



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. 07-2-02323-2 SEA

PETITION FOR DECLARATORY JUDGMENT ENFORCING OUR CONSTITUTION

The above petitioners allege as follows against the respondent State of Washington:

SUMMARY OF THIS SUIT

1. We applaud the Governor's budget appropriation request for the next 2 years and her committed leadership on behalf of education in that request. But such a proposal does not diminish the fact that our State government as a whole has not established the stable and dependable long term funding system that our State Constitution mandates for the education of every child in our State. We look forward to the Governor's continuing investment in and commitment to the education needs of all Washington children.

1 The simple fact remains, however, that justice delayed is justice denied. It has been
2 29 years since the Washington Supreme Court reaffirmed that our State Constitution requires
3 the State to fully fund the education of every resident child in our State. 29 years since our
4 State's highest Court reaffirmed that each child in our State has a constitutional right to a broad,
5 well-rounded public education that goes beyond just reading, writing, and arithmetic – one that
6 empowers each child to compete in our open political system, in today's global economy, and in
7 the market place of ideas. 29 years since our Supreme Court reaffirmed that our Constitution
8 requires the State to amply fund this comprehensive education for all children with stable and
9 dependable State funding sources – not outdated budgeting formulas or a roller coaster
10 appropriation track that subjects our children's education to the ups and downs of economic
11 cycles or the twists and turns of political whim.

12 An entire generation proceeded through the public schools of our State during those
13 29 years. And yet, our State government still has not fulfilled its paramount education duty as
14 mandated by our State Constitution and reaffirmed by our State Supreme Court in 1978. Left
15 to act on its own, our State government has moved not with all deliberate speed, but rather, with
16 all deliberate delay.

17 Enough is enough. The time for first steps or initial down payments has long passed. It
18 is time for compliance. The petitioners accordingly file this suit to ensure that the State of
19 Washington obeys the Constitution of Washington. As the following pages explain, the
20 petitioners seek a Court Order that upholds and enforces our State Constitution by
21 (1) confirming as a matter of law the broad, comprehensive scope of the education our State is
22 Constitutionally mandated to fully fund with stable and dependable resources, and (2) ordering
23 the State to fully and promptly comply with that Constitutional mandate.

24 PARTIES

25 2. Petitioner Parents & Children: The following petitioners are parents, voters, and
26 taxpayers living in the State of Washington. Their children attend public schools in our State's

1 public school districts. The State of Washington provides such public school districts with
2 funds for education – but the State does not fully fund all of the education-related programs and
3 needs necessary to provide every child in those school districts with the basic education
4 guaranteed by our State Constitution. The following parents file this action on their own behalf
5 and on behalf of their minor children. The following petitioners have satisfied all conditions
6 precedent to bring this suit.

7 (a) Petitioners Matt, Stephanie, Carter, and Kelsey McCleary: Matt and
8 Stephanie are parents, voters, and taxpayers living in Jefferson County, Washington. They
9 bring this action on their own behalf and as legal guardians on behalf of their two children,
10 Carter and Kelsey. At the time of this suit’s filing, their son Carter is 7 years old and is second
11 grader at Chimacum Creek Primary School. At the time of this suit’s filing, their daughter
12 Kelsey is 13 years old and is seventh grader at Chimacum Middle School.

13 Stephanie McCleary was 13 years old when the Washington Supreme Court issued its
14 1978 decision requiring the State to obey its Constitutional mandate to amply fund public
15 education for all Washington’s children. Stephanie’s daughter is now 13 years old. An entire
16 generation has passed, and the State still has not complied with that ruling or its Constitutional
17 mandate.

18 (b) Petitioners Robert, Patty, Halie, and Robbie Venema: Robert and Patty are
19 parents, voters, and taxpayers living in Snohomish County, Washington. They bring this action
20 on their own behalf and as legal guardians on behalf of their two children, Halie and Robbie. At
21 the time of this suit’s filing, their son Robbie is 12 years old and is sixth grader at Cathcart
22 Elementary School. At the time of this suit’s filing, their daughter Halie is 15 years old and is
23 ninth grader at the Snohomish High School (Freshman Campus).

