



# Direct

Washington State School Directors' Association

March 2010

## Court ruling: Washington's constitution 'means what it says'

### Landmark decision requires Legislature to fully fund basic education

Three decades after the historic Doran school funding court decision, another superior court judge has declared that the state Legislature is failing its constitutional responsibility to fund basic education in Washington.

In an opinion issued Feb. 4, King County Superior Court Judge John Erlick ruled that the state is not complying with Article IX Section 1 of the Washington State Constitution, which declares that the state has a "paramount duty" to make "ample provision for the education of all children residing within its borders."

The decision in many ways mirrors a 1977 ruling issued by Thurston County Superior Court Judge Robert Doran, who also found the state was violating the constitution by forcing school districts to rely on special levies to pay for basic education. The decision was later upheld by the state Supreme Court.

In his 103-page opinion, Erlick strongly agreed with the arguments brought by parents, community groups, school districts and education organizations.

"The court is left with no doubt that under the State's current financing system the State is failing in its constitutional duty to make ample provision for the education of all children," Erlick wrote. "This court is convinced that basic education is not being funded by a stable and dependable source of funds provided by the state."

Erlick's opinion repeatedly emphasized that the language of the state constitution "means what it says"—that



Thomas Ahearne, lead attorney for the plaintiffs in the school funding lawsuit, briefs the WSSDA/WASA Legislative Conference on Judge Erlick's ruling. A WSSDA podcast interview with Ahearne is available at [wssda.libysn.com](http://wssda.libysn.com). Video of Ahearne's presentation is available at [wssda.org](http://wssda.org).

"paramount" means above all, that "ample" means more than adequate, and that "all children" means each and every child.

Erlick also held that "education" goes well beyond the three R's and encompasses the comprehensive standards and requirements enacted by the state during the past 30 years.

The judge's ruling requires the Legislature to make "real and measurable progress" to establish the cost of basic education and find a stable way to pay for it. Erlick did not set a specific timeline for the state to meet that requirement.

WSSDA President Kevin Laverty (Mukliteo) called the ruling "a win for students in Washington's public schools."

"Once again, the courts have affirmed that the state constitution means what it says: education is the paramount duty

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# Excerpts from Judge Erlick's ruling

"... a well-educated population is the foundation of our democracy, our economy, and the American dream."

"This court concludes that the word 'paramount' in Article IX, §1 means what it says. It means having the highest rank that is superior to all others, having the rank that is preeminent, supreme, and more important than all others. It is not a mere synonym of 'important.'"

"This court concludes that the word 'ample' in Article IX, §1 means what it says. It means considerably more than just adequate or merely sufficient. Article IX, §1 accordingly requires the State's provision for the education of all Washington children to be considerably more than just adequate or merely sufficient to scrape by."

"This court concludes that the word 'all' in Article IX, §1 means what it says. It means 'every' and 'each and every one of.' It encompasses each and every child since each will be a member of, and participant in, this State's democracy, society, and economy. Article IX, §1 accordingly requires the Respondent State to amply provide for the education of 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."

"The Respondent State's arithmetic equations (program 'funding formulas') continue to leave the State's public schools to rely heavily on local levies to be able to operate."

"... the Respondent State is not amply providing for the actual cost of operating the State's public schools. The Respondent State is not amply providing for the equipping of all children residing in this State with the basic knowledge and skills mandated by this State's minimum education standards. The Respondent State is not amply providing for the equipping of all children residing in this State with the basic knowledge and skills included within the substantive 'education' mandated by Article IX, §1."

"The guarantee of achievement by all children may, or may not be, attainable. But the State will ensure that all children will not perform up to their capabilities if it does not give them the educational *opportunity* to achieve. The State is failing to provide that opportunity."

"... the Legislature must be afforded the opportunity to exercise its proper legislative authority to comply with Article IX, § 1, and to fulfill the State's paramount educational duty, as set forth in this decision. That said, the Legislature must proceed with real and measurable progress to the dual outcomes sought by the petitioners in this case: (1) to establish the actual cost of amply providing all Washington children with the education mandated by this court's interpretation of Article IX, §1, and (2) to establish how the Respondent State will fully fund that actual cost with stable and dependable State sources."

