

JUN - 8 2015
E ORE
Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

MATHEW & STEPHANIE McCLEARY,)
 et al.,)
)
 Respondents/Cross-Appellants,)
)
 v.)
)
 STATE OF WASHINGTON,)
)
 Appellant/Cross-Respondent.)
 _____)

ORDER

Supreme Court No.
84362-7

King County No.
07-2-02323-2 SEA

In this court's order of contempt issued on September 11, 2014, the court directed that sanctions and other remedial measures would be held in abeyance to allow the State the opportunity to purge the contempt during the 2015 legislative session by complying with the court's order of January 9, 2014. The order provided that on the date following adjournment of the 2015 session, if the State had not complied with the court's January 2014 order, the State should file in the court a memorandum explaining why sanctions or other remedial measures should not be imposed. The legislature adjourned its regular session on April 24, 2015, and the Governor subsequently called a special session beginning on April 29, 2015. On April 27, 2015, the State filed a memorandum explaining that that there had been no final legislative action on the budget during the regular session and that bills remained pending which proposed remedies for the article IX, section 1 violations identified by the court. The State therefore asked the court to hold in abeyance its consideration of contempt sanctions and other remedial measures until the final adjournment of the 2015 legislature. On April 30, 2015, the court issued an order holding in abeyance consideration

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of sanctions and other remedial measures until adjournment of the 2015 special legislative session, and directing the State to file the response required by the court's September 11, 2014, order on the day following the adjournment of the special session that commenced on April 29.

The special session adjourned on May 28, 2015, without final action on a plan to remedy the ongoing violation of article IX, section 1, or a general operating budget, and the Governor therefore ordered a second 30-day special session to begin on May 29, 2015. On that date the State submitted a memorandum in response to the court's April 30, 2015, order, asking the court to again delay consideration of sanctions and other remedies until the end of the second special session, with the expectation that the day after the second special session adjourns the State would file a memorandum in response to the court's September 11, 2014, order.

After consideration of the State's latest memorandum, and in recognition that time is of the essence, the court agreed unanimously to entry of the following order.

Now, therefore, it is hereby

ORDERED:

By the earlier of July 27, 2015, or 15 days after adjournment of the final special session of the 2015 Legislature, the State shall file in the court and serve on respondents' counsel the annual progress report required by the court's order of July 18, 2012, to include, if enacted by the Legislature, the elements required by the court's order of January 9, 2014, a complete plan for fully implementing the State's program of basic education for each school year between now and the 2017-18 school year, addressing each of the areas of K-12 education identified by ESHB 2261 and the implementation plan called for by SHB 2776, and a phase-in schedule for fully funding each of

the components of basic education. On the same date the State's progress report is due, respondents may file in the court and serve on the State written comments addressing the adequacy of the State's compliance with article IX, section 1, and this court's order of January 9, 2014. After receipt of these materials, the court will convene to consider the adequacy of the State's compliance and, if necessary, the imposition of contempt sanctions or other remedial measures.

DATED at Olympia, Washington this 8th day of June, 2015.

For the court:

Madsen, C.J.
CHIEF JUSTICE