24 Patty Venema was in high school when the Washington Supreme Court issued its 1978
25 decision requiring the State to obey its Constitutional mandate to amply fund public education
26

1 for all Washington's children. Patty's daughter is now in high school. An entire generation has
2 passed, and the State still has not complied with that ruling or its Constitutional mandate.

3 3. Petitioner Network for Excellence in Washington Schools ("NEWS"): Petitioner
4 Network for Excellence in Washington Schools ("NEWS") is a state-wide coalition of
5 community groups, education organizations, public school districts, and others in Washington
6 who support better education in the public schools of our State. NEWS was formed to promote
7 the education of children in the public schools, and to ensure that public schools are provided
8 with the Constitutionally required State resources necessary to effectively manage and operate
9 public schools pursuant to Article IX of our State Constitution. NEWS encourages the State's
10 compliance with its paramount duty under our State Constitution to fully fund education for the
11 children of – and thus the future of – our State. NEWS is a non-profit corporation organized
12 under the laws of the State of Washington, and has satisfied all conditions precedent to bring
13 this suit. At the time of this suit's filing, NEWS includes the following member organizations
14 from all across our State:

15 (a) Washington State PTA. Washington State PTA, formally the Washington
16 Congress of Parents and Teachers, was founded in 1905. It is a state-wide, non-profit
17 membership association which brings together the home, school, and community on behalf of
18 all children and youth. It is comprised of over 150,000 members in over 900 local PTA units
19 throughout our State. It is governed by a board of directors consisting of four statewide
20 officers, 13 region directors, a leadership director, a program director, and a legislative director.
21 It is chartered by and affiliated with the National Congress of Parents and Teachers (the
22 National PTA).

23 (b) League of Women Voters of Washington. The League of Women Voters of
24 Washington is a non-partisan, non-profit organization that encourages the informed and active
25 participation of citizens in government. It was organized in 1920, and includes 23 local
26 chapters throughout our State (Bellingham-Whatcom Counties chapter, Benton-Franklin

1 Counties Chapter, Clallam County chapter, Clark County chapter, Cowlitz County chapter,
2 Grays Harbor County chapter, Jefferson County chapter, King County South chapter, Kitsap
3 County chapter, Kittitas County chapter, Mason County chapter, Methow Valley chapter,
4 Pullman chapter, San Juan County chapter, Seattle chapter, Skagit County chapter, Snohomish
5 County chapter, South Whidbey Island chapter, Spokane Area chapter, Tacoma-Pierce chapter,
6 Thurston County chapter, Whidbey Island chapter, and Yakima County chapter).

7 (c) Urban League of Metropolitan Seattle. Formerly the Seattle Urban League,
8 the Urban League of Metropolitan Seattle was first established in 1929, and is one of 115
9 affiliates of the National Urban League. The Urban League of Metropolitan Seattle strives to
10 empower, enable, and assist African Americans, other people of color, and disadvantaged
11 individuals in becoming self-sufficient through public advocacy, providing services, and
12 developing strong business and community partnerships.

13 (d) Washington State Special Education Coalition (WSSEC). The Washington
14 State Special Education Coalition is a non-profit corporation, and was formed in 1977 to bring
15 together parent and professional organizations throughout our State and to effectively advocate
16 for quality education for all children, particularly those receiving special education services in
17 our State.

18 (e) Equitable Opportunity Caucus (EOC). The Equitable Opportunity Caucus is
19 a local community organization dedicated to equitable opportunity.

