



---

## SUPERINTENDENT OF PUBLIC INSTRUCTION

---

**Randy I. Dorn** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

---

December 3, 2014

The Honorable Jay Inslee  
Washington State Governor  
Office of the Governor  
P.O. Box 40002  
Olympia, WA 98504

Dear Governor Inslee:

As you go about finalizing your proposed biennial budget, I would like to share some key points regarding the responsibility imposed upon us by the Supreme Court in regard to funding K–12 education.

These are not ordinary times. The Supreme Court has repeatedly emphasized that the state is engaged in an ongoing violation of its constitutional duty to K–12 children. As you have remarked, the legislature, and you, as Governor, are under a series of court orders designed to compel the state to meet the funding targets set by the legislature, and affirmed by the Court.

Essentially, the state has allowed local levies to take the place of state education funding, and that is unconstitutional. Remediating this will be difficult, but it is time for us to do this hard work. This is what guided me as I prepared the proposed budget we recently forwarded to your Office of Financial Management.

In its original decision in the *McCleary* case in January 2012, the Court wrote that fully funding the reform package created by SHB 2261 “will remedy deficiencies in the K–12 funding system.” The budget I have submitted does that. As you will recall, SHB 2261, declared the legislature’s intent to enhance the current salary allocation model, adopted a prototypical school model and directed the Quality Education Council (QEC) to oversee the law’s phase-in. Consistent with the QEC’s recommendations and research, my proposed budget would add \$7.2 billion to K–12 funding over the biennium. Adoption of this budget would certainly satisfy our obligations under the *McCleary* case, and our new obligations under Initiative 1351.

I recognize, however, that this is an enormous increase in spending in one budget period. I have been asked repeatedly, what is the minimum we need to do to be in compliance with the Court’s orders?

In its various orders in the *McCleary* case, the Court has focused first on the following categories of funding:

- The elements of HB 2776: all-day Kindergarten, full funding of MSOC and transportation, and lowering K–3 class sizes. Some progress has already been made in these areas.
- Increased state funding for compensation, including more professional development days, so that the state is paying the actual costs associated with attracting and retaining staff. In my view, this would involve funding all current district staff positions' actual compensation by district contract, or at least bringing all state funded staff positions up to the actual compensation provided by the district contract.

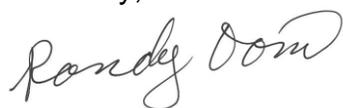
Governor, I am urging you to submit a budget that is in compliance with the Constitution, and includes funding of all of the above items. At its lowest level, this will require \$4.5 billion in new K–12 funding during the 2015–17 biennium.

As I said at the beginning of this letter, these are unusual times. The Supreme Court will certainly review whatever budget is passed next year. I anticipate that the Court will ask for my views on whether or not we have done enough to move the state closer to meeting its paramount duty. I will tell the Court—and the people of the state of Washington—that \$4.5 billion is the minimum level of new funding required under *McCleary*.

Governor, as you will remember from our service together in the legislature, I have been trying to solve the issue of basic education funding since the early 1990s. Isn't it about time the state steps up to its constitutional responsibilities?

Thank you for your consideration. I look forward to working with you on this most vital of issues.

Sincerely,



Randy I. Dorn  
State Superintendent  
of Public Instruction