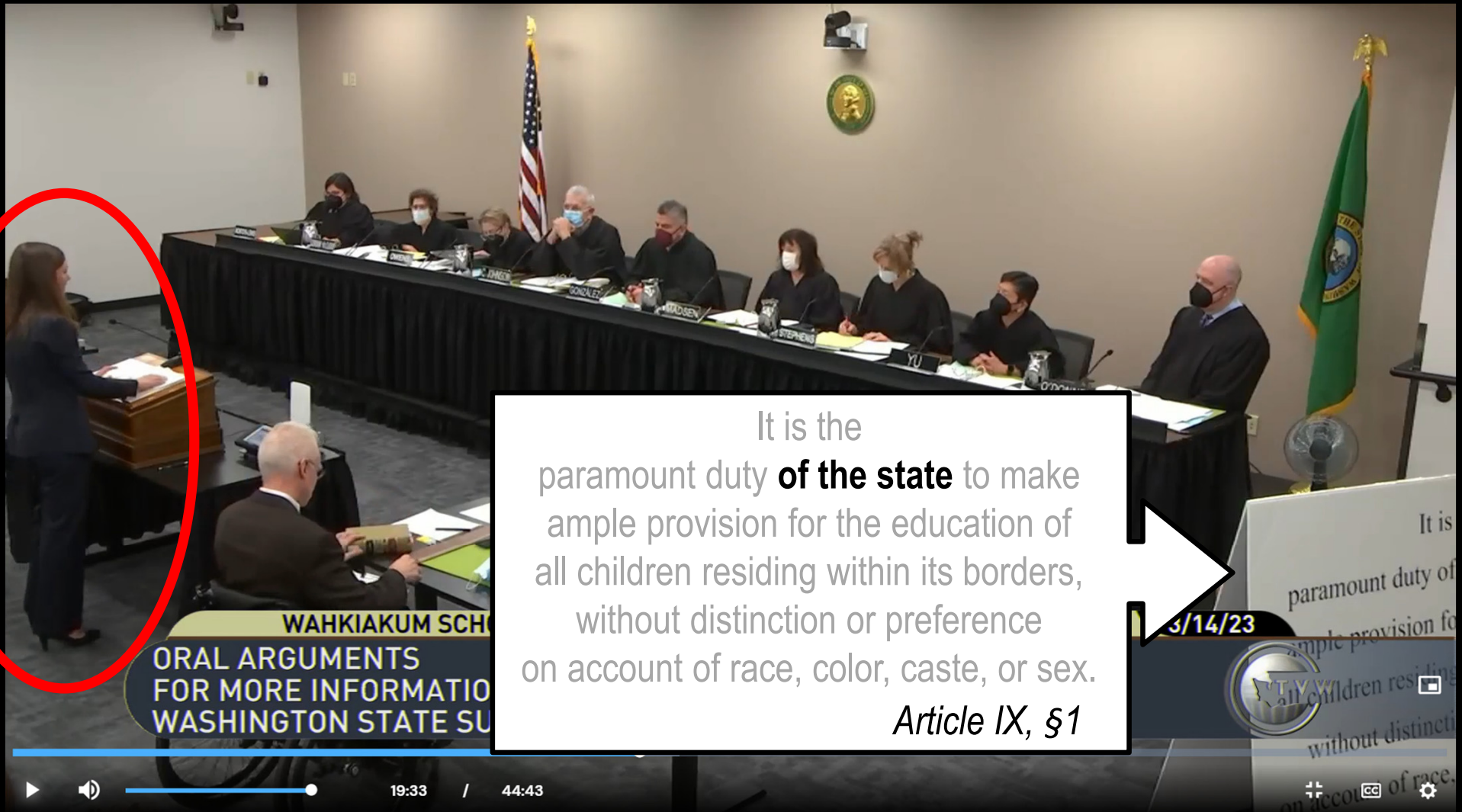
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