20 (f) Minority Executive Directors Coalition (MEDC). Minority Executive
21 Directors Coalition is comprised of over 80 Executive Directors and Program Directors who are
22 persons of color working in private, non-profit human service, and community development
23 agencies in the King County area. It was founded in 1981 to unite the Asian Pacific American,
24 African American, Native American, and Chicano-Latino communities in advocacy for people
25 of color. It is the region's longest standing and broadest based multi-ethnic coalition of its kind.
26

1 (g) Washington Protection and Advocacy System (WPAS). The Washington
2 Protection and Advocacy System, Inc., is a non-profit corporation duly organized under the
3 laws of the State of Washington to protect and advocate for the legal and civil rights of those
4 citizens of our State who have physical, mental, and/or developmental disabilities. Over sixty
5 percent of its Board of Directors, advisory council for individuals with mental illness, advisory
6 council for individuals with developmental and/or physical disabilities, and ad hoc committee
7 for individuals with traumatic brain injuries and their family members, are themselves
8 individuals with disabilities and/or their family members.

9 (h) Arlington School District. Arlington School District No. 16 is a public
10 school district in Snohomish County, Washington with a student population of approximately
11 5,000 students.

12 (i) Bainbridge Island School District. Bainbridge Island School District No. 303
13 is a public school district in Kitsap County, Washington with a student population of
14 approximately 4,200 students.

15 (j) Bellevue School District. Bellevue School District No. 405 is a public school
16 district in King County, Washington with a student population of approximately 16,000
17 students.

18 (k) Chimacum School District. Chimacum School District No. 49 is a public
19 school district in Jefferson County, Washington with a student population of approximately
20 1,200 students.

21 (l) Edmonds School District. Edmonds School District No. 15 is a public school
22 district in Snohomish County, Washington with a student population of approximately 21,000
23 students.

24 (m) North Kitsap School District. North Kitsap School District No. 400 is a
25 public school district in Kitsap County, Washington with a student population of approximately
26 6,400 students.

1 (n) Omak School District. Omak School District No. 19 is a public school
2 district in Okanogan County, Washington with a student population of approximately 1,500
3 students.

4 (o) Pasco School District. Pasco School District No. 1 is a public school district
5 in Franklin County, Washington with a student population of approximately 12,200 students.

6 (p) Peninsula School District. Peninsula School District No. 401 is a public
7 school district in Pierce County, Washington with a student population of approximately 9,500
8 students.

9 (q) Seattle School District. Seattle School District No. 1 is a public school
10 district in King County, Washington with a student population of approximately 45,800
11 students.

12 (r) Snohomish School District. Snohomish School District No. 201 is a public
13 school district in Snohomish County, Washington with a student population of approximately
14 8,500 students.

15 (s) South Kitsap School District. South Kitsap School District No. 402 is a
16 public school district in Kitsap County, Washington with a student population of approximately
17 10,400 students.

18 (t) Washington Education Association. The Washington Education Association
19 is a state-wide organization of approximately 74,000 teachers and educators in our State. The
20 Washington Education Association's mission statement includes making public education "the
21 best it can be for students, staff, and communities." Approximately 61,000 of its members are
22 teachers and certified staff in the public school classrooms across our State (K-12), and
23 approximately 11,000 more serve our State's public schools in positions such as classroom
24 assistants and other educational support roles. The Washington Education Association is a
25 Washington non-profit corporation originally formed in 1889.

1 (u) Arlington Education Association. The Arlington Education Association is a
2 labor organization, comprised of approximately 312 education employees, that serves as the
3 bargaining representative for a bargaining unit of non-supervisory employees employed in the
4 Arlington Public Schools.

5 (v) Bainbridge Island Education Association. The Bainbridge Island Education
6 Association is a labor organization, comprised of approximately 272 education employees, that
7 serves as the bargaining representative for a bargaining unit of non-supervisory employees
8 employed in the Bainbridge Island School District.

9 (w) Bellevue Education Association. The Bellevue Education Association is a
10 labor organization, comprised of approximately 1,192 education employees, that serves as the
11 bargaining representative for a bargaining unit of non-supervisory employees employed in the
12 Bellevue School District.