## Sounding Board: School Funding Decision

February 2010

King County Superior Court Judge John Erlick ruled last month that the state has failed its constitutional paramount duty to provide ample funding for Washington's public schools, concluding that the state's support "is inadequate and does not fully and amply fund the basic education owed to all students." Our Sounding Board questions:

*Do you agree with Judge Erlick's conclusion that the state has failed to fund basic education as required by the state constitution?*

Yes 200 (97%)

No 7 (3%)

*Do you think the judge's ruling goes far enough in terms of ordering the Legislature to come up with a remedy?*

Yes 72 (35%)

No 131 (65%)

*Do do think the state (i.e., the Governor, the Legislature and the Attorney General) should appeal the decision?*

Yes 53 (27%)

No 144 (73%)

*Do do think the education reforms envisioned in HB 2261 will be sufficient to comply with the court's ruling?*

Yes 12 (6%)

No 193 (94%)

Sounding Board is a periodic "pulse poll" of school board members in the state of Washington. Results of this poll were received Feb. 5-19, 2010. Results are unscientific and unofficial. Formal WSSDA positions on legislative and other issues are available on the association Web site at [wssda.org](http://wssda.org) under "WSSDA Information > Bylaws & Positions."

## WSSDA executive director position to open for applications in March

The WSSDA Board of Directors held a special meeting in late February to continue work on the search process for a new association executive director. As a result of that work, the position is expected to be advertised for applications in early March.

Most of the meeting was devoted to reviewing and prioritizing the results of stakeholder interviews and a membership Web survey conducted by the association's executive search consultants, Hagel and Company. Discussions centered on board consensus around a) WSSDA's accomplishments, strengths, challenges and opportunities and b) key attributes, experience and critical success factors for the new executive director. The consultants are using the results of the board's input to finalize the executive director position profile and move forward to advertise the position.

"The WSSDA Executive Director Search Committee wishes to thank those who have provided input into the process so far and would like to remind members that this process will remain as open and transparent as possible," said WSSDA Immediate Past President Martha Rice (Yakima), who chairs the search committee.

Information about the executive director search is available on the WSSDA Web site ([wssda.org](http://wssda.org)) under "Spotlight" on the home page. If you have questions about the search process, contact Martha Rice or any member of the search committee.

In other news from the board's Feb. 20 special meeting:

- There was agreement with a proposal from the Office of Superintendent of Public Instruction to have the WSSDA Board of Directors make appointments to fill vacancies that occur in any the five positions on the State Board of Education that are elected by school directors (the appointment would be for the remainder of the unexpired term). The board was not in favor of a separate proposal to declare an SBE candidate the winner if he or she was unopposed for election, with concerns expressed that it would preclude the possibility of a write-in candidacy and could also disconnect school directors from selecting SBE members. Responding to OSPI concerns about the costs of running a single-candidate election, the board encouraged OSPI to explore the potential for conducting SBE elections online.

- The board agreed to begin work earlier on strategic planning, which means the association's triennial membership survey will be occurring sooner this year. Watch for details in upcoming issues of this newsletter.

The next regular meeting of the WSSDA Board of Directors is scheduled for April 23-24 at the Silver Cloud Inn at Lake Union, 1150 Fairview Avenue North, Seattle. School directors are welcome and encouraged to attend WSSDA board meetings.

### Ruling *(continued from cover)*

of the state and the responsibility for funding public schools rests squarely on the shoulders of the state Legislature."

Laverty noted that school board members are ultimately responsible for carrying out the state's requirements and community expectations for student learning.

"As fellow elected officials, we will continue to seek out every opportunity to work with legislators to transform Washington's education system for the benefit of all students," he said. "The overarching goal is to ensure Washington's schoolchildren are prepared for success in the 21st century. We simply must have a K-12 finance system that defines basic education and provides ample, stable funding to meet the state's expectations for student learning."

It is now up to the state to decide whether it will appeal the decision. Gov. Gregoire said she will work with her staff and the Attorney General to review the decision "to determine where we go from here."

