

"Washington State Supreme Court Awaiting Oral Arguments in the McCleary Case"

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The Washington State Legislature passed a funding plan for McCleary, but the State Supreme Court has another hearing scheduled. The legislature transmitted a report on its budget regarding the McCleary case to the Supreme Court on July 31, 2017. The Supreme Court required the state to meet its obligations under the state constitution to amply fund basic education. Washington's Paramount Duty, The National Association for the Advancement of Colored People (NAACP), Washington State Budget & Policy Center, and The Arc of King County, all with additional organizations, filed amicus curiae briefs in response.

In their briefs, the NAACP and civil rights organizations said that, "The Legislature's 2017 Budget Enactment Does Not Comply With The Civil Rights Mandate That The Paramount Constitutional Right Of Every Child Is An Amply Funded Education." Furthermore, the state did not meet the cost of categorical programs, including remediation, transitional bilingual instruction in K-6 grades and K-3 class sizes. The Washington State Budget & Policy Center and others said that the funding must be from "reliable, dependable sources," and that the legislature's tax methods of paying are "neither dependable nor regular" and will "disproportionately harm students of color." The Arc of King County brief said the state was not meeting the needs of special education children and objected to the special education funding cap, saying the state failed to meet staffing needs.

The brief from Washington's Paramount Duty was the most specific, rejecting point for point the state's claims that it met the Court's stipulations. WPD, a 501(c)(4) non-profit, said the state failed "to purge its contempt or remedy its ongoing violations of the Article 9, Section 1, rights of 1 million children." According to the brief the state did not meet its "Paramount" duty, did not provide "ample" funding, did not meet its constitutional obligation to fund the "actual costs" for education, did not fund the education of "every child" and did not provide "regular and dependable" funding sources.

The State and the Plaintiffs filed responses to these four briefs. While the plaintiffs generally agreed with select points in the amicus curiae briefs, the state defended its position.

The Supreme Court will have oral arguments regarding McCleary on Tuesday, October 24, at 10:00 a.m. for one hour. These arguments will be recorded and archived. You can access supporting documents from the Court's web site, <https://www.courts.wa.gov>.

LINKS FOR REFERENCE

Amicus curiae briefs:

Washington's Paramount Duty

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627McClearyWAParamountDuty.pdf>

Arc of King County

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627McClearyAmicusArcofKingCounty.pdf>

Washington State Budget and Policy Center

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627McClearyAmicusWASStateBudgetandPolicyCenter.pdf>

Civil Rights Organizations, including NAACP

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627McClearyAmicusBriefCivilRightsOrganizations.pdf>

Plaintiff's Consolidated Answer:

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627McClearyStateofWAConsolidatedAnswer.pdf>

State of Washington's Reply:

<https://www.courts.wa.gov/content/publicUpload/McCleary/McClearyStateofWAReplyandAnswer.pdf>

WA State Supreme Court Documents:

Order for oral arguments:

<https://www.courts.wa.gov/content/publicUpload/McCleary/843627SupremeCourtOrder.pdf>

Calendar with audio-visual links:

http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.calendar

Docket information on McCleary hearing:

http://www.courts.wa.gov/appellate_trial_courts/supreme/calendar/?fa=atc_supreme_calendar.display&year=2017&file=docfal17#A12

Audio Recordings of Washington State Supreme Court:

<http://media.avcaptureall.com/index.html#/?search=agency:%20WA%20State%20Supreme%20Court>