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Civil Rights Organizations' Motion to File Amicus Curiae Brief

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NO. 84362-7

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

MATTHEW and STEPHANIE McCLEARY, *et al.*,

Respondents/ Cross-Appellants,

v.

STATE OF WASHINGTON,

Appellant/ Cross-Respondent.

CIVIL RIGHTS ORGANIZATIONS'
MOTION TO FILE AMICUS CURIAE BRIEF

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I. MOTION

The National Association for the Advancement of Colored People, Chinese Information Service Center, Multicultural Education Rights Alliance, United Indians of All Tribes Foundation, Southeast Seattle Education Coalition, Rainier Beach Action Coalition, El Centro de la Raza, the Urban League of Metropolitan Seattle and the Vietnamese Friendship Association move for leave to file a brief amicus curiae in the above-referenced matter, pursuant to RAP 10.6.

II. APPLICANTS' INTERESTS

NAACP: The Seattle King County National Association for the Advancement of Colored People (NAACP) is an affiliate of the national NAACP. The NAACP is a civil rights organization that has a mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. Education remains one of the NAACP's priorities because many societal flaws began with the lack of quality, affordable education for our youth. The NAACP's principal objectives include ensuring the educational equality of all citizens because improving the quality of education of those that have been traditionally disenfranchised in the past is critical to achieving equality of rights and removing barriers to racial discrimination in the United States.

Chinese Information Service Center: The Chinese Information Service Center (CISC) helps Asian and other immigrants achieve success in their new community by providing information, referral, advocacy, social, and support services. Each year, CISC reaches 16,000 immigrants and their families in Western Washington. These services help overcome barriers, facilitate the transition to, and integration in the mainstream

community, especially around K-12 education. CISC offers various programs including preschool and youth programs that enhance academic achievement, bicultural identity and bilingual parent education.

Multicultural Education Rights Alliance: The Multicultural Education Rights Alliance (McERA) is an organization made up of community and education leaders who are organized to support teachers and education leaders with a goal of successfully helping all children reach their full potential and overcome the significant education opportunity gaps that persist and contribute to children being ill-prepared to navigate in our multicultural world. MCERA, and its Mentor network, are organized to advocate for socially and racially just and equitable quality public education.

United Indians of All Tribes Foundation: United Indians of All Tribes Foundation (UIATF) is organized as a social service center, community center and cultural home for urban Indians. The organization's mission is to provide educational, cultural and social services that reconnect indigenous people in the Puget Sound region to their heritage by strengthening their sense of belonging and significance as Native people. UIATF values equality in education as an important component in the success of the Native population. UIATF also values early childhood education and operates a preschool to support Native American families.

SESEC: The Southeast Seattle Education Coalition (SESEC) represents a coalition of community based organizations, educators, schools, parents, caregivers, and concerned community leaders who believe all children — especially children of color — deserve a quality education regardless of where they live or life circumstances. The mission of SESEC is to improve the public schools in southeast Seattle so all students

have access to and succeed in high performing public schools, and all students become productive and engaged citizens. The organization was formed to respond to data showing students in southeast Seattle live with multiple risk factors for poor academic performance requiring the investment of additional financial resources to overcome. These risk factors include high poverty schools which have aggregate free and reduced lunch rates of 60-90% and English Language Learner rates of up to 45% compared to an average of 11% districtwide.

Rainier Beach Action Coalition: The Rainier Beach Action Coalition (RBAC) is a grass roots coalition in southeast Seattle devoted to implementing community responsive renewal and development as well as promoting quality education for students residing in the Rainier Beach community of Seattle. As a volunteer run organization, RBAC works to assist youth to access educational opportunities and neighborhood resources that will improve the quality of life and close the opportunity gap for the youth of Rainier Beach and their families.