An informal poll of school directors (see Sounding Board, page 2) showed strong opposition to an appeal. Also, shortly after the ruling, a group of more than 30 House members sent a letter to state officials urging them not to appeal.

WSSDA has assembled a number of online resources on the ruling, including links to the full text of the decision and a 15-minute podcast interview with plaintiffs' attorney, Tom Ahearne. For details, see the "What's New" section on the WSSDA home page at [wssda.org](http://wssda.org).

# NSBA's 2010 Annual Conference

Speakers include Rose, Marsalis and Wozniak



The 2010 NSBA Annual Conference to be held April 10 - 12 in Chicago features a strong programming line-up to help school boards find solutions, demonstrate accountability, and work together to improve student achievement.

Both veteran and new board members, as well as superintendents and board support professionals, will take home practical ideas and a renewed commitment to help their boards accomplish the important work ahead.

This year's General Session speakers include Emmy-winning broadcast journalist Charlie Rose, Grammy-winning jazz musician and arts education advocate Wynton Marsalis, and Apple co-founder and renowned philanthropist Steve Wozniak. Herman Boone, football coach and motivator, is Sunday's fellowship speaker.

Registration, and details on sessions, workshops and events can be found online; visit [nsba.org/conference](http://nsba.org/conference). An online planner allows you to search workshops, sessions, and events by name, subject area, and date/time to create your own individualized schedule. NSBA's Annual Conference is open to all school boards who are members of their State School Boards Association.

State associations of the Pacific Region will jointly host a reception at the conference on Sunday, April 11, 5:00 - 6:30 p.m. in the Chicago Hilton Grand Ballroom.

## Financial affairs report due to PDC in April

It's time to file the Personal Financial Affairs Statement (PDC Form F-1) for calendar year 2009. The F-1 is due on or before April 15, 2010.

Any school director who was in office for all or part of 2009 in a school district with 1,000 or more registered voters must file.

The F-1 can be filed electronically, by mail or by personal delivery. For blank forms and instructions, visit [www.pdc.wa.gov/filers/appointed/default.aspx](http://www.pdc.wa.gov/filers/appointed/default.aspx). For more information, contact the Washington State Public Disclosure Commission at 360.753.1111 or (toll-free) 877.601.2828, or e-mail them at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

## NEWS BRIEFS

**Nominations are being sought for the 2011 Washington State Teacher of the Year.** Every year one outstanding Washington educator is selected to serve as the Washington State Teacher of the Year.

The nine educational service districts and the Tribal Schools of Washington each select one regional finalist from their service areas as their regional teacher of the year. The Washington State Teacher of the Year is selected from this group of 10 regional nominees. The 2011 regional nominees' application packets are due to the Office of Superintendent of Public Instruction by August 6, 2010. The OSPI review and selection process will occur in late September 2010.

**The Washington School Information Processing Cooperative (WSIPC), has partnered with SchoolMessenger, a provider of parent notification solutions, to provide free emergency notification services and enhanced family access to schools.** The goal is to put massive communication capabilities in place at more than 1,400 Washington schools this school year. Doing so will allow officials to quickly alert

parents, students and staff when emergency situations arise, including on-campus incidents, inclement weather, school closings, early dismissals, and more.

It ensures that community members be alerted as threatening incidents occur, and helps curb the spread of misinformation enabling important updates to be communicated as the situation unfolds. Visit [www.schoolmessenger.com/wsipc](http://www.schoolmessenger.com/wsipc) for further information.

**The National School Boards Association supports First Lady Michelle Obama's initiative to combat widespread childhood obesity.** Working with and through state school boards associations, NSBA announced that it will help identify at least one local school board member in every state to serve as a visible champion in the campaign against childhood obesity. NSBA also will work with the states to promote participation in the U.S. Department of Agriculture's Healthier U.S. School Challenge. Information and materials on childhood obesity can be found at [nsba.org/schoolhealth](http://nsba.org/schoolhealth). The new Web site promoting the Obama initiative is [www.letsmove.gov](http://www.letsmove.gov).

## FRN delegates preview NCLB changes



Members of the WSSDA FRN delegation following a meeting with Sen. Maria Cantwell. (Photo courtesy Heather Hodo)

Two dozen school directors from Washington state joined more than 800 colleagues from around the country last month to ask Congress to make K-12 education a top priority in the current session.