13 (x) Chimacum Independent Association. The Chimacum Independent
14 Association is a labor organization, comprised of approximately 41 education employees, that
15 serves as the bargaining representative for a bargaining unit of non-supervisory employees
16 employed in the Chimacum School District.

17 (y) Chimacum Education Association. The Chimacum Education Association is
18 a labor organization, comprised of approximately 77 education employees, that serves as the
19 bargaining representative for a bargaining unit of non-supervisory employees employed in the
20 Chimacum School District.

21 (z) Edmonds Education Association. The Edmonds Education Association is a
22 labor organization, comprised of approximately 1,475 education employees, that serves as the
23 bargaining representative for a bargaining unit of non-supervisory employees employed in the
24 Edmonds School District.

25 (aa) North Kitsap Education Association. The North Kitsap Education
26 Association is a labor organization, comprised of approximately 418 education employees, that

1 serves as the bargaining representative for a bargaining unit of non-supervisory employees
2 employed in the North Kitsap School District.

3 (bb) Omak Education Association. The Omak Education Association is a
4 labor organization, comprised of approximately 95 education employees, that serves as the
5 bargaining representative for a bargaining unit of non-supervisory employees employed in the
6 Omak School District.

7 (cc) Pasco Association of Educators. The Pasco Association of Educators is a
8 labor organization, comprised of approximately 738 education employees, that serves as the
9 bargaining representative for a bargaining unit of non-supervisory employees employed in the
10 Pasco School District.

11 (dd) Peninsula Education Association. The Peninsula Education Association
12 is a labor organization, comprised of approximately 597 education employees, that serves as the
13 bargaining representative for a bargaining unit of non-supervisory employees employed in the
14 Peninsula School District.

15 (ee) Seattle Education Association The Seattle Education Association is a
16 labor organization, comprised of approximately 4,490 education employees, that serves as the
17 bargaining representative for a bargaining unit of non-supervisory employees employed in the
18 Seattle Public Schools.

19 (ff) Snohomish Education Association. The Snohomish Education Association is
20 a labor organization, comprised of approximately 557 education employees, that serves as the
21 bargaining representative for a bargaining unit of non-supervisory employees employed in the
22 Snohomish School District.

23 (gg) South Kitsap Education Association. The South Kitsap Education
24 Association is a labor organization, comprised of approximately 623 education employees, that
25 serves as the bargaining representative for a bargaining unit of non-supervisory employees
26 employed in the South Kitsap School District.

1 4. Respondent State of Washington: The Respondent is the State of Washington. The
 2 Respondent is required to comply with the laws of our State, including Article IX of our State
 3 Constitution. The State of Washington provides the public school districts of our State with
 4 funds for education. The State does not fund all of the education related programs and needs
 5 necessary to provide every child in the public school districts of our State with the basic
 6 education guaranteed by Article IX of our State Constitution.

7 JURISDICTION & VENUE

8 5. This Court has jurisdiction over this action.
 9 6. This Court has jurisdiction over this action pursuant to, *inter alia*, chapter 7.24 RCW
 10 because this action presents a justiciable controversy between the petitioners and the respondent
 11 regarding the parties’ rights and obligations under Article IX of the Washington Constitution.
 12 This is an actual and existing dispute within the meaning of chapter 7.24 RCW, between parties
 13 with genuine and opposing interests which are direct and substantial, a judicial determination of
 14 which will be final and conclusive. This Court also has jurisdiction by virtue of RCW 2.08.010,
 15 chapter 4.12 RCW, and RCW 7.40.010.

16 7. Venue for this action properly lies in this Court.
 17 8. Venue for this action properly lies in this Court pursuant to, *inter alia*,
 18 RCW 4.92.010.

19 BACKGROUND

20 Article IX’s Education Mandate

21 9. Article IX of the Washington State Constitution states: “It is the paramount duty of
 22 the state to make ample provision for the education of all children residing within its
 23 borders....” (emphasis added).

24 10. No other State’s Constitution has a stronger education mandate than the one in
 25 Article IX of the Washington Constitution.
 26

