

belonging

We

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Together

We

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Friday 4pm

**SYSTEMATIC CAPITAL FACILITIES
SHORTFALLS IN THE STATE'S
“AMPLE” EDUCATION FUNDING**

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THE WASHINGTON CONSTITUTION:

***ARTICLE IX, SECTION 1 MANDATES THAT IT IS
THE STATE'S PARAMOUNT DUTY TO
AMPLIFY PROVIDE FOR THE EDUCATION OF
ALL CHILDREN IN OUR PUBLIC SCHOOLS***

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THE REALITY ALL SCHOOL DISTRICTS FACE:
***THE STATE DOES NOT AMPLY FUND THE
EDUCATION FACILITIES NEEDED TO SAFELY PROVIDE
ALL KIDS THE 21ST CENTURY EDUCATION THEY NEED
IN TODAY'S WORLD***

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THE QUESTION IN THE WAHKIAKUM APPEAL:
***DOES OUR CONSTITUTION REQUIRE THE STATE TO
AMPLIFY FUND THE FACILITIES SCHOOL DISTRICTS NEED
TO SAFELY PROVIDE ALL KIDS THE 21ST CENTURY
EDUCATION THEY NEED IN TODAY'S WORLD?***

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THE ANSWER REQUESTED BY THE STATE:

THE STATE SEEKS AN APPELLATE RULING THAT THE STATE'S AMPLE EDUCATION FUNDING DUTY EXCLUDES THE EDUCATION FACILITIES SCHOOL DISTRICTS NEED TO PROVIDE KIDS A 21ST CENTURY EDUCATION

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THIS AFTERNOON'S FIVE TOPICS:

1. WAHKIAKUM FACTS: WHAT THE STATE'S ADMITTED IN THIS APPEAL
2. AMPLE FUNDING MANDATE: CLAIMS THE STATE'S PREVIOUSLY LOST
3. STATE'S NEW CLAIM: "FACILITIES ARE YOUR PROBLEM – NOT MINE"
4. APPEAL'S IMPACT: OUTCOME WILL APPLY TO EVERY SCHOOL DISTRICT
5. APPEAL'S PARTIES: DAVID VS. GOLIATH

FACTS THE STATE'S ADMITTED: SHORT VERSION

- ***THE SCHOOL DISTRICT'S COMPLAINT DETAILED HOW LACK OF STATE FUNDING HAS LEFT WAHKIAKUM'S EDUCATION FACILITIES INADEQUATE & UNSAFE.***

12/28/2021 Complaint For Declaratory Judgment & Related Relief Enforcing Our Constitution at pages 1-28 [copy available at <https://wahksd.k12.wa.us/files/user/19/file/WSD%20%20Complaint%20with%20FILED%20stamp%20confirmation%20on%20first%20page1.pdf>]

- ***THE STATE BASED ITS LOWER COURT FILINGS ON EVERY FACT IN THE SCHOOL DISTRICT'S COMPLAINT BEING TRUE.***

State's 2/28/2022 Motion To Dismiss at 10:13-16 ("The facts alleged in the complaint are presumed true")

- ***THE APPELLATE COURT'S RULING ON WHETHER FACILITIES ARE OR ARE NOT EXCLUDED WILL THEREFORE BE BASED ON THE FOLLOWING FACT:
THE LACK OF STATE FUNDING HAS LEFT WAHKIAKUM'S EDUCATION FACILITIES INADEQUATE & UNSAFE.***

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT

- A small sparsely populated school district in a southwest Washington county along the Columbia River
- *\$29,000 per capita income*
- 57% of its students are low income

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)



Wahkiakum High School

(1959-1962)



John C Thomas Middle School

(1992-1994)

EDUCATION FACILITIES

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million



Wahkiakum High School

(1959-1962)



John C Thomas Middle School

(1992-1994)

Including (but not limited to):

- HVAC
- plumbing
- exterior / windows
- roof
- building security
- ADA/IDEA requirements
- seismic safety
- electrical
- IT infrastructure
- one classroom
- STEM space

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



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(1950-1952)

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Wahkiakum High School



John C Thomas Middle School



FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



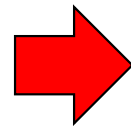
Julius A Wendt Elementary School

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FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



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FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHIAKUM SCHOOL DISTRICT



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(1950-1952)

\$15-25 million

Including (but not limited to):

- **HVAC**
- **plumbing**
- **exterior / windows**
- **roof**
- **building security**
- **ADA/IDEA requirements**
- **seismic safety**
- **electrical**
- **IT infrastructure**
- **one classroom**
- **STEM space**



Wahkiakum High School

(1959-1962)

\$30-40 million

Including (but not limited to):

- **electrical**
- **HVAC**
- **plumbing**
- **roof**
- **building security**
- **fire safety**
- **seismic safety**
- **Science lab**
- **IT infrastructure**
- **ADA/IDEA requirements**
- **two classrooms**
- **CTE space**
- **medical / nurse space**
- **locker rooms**
- **restrooms**
- **assembly space**
- **meals space**



John C Thomas Middle School

(1992-1994)

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million

Including (but not limited to):

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- plumbing
- exterior / windows
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Wahkiakum High School

(1959-1962)

\$30-40 million

Including (but not limited to):

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- HVAC
- plumbing
- roof
- building security
- fire safety
- seismic safety
- Science lab
- IT infrastructure
- ADA/IDEA requirements
- two classrooms
- CTE space
- medical / nurse space
- locker rooms
- restrooms
- assembly space
- meals space



John C Thomas Middle School

(1992-1994)

\$5-10 million

Including (but not limited to):

- HVAC
- plumbing
- roof/ceiling
- exterior verticals
- IT infrastructure
- ADA/IDEA requirements
- building security
- seismic safety
- STEM space
- locker room