School board advocates were in Washington, D.C., to take part in the National School Boards Association's 37th annual Federal Relations Network Conference, held Jan. 31 to Feb. 2. A series of presentations on federal education issues were followed by a "Day on the Hill" for school board members to meet with their respective senators and representatives.

The conference took place as President Obama released his budget proposal, which previewed changes being contemplated for the reauthorization of the Elementary and Secondary Education Act, also known as No Child Left Behind.

"The one sure thing we know is that it will have a new acronym and name," said WSSDA FRN Chair Patty Wood (Kelso). It appears, she said, that the Obama administration wants to cancel NCLB's current requirement that all public school students reach 100 percent proficiency in certain subjects by 2014. What isn't as clear, said Wood, is how ESEA will be reshaped in terms of accountability and funding. She said there were a lot of "raised eyebrows" over indications that the push may be on to use new ESEA funding to create a competitive grant program along the lines of "Race to the Top."

In arguing for reform of ESEA/NCLB with the state's Congressional delegation, Wood said WSSDA's FRN members raised concerns about forcing districts to compete against each other for federal resources, and emphasized the need to fix the law's current accountability framework. Wood said the FRN also continued its push for Congress to fulfill its funding commitments for the Individuals with Disabilities Education Act. For more on this year's FRN conference, listen to WSSDA's podcast interview with Wood at [wssda.libysn.com](http://wssda.libysn.com).

## Adopting an online learning policy

Online learning opportunities are rapidly expanding in Washington, so much so that the Legislature has updated the ground rules for online learning programs and courses. As part of this new law, school districts are required to adopt an online learning policy no later than Aug. 1 of this year. WSSDA has published a sample policy and procedure to assist school boards in this effort. The documents and detailed background information are now available at [wssda.org](http://wssda.org) > Policy & Legal > Policy Services > Online Learning Policy Required.

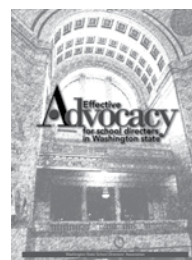
## 364 schools to participate in new online testing

More than 360 schools in 181 school districts registered and were accepted to take part in the first year of online state testing. This spring, students in grades 6-8 in participating schools will take the Measurements of Student Progress (MSP) in reading and/or math on a computer.

The 364 schools—nearly 27 percent of Washington schools with sixth through eighth grades—represent both large and small, urban and rural settings. Most of the registered schools chose to test in all grades (6-8) and subject areas (reading and math), but some are testing in only specific grades or content areas. Additional grades and subjects will be added each year.

The move to online testing was initiated by State Superintendent Randy Dorn, in part to prepare students for the increasingly technological college and work world they will enter.

Last fall, OSPI released a demo of an online testing system that is similar to what Washington will use. In January, an online reading tutorial featuring Washington test items was released so students and educators may become more familiar with the system. An online math tutorial will be released this month. The demos, tutorials and other information, including frequently asked questions, can be accessed at [www.WAtesting.com/online](http://www.WAtesting.com/online).



### Advocacy manual available

*Effective advocacy for school directors in Washington state* is a handbook for school board members in their role as advocates for public education. To obtain a copy contact Sheila Chard ([S.Chard@wssda.org](mailto:S.Chard@wssda.org) or 360.252.3011) or visit [wssda.org](http://wssda.org) > Publications.

## WSSDA IAC adopts positions on WIAA amendments

Twelve proposed amendments will be considered by the Washington Interscholastic Activities Association's Representative Assembly when it meets April 23 in Renton. The proposals, which would amend the WIAA Handbook, were submitted by individual member schools and the WIAA Executive Board.

The WIAA Handbook sets forth rules for all interscholastic activities in member schools. This year's proposed amendments to the Handbook involve a number of issues, including school classifications, if and how alternative school and home school students are counted, and adding lacrosse as a WIAA sanctioned sport.

The WSSDA Interscholastic Activities Committee met last month and adopted a recommended position on each of the amendments. A complete list of the proposed amendments and rationale as well as the IAC's recommendations is available at [wssda.org](http://wssda.org) under "What's New."

