

NO. 84362-7

SUPREME COURT OF THE STATE OF WASHINGTON

MATHEW and STEPHANIE McCLEARY, et al.,
Respondents,

v.

STATE OF WASHINGTON,
Appellant.

**MOTION FOR LEAVE TO FILE AMICUS CURIAE
BY THE PUBLIC SCHOOL EMPLOYEES
OF WASHINGTON/SEIU 1948**

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I. RELIEF REQUESTED

Pursuant to RAP 10.6(a) and the Order dated July 25, 2017 Public School Employees of Washington/SEIU 1948 [hereinafter referred to as “PSE”] respectfully move to file a brief as amicus curiae supporting the respondents.

II. IDENTITY OF MOVING PARTY

The PSE is a statewide non-profit labor association representing approximately 31,000 “classified” public school employees employed by 179 public school districts in the State of Washington. PSE has approximately 227 local affiliate unions and its members work in positions that are an integral part of the basic education program: paraeducators, clerical workers, custodial workers, maintenance workers and transportation workers. PSE’s mission is to advocate for equitable working conditions, fair compensation and benefits and respect and recognition for the excellent work and dedication to education of its members. In order to fulfill its mission, PSE routinely engages in collective bargaining with 179 school districts in the State of Washington regarding mandatory subjects of bargaining, i.e. hours, wages and working conditions.

III. INTEREST OF AMICUS

The moving party has a strong interest in ensuring that all local school districts

in the State of Washington have sufficient economic resources to provide its members with equitable compensation and benefits. The moving party has a particular interest and unique perspective in this case because the State's enacted budget will continue the historical underfunding of basic education classified public school employees staffing, compensation and other benefits. According to the State funded report submitted to the Education Funding Task Force on November 15, 2016, it is estimated that the State underfunds basic education classified employees staffing by 5,000 full time employees ("FTEs"). As a result, school districts rely upon local levies to fund 30% of their basic education operating costs such as paraeducators who provide instructional assistance to students, maintenance and custodial work, secretarial work, safety and security staff, computer and internet technology staff. The current proposed "McCleary solution" codified in EHB 2242 will result in a gross underfunding of classified public school employees, with the State providing for only 70% of the salary needed to pay for its basic education classified employees. Specifically, according to the Final Report to the Education Funding Task Force,¹ the State has budgeted for 17,225 classified "FTE's" but the actual number of classified "FTE's" actually implementing the State's basic education program is 22,309. This differential between actual "FTE's" and

¹ <https://app.leg.wa.gov/CMD/Handler.ashx?MethodName=getdocumentcontent&documentId=izzhDGqdgfw&att=false>

State-funded “FTE’s” will only increase with the projected increase in student enrollment.²

IV. FAMILIARITY WITH THE ISSUES

PSE is the largest labor association in the State of Washington representing classified public school employees with over 31,000 members. PSE’s representation includes engaging in collective bargaining which includes bargaining with local school districts over wages and other benefits that will be memorialized in a collective bargaining agreement. Because of its role as the exclusive bargaining representative on behalf of its members regarding wages and benefits, PSE is both concerned and familiar with the challenges posed by local school districts because of insufficient basic education funding for its classified public school employee members. PSE accordingly has a unique perspective on this critical component of the State’s basic education program’s implementation. The undersigned counsel regularly practice labor law in the education arena and are familiar with the issues raised by this case and with the subject matter of the parties’ arguments.

² <http://www.cfc.wa.gov/Documents/FinalForecasts.pdf>

V. ISSUES TO BE ADDRESSED IN BRIEF

Should the court grant PSE permission to file an amicus curiae brief, it will explain the critical role that classified public school employees play in the implementation of the State's basic education program. More importantly, it will discuss how the current budget fails to comply with the Court's order that the State must "amply provide" for the basic education *program* to allow for the appropriate staffing levels. It will also illustrate that this model fails to provide competitive salaries and benefits to attract and retain classified public school employees in all job classifications.

VI. REASONS FOR ADDITIONAL ARGUMENT

The brief of the moving party will allow the Court to thoroughly consider the impact of the State's budget which significantly underfunds basic education classified public school employees. Classified staff and PSE members are an integral component of the State's basic education program: they ensure school buildings are clean and safe; that students are transported to school safely; and that students who need additional instructional support receive that help from paraeducators and in essence, are critical to the State's basic education program. The moving party provides a knowledgeable and unique viewpoint as to the profound inadequacy of the State's budget in terms of staffing, compensating and retaining basic education classified public school employees.

VII. CONCLUSION

For the foregoing reasons, the Court should grant leave for PSE to file a brief as amicus curiae.

Dated this 17th day of August, 2017.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned declares, under penalty of perjury under the laws of the State of Washington, that on August 17, 2017 I served the foregoing Amicus Curiae Motion by email, per agreement, to:

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PUBLIC SCHOOL EMPLOYEES OF WASHINGTON

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