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT

CAPITAL FUNDING NEED

Julius A Wendt Elementary School

(1950-1952)
\$15-25 million

Including (but not limited to):

- HVAC
- plumbing
- exterior / windows
- roof
- building security
- ADA/IDEA requirements
- seismic safety
- electrical
- IT infrastructure
- one classroom
- STEM space

Wahkiakum High School

(1959-1962)
\$30-40 million

Including (but not limited to):

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- meals space

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(1992-1994)
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FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHIAKUM SCHOOL DISTRICT



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John C Thomas Middle School

(1992-1994)

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Including (but not limited to):

- HVAC
- plumbing
- roof/ceiling
- exterior verticals
- IT infrastructure
- ADA/IDEA requirements
- building security
- seismic safety
- STEM space

CAPITAL FUNDING TAX BASE

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million



Wahkiakum High School

(1959-1962)

\$30-40 million



John C Thomas Middle School

(1992-1994)

\$5-10 million

- **\$29,000 per capita income**
- **57% of students low income**

WAHKIAKUM SCHOOL DISTRICT

[all numbers rounded]

\$500 million assessed property value

tax per thousand to raise \$30 million:

\$3.83

CAPITAL FUNDING TAX BASE

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million



Wahkiakum High School

(1959-1962)

\$30-40 million



John C Thomas Middle School

(1992-1994)

\$5-10 million

- **\$29,000 per capita income**
- **57% of students low income**

- **\$90,000 per capita income**
- **4% of students low income**

WAHKIAKUM SCHOOL DISTRICT

[all numbers rounded]

\$500 million assessed property value

tax per thousand to raise \$30 million:

\$3.83

A CERTAIN KING COUNTY DISTRICT

[all numbers rounded]

\$15 billion assessed property value

tax per thousand to raise \$30 million:

\$0.12

CAPITAL FUNDING TAX BASE

FACTS THE STATE'S ADMITTED: LONGER VERSION

WAHKIAKUM SCHOOL DISTRICT



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million



Wahkiakum High School

(1959-1962)

\$30-40 million



John C Thomas Middle School

(1992-1994)

\$5-10 million

- **\$29,000 per capita income**
- **57% of students low income**

WAHKIAKUM SCHOOL DISTRICT

[all numbers rounded]

\$500 million assessed property value
tax per thousand to raise \$30 million:

\$3.83

**LOCAL VOTERS DO NOT
LOCAL VOTERS DO NOT
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LOCAL VOTERS DO NOT
VOTE FOR TAX INCREASE**

CAPITAL FUNDING TAX BASE

WAHKIAKUM SCHOOL DISTRICT Is Not Alone



Julius A Wendt Elementary School

(1950-1952)

\$15-25 million



Wahkiakum High School

(1959-1962)

\$30-40 million



John C Thomas Middle School

(1992-1994)