El Centro de la Raza: El Centro de la Raza is a civil rights organization that advocates on behalf of the Latino community to achieve social justice. El Centro de la Raza has a strong commitment to ensuring that the Latino community as well as all people of color have equal educational opportunities and that educationally marginalized students make academic progress. El Centro de la Raza seeks to close the opportunity gap in education for members of the Latino community and to promote economic self-sufficiency through various initiatives including bilingual education.

Urban League: The Urban League of Metropolitan Seattle is an affiliate of the National Urban League organized to empower African Americans and underserved

communities to thrive by securing educational and economic opportunities. The Urban League acknowledges that education is the cornerstone of success. Recognizing that the African American achievement gap is well documented locally and statewide and that that equality in educational opportunities is a precondition to survival in America today, the Urban League is committed to working to close the opportunity gap in public education.

Vietnamese Friendship Association: The Vietnamese Friendship Association (VFA) was established in 1978 to help Vietnamese refugees and immigrants adjust to life in the US after the Vietnam War. VFA is a non-profit organization with a mission to advance equity in education, foster civic engagement, and advocate for Vietnamese and other refugee and immigrant communities. As an ethnic-led organization rooted in race, social justice, and the refugee experience, VFA has the cultural expertise and historical insight to engage with, and support, diverse refugee and immigrant communities, and English language learners.

III. AMICUS FAMILIARITY WITH ISSUES INVOLVED

Each of the Amicus organizations is familiar with the Washington State Supreme Court's decision in *McCleary v. State*, 179 Wash.2d 477 (2012). Each Amicus organization is also familiar with the efforts of the Washington State Legislature in response to the decision and its mandate that Article IX, section 1 confers on every child in Washington a positive, constitutional right to an amply funded K-12 education. Additionally, each Amicus organizations is familiar with the opportunity gap in education faced by members of the communities that each organization represents and serves.

Counsel for Amicus has studied the decision of the trial court and the Washington Supreme Court as well as the actions of the Washington State Legislature in response to the Court's rulings from 2012 through the 2017 legislative session.


IV. SPECIFIC ISSUES TO BE ADDRESSED BY AMICUS CURIAE

Whether the Washington State Legislature's 2017 budget enactment complies with the rulings in this case and its civil rights mandate that the paramount constitutional right of every child in our State has to an amply funded education, and specifically, with respect to the students of color that Amici represent and serve, whether the 2017 budget enactment amply funds the actual cost of fully implementing the State's basic education program including the categorical programs that are crucial to closing the opportunity gap and leveling the playing field for those students?

V. WHY ADDITIONAL ARGUMENT IS NECESSARY ON THESE ISSUES

From their work and experience in and serving communities and students of color in our State, Amici are particularly familiar with the educational needs of and the opportunity gap facing students of color in Washington State. Amici are also familiar with the 2017 budget enactment's failure to amply fund the components of the State's basic education program that are vital to serving the educational needs of, and closing the persistent opportunity gap for students of color in our State. Unlike plaintiffs, Amici will focus on the civil rights and funding impacts on communities of color rather than on Washington's student population as a whole.

Respectfully submitted this 18th day of August, 2017.


HARRIET STRASBERG, WBSA #15890
Counsel for Amici

CERTIFICATE OF SERVICE

HARRIET STRASBERG declares:

I am a citizen of the United States of America and a resident of the State of Washington. I am over the age of twenty-one years. On August 18, 2017, I caused the foregoing document to be served as follows:

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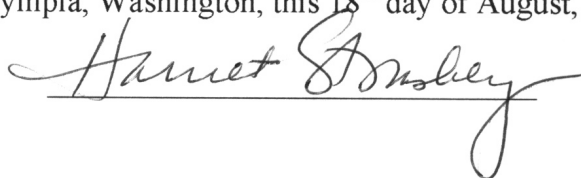
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I further declare that I caused to be transmitted via this Court's web portal upload services a true and correct copy of the foregoing document to the counsel of record registered through the Court's portal in this matter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED in Olympia, Washington, this 18th day of August, 2017.



HARRIET STRASBERG

August 18, 2017 - 2:11 PM

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