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Motion by Washington State Budget & Policy Center, Equity in Education Coalition, Senator David Frockt, Senator Jamie Pedersen, Representative Laurie Jenkins and Representative Gerry Pollet for Leave to File Amicus Curiae Brief

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No. 84362-7

SUPREME COURT OF THE STATE OF WASHINGTON

MATHEW & STEPHANIE
McCLEARY, et al.,

Respondents,

v.

STATE OF WASHINGTON,

Appellant.

**MOTION BY WASHINGTON
STATE BUDGET & POLICY
CENTER, EQUITY IN
EDUCATION COALITION,
SENATOR DAVID FROCKT,
SENATOR JAMIE
PEDERSEN,
REPRESENTATIVE LAURIE
JINKINS AND
REPRESENTATIVE GERRY
POLLET FOR LEAVE TO
FILE *AMICUS CURIAE*
BRIEF**

I. RELIEF REQUESTED

Pursuant to RAP 10.6 and the Order dated July 25, 2017, the Washington State Budget & Policy Center (“BPC”), the Equity in Education Coalition (“EEC”), Senator David Frockt, Senator Jamie Pedersen, Representative Laurie Jinkins, and Representative Gary Pollet (collectively, “Amici”), move for leave to file an *amicus curiae* brief.

II. IDENTITY AND INTEREST OF AMICI

BPC is a non-profit research organization that focuses on the prosperity of all Washingtonians. BPC policy analysts and leadership

have broad expertise in a variety of areas including tax policy, budget analysis, jobs and social policy, and equity. In addition to analysis and research on legislative proposals and options, BPC also produces the Progress Index, an education and evaluation tool for measuring progress on public investments.

EEC is a state-wide coalition working towards a more targeted and comprehensive approach to improve educational achievement and growth as well as closing the opportunity gap throughout Washington. EEC works to ensure that children, particularly low-income children and children of color, have access to the resources and services they need to be successful in and out of the classroom.

David Frockt is a Washington State resident. He is a taxpayer in Washington State and also a Washington State Senator for the 46th Legislative District. Senator Frockt serves as the ranking minority member of the Senate Health Care Committee and is on the Senate Higher Education and Trade & Economic Development Committees. He is vice-chair of the legislative Joint Select Committee on Article IX Litigation.

Jamie Pedersen is a Washington State resident. He is a taxpayer in Washington State and also a Washington State Senator for the 43rd Legislative District. Senator Pedersen serves as the ranking member on

the Senate Law & Justice Committee and also serves on the Ways & Means Committee.

Laurie Jenkins is a Washington State resident. She is a taxpayer in Washington State and also a Washington State Representative for the 27th Legislative District. Representative Jenkins serves on the House Appropriations and Health Care and Wellness committees, and chairs the House Judiciary Committee.

Gerry Pollet is a Washington State resident. He is a taxpayer in Washington State and also a Washington State Representative for the 43rd Legislative District. Representative Pollet is Vice-Chair of the House Higher Education Committee, and serves on the House Appropriation and Finance Committees.

Amici have a strong interest in ensuring that the State fully meets its Constitutional obligation to amply fund basic education by means of dependable and regular tax sources. Amici believe that the *McCleary* fix codified in EHB 2242 fails in that regard.

III. FAMILIARITY WITH THE ISSUES AND SCOPE OF ARGUMENT ON REVIEW

Counsel for Amici has reviewed the Court's opinion and orders in this case and the parties' briefs, reports, and other submissions to the

Court to date. Counsel is familiar with the scope of the parties' arguments and will not unduly repeat arguments raised or likely to be raised by the parties.

IV. ISSUES TO BE ADDRESSED BY AMICI

EHB 2242 removes the limitations on the state property tax set forth in RCW 84.55 for taxes levied in calendar years 2018 through 2021 to allow the state property tax contribution to basic education funding to increase by over \$4 billion. The lifting of this funding limitation allows the state property tax to fund the majority of the *McCleary* fix codified in EHB 2242. EHB 2242 reinstates those limitations for the calendar years 2022 and thereafter. Does EHB 2242 provide a dependable and regular tax source for funding the state's basic education obligations considering the reinstated property tax limitation starting in calendar year 2022?

The state property tax limitation set forth in RCW 84.55 was a significant contributing factor to the disproportionate harm suffered by children of color from inadequate basic education funding. Will the reinstatement of the property tax limitation in calendar 2022 and thereafter perpetuate the disproportionate harm suffered by children of color in Washington?

V. WHY AMICUS BRIEFING WILL ASSIST THE COURT


Amici have expertise in tax policy, budget analysis and educational reform in Washington. Amici also represent and serve at-risk communities that will be harmed by the types of budget cuts that will be necessary if the State fails to adopt long term, regular and dependable tax sources to fund basic education. Amici therefore believe that they can provide insight and perspective on the significant issues of public interest that will benefit the Court.

VI. CONCLUSION

For the foregoing reasons, Amici respectfully request leave to file an amicus brief addressing whether EHB 2242's restatement of the state property tax limitation in RCW 84.55 starting in 2022 renders the tax sources supporting the *McCleary* fix as neither regular nor dependable.

RESPECTFULLY SUBMITTED this 18th day of August, 2017.

PACIFICA LAW GROUP LLP

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PACIFICA LAW GROUP LLP

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