\$5-10 million

**LOCAL VOTERS DO NOT
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VOTE FOR TAX INCREASE**

CAPITAL FUNDING TAX BASE

WAHKIAKUM SCHOOL DISTRICT Is Not Alone

2018 - 2022: OVER 60% OF SCHOOL BONDS FAILED

Year	District	County	Yes %	Result	Bond Amount
2018	Yelm	Thurston	58.97%	Failed	\$ 76,000,000
2018	Toledo	Lewis	51.77%	Failed	\$ 12,200,000
2018	Sedro-Woolley	Skagit	47.56%	Failed	\$ 79,500,000
2018	Pioneer	Mason	50.88%	Failed	\$ 30,000,000
2018	Othello	Adams	53.24%	Failed	\$ 61,415,861
2018	Onalaska	Lewis	53.13%	Failed	\$ 7,250,000
2018	Omak	Okanogan	46.71%	Failed	\$ 27,856,000
2018	Northshore	King	60.78%	Passed	\$ 275,000,000
2018	Mead	Spokane	67.03%	Passed	\$ 114,500,000
2018	Lake Washington	King	54.02%	Failed	\$ 299,000,000
2018	La Center	Clark	65.85%	Passed	\$ 48,093,000
2018	Kelso	Cowlitz	65.88%	Passed	\$ 98,600,000
2018	Kalama	Cowlitz	62.67%	Passed	\$ 63,405,000
2018	Hood Canal	Mason	51.89%	Failed	\$ 30,000,000
2018	Fife	Pierce	62.50%	Passed	\$ 176,300,000
2018	Evergreen (Clark)	Clark	61.35%	Passed	\$ 695,000,000
2018	Everett	Snohomish	55.44%	Failed	\$ 330,600,000
2018	Colfax	Whitman	73.41%	Passed	\$ 18,900,000
2018	Central Valley	Spokane	70.28%	Passed	\$ 129,900,000
2018	Cashmere	Chelan	70.10%	Passed	\$ 3,840,000
2018	Bethel	Pierce	53.98%	Failed	\$ 443,000,000
2018	Bellingham	Whatcom	70.13%	Passed	\$ 155,000,000
2018	Battle Ground	Clark	58.68%	Failed	\$ 224,895,000
2018	Arlington	Snohomish	55.89%	Failed	\$ 107,500,000
2018	Wenatchee	Chelan	57.08%	Failed	\$ 120,000,000
2018	Toppenish	Yakima	55.28%	Failed	\$ 19,990,000
2018	Sunnyside	Yakima	55.45%	Failed	\$ 18,000,000
2018	South Bend	Pacific	75.79%	Passed	\$ 4,950,000
2018	Selah	Yakima	60.70%	Passed	\$ 45,754,812
2018	Peninsula	Pierce	58.96%	Failed	\$ 220,000,000
2018	Mount Adams	Yakima	59.06%	Failed	\$ 4,000,000
2018	Castle Rock	Cowlitz	54.86%	Failed	\$ 42,375,000
2018	Battle Ground	Clark	53.87%	Failed	\$ 224,895,000
2018	Walla Walla	Walla Walla	72.54%	Passed	\$ 65,620,000
2018	Toledo	Lewis	72.81%	Passed	\$ 7,000,000
2018	Spokane	Spokane	69.29%	Passed	\$ 495,300,000
2018	South Kitsap	Kitsap	55.86%	Failed	\$ 184,680,000
2018	Sedro-Woolley	Skagit	49.69%	Failed	\$ 44,500,000
2018	Republic	Ferry	42.35%	Failed	\$ 6,900,000
2018	Mount Adams	Yakima	56.49%	Failed	\$ 3,000,000
2018	Hoquiam	Grays Harbor	68.99%	Passed	\$ 6,800,000
2018	Ferndale	Whatcom	58.64%	Failed	\$ 112,000,000
2018	Ellensburg	Kittitas	62.69%	Passed	\$ 59,500,000
2018	Castle Rock	Cowlitz	49.52%	Failed	\$ 42,375,000
2018	Bethel	Pierce	59.22%	Failed	\$ 443,000,000
2018	Arlington	Snohomish	52.03%	Failed	\$ 107,500,000
2019	Yelm	Thurston	64.33%	Passed	\$ 98,985,000
2019	West Valley (Yakima)	Yakima	60.83%	Passed	\$ 59,000,000
2019	Sunnyside	Yakima	63.47%	Passed	\$ 16,000,000
2019	Royal	Grant	62.98%	Passed	\$ 16,580,000
2019	Ridgefield	Clark	58.09%	Failed	\$ 77,000,000
2019	Republic	Ferry	54.44%	Failed	\$ 6,900,000
2019	Renton	King	61.13%	Passed	\$ 249,600,000
2019	Peninsula	Pierce	66.59%	Passed	\$ 198,550,000
2019	Nooksack Valley	Whatcom	64.49%	Passed	\$ 29,700,000
2019	Kennewick	Benton	62.15%	Passed	\$ 125,000,000
2019	Ferndale	Whatcom	62.04%	Passed	\$ 112,000,000
2019	Ephrata	Grant	76.85%	Passed	\$ 27,893,000
2019	Burlington-Edison	Skagit	53.02%	Failed	\$ 98,300,000
2019	Bethel	Pierce	66.14%	Passed	\$ 443,000,000
2019	Arlington	Snohomish	52.57%	Failed	\$ 96,000,000
2019	White Salmon	Klickitat	66.56%	Passed	\$ 7,000,000
2019	Lake Chelan	Chelan	44.04%	Failed	\$ 75,500,000
2019	Renton	King	70.12%	Passed	\$ 249,600,000
2019	Puyallup	Pierce	53.57%	Failed	\$ 273,000,000
2019	Longview	Cowlitz	58.17%	Failed	\$ 119,000,000
2020	Wahkiakum	Wahkiakum	34.49%	Failed	\$ 28,750,000
2020	Tacoma	Pierce	68.57%	Passed	\$ 535,000,000
2020	Sumner	Pierce	46.35%	Failed	\$ 205,000,000
2020	Snohomish	Snohomish	46.69%	Failed	\$ 470,000,000
2020	Rochester	Thurston	56.38%	Failed	\$ 57,490,000
2020	Riverview	King	53.03%	Failed	\$ 125,000,000
2020	Ridgefield	Clark	59.19%	Failed	\$ 107,000,000
2020	Pullman	Whitman	78.26%	Passed	\$ 15,000,000
2020	Oakville	Grays Harbor	65.92%	Passed	\$ 5,600,000
2020	North Thurston	Thurston	61.29%	Passed	\$ 275,200,000
2020	Mukilteo	Snohomish	60.34%	Passed	\$ 240,000,000
2020	Kittitas	Kittitas	62.95%	Passed	\$ 13,200,000
2020	Entiat	Chelan	61.00%	Passed	\$ 6,000,000
2020	Elma	Grays Harbor	56.42%	Failed	\$ 5,560,000
2020	Edmonds	Snohomish	56.33%	Failed	\$ 600,000,000
2020	Eastonville	Pierce	45.78%	Failed	\$ 4,000,000
2020	Castle Rock	Cowlitz	51.42%	Failed	\$ 34,700,000
2020	Burlington-Edison	Skagit	48.54%	Failed	\$ 89,000,000
2020	Bellevue	King	64.09%	Passed	\$ 675,000,000
2020	Arlington	Snohomish	52.72%	Failed	\$ 71,500,000
2020	Aberdeen	Grays Harbor	59.99%	Failed	\$ 46,800,000
2020	Ridgefield	Clark	50.51%	Failed	\$ 40,465,000
2020	Republic	Ferry	56.81%	Failed	\$ 4,500,000
2020	Everett	Snohomish	58.78%	Failed	\$ 317,400,000
2020	Othello	Adams	46.01%	Failed	\$ 51,000,000
2020	Ridgefield	Clark	57.48%	Failed	\$ 62,565,000
2020	North Beach	Grays Harbor	41.73%	Failed	\$ 110,000,000
2020	Oak Harbor	Island	45.86%	Failed	\$ 184,000,000
2020	Quilcene	Jefferson	59.40%	Failed	\$ 12,300,000
2020	Northshore	King	61.20%	Passed	\$ 425,000,000
2020	Morton	Lewis	56.14%	Failed	\$ 24,500,000
2020	Hood Canal	Mason	56.55%	Failed	\$ 25,126,770
2020	Columbia (Walla Walla)	Walla Walla	53.71%	Failed	\$ 52,660,000
2020	Bellingham	Whatcom	60.60%	Passed	\$ 122,000,000
2020	Union Gap	Yakima	45.94%	Failed	\$ 9,055,500



D|A DAVIDSON

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

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.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The State's pre-McCleary
interpretation

IT IS

an aspirational suggestion

for the Legislative Branch TO

MAKE adequate PROVISION FOR

THE EDUCATION formulas for

most CHILDREN RESIDING

WITHIN ITS BORDERS

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The *McCleary* Court's
interpretation

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Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The *McCleary* Court's
interpretation

IT IS
THE PARAMOUNT DUTY

Not just “suggestion”

It's a legal duty:

“the State must amply provide for the education of all Washington children

McCleary v. State, 173 Wn.2d at 520 (underlines added).

ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The *McCleary* Court's
interpretation

IT IS
THE PARAMOUNT DUTY

Not just “aspirational”

Instead:

“the State must amply provide for the education of all Washington children as
the State’s first and highest priority
before any other State programs or operations.”

McCleary v. State, 173 Wn.2d at 520 (underlines added).

ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The McCleary Court's
interpretation

IT IS
THE PARAMOUNT DUTY
OF THE STATE TO

Not just the legislative branch

Not just the executive branch

*All three branches -
which includes the judicial branch*

McCleary v. State, 173 Wn.2d at 515.

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The McCleary Court's
interpretation

Not the federal government

Not the local school district

The State government

McCleary v. State, 173 Wn.2d at 527-529

OF THE STATE TO

Not just the legislative branch

Not just the executive branch

*All three branches -
which includes the judicial branch*

McCleary v. State, 173 Wn.2d at 515.

WITHOUT DISTINCTION OR PREFERENCE ON
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Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The McCleary Court's
interpretation

IT IS
THE PARAMOUNT DUTY
OF THE STATE TO
MAKE AMPLE PROVISION FOR

Not just “adequate”

Instead: “considerably more than just adequate or merely sufficient.”

McCleary v. State, 173 Wn.2d at 484 (underline added).

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The *McCleary* Court's
interpretation

IT IS
THE PARAMOUNT DUTY
OF THE STATE TO
MAKE AMPLE PROVISION FOR
THE EDUCATION OF

*Education does not mean the education funding formulas.
It means “the basic knowledge and skills needed to
compete in today’s economy and
meaningfully participate in this state’s democracy”*

McCleary v. State, 173 Wn.2d at 483 & 522-526.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The legislature defined this basic education in ESHB 1209 (now RCW 28A.150.210):

- (1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;
- (2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;
- (3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and
- (4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

McCleary v. State, 173 Wn.2d at 523 & n.20

THE EDUCATION OF

Education does not mean the education funding formulas.

It means “the basic knowledge and skills needed to compete in today’s economy and meaningfully participate in this state’s democracy”

McCleary v. State, 173 Wn.2d at 483 & 522-526.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The legislature defined this basic education in ESHB 1200 (now RCW 29A 150 210):

- (1) The State further defined this basic education in its Essential Academic Learning Requirements (EALRs) “which specify what ‘all students should know and be able to do at each grade level’”
- (2) (1) Reading (2) math (3) science
(4) writing (5) communication (6) social studies
(7) the arts (8) health & fitness (9) educational technology
- (3)
- (4) *McCleary v. State, 173 Wn.2d at 523 & n.20*
(citing the legislature’s own definition)(RCW 29A,150,210)
future career and educational opportunities. *McCleary v. State, 173 Wn.2d at 523 & n.20*

THE EDUCATION OF

Education does not mean the education funding formulas.
It means “the basic knowledge and skills needed to
compete in today’s economy and
meaningfully participate in this state’s democracy”

McCleary v. State, 173 Wn.2d at 483 & 522-526.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The legislature defined this basic education in ESHB 1200 (now RCW 28A.150.210):

- (1) With the EALRs now called the “state learning standards”. RCW 28A.655.070.
- (2) “
- | | |
|----------------------------------|----------------------------------|
| (1) the Arts | (2) Computer Science |
| (3) Educational Technology | (4) English Language Arts |
| (5) English Language Proficiency | (6) Environment & Sustainability |
| (7) Financial Education | (8) Health & Physical Education |
| (9) Mathematics | (10) Science |
| (11) Social Studies | (12) World Languages |
- (4)

future career and educational opportunities.

McCleary v. State, 173 Wn.2d at 523 & n.20

THE EDUCATION OF

*Education does not mean the education funding formulas.
It means “the basic knowledge and skills needed to
compete in today’s economy and
meaningfully participate in this state’s democracy”*

McCleary v. State, 173 Wn.2d at 483 & 522-526.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The McCleary Court's
interpretation

IT IS

Not just the easier or cheaper to teach children

Not “most” children

All children

“each and every child”

“No child is excluded.”

McCleary v. State, 173 Wn.2d at 520 (underlines added).

ALL CHILDREN RESIDING

WITHIN ITS BORDERS....

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

“ALL CHILDREN” means “each and every child since each will be a member of, and participant in, this State’s democracy, society, and economy.”

Article IX, section 1 accordingly applies to “every child residing in our State – not just those children who enjoy the advantage of being born into one of the subsets of our State’s children who are more privileged, more politically popular, or more easy to teach.”

McCleary Final Judgment at ¶168

ALL CHILDREN RESIDING
WITHIN ITS BORDERS....
WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

Civil Rights Foundation *McCleary Final Judgment at ¶¶132 & 134*

“Education...plays a critical civil rights role in promoting equality in our democracy.”

“... amply provided, free public education operates as the great equalizer in our democracy, equipping citizens born into underprivileged segments of our society with the tools they need to compete on a level playing field with citizens born into wealth or privilege.”