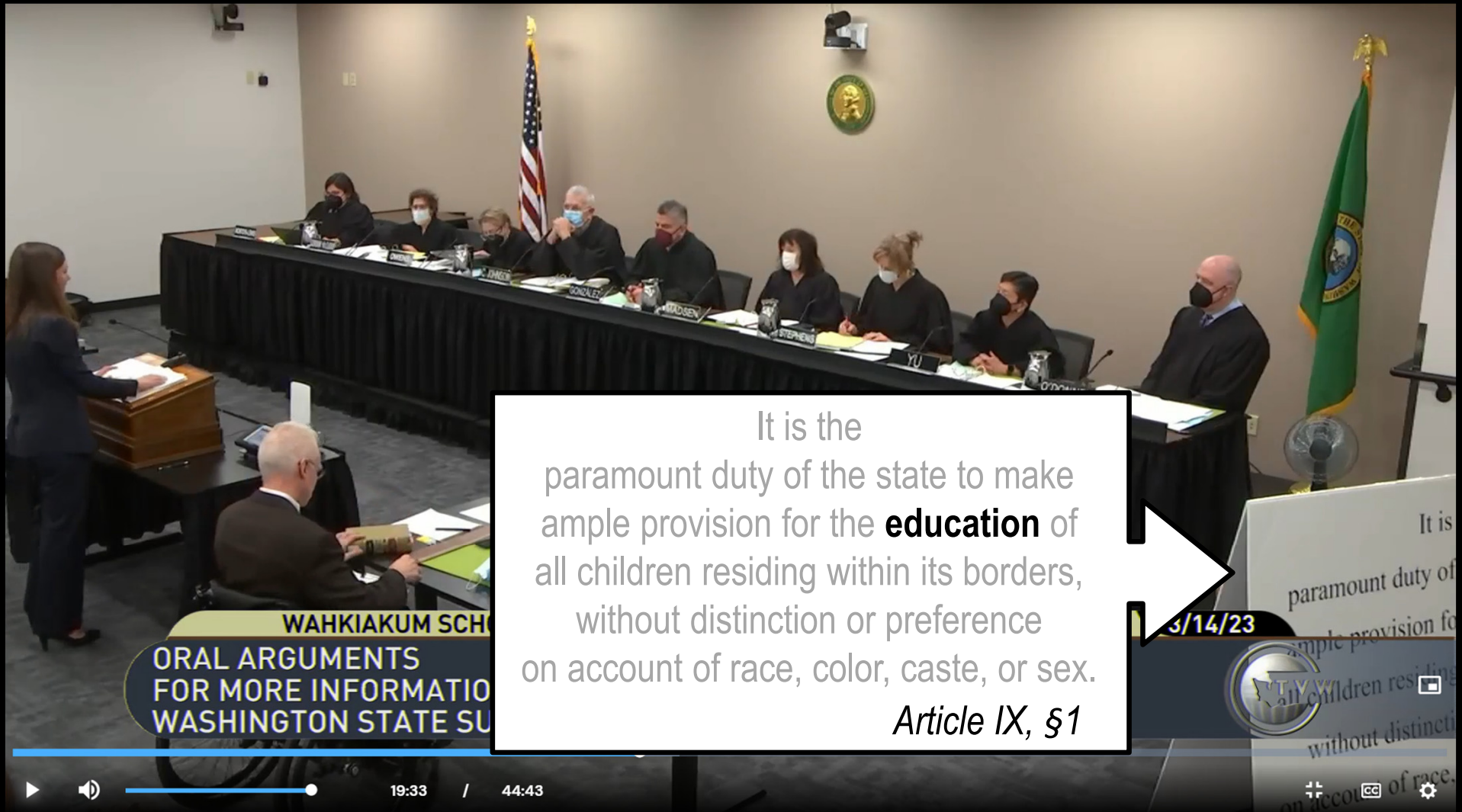
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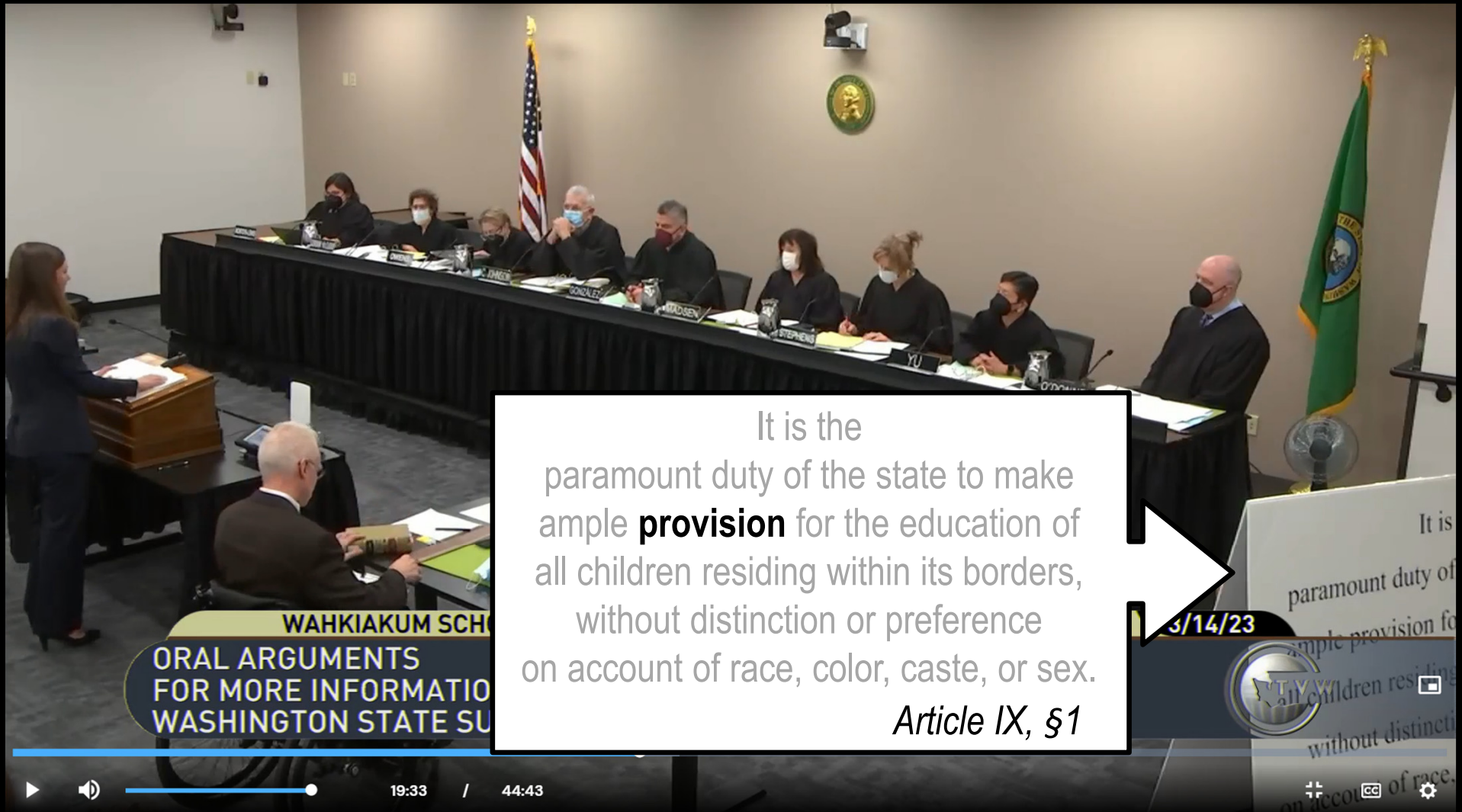
