



NEWS RELEASE

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Washington Supreme Court Orders Sanctions in McCleary Education Case

August 13, 2015 - Olympia, WA – The Washington Supreme Court has ordered contempt sanctions against the State in the amount of \$100,000 per day, effective immediately, for failing to deliver a plan on how the State will meet its constitutional duty to fully fund education by 2018.

The latest order in the case of *McCleary et al. v. State of Washington* was signed by each of the Court's nine justices, and follows up on previous rulings on January 5, 2012, July 18, 2012, December 20, 2012, and January 9, 2014 - all of which found that the state is "not meeting its paramount duty...to make ample provision for the education of all children residing within its borders."

The Court's order encourages Governor Jay Inslee to convene a special legislative session, recognizing a tradition of the executive branch cooperating to enforce court rulings. The Order states that penalties accruing during any special session will be refunded if the session results in full compliance with the court's January 9, 2014 order.

Sanctions accrue daily, to be held in a segregated account for the benefit of basic education until the contempt order is lifted.

The Court's order acknowledges that while "the 2015-17 general budget makes significant progress in some key areas, for which the legislature is to be commended...there is far to go. The State has presented no plan as to how it intends to achieve full compliance in this area by 2018, other than the promise that it will take up the matter in the 2017-19 biennial budget."

The order further states, "Given the gravity of the State's ongoing violation of its constitutional obligation to amply provide for public education, and in light of the need for expeditious action, the time has come for the court to impose sanctions."

"As this Court has said previously, while we appreciate the scope of the task at hand and have deferred to the legislature's chosen plan for fully funding basic education, it remains our constitutional obligation to uphold article IX, section 1," said Chief Justice Barbara Madsen. "We believe every person in Washington understands that providing for education is the State's paramount duty under the state constitution, and without a comprehensive education plan, the state is not on target to meet its constitutional obligation by the deadline it set for the 2017-18 school year."

Sanctions follow a show-cause hearing, which resulted in a contempt finding in September of 2014. The Court held off on issuing sanctions until the end of the 2015 session—with extensions due to special sessions—in order to provide reasonable time for compliance.

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The *McCleary* case began in January 2007, when a lawsuit was filed in King County Superior Court on behalf of two families against the State of Washington. In February 2010, the trial court declared the State out of compliance with the constitution, and the State appealed this ruling to the Supreme Court.

A complete history of the case filings and rulings by the Court in this landmark case can be found online at www.courts.wa.gov.

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