ALL CHILDREN RESIDING

**“Education ... is the
number one civil right of the 21st century.”**

Washington State Constitution, Article IX, section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

The McCleary Court's
interpretation

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.

Washington State Constitution, Article IX, section 1

“Article IX, section 1
confers on children in
Washington a positive
constitutional right to an
amply funded education”

McCleary v. State, 173 Wn.2d at 483
Section 1

CONSTITUTIONAL CLAIMS THE STATE PREVIOUSLY LOST

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.

Washington State Constitution, Article IX, section 1

SIGNIFICANCE OF THE WORD “CASTE”

The Washington Supreme Court applies standard English dictionary definitions to words in the Washington Constitution

E.g., Gerberding v. Munro, 134 Wn.2d 188, 199 (1998) and Boeing Co. v. Aetna Cas. & Sur. Co., 113 Wn.2d 869, 877 (1990).

MAKE AMPLE PROVISION FOR

“a division of society based on differences of wealth, inherited rank or privilege, profession, occupation, or race”

<https://www.merriam-webster.com/dictionary/caste>

WITHOUT DISTINCTION OR PREFERENCE ON ACCOUNT OF RACE, COLOR, **CASTE**, OR SEX.

Washington State Constitution, Article IX, section 1

SIGNIFICANCE OF THE WORD “CASTE”

WAHKIAKUM SCHOOL DISTRICT

\$500 million assessed property value

- **\$29,000 per capita income**
- **57% of students low income**

tax per thousand to raise \$30 million:

➔ \$3.83

A CERTAIN KING COUNTY SCHOOL DISTRICT

\$15 billion assessed property value

- **\$90,000 per capita income**
- **4% of students low income**

tax per thousand to raise \$30 million:

➔ \$0.12

“a division of society based on differences of wealth, inherited rank or privilege, profession, occupation, or race”

<https://www.merriam-webster.com/dictionary/caste>

WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, **CASTE**, OR SEX.

Washington State Constitution, Article IX, section 1

OUR CONSTITUTION'S *EDUCATION MANDATE*

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.

Washington State Constitution, Article IX, section 1

➔ **THE STATE'S NEW CLAIM** *(the Wahkiakum Appeal)*

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.

Washington State Constitution, Article IX, section 1

➔ **THE STATE'S NEW CLAIM** *(the Wahkiakum Appeal)*

Article IX, section 1 excludes any education facility any school district needs to provide its children an education

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.


The State's
Wahkiakum
interpretation

but also without education facilities

section 1

➔ **THE STATE'S NEW CLAIM** *(the Wahkiakum Appeal)*

Deferring to the State's request, the lower court judge dismissed Wahkiakum's Complaint - allowing the appellate courts to promptly resolve the State's "excludes education facilities" interpretation once and for all

Superior Court of Washington, County of Wahkiakum	
WAHKIAKUM SCHOOL DISTRICT NO. 200, Plaintiff, v. STATE OF WASHINGTON, Defendants.	NO.: 21-2-00053-35 COURT'S RULING ON DEFENDANTS MOTION TO DISMISS
<p>THIS MATTER having come on regularly for hearing before the undersigned judge of the above-entitled court upon the motion of Defendant, State of Washington, to dismiss pursuant to CR 12(b)(6). This court having heard the argument of counsel and having considered all material submitted in support of and in opposition to Defendant's motion and the records of the Court in this matter</p> <p>The Court being fully advised in the premises now, hereby GRANTS Defendant's Motion to Dismiss.</p> <p>This action is hereby DISMISSED WITH PREJUDICE.</p> <p>DATED this <u>24</u> day of June, 2022.</p> <p> JUDGE DONALD J. RICHTER</p>	

but also without education facilities

section 1

WAHKIAKUM'S IMMEDIATE APPEAL

FILED
SUPREME COURT
STATE OF WASHINGTON
6/27/2022 11:14 AM
BY ERIN L. LENNON
CLERK

FILED

2022 JUN 27 AM 9:12
Honorable Donald J. Richter
KAY M. HOLLAND, CLERK
WAHKIAKUM COUNTY, WA
JR
BY
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR WAHKIAKUM COUNTY

WAHKIAKUM SCHOOL DISTRICT NO. 200,
Plaintiff,

No. 21-2-00053-35

v.

STATE OF WASHINGTON,

Defendant

PLAINTIFF WAHKIAKUM
SCHOOL DISTRICT NO. 200's
NOTICE OF APPEAL UNDER
RAP 4.2

Plaintiff WAHKIAKUM SCHOOL DISTRICT NO. 200 seeks review by the Washington Supreme Court of the Wahkiakum County Superior Court's attached "Court's Ruling On Defendants Motion To Dismiss" dated June 24, 2022. Plaintiff WAHKIAKUM SCHOOL DISTRICT NO. 200 files this Notice Of Appeal pursuant to RAP 4.2(b), and will file its Statement Of Grounds For Direct Review within the 15 days specified in RAP 4.2(b).

Plaintiff's corresponding "Notice Of Appeal Under RAP 4.2" directed to the Washington Supreme Court is also attached.

RESPECTFULLY SUBMITTED this 27th day of June, 2022.

FOSTER GARVEY PC

/s/ Thomas F. Ahearne

Thomas F. Ahearne, WSBA No. 14844

Bianca Chamusco, WSBA No. 54103

1111 Third Avenue, suite 3000

Seattle, Washington 98101-3292

Telephone: (206) 447-8934

Facsimile: (206) 447-9700

Email: ahearne@foster.com

Attorneys for plaintiff Wahkiakum School District No. 200

but also without education facilities

IX, section 1

WAHKIAKUM'S IMMEDIATE APPEAL

FILED
SUPREME COURT
STATE OF WASHINGTON
9/12/2022 4:22 PM
BY ERIN L. LENNON
CLERK

No. 101052-4

SUPREME COURT OF THE STATE OF WASHINGTON

WAHKIAKUM SCHOOL DISTRICT NO. 200

Appellant,

v.