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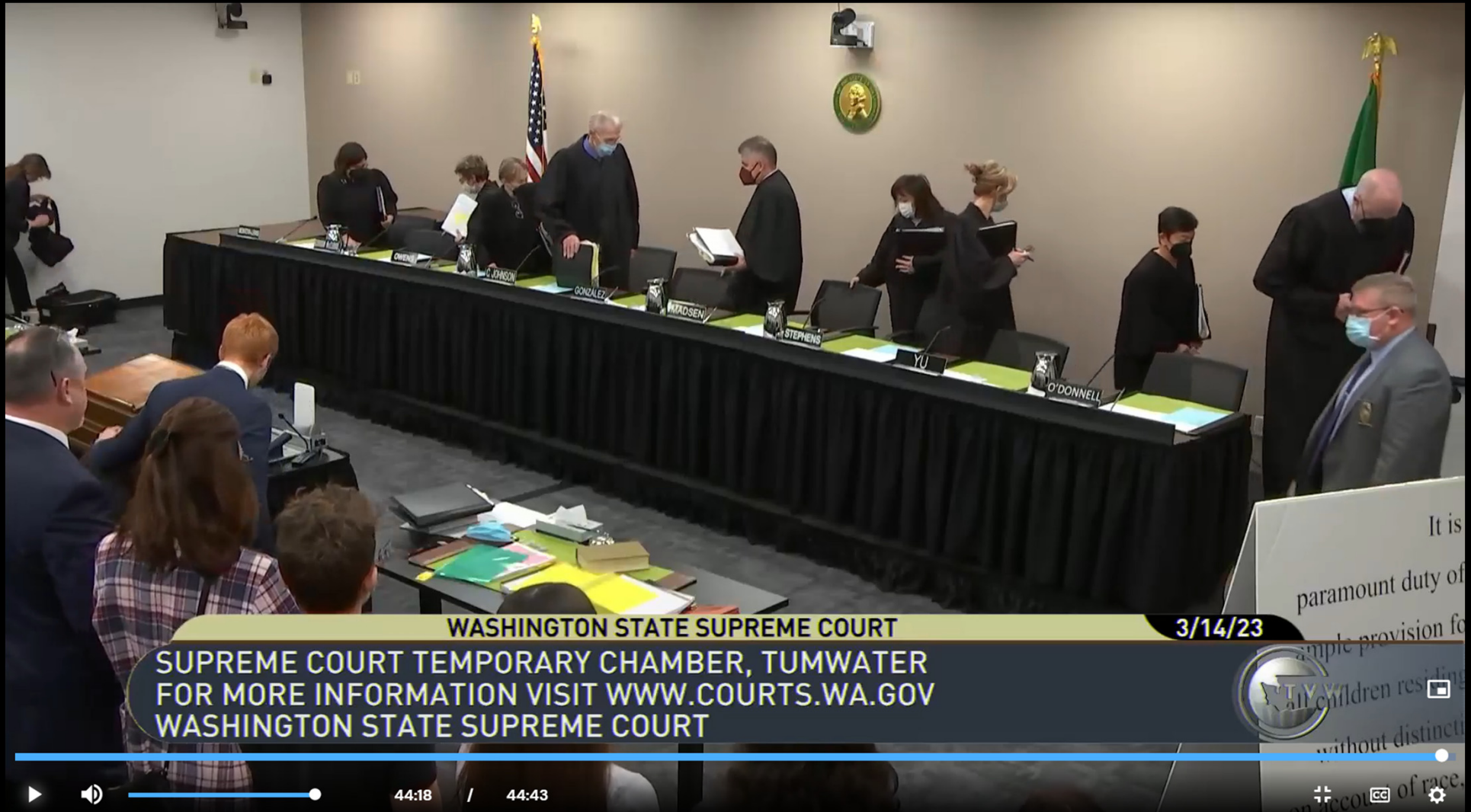


