



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

September 11, 2015

Dear Governor and Members of the Washington State Legislature:

In light of the Supreme Court's August 13th, 2015 court order and the financial penalty levied upon the Legislature in the *McCleary* case, the Board believes it is appropriate to offer our recommendations on the state's efforts to achieve constitutional compliance by 2018. While the Board has previously forwarded a position statement to the Legislature in the form of a [2014 resolution](#), our recommendations are hereby updated to reflect current events. Accordingly, we recommend the following:

1. The Governor should heed the Court, and convene a special session to address the Court's order.

Given the relatively modest size of the Court's fine, and subsequent statements by legislative leadership, there appears to be at least some chance that the legislature will proceed as usual and not convene a special session prior to January of 2016. There is the potential for the Court to see this as a willful disregard for the penalty which might escalate its level of involvement in the process in ways that neither party welcomes.

The Court's August order appropriately struck a tone of urgency. The State Board of Education joins the Superintendent of Public Instruction in calling upon the Governor and the Legislature to call a special session regarding *McCleary*.

2. Keep the focus of the *McCleary* case on the amplexness of school funding.

The core legal issue at stake in the *McCleary* case is whether the state makes ample provision for schools, and whether it does so through regular and dependable revenue sources. The legislature has every right to protect the authority of the legislative branch, but not at the expense of compliance with the state's paramount duty. We urge the Legislature and the Governor to focus its debate on what constitutes ample provision, and how that standard can be met by 2018.

3. Ensure a degree of funding equity in the system for students, regardless of where they go to school in the state.

The Board believes that inequitable funding will inevitably produce inequitable outcomes for students. In the same vein, the Supreme Court's original 2012 *McCleary* ruling was clear that local excess levies were inappropriate for support of basic education programs not only because of their lack of dependability, but also because they are "too variable" across communities of varying wealth. The Court was clear that reliance on excess levies "implicates both the equity and the adequacy of the K-12 funding system." Accordingly, the Board urges the legislature to create structures and safeguards to ensure that local levy funding does not fund basic education programs or salaries, and current inequities in funding are not maintained in the new system of financing public schools.

The Board stands ready to assist you as you undertake this historic effort.

On behalf of the Board,

Kevin Lavery, Vice Chair Washington State Board of Education