STATE OF WASHINGTON,

Respondent.

WAHKIAKUM SCHOOL DISTRICT'S OPENING BRIEF

Thomas F. Ahearne, WSBA No. 14844
Bianca Chamusco, WSBA No. 54103
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Foster Garvey PC
1111 Third Avenue, suite 3000
Seattle, WA 98101-3299
Telephone: (206) 447-8934/447-4400
Telefax: (206) 749-1902/447-9700
E-mail: ahearne@foster.com

Attorneys for Appellant

but also without education facilities

IX, section 1

WAHKIAKUM'S IMMEDIATE APPEAL

FILED
SUPREME COURT
STATE OF WASHINGTON
9/12/2022 4:22 PM
BY ERIN L. LENNON
CLERK

No. 101052-4

SUPREME COURT OF THE STATE OF WASHINGTON

WAHKIAKUM SCHOOL DISTRICT NO. 200

Appellant,

v.

STATE OF WASHINGTON,

Respondent.

WAHKIAKUM SCHOOL DISTRICT'S OPENING BRIEF

Thomas F. Ahearne, WSBA No. 14844
Bianca Chamusco, WSBA No. 54103
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Foster Garvey PC
1111 Third Avenue, suite 2000

Does Article IX, section 1 require the State to amply fund the education facilities a school district needs to safely provide all its students the education needed in today's world?

but also without education facilities IX, section 1

THE APPEAL'S IMPACT ON ALL SCHOOL DISTRICTS

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.

Washington State Constitution, Article IX, section 1

THE APPEAL'S IMPACT ON ALL SCHOOL DISTRICTS

Does Article IX, section 1 require the State to amply fund the education facilities a school district needs to safely provide all its students the education needed in today's world?

If the answer is "yes" for Wahkiakum, the answer is "yes" for all other school districts too

**THE PARAMOUNT DUTY
OF THE STATE TO
MAKE AMPLE PROVISION FOR
THE EDUCATION OF
ALL CHILDREN RESIDING
WITHIN ITS BORDERS**

If the answer is "no" for Wahkiakum, the answer is "no" for all other school districts too

**WITHOUT DISTINCTION OR PREFERENCE ON
ACCOUNT OF RACE, COLOR, CASTE, OR SEX.**

Washington State Constitution, Article IX, section 1

THE APPEAL'S IMPACT ON ALL SCHOOL DISTRICTS

Does Article IX, section 1 require the State to amply fund the education facilities a school district needs to safely provide all its students the education needed in today's world?

If the answer is "yes" for Wahkiakum, the answer is "yes" for all other school districts too

The State has accordingly confirmed that the appellate court's ruling will not only apply to needed education facilities for the Wahkiakum School District, but also "for the Seattle School District, for the Mercer Island School District, and for each of the other 292 school districts in the State."

If the answer is "no" for Wahkiakum, the answer is "no" for all other school districts too

WITHOUT
ACCOUNT

ANCE ON
OR SEX.
State's November 14, 2022 Supreme Court Brief at 71.
Washington State Constitution, Article IX, section 1

THE APPEAL'S PARTIES

THE APPEAL'S PARTIES

THREE LITIGATION APPROACHES

1. Normandy Landing

2. Lion Pride

3. David verses Goliath

1. NORMANDY LANDING APPROACH: *McCleary v. State*



1. NORMANDY LANDING APPROACH: *McCleary v. State*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MATHEW & STEPHANIE MCCLEARY, on their own behalf and on behalf of KELSEY & CARTER MCCLEARY, their two children in Washington's public schools; ROBERT & PATTY VENEMA, on their own behalf and on behalf of HALIE & ROBBIE VENEMA, their two children in Washington's public schools; and NETWORK FOR EXCELLENCE IN WASHINGTON SCHOOLS ("NEWS"), a state-wide coalition of community groups, public school districts, and education organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

No. **07-2-02323-0**

PETITION FOR DECLARATORY
JUDGMENT ENFORCING OUR
CONSTITUTION

1. NORMANDY LANDING APPROACH: *McCleary v. State*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MATHEW & STEPHANIE MCCLEARY, on their own
behalf and on behalf of KELSEY & CARTER
MCCLEARY, their two children in Washington's
public schools;

Petitioners,

No. **07-2-02323-**

PETITION FOR DECLARATORY
JUDGMENT ENFORCING OUR
CONSTITUTION

1. NORMANDY LANDING APPROACH: *McCleary v. State*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ROBERT & PATTY VENEMA, on their
own behalf and on behalf of HALIE & ROBBIE
VENEMA, their two children in Washington's public
schools; ;

Petitioners,

No. **07-2-02323-**

PETITION FOR DECLARATORY
JUDGMENT ENFORCING OUR
CONSTITUTION

1. NORMANDY LANDING APPROACH: *McCleary v. State*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

No. **07-2-02323-**

NETWORK FOR EXCELLENCE IN
WASHINGTON SCHOOLS ("NEWS"), a state-wide
coalition of community groups, public school
districts, and education organizations,

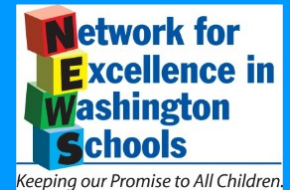
Petitioners,

PETITION FOR DECLARATORY
JUDGMENT ENFORCING OUR
CONSTITUTION

1. NORMANDY LANDING APPROACH: *McCleary v. State*

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

Non-profit corporation formed by 440 community groups, civil rights organizations, school districts, and education associations