School boards in member districts are encouraged to review the amendments, include a meeting with athletic directors on an upcoming board agenda, and provide input to the WIAA Representative Assembly members from their area.

## Washington's AP scores and participation continue to rise

The College Board's sixth annual *AP Report to the Nation* shows that the scores of Washington students on Advanced Placement exams have continued to increase as the number of exams taken has risen. In the class of 2009 17,274 Washington students (or 26.7 percent) took at least one AP exam, an increase of nearly 1,000 from the previous year and more than 7,000 from five years ago. Additionally, Washington's percentage of 12th graders scoring three or greater, which in most cases qualifies for college credit, increased to 16 percent in 2009 from 11.1 percent five years ago.

That 4.9 percent increase tied Washington with four other states (Arkansas, Massachusetts, Minnesota and Oregon) for seventh highest. The national average was 3.2 for the same time period.

The trends of increased participation and college-ready scores held true for all subgroups, including black or African American, Hispanic or Latino, American Indian or Alaska Native, Asian and Pacific Islander, white and low-income students.

For more information and to view the *AP Report to the Nation*, including state-by-state results, visit [www.collegeboard.com/apreport](http://www.collegeboard.com/apreport).

# NSBA critical of plan to tie Title I funds to standards

President Obama's proposal to tie federal school funds to state adoption of common core standards has drawn strong concerns from the National School Boards Association.

The president's plan would condition a state's eligibility for Title I funds to its method for adopting academic standards. The proposal would require a state to either join other states in developing common standards or have its higher education community certify that its standards are sufficient for "college and career readiness."

"While the goal of high academic standards is laudable and school boards strongly support it, this amounts to an

unnecessary over-reach by the federal government to coerce states to adopt a particular approach or be shut out of future funding for key programs," said NSBA executive director Anne L. Bryant. "This level of coercion is unnecessary, because 48 states are already voluntarily working to develop common core standards."

The NSBA Delegate Assembly adopted a resolution last year supporting efforts by the federal government to assist the voluntary development and adoption of state-led common standards. Bryant noted, however, that the resolution opposes efforts by the federal government to coerce or condition their

adoption as a condition for states to receive federal funds for other programs (such as Title I).

"Rather than providing a positive incentive for states to develop and adopt rigorous common standards, the irony of this proposal is that it penalizes states that do not follow the administration's approach by withdrawing Title I funding from the students, schools, and school districts that need the support most," said Bryant. "This new condition on funding for key federal programs also opens the door for the federal government to call for even more conditions, such as the use of national tests for accountability purposes."

# Regional Meetings get underway this month

WSSDA's 2010 Spring Regional Meetings are scheduled in 12 locations around the state, and agendas are posted at [wssda.org](http://wssda.org) > Conferences and Meetings > Regional Meetings. Topics include WSSDA and SBE updates, legislative outcomes, as well as a list of roundtable discussion topics. Bring your questions and concerns or send topic ideas in advance to your WSSDA Board of Directors representative. (Contact information is found at [wssda.org](http://wssda.org) under "WSSDA Information.")

## Spring Regional Meetings

Renton	Monday, March 8
Port Angeles	Saturday, March 13
Tumwater	Monday, March 15
Gig Harbor	Tuesday, March 16
Stevenson	Wednesday, March 17
Chattaroy	Tuesday, March 23
Granite Falls	Thursday, April 8
Pasco	Monday, April 19
Sunnyside	Tuesday, April 20
Ellensburg	Wednesday, April 21
Cashmere	Monday, April 26
Colfax	Tuesday, April 27

Weekday meetings, including dinner, are held from 6:00 to 8:30 p.m. Saturday meetings, including lunch, are scheduled from 10:00 a.m. to 1:00 p.m. Registration is required, and the only charge is for your meal. (The Stevenson meeting is hosted; there will be no meal charge.) Fall Regional Meeting dates are posted at [wssda.org](http://wssda.org) as well.



## CISL suggests culminating project topic

The Center for the Improvement of Student Learning is looking for high school students who are interested in using their "senior" or culminating project to develop a guide to who they are.

