



## Summary of *McCleary v. Washington*

*The Supreme Court in its own words*

### **Washington state Constitution, Article IX:**

**SECTION 1 PREAMBLE.** 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.

*On January 5, 2012, the State Supreme Court ruled in [McCleary v. Washington](#) that Washington state is not amply funding basic education under the state Constitution. The indented text blocks below are quotes from the ruling.*

### **The Paramount duty of the state is to provide “ample” support for basic education:**

Article IX, section 1 confers on children in Washington a positive constitutional right to an amply funded education (page 2).

### **Ample means more than just adequate:**

The word “ample” in article IX, section 1 provides a broad constitutional guideline meaning fully, sufficient, and considerably more than just adequate (p 3).

### **“Basic education” means whatever is necessary to give students the opportunity to master the state’s four learning goals and the Essential Academic Learning Requirements:**

The “education” required under article IX, section 1 consists of the *opportunity* to obtain the knowledge and skills described in *Seattle School District*, ESHB 1209, and the EALRs. It does not reflect a right to a guaranteed educational outcome (p. 2-3).

**At a minimum, the State must fully fund NERCs (overhead costs), transportation, and staff salaries and benefits without relying on local levies or federal funds:**

If the State's funding formulas provide only a portion of what it actually costs a school to pay its teachers, get kids to school, and keep the lights on, then the legislature cannot maintain that it is fully funding basic education through its funding formulas (p. 60).

**Relying on local levies or federal funding is unconstitutional because it is unstable and unfair:**

The fact that local levy funds have been at least in part supporting the basic education program is inescapable.....Reliance on levy funding to finance basic education was unconstitutional 30 years ago....and it is unconstitutional now (p. 68).

Similarly, we find it difficult to characterize federal funding of certain education programs as a "regular and dependable tax source[]," *id.* at 523, for purposes of satisfying the State's obligation (p. 56).

**Lack of revenue does not justify failing to meet the paramount duty:**

To ensure that the legislature exercises its authority within constitutionally prescribed bounds, any reduction of programs or offerings from the basic education program must be accompanied by an educational policy rationale. That is, the legislature may not eliminate an offering from the basic education program for reasons unrelated to educational policy, such as fiscal crisis or mere expediency (p. 54).

**The State is not meeting its paramount duty:**

We affirm the trial court's declaratory ruling and hold that the State has not complied with its article IX, section 1 duty to make ample provision for the education of all children in Washington (p. 69).

**Full implementation of the HB 2261/QEC process is the solution:**

The legislature recently enacted a promising reform package under ESHB 2261, 61st Leg., Reg. Sess. (Wash. 2009), which if fully funded, will remedy deficiencies in the K-12 funding system (p. 3).

**The Court will monitor progress to ensure the QEC recommendations are funded by 2018:**

The judiciary will retain jurisdiction over the case to help ensure progress in the State's plan to fully implement education reforms by 2018 (p. 77-78).