NETWORK FOR EXCELLENCE IN
WASHINGTON SCHOOLS (“NEWS”), a state-wide
coalition of community groups, public school
districts, and education organizations,

Petitioners,

PETITION FOR DECLARATORY
JUDGMENT ENFORCING OUR
CONSTITUTION

1. NORMANDY LANDING APPROACH: *McCleary v. State*



2. LION PRIDE APPROACH: *School Districts' Alliance v. State*



2. LION PRIDE APPROACH: *School Districts' Alliance v. State*

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

SCHOOL DISTRICTS' ALLIANCE
FOR ADEQUATE FUNDING OF
SPECIAL EDUCATION, consisting of
BELLINGHAM SCHOOL DISTRICT
NO. 501, a municipal corporation;
BETHEL SCHOOL DISTRICT NO. 403;
BURLINGTON-EDISON SCHOOL
DISTRICT NO. 100, a municipal
corporation; EVERETT SCHOOL
DISTRICT NO. 2, a municipal
corporation; FEDERAL WAY SCHOOL
DISTRICT NO. 210, a municipal
corporation; ISSAQUAH SCHOOL
DISTRICT NO. 411, a municipal
corporation; LAKE WASHINGTON
SCHOOL DISTRICT NO. 414, a
municipal corporation; MERCER
ISLAND SCHOOL DISTRICT NO. 400,
a municipal corporation; NORTSHORE
SCHOOL DISTRICT NO. 417, a
municipal corporation; RIVERSIDE
SCHOOL DISTRICT NO. 416, a
municipal corporation; and SPOKANE
SCHOOL DISTRICT NO. 81, a municipal
corporation,

Plaintiff,

v.

THE STATE OF WASHINGTON; GARY
LOCKE, in his capacity as Governor of
the State of Washington; TERRY
BERGESON, in her capacity as
Superintendent of Public Instruction;

No. **04-2-02000-7**

COMPLAINT FOR (1) WRIT OF
MANDAMUS; AND (2)
DECLARATORY JUDGMENT

2. LION PRIDE APPROACH: *School Districts' Alliance v. State*

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

SCHOOL DISTRICTS' ALLIANCE
FOR ADEQUATE FUNDING OF
SPECIAL EDUCATION, consisting of
BELLINGHAM SCHOOL DISTRICT
NO. 501, a municipal corporation;
BETHEL SCHOOL DISTRICT NO. 403;
BURLINGTON-EDISON SCHOOL
DISTRICT NO. 100, a municipal
corporation; EVERETT SCHOOL
DISTRICT NO. 2, a municipal
corporation; FEDERAL WAY SCHOOL
DISTRICT NO. 210, a municipal
corporation; ISSAQUAH SCHOOL
DISTRICT NO. 411, a municipal
corporation; LAKE WASHINGTON
SCHOOL DISTRICT NO. 414, a
municipal corporation; MERCER
ISLAND SCHOOL DISTRICT NO. 400,
a municipal corporation; NORTHSORE
SCHOOL DISTRICT NO. 417, a
municipal corporation; RIVERSIDE
SCHOOL DISTRICT NO. 416, a
municipal corporation; and SPOKANE
SCHOOL DISTRICT NO. 81, a municipal
corporation,

Plaintiff,

v.

THE STATE OF WASHINGTON; GARY
LOCKE, in his capacity as Governor of
the State of Washington; TERRY
BERGESON, in her capacity as
Superintendent of Public Instruction;

