

What Happened?	When Did it Happen?	Why Did it Happen?	Takeaway (With Language of the Court or Legislature)
<p>State K-12 Funding Ruled Unconstitutional</p> <p>Decision found here</p>	<p>January 5, 2012</p>	<p>Mathew & Stephanie McCleary et al. and NEWS Plaintiffs brought suit</p>	<p>Takeaway: K-12 funding violates the Constitutional provision for ample funding.</p> <p>Language:</p> <p><i>“The fact that local levy funds have been at least in part supporting the basic education program is inescapable. As of 2010, all school districts have a levy lid of 28 percent, and 90 grandfathered districts maintain levy lids as high as 38 percent. Laws of 2010, ch. 237. The trial evidence does not show that increases in local funding went strictly to providing “enhancements” to “basic education.” Instead, the increase in school districts’ levy capacity over the years reflects the growing need to fill the gap between state allocations and the actual cost of providing the program of basic education. Reliance on levy funding to finance basic education was unconstitutional 30 years ago in Seattle School District, and it is unconstitutional now.”</i></p> <p><i>“The legislature must develop a basic education program geared toward delivering the constitutionally required education, and it must fully fund that program through regular and dependable tax sources.</i></p> <p><i>The State has failed to meet its duty under article IX, section 1 by consistently providing school districts with a level of resources that falls short of the actual costs of the basic education program.”</i></p> <p><i>“This court intends to remain vigilant...”</i></p>
<p>Court Order to Legislature</p> <p>Order found here</p>	<p>July 18, 2012</p>	<p>Court responds to briefs on preferred method of “retaining jurisdiction”</p>	<p>Takeaway: Show ‘real and measurable progress’ toward ESHB 2261.</p> <p>Language:</p> <p><i>“The state shall file periodic reports... summarizing its actions... The first report shall be filed no later than 60 days following ... this order.”</i></p> <p><i>“In deference to ESHB 2261... the court’s review will focus on whether the actions taken by the legislature show real and measurable progress toward achieving full compliance... by 2018.”</i></p>
<p>Legislature responds - submits Article IX report</p> <p>Article IX Joint Committee Report found here</p>	<p>September 12, 2012</p>	<p>Responding to Court order</p> <p>Joint Select Committee on Article IX Litigation created to respond</p>	<p>Takeaway: It’s the Legislature’s job to make laws, not the Court’s.</p> <p>Language:</p> <p><i>“The complex process of legislative policy-making ... takes time. HB 2824 assigned the Joint Task Force on Education Funding the duty of making recommendations on a permanent and reliable fund source for implementing ESHB 2261...”</i></p> <p><i>...in the law-making process that is ... uniquely assigned to the legislative branch, the Legislature will enact legislation ... and appropriations to satisfy Article IX by demonstrating real and measurable progress toward these reforms.”</i></p>



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<p>Court Order to Legislature</p> <p>Order found here</p>	<p>December 20, 2012</p>	<p>Court responds to Legislature's first progress report on <i>McCleary</i> compliance</p>	<p>Takeaway: Legislature's first report is unacceptable. Come up with a new plan at conclusion of 2013 session.</p> <p>Language: <i>"The state's first report falls short.... The report does not sufficiently indicate how full compliance with article IX... will be achieved."</i></p> <p><i>"Steady progress requires forward movement. Slowing the pace of funding cuts is necessary, but it does not equate to forward progress; constitutional compliance will never be achieved by making modest funding restorations... The year 2018 remains a firm deadline for full constitutional compliance."</i></p> <p><i>"The report submitted... must set out the State's plan in sufficient detail to allow progress to be measured according to periodic benchmarks between now and 2018. The phase-in plan should address all areas of K-12 education identified in ESHB 2261)..."</i></p> <p><i>"We cannot wait until 'graduation' in 2018 to determine if the state has met minimum constitutional standards."</i></p>
<p>Legislature reports to Court as required</p> <p>Report found here</p>	<p>August 29, 2013</p>	<p>Legislature responds to requirement for post-2013 session progress report on <i>McCleary</i> compliance</p>	<p>Takeaway: The Legislature invested \$982 million, in K-12 basic education last session. Also, SHB 2776 already contains timelines and benchmarks for the Court to measure against. The Legislature has shown forward progress and can manage its own policymaking process.</p> <p>Language: <i>"The Court should find that the State is making progress toward implementing the reforms initiated in ESHB 2261 and achieving full compliance with article IX..."</i></p>
<p>Court responds to Legislature's August Filing, issues order</p> <p>Order found here</p>	<p>January 9, 2014</p>	<p>Court responds in the first days of session to Legislature's claim that is it making progress toward <i>McCleary</i> compliance.</p>	<p>Takeaway: The Legislature has made some progress, but not enough progress. It is not realistically on pace to implement the recommendations of the Joint Task Force on Education Funding (JTFF) by 2018. The pace of progress must quicken.</p> <p>Also, the Court is skeptical about the claim to have fully funded pupil transportation, and is also concerned about salaries, and capital costs.</p> <p>Language: <i>"Overall, the State's Report demonstrates that it understands what progress looks like... But, it cannot realistically claim to have made significant progress when its own analysis shows that it is not on target to implement ESHB 2261 and SHB 2776 by 2017-18 school year. ...the current level of funding falls short of the JTFF plan in every category except full day kindergarten, and, as noted, the funding for that category does not account for the additional capital investment needed to implement..."</i></p>



