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Motion for Leave to File Brief of Amicus Curiae Tacoma Public Schools

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No. 84362-7

SUPREME COURT
OF THE STATE OF WASHINGTON

MATTHEW & STEPHANIE McCLEARY, et al.,

Respondents,

v.

STATE OF WASHINGTON,

Appellant.

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE
TACOMA PUBLIC SCHOOLS**

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Tacoma Public Schools respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as amicus curiae on the issue of whether the Washington Supreme Court should find that Washington State has achieved compliance with article IX, section 1 of the Washington Constitution as this Court directed in *McCleary v. State*, 173 Wn.2d 477, 269 P.3d 227 (2012).

I. IDENTITY AND INTEREST OF AMICUS

Tacoma Public Schools (“TPS”) is one of the largest school districts in Washington State, with more than 28,000 students in 59 schools. TPS’s budget is comprised of state, federal, and local dollars and grants. Accordingly, the Legislature’s education funding decisions directly affect TPS’s ability to provide a basic education consistent with the State’s paramount duty.

II. FAMILIARITY WITH ISSUES

TPS has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court as well as other relevant portions of the record. TPS is also familiar with the scope of the arguments presented by the parties and other amici and will not repeat those arguments.

III. ISSUES TO BE ADDRESSED BY AMICUS

Whether the Washington Supreme Court should find that Washington State has achieved compliance with article IX, section 1 of

the Washington Constitution. TPS will address this issue by analyzing the significant impact that EHB 2242 (Laws of 2017, 3d Sp. Sess., ch. 13) and SSB 5883 (Laws of 2017, 3d Sp. Sess., ch. 1) will have on TPS's ability to provide a basic education consistent with the State's paramount duty.

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

This case concerns the State's paramount duty to make ample provision for a basic education for all children residing within its borders under article IX, section 1 of the Washington Constitution. In 2012, this Court concluded that the State had "consistently failed to provide adequate funding for the program of basic education" and retained jurisdiction over the case to monitor the State's compliance with its constitutionally-mandated duty. *McCleary*, 173 Wn.2d at 529. Following the enactment of EHB 2242 and SSB 5883, the State contends that it has complied with its duty under article IX, section 1 of the Washington Constitution.

The Court's determination of whether the State has met its paramount duty will have a lasting impact on the ability of Washington schools to provide a basic education to their students. A fully informed decision is essential, and the additional argument provided by TPS will assist this Court in doing so. RAP 10.6(a). TPS's proposed amicus brief will inform the Court regarding the effect that EHB 2242 and SSB 5883 will have on TPS's ability to provide a basic education to its students,

including but not limited to the decrease in overall funding for TPS and the restrictions on how it spends its funds. Accordingly, TPS's amicus brief will aid this Court in assessing whether the State has met its paramount duty.

V. CONCLUSION

For the foregoing reasons, TPS respectfully requests that the Court grant it leave to file a brief as amicus curiae.

DATED: August 18, 2017 By: /s/ Valerie L. Hughes

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CERTIFICATE OF SERVICE

I, Catharine B. DeJulio, attorney for Tacoma Public Schools, certify that on August 18, 2017, I personally served to each of the following persons a copy of the document on which this certification appears:

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Signed at Seattle, Washington, this 18th day of August, 2017.

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