No. **04-2-02000-7**

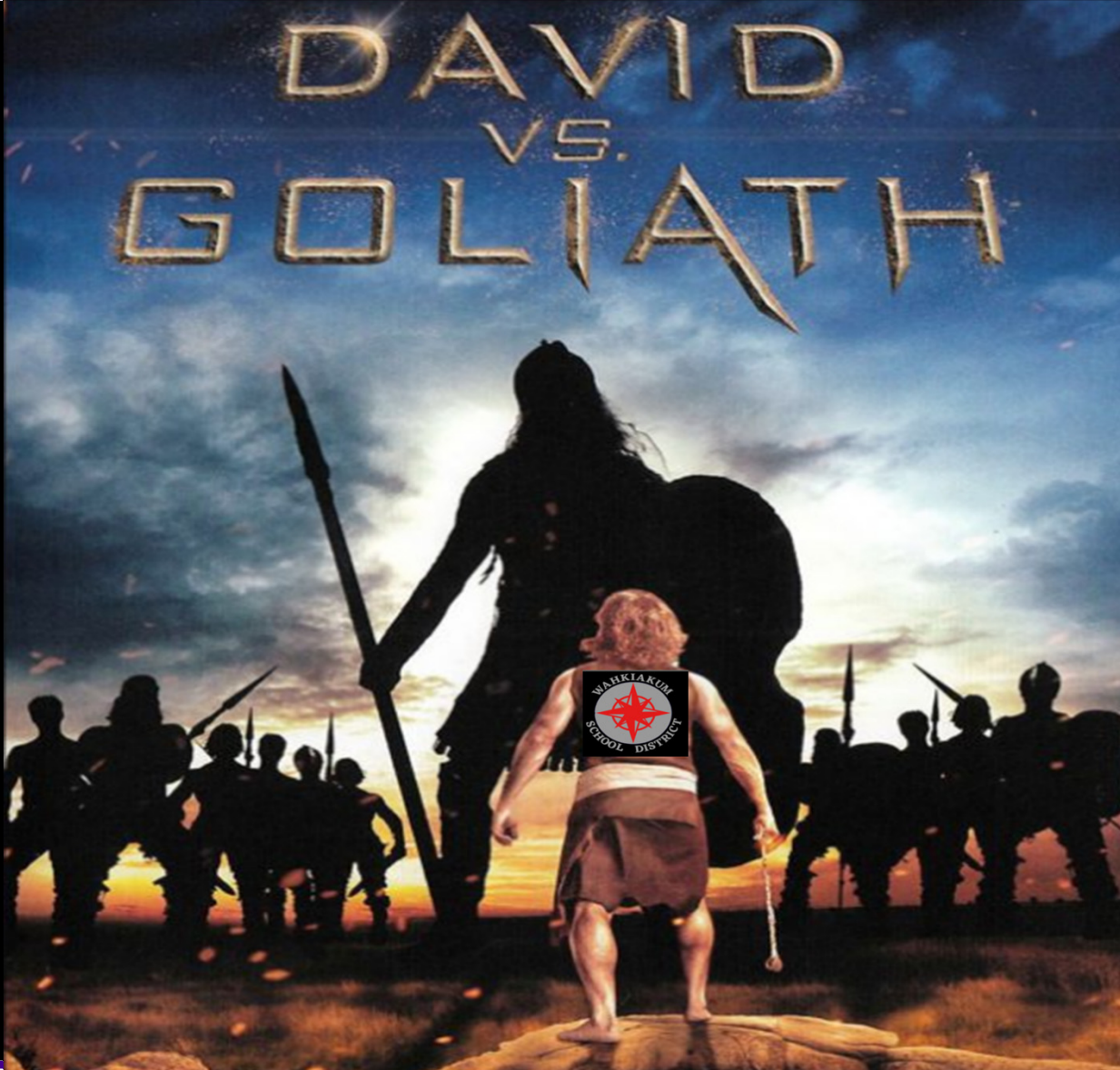
COMPLAINT FOR (1) WRIT OF
MANDAMUS; AND (2)
DECLARATORY JUDGMENT

**11 of the
296 school districts in the State at that time**

2. LION PRIDE APPROACH: *School Districts' Alliance v. State*



3. DAVID VERSES GOLIATH APPROACH: *Wahkiakum School District v. State*



3. DAVID VERSES GOLIATH APPROACH: *Wahkiakum School District v. State*

**one small, poor,
rural school district**

**Defendant with
unlimited
resources and
large army of
lawyers**

FILED

2021 DEC 28 PM 2:06

KAY M. HOLLAND, CLERK
WAHIAKUM COUNTY, WA

BY JK DEPUTY

SUPERIOR COURT OF WASHINGTON FOR WAHIAKUM COUNTY

WAHIAKUM SCHOOL DISTRICT NO. 200,
Plaintiff,

v.

STATE OF WASHINGTON,
Defendant.

No. 21-2-00053-35

COMPLAINT FOR
DECLARATORY JUDGMENT &
RELATED RELIEF ENFORCING
OUR CONSTITUTION

→ ASSISTING DAVID

RESOLUTION TO ASSIST ENFORCEMENT OF THE AMPLE EDUCATION FUNDING DUTY THAT THE STATE OWES THIS DISTRICT, ITS STUDENTS, & ITS RESIDENTS

A RESOLUTION of the Board of Directors of _____
School District No. _____, _____ County, Washington, providing
assistance to enforce the ample funding duty that the State owes to this school district, its
students, and its residents under Article IX, section 1 of the Washington State Constitution;
and providing for related matters.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF _____
SCHOOL DISTRICT NO. _____, _____ COUNTY, WASHINGTON
(the "Board"), as follows:

Section 1. Findings and Determinations. The Board takes note of the following facts and makes
the following findings and determinations:

- (a) RCW 28A.320.010, among other authorities, authorizes this school district to transact
business necessary to protect the rights of this school district. These rights include the
ample education funding that Article IX, section 1 of the Washington State Constitution
requires the State to provide to this district. This authority accordingly includes providing
financial assistance to support the pursuit of a lawsuit seeking a court ruling that Article IX,
section 1 requires the State to amply fund the education facilities that a school district such
as ours needs to safely educate our students.
- (b) RCW 28A.320.010, among other authorities, grants this school district all the usual powers
of a public corporation. These powers include providing financial assistance to further this
entity's purposes. This authority accordingly includes providing financial assistance to
support the pursuit of a lawsuit seeking a court ruling that Article IX, section 1 requires the
State to amply fund the education facilities that a school district such as ours needs to fulfill
one of this school district's central purposes – e.g., safely educating our students

[https://wahksd.k12.wa.us/files/user/19/file/Sample%20Resolution%20for%20School%20Boards%2024%20June%202022%20\(2\).DOCX](https://wahksd.k12.wa.us/files/user/19/file/Sample%20Resolution%20for%20School%20Boards%2024%20June%202022%20(2).DOCX)

Fuller legal explanation available at <https://wahksd.k12.wa.us/files/user/19/file/2022.06.07%20ltr%20to%20SAO%20AG%20.pdf>

We

Belong

Together

THIS AFTERNOON'S FIVE TOPICS:

- 1. WAHKIAKUM FACTS: WHAT THE STATE'S ADMITTED IN THIS APPEAL**
- 2. AMPLE FUNDING MANDATE: CLAIMS THE STATE'S PREVIOUSLY LOST**
- 3. STATE'S NEW CLAIM: "FACILITIES ARE YOUR PROBLEM – NOT MINE"**
- 4. APPEAL'S IMPACT: OUTCOME WILL APPLY TO EVERY SCHOOL DISTRICT**
- 5. APPEAL'S PARTIES: DAVID VS. GOLIATH**

We

Belong

Together

1. V
2. A
3. S
4. A
5. A

QUESTIONS?