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			<p><i>OSPI estimates that additional capital expenditures are required of approximately \$105 million for full-day kindergarten and \$599 million for K-3 class-size reduction by 2017-18. Make no mistake, enhanced funding for full-day kindergarten and class-size reduction is essential, but the State must account for the actual cost to schools of providing these components of basic education. Another area in which the State’s Report falls short concerns personnel costs. ...it skims over the fact that state funding of educator and administrative staff salaries remains constitutionally inadequate.... nothing could be more basic than adequate pay... it is deeply troubling that the State’s report does not address this component of ESHB 2261 or offer any plan for meeting its goals.</i></p> <p><i>We have no wish to be forced into entering specific funding directives to the State, or, as some state high courts have done, holding the legislature in contempt of court. But it is incumbent on the state to demonstrate... real and measurable progress.</i></p> <p><i>The state shall submit, no later than April 30, 2014, a complete plan for fully implementing its program of basic education for each school year between now and the 2017-18 school year. This plan must address each of the areas of... ESHB 2261, as well as... SHB 2776. We recognize that the April 30, 2014 deadline shortens the time for the State’s report, but it is clear that the pace of progress must quicken.”</i></p>
<p>Legislature responds to Court’s January Order</p> <p>Report found here</p>	<p>April 29, 2014</p>	<p>Legislature responds to Court Order direction that the Legislature is not making adequate progress.</p>	<p>Takeaway: The Legislature refutes the Court’s claim that transportation is not fully funded and reminds the Court that MSOC is not required to be implemented linearly. The Legislature also acknowledges that it did not set timelines as directed by the Court.</p> <p>Makes case that they are “on track” because they haven’t violated the timeline requirements of HB 2776.</p> <p>Language: “...the implementation of the general education K-12 MSOC is not statutorily required to be on a linear basis... The Legislature reiterates its position that the transportation investments made in the 2013-15 biennial budget brought the state up to full funding in this basic education category.</p> <p><i>With the enactment of E2SSB 6552, the Legislature thus implemented two key elements of the revised definition of basic education under ESHB 2261. It is significant that E2SSB 6552 was developed through a collaborative, bipartisan negotiating process that began in the Senate and that led to passage by overwhelming margins in both chambers.</i></p> <p><i>The Legislature did not enact additional timelines in 2014 to implement the program of basic education as directed by the Court in its January 2014 Order. As noted above, this Committee</i></p>



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			<p><i>previously reached a consensus on the broad funding levels required under SHB 2776. Nonetheless, there was no political agreement reached either among the political caucuses or between the legislative chambers on what the full implementation plan should look like...</i></p> <p><i>The Court confirmed ... that there is not a single viable plan to constitutional compliance. Within the bounds of the constitution, the Legislature retains authority for selecting the means of Article IX implementation. And within the bounds of the constitution, the Legislature may change these means."</i></p>
<p>Court orders show cause order by</p> <p><i>Order found here</i></p> <p><i>Amicus Briefs, including one representing all Living Governors, available here</i></p>	<p>June 12, 2014</p>	<p>Legislature acknowledges it didn't fulfill Court order, so Court considers contempt finding in hearing.</p>	<p>Takeaway: Orders Legislature to a show cause hearing. Asks Legislatures why the Court shouldn't find the Legislature in contempt, and why it shouldn't use different intervention tools that have been tried in other states to enforce compliance.</p> <p>Language: <i>"ORDERED, that the state is hereby summoned to appear before the Supreme Court to address why the State should not be held in contempt for violation of this Court's order... to submit... a complete plan for fully implementing its program of basic education...</i></p> <p><i>The state should address why, if it is found in contempt, any of the following forms of relief requested should not be granted:</i></p> <ul style="list-style-type: none"> • <i>Imposing monetary or other contempt sanctions</i> • <i>Prohibiting expenditures on certain other matters until the Court's constitutional ruling is complied with;</i> • <i>Ordering the legislature to pass legislation to fund specific amounts or remedies</i> • <i>Ordering the sale of State property to fund constitutional compliance</i> • <i>Invalidating education funding cuts to the budget</i> • <i>Prohibiting any funding of an unconstitutional education system; and</i> • <i>Any other appropriate relief"</i>
<p>Supreme Court order finds Legislature in contempt</p> <p><i>Order found here</i></p>	<p>September 11, 2014</p>	<p>Court responds to filings in show cause hearing.</p>	<p>Takeaway: The Court finds the Legislature in contempt. The Legislature has until "the adjournment of the 2015 session" to "purge the contempt," or else risk imposition of sanctions (including those discussed in June show cause hearing).</p> <p>Language: <i>"...The court has no doubt that it already has the legislature's 'attention,' but that is not the purpose of a contempt order. Rather, contempt is the means by which a court enforces compliance with its lawful orders when they are not followed.... The court has repeatedly said, it does not wish to dictate the means by which the legislature carries out its constitutional responsibility or otherwise directly involves itself in the choices and trade-offs that are uniquely within the legislature's purview.... These orders are not advisory... the court expects them to be obeyed even though they are directed to a coordinate branch of government.</i></p>



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			<p><i>ORDERED, That the state is in contempt of court for violating the court’s order dated January 9, 2014. Sanctions and other remedial measures are held in abeyance to allow the State the opportunity to comply with the court’s order during the 2015 legislative session. If by adjournment of the 2015 legislative session, the state has not purged the contempt by complying with the court’s order, the court will reconvene to impose sanctions and other remedial measures as necessary. On the date following adjournment of the 2015 session, if the state has not complied with the court’s order, the state shall file in the court a memorandum explaining why sanctions or other remedial ensures should not be imposed.”</i></p>

