



## HOT TOPIC

# McCleary v. State of Washington

## What was the *McCleary* decision?

On January 5, 2012, the state Supreme Court issued *McCleary v. State of Washington*. In essence, the Court ruled that Washington was not adequately funding basic education.

## What is *McCleary*'s history?

In 2007, a lawsuit was filed by the Network for Excellence in Washington Schools on behalf of Matthew and Stephanie McCleary and their two children, and Robert and Patty Venema and their two children. The suit alleged that the state wasn't meeting its Constitutional duty. Article IX, Section 1, states that education is "the paramount duty of the state."

In February 2010, King County Superior Court Judge John Erlick ruled in favor of the plaintiffs.

## Why did the Supreme Court rule the way it did?

In *McCleary*, the Supreme Court ruled that the state isn't meeting its paramount duty because, among other items, the state isn't fully funding transportation and staff salaries and benefits:

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. (*McCleary v. State of Washington*, p. 60)

Because the state isn't providing enough money, school districts are starting to rely more and more on local levies. Levies, though, aren't stable sources of funding because voters can reject them.

## What is the remedy?

In 2009, the Legislature created the Quality Education Council. The purpose of the 13-member council is to develop recommendations for the implementation of a new definition of basic education and for the financing necessary to support it.

The QEC's plan, which the Supreme Court endorses, fully funds basic education by 2018 in three phases:

- **Phase I:** Full state funding of transportation; maintenance, supplies and operating costs; full-day kindergarten; and lower class size in grades K-3 (maximum 17 students per teacher)
- **Phase II:** Full state funding of the salaries of current educational staff
- **Phase III:** State funding for enhanced levels of educational staff and enhanced salaries

## For more information

***McCleary v. State of Washington* Supreme Court opinion** [bit.ly/UEIfWd](http://bit.ly/UEIfWd)

***McCleary v. State of Washington* summary (two pages)** [bit.ly/YgjHQp](http://bit.ly/YgjHQp)

**Quality Education Council** [bit.ly/wSOHwd](http://bit.ly/wSOHwd)