

Madison v. OSPI

**2018 Supplemental Budget
Decision Package**

Agency: 350 Office of Superintendent of Public Instruction
Decision Package Code/Title: SR/Madison v. OSPI
Budget Period: 2018 Supplemental
Budget Level: M2

Agency Recommendation Summary Text:

The American Civil Liberties Union (ACLU) filed a class action complaint against the Office of the Superintendent of Public Instruction (OSPI) on behalf of students who require special education services and reside in the Pasco or Yakima school districts. The Attorney General's Office estimates legal services costs of \$269,000 in FY18 and \$313,000 in FY19. OSPI's current legal services allocation is not sufficient to fund the defense of the lawsuit.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1 (Program 010)	\$269,000	\$313,000	\$0	\$0
Total Cost	\$269,000	\$313,000	\$0	\$0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	\$269,000	\$313,000	\$0	\$0

Package Description:

This request will fund a litigation team at the Attorney General's Office to defend the state.

Contact Person:

- Mike Woods, Director of Agency Financial Services, 360 725-6283.

Base Budget: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

OSPI's 17-19 allocation for routine legal services is \$1,279,000. This request represents 45% of our allocation, and cannot be absorbed within existing resources.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Legal cost estimates were provided by the Attorney General's Office. See the AGO's Decision Package for more details.

Decision Package Justification and Impacts

What specific performance outcomes does the agency expect?

The state will have an adequate defense for this case.

Performance Measure detail:

N/A

Fully describe and quantify expected impacts on state residents and specific populations served.

This request supports the defense against new legal theories that would potentially place liability on the state for the failure of school districts to perform their duties in a non-discriminatory manner. If the plaintiffs prevail, this case has the potential to be used as a precedent against the state for other claimed negative impacts on students as a failure to deliver constitutionally required education.

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Distinction between one-time and ongoing costs:

Based upon AGO projections, costs are presumed to be current biennium only.

What are other important connections or impacts related to this proposal?

Impact(s) To:		Identify / Explanation
Regional/County impacts?	No	Identify:
Other local gov't impacts?	Yes	Identify: The outcome of this case may impact how school districts provide services to students who require special education services.
Tribal gov't impacts?	No	Identify:
Other state agency impacts?	No	Identify:
Responds to specific task force, report, mandate or exec order?	No	Identify:
Does request contain a compensation change?	No	Identify:
Does request require a change to a collective bargaining agreement?	No	Identify:
Facility/workplace needs or impacts?	No	Identify:
Capital Budget Impacts?	No	Identify:
Is change required to existing statutes, rules or contracts?	No	Identify:
Is the request related to or a result of litigation?	Yes	Identify lawsuit (please consult with Attorney General's Office): Madison V. OSPI
Is the request related to Puget Sound recovery?	No	If yes, see budget instructions Section 14.4 for additional instructions
Identify other important connections		

Please provide a detailed discussion of connections/impacts identified above.

N/A

What alternatives were explored by the agency and why was this option chosen?

No alternatives were considered. The state is bound to defend the litigation.

What are the consequences of not funding this request?

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Failing to fund this request will result in the AGO not being able to defend the lawsuit with the full team and effort that is required. This will increase the likelihood of an adverse decision.

How has or can the agency address the issue or need in its current appropriation level?


This request represents 45% of OSPI's allocation for routine legal services. OSPI cannot absorb the costs of this case.

Other supporting materials:

Activity Inventory:

Activity Inventory Item	Prog	Staffing			Operating Expenditures		
		FY 2018	FY 2019	Avg	FY 2018	FY 2019	Total
A002	010	0	0	0	\$269,000	\$313,000	\$582,000
Total Activities					\$269,000	\$313,000	\$582,000

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No 

Yes Continue to IT Addendum below and follow the directions on the bottom of the addendum to meet requirements for OCIO review.)