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Possible small school outcomes on the horizon



Possible small school outcomes on the horizon



DECISION TIMING

- 14 Washington Supreme Court decisions issued thus far this year
 - Quickest was 3 months after oral argument
 - Slowest was 13 months after oral argument
 - Average was 7½ months after oral argument
- ➔ Decision around end of October?

Possible small school outcomes on the horizon

STATE WINS → STATE DOES NOT HAVE TO FUND NEEDED SCHOOL FACILITIES

It is the
paramount duty of the state to make
ample provision of
within its borders,
or preference
of

**THE STATE'S PARAMOUNT EDUCATION
DUTY IS LIMITED TO OPERATING COSTS –
ALL CAPITAL COSTS EXCLUDED**

→ Will Need To Turn To *OTHER*
Legal Arguments (e.g., unfunded
mandates for some capital costs...)

Possible small school outcomes on the horizon

WAHKIAKUM WINS → STATE DOES HAVE TO FUND NEEDED SCHOOL FACILITIES

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.

Article IX, §1

Possible small school outcomes on the horizon

WAHKIAKUM WINS → STATE DOES HAVE TO FUND NEEDED SCHOOL FACILITIES

→ REMAND TO SUPERIOR COURT TO DETERMINE WHICH CAPITAL COSTS REQUESTED BY WAHKIAKUM ARE NEEDED FOR BASIC EDUCATION AND WHICH ARE FOR ENRICHMENTS

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Possible small school outcomes on the horizon

WAHKIAKUM WINS → STATE DOES HAVE TO FUND NEEDED SCHOOL FACILITIES

→ REMAND WITH DIRECTION TO STATE TO DETERMINE A FUNDING FORMULA TO FUND CAPITAL COSTS THAT ARE NEEDED FOR BASIC EDUCATION AS OPPOSED TO ENRICHMENTS

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Article IX, §1

DAVID VS. GOLIATH

STATE OF WASHINGTON



WAHKIAKUM SCHOOL DISTRICT

→ STATE DOES NOT HAVE TO FUND NEEDED SCHOOL FACILITIES

→ REMAND TO SUPERIOR COURT TO DETERMINE WHICH CAPITAL COSTS REQUESTED BY WAHKIAKUM ARE NEEDED FOR BASIC EDUCATION AND WHICH ARE FOR ENRICHMENTS

→ REMAND WITH DIRECTION TO STATE TO DETERMINE A FUNDING FORMULA TO FUND CAPITAL COSTS THAT ARE NEEDED FOR BASIC EDUCATION AS OPPOSED TO ENRICHMENTS

QUESTIONS?

**STATE OF
WASHINGTON**

WAHKIAKUM SCHOOL DISTRICT

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