### What I Wish My Teacher Knew About \_\_\_\_\_ Students

(For example, Pacific Islanders, Latinos, African Americans, Native Americans, Asians, Sexual Orientation, Gender, Disability.)

This guide could be in the format of prose, music, photos, artwork, video, etc. Suggested focus areas are: history, geography, language, economy, values and beliefs, migration patterns, literature and visual art, social "do's and don'ts." For more information, contact Maria Flores at the Center for the Improvement of Student Learning, 360.725.6165.

## WELCOME, NEW SCHOOL DIRECTORS!

### Congratulations and welcome to the following new school directors:

Stan Long, *Adna*  
Rich Wesen, *Burlington-Edison*  
David Lowell, *Burlington-Edison*  
Roger Howard, *Burlington-Edison*  
Steve Hoffman, *Green Mountain*  
Jeff Strong, *Green Mountain*  
Leonard VanBuren, *Kahlotus*  
Jim Barrett, *Shelton*

### Thanks and best wishes to those who have recently left board service:

Louis Mitchell, *Bremerton*  
Mike Dynes, *Burlington-Edison*  
Sandra Ferneding, *Green Mountain*  
Eric Rice, *Green Mountain*  
Donna Fone, *Kahlotus*  
Chris Davies, *Kent*

## Online with WSSDA

### Podcasts

Two new WSSDA podcasts were recorded following last month's Legislative Conference: an interview with WSSDA FRN Chair Patty Wood (Kelso) and a Q&A with Thomas Ahearne, lead attorney for the plaintiffs in the McCleary school funding case. Hear both podcasts at [wssda.libsyn.com](http://wssda.libsyn.com).

### Video

Ahearne's presentation to the Legislative Conference is available in streaming video on the WSSDA Web site ([wssda.org](http://wssda.org)). Also, check out our weekly video updates from WSSDA Governmental Relations Director Dan Steele at [YouTube.com/wssda](http://YouTube.com/wssda).



## Follow us on Twitter



WSSDA's Twitter page offers

"tweets" on education news and association activities. Tweets are very brief updates, often linking you to more detailed information, if desired. Visit [twitter.com/wssda](http://twitter.com/wssda) to see our contributions to the "Twitterverse."



## Find us on Facebook

If you're on Facebook, why not connect with WSSDA and colleagues by becoming "fans" of WSSDA's Facebook Page? Visit us at [Facebook.com/wssda](http://Facebook.com/wssda) and click on the "Become a fan" link. (Facebook membership required; go to Facebook.com for registration details.)



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CALENDAR OF EVENTS

Regional Meeting, Renton . . . . . March 8
Leadership WSSDA, Olympia . . . . . March 12-13
Regional Meeting, Port Angeles . . . . . March 13
Regional Meeting, Tumwater . . . . . March 15
Regional Meeting, Gig Harbor . . . . . March 16
Regional Meeting, Stevenson . . . . . March 17
State Board of Education . . . . . March 17-18
Western Washington Native American Education Consortium, Suquamish Tribe . . . . . March 18
Regional Meeting, Chattaroy . . . . . March 23
Annual Conference Planning Committee, Spokane . . . . . March 27
Passover (Begins at sundown on 3/29) . . . . . March 30 - April 6
Wash. State Indian Education Association Annual Conference, Spokane . . . . . March 31 - April 2
Easter . . . . . April 4
Regional Meeting, Granite Falls . . . . . April 8
Regional Meeting, Pasco . . . . . April 19
For event details, visit wssda.org, "Calendar of Events."

WORKSHOPS & CONFERENCES

WASA SMALL SCHOOLS CONFERENCE
Yakima: March 1 - 2
NSBA TECHNOLOGY SITE VISITS
Fayetteville, Arkansas: March 14-16
Magog, Quebec, Canada: March 28-30
Wilmette, Illinois: April 7-9
Golden, Colorado: May 5-7
NSBA 70th ANNUAL CONFERENCE AND EXPOSITION
Chicago, Illinois: April 10-12
WSSDA LEGISLATIVE ASSEMBLY
Vancouver, Washington: Sept. 24-25